

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
October 28, 2025

WELCOME: Chairman, Kevin Paulsen called the meeting to order at 7:00pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Commissioner Heidi Murdock

PLANNING COMMISSION MEMBERS PRESENT: Chairman Kevin Paulsen Commissioners, Shelley Bodily, Clark Moss, Heidi Murdock, and Justin Wright. Council Member Mark Cottrell

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

VISITORS: Douglas Hirschi, Kelly Larson, Ashley Larson, Amanda House, Jake Kite, Jim Morgan, Jeanne Groberg, Jared Tingey

PRESENTATION: None

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Commissioner Shelley Bodily made a motion to approve the September 23, 2025, Planning Commission minutes. Commissioner Justin Wright seconded the motion. There was no further discussion.

The motion was approved by the Planning Commission at (0:03)

Commission Vote:

- Shelley Bodily — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes
- Clark Moss — Abstain

The motion carried **(4-1)**.

PLANNING COMMISSION BUSINESS:

5.1 Title 10-11-24 Outdoor Lighting

Commissioner opened public hearing.

Previous meetings addressed a proposed ordinance for outdoor lighting related to sports courts and swimming pools, aiming to create a consistent, enforceable standard that is easy for residents to

understand, particularly regarding neighboring properties. City Manager Frandsen clarified that the ordinance focuses specifically on sports courts and swimming pools, not general property lighting, and reflects discussions held by the Planning Commission.

Questions by Kelly and Ashley Larson were raised regarding how the ordinance would affect existing lighting and whether it would apply retroactively. Staff explained that it does not require removal of existing lights but establishes standards the City can rely on if lighting becomes a concern for neighbors. Potential remedies include adjusting light direction, limiting hours of use, or encouraging respectful use, rather than requiring removal.

The Commission noted that enforcement would be complaint-driven, not proactive, and that future lighting should be directed inward and kept within property boundaries. The ordinance applies a “reasonable person” standard to avoid enforcement based on overly sensitive complaints. While specific shut-off hours were discussed, none were included in the draft; City Council may add time restrictions if desired. Security lighting is not affected.

After discussion, the public hearing was closed, and the Commission moved to recommend the proposed ordinance language, including provisions for outdoor recreational lighting, to the City Council. The motion was seconded and approved unanimously.

Commissioner Clark Moss made a motion to close the public hearing Commission Heidi Murdock seconded.

The motion was approved by the Planning Commission at (0:25)

Commission Vote:

- Shelley Bodily — Yes
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

motion carried unanimously (5-0)

Commissioner Justin Wright made a motion to send the proposed outdoor lighting ordinance language, as prepared, to the City Council. Commissioner Heidi Murdock seconded the motion.

The motion was approved by the Planning Commission. (0:28)

Commission Vote:

- Shelley Bodily — No
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

The motion carried **(4–1)**.

5.2 Title 10-11-10 Heights of Fences, walls, or Hedges

Commissioner opened public hearing

The Commission reviewed proposed updates to the fence ordinance, incorporating comments from the previous meeting. The discussion focused on front yards, side yards, and rear yards, as well as exceptions and potential conflicts in setback requirements.

Front Yards:

- Fencing in front yards shall not exceed **four feet in height**.
- The front yard is defined as the area from the building line to the right-of-way.
- Fences must be set back at least **nine feet from the back of the curb**. Where no curb and gutter exists, the setback is measured from the edge of the street right-of-way, as determined by the City.
- A potential conflict was noted regarding the sentence stating that fences must be a minimum of one foot from sidewalks. Commissioners discussed that this could conflict with the nine-foot curb setback in certain sidewalk configurations.
- It was suggested to revise the language to clarify that **in no case should a fence be located within one foot of a sidewalk**, which would resolve the conflict while allowing sidewalk maintenance.

Side and Rear Yards:

- Fencing in interior side and rear yards shall not exceed **six feet in height**.
- For corner lots, fences in the corner side yard that fronts a street are allowed, provided they do not exceed six feet in height and are located outside the minimum clear view area, as defined in section 10-11-9, and behind the front plane of the primary building structure.
- Setbacks for side and rear yards follow the same logic as front yards, with adjustments to avoid conflicts with sidewalks and park strips.

Exceptions and Conditional Use:

- Property owners may request a conditional use through the Planning Commission for situations not specifically addressed in the ordinance.
- The Planning Commission may approve modifications if it does not materially change the intent of the code but resolves practical issues.

Commissioners agreed that the proposed language should be refined to remove conflicts and ensure clarity regarding setbacks from sidewalks and curbs. The height limits—four feet in front yards and six feet inside and rear yards—were confirmed.

Jack Kite, a resident addressed the Commission regarding the fence ordinance, specifically concerns about front yard setbacks, fence height, and line-of-sight issues. He noted that in his situation, portions

of his front yard border his neighbors' backyards, raising questions about the four-foot front yard fence height limit.

