

MINUTES
FRUIT HEIGHTS CITY
COUNCIL AND PLANNING COMMISSION WORK SESSION
RE: General Plan and Moderate- Income Housing
910 South Mountain Road
May 14, 2026

WELCOME:

Mayor Jeanne Groberg called the meeting to order at 5:31pm.

COUNCIL MEMBERS PRESENT:

Mayor Jeanne Groberg Council Members, Gary Anderson, Mark Cottrell, David Hale, Eileen Moss, Blake Winslow. David Hale Gary Anderson

PLANNING COMMISSION MEMBERS PRESENT:

Commissioner Shelley Bodily, Scott Justensen (left at 9:33pm), Justin Wright. Chairman Kevin Paulsen and Commissioner Heidi Murdock were Excused.

CITY STAFF PRESENT:

City Manager Darren Frandsen, Public Works Director Layne Leonard, Deputy Recorder Hailee Ballingham, City Attorney Brad Christopherson

VISITORS:

Robyn Larkin, Rod Larkin, Laura Hubrich, Scott Heusser, Mike Burnett, Dave Adams, David E Adams I, Dennis Savage, Joyce Savage, Klayne Rasmussen, Elisabeth Nielson, Terry Harris, Ted Larkin, Tara Larkin, Clark Moss. Cece Mitchels, David Broadbent, Kaylene Broadbent, Jenni Rowley, Denise Rowley, Jon Groberg, Valerie Nye, Noel Nye, Amanda Houser, Dale Kunkel, Rachel Jackson, Anthony Jackson, Matt Van Drimmelen, Mary Monsen, Lane Monsen, Eaul Reynard, Linda Reynard

OPEN HOUSE:

The city held an informal open house from 6:30 p.m. to 7:00 p.m. During this time, informational displays were available for public viewing.

WELCOME:

Mayor Jeanne Groberg called the meeting to order at 6:59pm.

The mayor welcomed City Council members, Planning Commissioners, staff, and guest speaker Rob Terry, introduced as a statewide land use training director with the Land Use Academy of Utah and the Ombudsman's Office. The mayor explained that Mr. Terry had been invited to provide foundational information regarding planning, general plans, amendments, and applicable state laws, and to serve as a resource for questions during the meeting.

The mayor stated that the purpose of the joint meeting was to review the City's General Plan, including the Moderate-Income Housing Plan, and to discuss whether the Planning Commission should be directed to consider amendments to one or both plans. The mayor emphasized the importance of following an established process, noting that timing had been intentionally coordinated to allow for budget considerations and other necessary information to be gathered before discussions moved forward.

The mayor explained that the meeting was intended for information sharing and discussion between the Council and Planning Commission, with a formal Council vote on potential direction scheduled for a future regular meeting. The mayor acknowledged prior public input received through meetings and written correspondence and stated that additional public comment may be received in the future. The meeting was

described as an opportunity to review both high-level concepts and detailed information related to planning considerations.

INFORMATION AND DISCUSSION ITEMS

2.1 Information on amendments/updates process

Mr. Terry continued his presentation by discussing recent state staffing and administrative changes related to housing and community development, noting that while leadership transitions were occurring, continuity in staff support was expected. He indicated that local agencies should continue coordinating with state housing officials regarding moderate income housing compliance and planning processes.

Mr. Terry then reviewed the distinct roles of the City Council and Planning Commission in land use matters. He explained that the City Council serves as the legislative body and final decision-maker responsible for adopting laws, policies, and regulations after considering public feedback and competing policy considerations. He clarified that the Planning Commission serves in an advisory role, reviewing land use matters and making recommendations to the legislative body, particularly during General Plan and General Plan amendment processes.

Mr. Terry also explained the difference between legislative and administrative land use decisions, emphasizing that legislative decisions may consider public opinion and policy preferences, while administrative decisions must be based solely on compliance with adopted regulations and legal standards.

Mr. Terry presented planning and visioning tools available to local governments, including resources designed to assist communities with redevelopment, land use planning, and moderate-income housing discussions. He highlighted examples of planning models and visualization tools intended to help communities evaluate redevelopment scenarios, identify preferred design characteristics, and proactively establish policy direction before development proposals arise.

Additionally, Mr. Terry reviewed state-supported planning resources, including technical assistance, planning guides, funding opportunities, data tools, and statewide planning examples available to municipalities. He encouraged the city to utilize available resources and technical assistance when evaluating potential amendments to the General Plan or Moderate-Income Housing Plan.

Mr. Terry concluded by emphasizing that land use planning involves many interconnected considerations and encouraged the Council and Planning Commission to seek guidance, legal review, and technical support throughout future planning discussions.

Rob Terry, Statewide Land Use Training Director with the Utah Land Use Academy, and the Office of the Property Rights Ombudsman, introduced himself and provided an overview of his professional background in land use planning and local government. He explained that his role was educational and advisory in nature and clarified that he was present to provide information regarding planning processes, general plans, land use law, and moderate-income housing requirements.

Mr. Terry described the role of the Office of the Property Rights Ombudsman as a neutral, nonpartisan state resource that provides education, training, mediation support, and advisory opinions related to land use matters. He emphasized that the office is not a regulatory or enforcement agency, but rather serves to help local governments and residents understand land use laws, processes, and property rights.

Mr. Terry provided an overview of Utah's land use planning framework, explaining that local planning authority is governed by the Land Use Development and Management Act (LUDMA). He discussed the purpose of a General Plan as a required, long-range visioning document intended to guide growth and development while remaining flexible and subject to amendment as community needs evolve. He reviewed

the statutory process for amending a General Plan and emphasized the importance of following required public notice and hearing procedures to avoid procedural issues.

