

MINUTES

PLANNING COMMISSION MEETING

FRUIT HEIGHTS CITY

910 South Mountain Road

October 22, 2024

WELCOME: Stepping in as Chairman, Justin Wright called the meeting to order at 7:02 pm.

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

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

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

VISITORS: Tyler White, Jack Kite, Louise Kite and Mark Cottrell.

PRESENTATION: None

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

September 24, 2024, Planning Commission Meeting Minutes

Commissioner Clark Moss made a motion to approve the September 24, 2024, Minutes. Commissioner Heidi Murdock seconded the motion. The motion was unanimously approved by the Planning Commission (0:05).

PLANNING COMMISSION BUSINESS:

5.1 Public Hearing Title 10 Chapter 11 Section 13 Swimming Pool Ordinance

Commissioner Clark Moss made a motion to open the public hearing. Commissioner Shelley Bodily seconded the motion and was unanimously approved by the planning commission. (0:06)

Tyler White: Talked about the need to change the city ordinance from an eight-foot setback to a five-foot setback in order to save the enjoyment of backyard space in Fruit Heights City. He also mentioned other residents seeking similar adjustments, with one successfully getting an eight-foot setback from a ten-foot setback. He also proposed a three-foot setback. He believes a five-foot setback would be a reasonable compromise and urged the Planning Commission to consider it.

Jack Kite: He is Tyler's neighbor. He has some concerns to discuss. He and his wife have saved all the letters they have sent to the City Council and Planning Commission which outline their views on

ordinance changes and the impact on their property. Mr. White's property is next to the Kite's, not their backyard, but the front. Mr. Kite attended a meeting in April where it was agreed to keep the pool setback issue at eight-feet. Now it's being revisited. The zoning rules should have been clear when Mr. White built his house. They feel the ordinance should not be changed from eight to three or five feet. The noise and lighting on Mr. White's property affects them. Mr. Kite stated, "We have the right to enjoy our property as well as what they do." He asked to please consider their concerns.

Tyler White: Stated that when he moved in the ordinance setback was 6 feet. He also discussed the changing ordinance regarding setbacks in 2022, highlighting the need for flexibility in laws due to evolving conditions. The White's argue for considering the impact on all residents and properties, suggesting that ordinances can be modified for the city's betterment. He emphasized the importance of adapting regulations to current circumstances.

Louise Kite: She questions the suitable setback depth for pools in the city. She discussed regulations on building structures around pools. The city code limits accessory buildings in residential zones to 25% of minimum rear yard space. She is worried about the noise the White's will bring. They can already hear things going on in the White's backyard. Mrs. Kite expressed a desire to return to request an ordinance change in the future for pool setbacks to be moved back to ten feet. She emphasized the need for peace and enjoyment of her property. Mrs. Kite wanted to clarify they are not willing to do a property line adjustment. She was told Mr. White stated he already talked with the Kites, and they would be willing to do a property line adjustment. The Kite's and Mr. White had another conversation, and she understood that Mr. White did not have that conversation.

Jack Kite: He expressed sadness over having to oppose their neighbor due to an ordinance change in the city. They believe that the neighbor's lot has problems that should be considered, but they feel that the ordinance does not need to be changed. They mentioned that other neighbors could also be affected by similar changes and urged the council to carefully consider all factors before making a decision.

Louise Kite. She is concerned about our city trying to imitate others in their ordinances. The city should focus on what is best for our unique city, not what neighboring cities are doing. Constant changes and discussions about swimming pools in meetings are troubling. Let's prioritize decisions based on what is best for our city.

Commissioner Clark Moss made a motion to Close the public hearing. Commissioner Shelley Bodily seconded the motion and it was unanimously approved by the planning commission. (0:26)

City Planner Oyler stated that it is beneficial to examine neighboring cities to ensure consistency and avoid significant deviations in either direction. He expressed his belief that there is no compelling argument in favor of either the five-foot or eight-foot option.

The commissioners must reach a unanimous decision on this recommendation since only three out of the five commissioners are present at the meeting. Commissioner Wright suggested a five-foot setback, arguing that the city allows for a sports court closer to the fence and would be equally noticeable, if not more so, than a pool. He believes that people should be able to do what they want with their property. Commissioner Bodily expressed concerns that a five-foot setback would be too close for pool structures, water runoff, and pool pump notices. She felt that an eight-foot setback would provide better protection for everyone involved. The commission decided to postpone the discussion until the next

meeting when Chairman Paulsen would be present. Chairman Paulsen has more knowledge of the history of the pool ordinance and there would be more of a quorum for voting on this issue.

Commissioner Shelley Bodily made a motion to table Title 10 Chapter 11 Sections 13 Swimming Pool ordinance Commissioner Clark Moss seconded the motion the motion was unanimously approved by the planning commission (1:02)

CALENDAR: November 19, 2024, Planning Commission Meeting

ADJOURNMENT:

Commissioner Shelley Bodily made a motion to Adjourn. Commissioner Clark Moss Seconded the motion. The meeting ended at 8:21 p.m.

Not approved until signed.

/s/ Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Planning Commission: January 28, 2025