Staff clarified that the ordinance limits front yard fences to four feet and that the line-of-sight requirement applies only at street intersections (40 feet). For situations where a front yard borders a neighbor's backyard, the ordinance allows neighbors to install a six-foot fence in their backyard, ensuring practical use while maintaining neighborly privacy.

Mr. Kite, He emphasized the importance of enforcing ordinances consistently when permits are issued to prevent conflicts between neighbors, while also recognizing that some unique situations may require case-by-case consideration.

Commissioner Bodily addressed the line-of-sight requirements at intersections, noting that her neighbor, a traffic engineer, suggested a three-foot height limit based on UDOT standards. Staff clarified that the ordinance requires a **maximum two-foot obstruction** within a **40-foot triangular area** at street corners in all zones requiring a front yard. This applies to fences, shrubs, and other plantings, ensuring clear visibility for vehicles and pedestrians.

The Commission confirmed that these stricter requirements apply only to corner lots at intersections, and that no obstruction over two feet is permitted within the defined triangle.

Commissioner Justin Wright made a motion to close the public hearing Commission Heidi Murdock seconded.

The motion was approved by the Planning Commission at (0:25)

- Shelley Bodily — Yes
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

Vote: motion carried unanimously (5-0).

The Commission discussed line-of-sight requirements at street intersections. Staff clarified that the ordinance establishes a **40-foot clear vision triangle** at intersections, within which **no obstruction over two feet in height is permitted** on corner lots. This includes fences, shrubs, trees, and other vegetation.

Unlike some ordinances that allow trees if limbed up, the City's ordinance prohibits anything over two feet within the clear vision area. While many existing properties may not comply, enforcement is complaint-driven, and the City may require removal if a visibility concern is reported.

The Commission confirmed that these requirements **apply only at street intersections** and **do not apply to driveways**. Commissioners agreed the revised language improves clarity and reduces enforcement confusion.

Commissioner Heidi Murdock made a motion to send the proposed Heights of Fences, ordinance language, as prepared, to the City Council. Commissioner Shelley Bodley seconded the motion.

The motion was approved by the Planning Commission at (0:45)

- Shelley Bodily — Yes
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

Vote: motion carried unanimously (5-0).

5.3 Title 10-11-16 Maximum Coverage of Rear Yard

Commissioner opened public hearing.

The Commission reviewed proposed changes to the rear yard coverage ordinance. The amendment expands the measurement area from only the rear setback to the entire rear yard and increases the allowable impervious surface coverage from 25% to 50%. The intent is to better reflect modern lot sizes and housing patterns while still preventing excessive paving. Jack Kite asked about the rationale for the existing 25% limitation and raised concerns regarding stormwater runoff and where water would be directed if additional impervious surfaces are allowed.

Commissioners discussed stormwater runoff concerns, emphasizing the importance of retaining water on-site and avoiding impacts to neighboring properties. The Commission supported the use of the term “impervious surface” to better distinguish between porous and non-porous materials and to allow flexibility for drainage-friendly materials.

In addition to census lands and overlay zones, the Commission recommended three clarifications:

- Adding a citation to the specific ordinance governing overlay and sensitive land requirements.
- Including language addressing water conveyance to ensure stormwater is retained on-site and does not negatively impact neighboring properties or public ways.
- Replacing the term “hard surface” with “impervious surface” for improved clarity.

The Commission agreed to revisit the ordinance language to incorporate the discussed changes, acknowledging that members may have differing perspectives. Consensus was reached to refine the language further before taking action. The Commission then moved on to the next ordinance item.

5.4 Title 10-11-23 Chickens in R-1-10, R-1-12, R-S-12

Commissioner opened public hearing.

The Commission reviewed proposed amendments to the chicken's ordinance (Title 10-11-24). City Manager provided background, and Commissioner Moss was recognized for identifying a needed clarification.

The Commission discussed applying the ordinance specifically to lots under 20,000 square feet to ensure clarity and consistency. A motion was made and seconded to close the public hearing, which passed unanimously.

Commissioner Justin Wright made a motion to close the public hearing Commission Heidi Murdock seconded.

The motion was approved by the Planning Commission at (1:18)

- Shelley Bodily — Yes
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

Vote: motion carried unanimously (5-0).

Commissioner Clark Moss made a motion to send the proposed Chicken in R-1-10, R-1-12, R-S-12 as prepared, to the City Council. Commissioner Justin Wright seconded the motion.

The motion was approved by the Planning Commission at (1:20)

- Shelley Bodily — Yes
- Clark Moss — Yes
- Heidi Murdock — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

Vote: motion carried unanimously (5-0).

CALENDAR: November 25, 2025, Planning Commission Meeting

ADJOURNMENT:

Commissioner Justin Wright made a motion to Adjourn. Commissioner Shelley Bodily Seconded the motion. The meeting ended at 8:27 p.m.

Not approved until signed.

Is/: Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Planning Commission: January 27, 2026

Date approved by City Planning Commission: