

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
April 30, 2024

WELCOME: Chairman Kevin Paulsen called the meeting to order at 7:09 pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Commissioner Justin Wright with Chairman Kevin Paulsen offering a word of prayer.

PLANNING COMMISSION MEMBERS PRESENT: Chairman Kevin Paulsen, Commission Member Justin Wright and Council Member Gary Anderson. Commissioner Clark Moss was excused. Commissioners Brian Bare and Heidi Murdock were absent.

CITY STAFF PRESENT: City Manager Darren Frandsen, City Planner Jeff Oyler, Public Works Superintendent Layne Leonard, Deputy Recorder Hailee Ballingham.

VISITORS: Dale Kunkel, Don Benedict, Jesse Moreno, Dave Rendon, Vikki Rendon, Susan Darger, Andy Bush, Cynthia Denker, Robert Denker, Robyn Larkin, Matt VanDrimmelen and Lynda Stapp.

PRESENTATION: NONE

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Chairman Paulsen stated Minutes for March 26, 2024, had a few grammatical errors he would like to have changed. There was no vote on March 26, 2024, Minutes due to not having a quorum present.

PLANNING COMMISSION BUSINESS:

The Commission still had the public hearings but could not make any decisions.

5.1 Public Hearing Conditional Use Permit.

Weber Basin Water Conservancy District is requesting a Conditional Use Permit to build a well house and a fluoride station. This is for water redundancy. They understand the building is in a residential area and want to keep the building natural looking. They will use natural brick for the building and keep most of the landscaping similar to what is already there. There will be a black six-foot chain link fence around the property with a padlock and the building will be fully secured.

Robert Denkers: What the cost to the city would be?

Cynthia Denkers: Can the public go get water directly from it?

Dale Kunkel: I think there should be some strong language enforcing the city code in getting the permit before they do maintenance or upgrades in the future.

The commission could not have a vote on the conditional use permit due to not having a quorum.

5.2 Public Hearing Update Municipal Code Title 10 Swimming Pool Ordinance

City Manager Darren Frandsen talked about the swimming pool ordinance. Previously, the planning commission discussed setbacks of 6 to 8 feet from property lines. However, the council decided on a 10-foot setback all around, as long as there is a 20-foot distance from adjacent properties. Residents have requested an 8-foot setback in the backyard due to smaller yards making pool installations challenging. Staff suggested changing the setback to 8 feet after looking at other city's examples. Kaysville and Farmington setbacks are 8 and 6 feet.

Don Benedict: I started a project to install a pool in my backyard. However, I encountered setbacks due to the required distance from neighboring properties. Initially, I planned for an 8-foot setback based on my research, but it turned out to be 10 feet. This seemingly small difference greatly affects the positioning of the pool, making it closer to my home. I understand the importance of maintaining distance from other dwellings, but it's challenging to find a wide and deep enough pool within these restrictions. Compared to neighboring cities like Kaysville and Layton, Fruit Heights seems to have stricter regulations. Although unintentional, the main objective is to ensure a sufficient distance from nearby houses.

David Rendon: He thinks that we should not model our city after other cities.

Matt VanDrimmelen: It seems like a reasonable setback. His neighbor built a large barn 10 feet away and that feels far enough. He thinks the city should adjust the setbacks for pools.

The commission had a brief discussion. They did not have a problem with the proposed changes. They just wanted the key language about distance from a neighbor's dwelling and distance from certain slopes. They will share their thoughts at the next meeting.

The commission could not have a vote on the Update to the Municipal Code Title 10 Swimming Pool Ordinance due to not having a quorum.

5.3 Public Hearing Update Public Work Standards

Public Works Director Layne Leonard shared that public work standards have not been updated since 2018. Staff and Jones & Associates have reviewed and made various changes to the standards. Developers and city projects will need to adhere to the new standards. This was a comprehensive update, with multiple meetings and collaboration with other cities. The advantage of this collaboration was gaining insight into what other cities are doing. Overall, the update represents a significant overhaul of public work standards.

