

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
January 27, 2026

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

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Commissioner Justin Wright

PLANNING COMMISSION MEMBERS PRESENT: Chairman Kevin Paulsen Commissioners, Shelley Bodily, Heidi Murdock, Scott Justensen 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: Blaine Spendlove, Paul, Jared, Tucker, and Grace Justensen, Blake Winslow, Scott Baird, David Hale

PUBLIC COMMENTS: None

SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSIONER:

Scott Justensen was sworn in as the new Planning Commissioner.

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Commissioner Heidi Murdock made a motion to approve the October 28, 2025, Planning Commission minutes. Commissioner Shelley Bodily seconded the motion. There was no further discussion.

The motion was approved by the Planning Commission at (0:09)

Commission Vote:

- Shelley Bodily — Yes
- Heidi Murdock — Yes
- Scott Justensen — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

The motion carried **(5-0)**.

PLANNING COMMISSION BUSINESS:

5.1 Title 10-11-16 — Maximum Coverage of Rear Yard

This item was revisited due to prior Planning Commission discussions regarding the appropriate extent of yard area subject to impervious surface limits. The Commission previously delayed action to further evaluate whether coverage limits should apply to the required minimum rear yard only or to the entire property area.

Staff and Commission members clarified that the intent is to regulate **the entire rear yard**, defined as the area extending from the rear of the principal structure to the rear property line, rather than the required minimum rear yard, which varies by zoning district and may be confusing to residents.

Proposed edits were reviewed, including replacing the term “**hard surface**” with “**impervious surface**” to better reflect modern materials that may allow infiltration. Additional language was incorporated—borrowed from the pool ordinance—requiring impervious surfaces to be designed and maintained so that drainage is collected and conveyed to a public way and does not drain onto adjacent properties.

Discussion emphasized that the primary goal of the ordinance is to prevent adverse drainage impacts on neighboring properties, particularly as lot sizes decrease and backyard improvements such as pools, sport courts, and decking become more common. Members noted that while not every property configuration can be anticipated, enforcement would generally occur in response to demonstrated drainage issues.

It was acknowledged that some properties have atypical layouts where side yards function as usable backyard space; however, the Commission agreed that applying the standard to the rear yard area is reasonable and consistent with the ordinance’s intent.

Staff noted that developments requiring site plans or landscaping approvals already address drainage, and the added language serves primarily as an enforcement tool for situations not otherwise subject to permitting.

Commissioner Heidi Murdock made a motion to recommend approval of Title 10-11-16, Maximum Coverage of Rear Yard, with the proposed edits. Commissioner Justin Wright seconded the motion.

The motion was approved by the Planning Commission at (0:27)

Commission Vote:

- Shelley Bodily — No
- Heidi Murdock — Yes
- Scott Justensen — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes

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

Presentation — Proposed Rezoning of Hidden Springs Parcels

Presenter: Scott Baird

Mr. Baird presented a proposal to rezone three parcels near the Hidden Springs subdivision to **Agricultural (A-1)**: one parcel owned by Mr. Baird and two adjacent parcels owned by the Hidden Springs Homeowners Association (HOA).

Mr. Baird described the location and context of the properties, noting their proximity to Mountain Road, the Hidden Springs Parkway, and existing residential development. He explained that the HOA-owned parcels contain significant overgrowth of invasive species, including Russian olive and phragmites, and include designated wetland areas. The vegetation has created an ongoing **fire risk**, particularly given the height and density of the growth and the parcels' proximity to homes.

Mr. Baird stated that the HOA has **no practical access** to maintain the parcels and that long-term maintenance has not occurred since the subdivision was developed. He noted that children occasionally access the area informally, raising safety concerns. Mr. Baird explained that he is in discussions with the HOA to either **purchase the parcels or obtain a permanent easement** to allow maintenance.

He proposed that rezoning the parcels to **Agricultural** would allow the land to be effectively maintained using **grazing animals**, which he noted is a state-recognized method for controlling invasive species and reducing fire risk. He cited similar successful grazing practices elsewhere in other city.

Mr. Baird also explained that his parcel was historically agricultural and that the current R-1-12 zoning appears to have been applied unintentionally during a prior subdivision process. He stated that the City's General Plan identifies the area as agricultural and that neighboring parcels remain zoned agricultural.

A letter from the Hidden Springs HOA was provided indicating support for exploring rezoning and authorizing Mr. Baird to represent the HOA's position during preliminary discussions. Commission members noted that any rezoning application would ultimately need to be submitted and signed by the property owners.

Commission discussion included:

- Fire risk mitigation and public safety benefits
- Wetlands constraints and lack of development potential
- HOA maintenance challenges and liability concerns
- Preference for fee-simple ownership over easements, if feasible
- Confirmation that animal keeping would be permitted under Agricultural zoning
- The need for a formal rezoning application and public hearing

Commission members generally expressed support for the concept and agreed that **Agricultural zoning appears appropriate** given the land characteristics, fire risk, and surrounding uses.

Direction:

Staff and the applicant were directed to proceed with a formal rezoning application. The item will return to the Planning Commission for a public hearing and recommendation prior to City Council consideration.

Staff presented information regarding **HB 48**, which requires municipalities to adopt regulations addressing development within designated **Wildland–Urban Interface (WUI)** areas.

Staff explained that:

- The City is required to adopt an ordinance by **January 1, 2026**
- The State-issued WUI maps have been **revised multiple times** and remain controversial
- Current maps show portions of Fruit Heights in **moderate to high fire risk**, with some localized pockets of higher risk
- The State has indicated that cities may **adjust WUI boundaries** within certain risk ranges

Commission members raised several concerns, including:

- Ongoing uncertainty regarding the **accuracy and finality of State maps**
- Potential impacts on homeowners, including **building code requirements, inspections, mitigation mandates, and fees**
- Inconsistencies that could arise if isolated properties are subject to WUI requirements while adjacent properties are not
- The administrative burden of enforcing WUI building codes and mitigation standards
- Insurance implications and resident confusion already resulting from preliminary maps

Staff noted that additional legislation is expected during the current session that may further modify WUI requirements and city authority.

Commission consensus was that:

- More information is needed before finalizing maps or ordinances
- The City should demonstrate **good-faith progress** while remaining flexible
- Priority should be given to **map development first**, followed by ordinance refinement
- Additional coordination with State officials and legal counsel is necessary

Direction:

Staff will continue monitoring legislative updates, coordinate with State and League representatives, and return to the Planning Commission with updated information and proposed revisions when clearer guidance is available.

CALENDAR: February 24, 2026 Planning Commission Meeting

ADJOURNMENT:

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

Not approved until signed.

1st: Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

Date approved by City Planning Commission:

February 24, 2026