Robert Denkers: Do public works standards enforce the city code to properties that are already not well maintained?

The commission had a few questions on the language and asked if we needed to clarify the temporary turnarounds and the drainage. Staff told them that it was the property wording. After a brief discussion, the commissioner moved to the next business item.

The commission could not have a vote on the Update to Public Work Standards due to not having a quorum.

5.4 Public Hearing Municipal Code Title 10 New R-1-6

City Planner Oyler talked about how the previous planning commission denied a rezoning request to change the property at 1357 E. 560 N. from R-S-12 to R-1-3. The recommendation was also denied by the city council. In their last meeting, the city council instructed the staff to develop a new 6000 square foot zone. However, there is currently no request for an R-1-6 zone. Therefore, any discussion about rezones is not relevant at this time. The purpose of the proposed R-1-6 residential zone is to accommodate small, high-density single-family and multi-family residential developments, with the goal of promoting more affordable housing options. It is important to note that while this zone (R-1-6) increases affordability, it does not meet the State of Utah's standards for affordable housing. Permitted uses in the R-1-6 zone include single-family dwellings and multi-family dwellings connected by common walls. The minimum lot size for detached single-family dwellings is 6000 square feet, and up to four units can be attached with common wall construction. The overall density should not exceed six units per acre. This zone provides flexibility and allows for a more compact housing arrangement. The minimum lot width at the front setback line for a corner lot is 60 feet, increasing to 80 feet. The front yard setback is 20 feet, and the side yard setback on both sides is 8 feet. On a corner lot, the side yard setback adjacent to the street is 20 feet and the rear yard setback is also 20 feet. Accessory buildings must be at least 6 feet behind the home and can be 5 feet to the side of a rear property line. The maximum building height is 35 feet, aimed at preventing three-story buildings.

Andy Bush: Is there any area that we will be using this zone?

Linda Stapp: The purpose of this discussion is regarding the zoning change for Joe Christiansen's property. I am opposed to creating a specific zone just for his property because this situation may arise for many other properties in the future. If someone wants to tear down an old house and build a new one, we will have to go through this process repeatedly. Therefore, I suggest that the city rezone areas where such developments could occur to avoid this issue. It is a common problem that people buy a property with certain expectations, only to find out later that it has been rezoned. The city claims that they need to protect both the developers and the citizens, but I question the necessity of protecting the developers who are not even part of our community. Joe stated that the City Manager at the time (Brandon Green) approached him with the idea of developing his property into multi-family units. Residents need to have a say in these decisions. We

should not allow the city manager or any individual to dictate such important matters when it concerns everyone who lives here. Therefore, I propose that the entire city be rezoned to ensure transparency and community involvement in future developments.

Cynthia Denker: wrote down that- Jeff, said that no more than four units. for this proposed R-1-6, but six units to the acre. So, I'm really confused. On that right there

City Planner Jeff Oyler: For example, you could have four units that were attached and two units that were attached somewhere else on the property, or four units that were attached to lots. It could be a combination of different things. The maximum number of attached units allowed is four, with a requirement of sharing a common wall. This can be a combination of units attached or to separate lots. Additional flexibility is provided by allowing two attached units, which would result in more green space. Although the maximum dwelling density is six units per acre, this requirement may not apply if there is no public street, or utilities involved. Therefore, it is still possible to have six units without an acre of land if the necessary conditions are met by the city ordinance.

Robert Denker: Will this allow Joe to change his plans?

Chairman Paulsen: We need to stay on the topic at hand and that's the R-1-6 zone. He then asked if there were any more comments.

Dale Kunkel: During a Planning Commission meeting, Mr. Kunkel recalls that Commissioner Murdock and Commissioner Moss insisted on establishing a transitional zone. This led to the creation of an R-1-6 zone. There was a discussion about the master plan, which did not include affordable housing. Joe Christensen's project, which did not meet the standard, sparked the commission's desire for a zone uniformity across the city. Mr. Kunkel expresses embarrassment as a resident regarding the opposition faced by someone trying to install a swimming pool. He highlights the hypocrisy. Everybody was okay with doing whatever they wanted on their property and the same residents dictated how he could develop his land. The purpose of the meeting is to approve a zoning ordinance allowing for more affordable housing in the present and future. Mr. Kunkel encourages further discussion on the usefulness of this zoning and emphasizes the importance of community involvement in local government. He expresses disappointment in the absence of attendees at a recent city council meeting discussing the same issue. Mr. Kunkel appreciates the opportunity to share his thoughts.

Matt VanDrimmelen: As the only other property owner in the Joe Christiansen subdivision, he apologized for his absence from recent meetings. He clarified that the property he purchased was originally proposed as single-family lots, and he believes that the city should have a master plan to guide zoning decisions. He appreciates the smaller zoning but suggests a few changes, such as reducing the required building height and increasing the setback distances between properties. He also questions the inclusion of certain properties in the new zoning and suggests that there should be a minimum project size for rezoning to avoid creating a mismatched neighborhood. He emphasizes the importance of zoning laws in protecting everyone and expresses his support for limiting

the number of units in a development. He believes that the current zoning requirements and master plan need further adjustments. He won't be able to provide further input on the Joe Christiansen lots, but he wants his opposition to be acknowledged.

Brandon Green: I never once told Joe Christensen to come in. But with that being said, people have property rights. We all have property rights. And I think we must remember that. Rights are rights. Whether you decide to develop, whether you decide to have chickens, whatever you decide to do with your own property. We need to protect those rights. I don't disagree, and I don't necessarily agree with everything that's been said here tonight. But I can, for sure, tell you that Brandon Green did not tell Joe Christensen to come in and build a bunch of condos. Joe Christensen approached Jeff Oyler and me.

Chairman Paulsen: I think this is a nice middle ground for opportunities too. Add some more affordable housing options. This could help with state requirements and get us closer to our goal of making available more affordable housing through this sort of option.

Commissioner Wright: He wanted to thank the staff. He feels the R-1-6 is exactly what they had asked for. He would like some more clarification on the wording for the attached/detached single-family dwelling.

The commission could not have a vote on the Municipal Code Title 10 New Zone R-1-6 due to not having a quorum.

5.5 Municipal Code Title 7A Chicken Ordinance

The city had a cottage meeting with residents to help make a draft to the Chicken Ordinance. That draft was given to the city council, and they made a few comments. Now it goes to the planning commission.

Chairman Paulsen: Discussed concerns about the strict regulations on building coops and fencing for chickens and expressed appreciation for the removal of some restrictions. He mentioned that the rights of those in the R-1-12 zone should not be limited by the ordinance. He questioned the period of culling chickens, seeking clarification on its duration.

Commissioner Wright ~~he~~ raises concerns about the Fruit Heights Fowl Committee, stating it could be difficult to manage and potentially problematic. He questioned the purpose of the committee and expressed doubts about its effectiveness. He also notes that while the committee is called the "fowl committee," it only applies to chickens. He suggests renaming it if it is to be kept in the city ordinance. As the discussion continued City Manager Darren Frandsen states staff is going to follow the commission and council's direction regarding chickens. There have been positive public hearings and a lot of interest in the ordinance allowing chickens. Other cities along the Wasatch Front have already dealt with similar issues. Some residents are concerned about a potential change in their R-1-12 zone, where animals are currently expressed a desire to keep chickens.

Chairman Paulsen: He asked for the chicken ordinance in a word document that they can all put their comments on and will continue working through until the next planning commission meeting.

The commission could not have a vote on the Municipal Code Title 7A Chicken Ordinance due to not having a quorum.

CALENDAR: None

ADJOURNMENT:

Commissioner Justin Wright made a motion to Adjourn. Chairman Kevin Paulsen Seconded the motion. The meeting ended at 8:54 p.m.

Not approved until signed.

/s/ Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Planning Commission: May 28, 2024