Mr. Terry reviewed state requirements related to Moderate Income Housing (MIH), explaining that specified municipalities are required to maintain a Moderate-Income Housing element within their General Plan. He outlined the distinction between the Moderate-Income Housing element and the associated implementation plan and discussed state compliance requirements, available planning tools, and potential consequences of noncompliance.

Mr. Terry also discussed recent legislative updates affecting Moderate Income Housing, including a temporary one-year pause in reporting requirements and administrative changes related to state agency oversight and review of housing plans. He noted that while leadership transitions were occurring at the state level, continuity in staff support was expected and encouraged the city to maintain communication with state housing officials regarding moderate income housing compliance and planning processes.

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In response, Mr. Terry explained that a taking generally occurs when a government entity acquires private property for a public purpose, requiring just compensation and adherence to specific legal processes. He noted that eminent domain for roadway or public infrastructure projects is a common example. Mr. Terry further explained that exactions are related but generally occur in connection with development approvals, where conditions or requirements may be imposed as part of a development application process.

Additional discussion clarified that exactions may include items such as development impact fees, right-of-way dedications, utility easements, or trail dedications associated with subdivision or development approvals. It was noted that such requirements are typically established through previously adopted City policies and master plans and are applied when additional development is proposed.

Discussion also addressed the distinction between legislative and administrative actions in relation to land

use decisions. It was noted that staff are responsible for administering adopted City policies and regulations, while changes to those policies remain a legislative decision of the City Council. Mr. Terry agreed with the explanation provided and reiterated that the distinction generally relates to whether development is voluntarily proposed and subject to adopted standards.

2.2 information on MIH compliance and changes

City Planner Jeff Oyler provided an overview of the City's Moderate-Income Housing (MIH) compliance efforts and reporting requirements. He explained that Fruit Heights was required by the State of Utah to adopt a Moderate-Income Housing Plan due to state mandates and reporting thresholds. The city adopted its Moderate-Income Housing element and implementation strategies in 2022–2023 and is required to submit annual progress reports to the State.

He explained that the city selected five Moderate-Income Housing strategies to provide flexibility in reporting; however, only three strategies were ultimately reported due to measurable progress. He clarified that the State requires demonstration of progress toward implementation rather than achievement of specific affordable housing outcomes.

Discussion focused on **Strategy A**, which involves allowing residential densities necessary to facilitate moderate-income housing. Staff reported that the City demonstrated progress through the creation of the R-1-6 zoning district and approval of a rezone for a privately owned parcel. However, the proposed development did not proceed due to financial infeasibility, and while the actions were considered progress for reporting purposes, no units were ultimately constructed.

Council discussion clarified the relationship between the General Plan, the Moderate-Income Housing element, and annual reporting requirements. It was noted that the MIH element is incorporated into the General Plan and establishes selected strategies, while annual reports document implementation progress.

Staff reviewed **Strategy E**, related to reducing regulations for internal and detached accessory dwelling units (ADUs). He noted the city adopted an ADU ordinance and reported several registered ADUs following adoption; however, State reviewers requested additional implementation efforts beyond ordinance adoption alone. The city has since focused on increased outreach and efforts to encourage compliance and registration of existing ADUs. He also identified ongoing challenges with ADU implementation, including difficulty identifying unregistered units, limited staff capacity, and homeowner reluctance to come forward, which has impacted reporting and enforcement efforts.

Discussion then addressed **Strategy F**, which involves supporting higher-density and moderate-income housing through zoning, rezoning, and development incentives. The city has conducted Planning Commission work sessions to identify potential areas for higher-density development, consistent with Strategy F objectives.

Staff noted that State reviewers have requested documentation, including meeting minutes, to verify implementation progress, and that prior reporting was not approved due to insufficient documented action. Additional coordination with State agencies has since occurred to clarify expectations.

Council and staff discussed barriers to implementation, including limited undeveloped land, high land values, and market conditions that make moderate-income housing financially challenging. It was emphasized that compliance is based on demonstrated effort and progress rather than specific housing production outcomes.

Concerns were raised regarding potential risks associated with reopening or modifying the General Plan and the impact of evolving legislative requirements. Staff clarified that the current adopted plan remains in effect unless formally amended and that the city remains compliant as long as reporting requirements are met.

Discussion emphasized the need for a long-term, structured approach to MIH compliance, including development of a multi-year strategy (approximately five years) and consideration of a broader set of tools such as density incentives, ADU policy adjustments, infill development, and other implementation strategies.

Additional discussion addressed the importance of public engagement in any future General Plan update, with estimates provided for potential costs associated with citywide surveys, outreach, and consultant-led planning processes.

Staff and Council emphasized the need for a phased and coordinated approach to compliance that balances feasibility, cost, and regulatory requirements while maintaining flexibility to adapt to changing state mandates and annual reporting obligations.

Overall, Council and staff agreed on the importance of an ongoing, diversified strategy for MIH compliance that includes both land use and non-land use tools and provides measurable progress for state reporting purposes.

2.3 Information on costs

staff provided updates on costs associated with potential citywide survey and General Plan update work.

Council was informed that a city survey through Y2 Analytics would cost approximately \$10,000 and would typically include 25–30 questions covering various community topics. Council members noted prior experience with similar survey work and discussed its value in gathering community input.

Staff also provided preliminary budget estimates obtained from consulting firms for a full General Plan update. Estimated costs for a complete plan update were approximately \$80,000, with additional costs for impact fee and infrastructure-related studies estimated in the range of \$20,000–\$25,000.

Consultants emphasized that public outreach would be a significant component of the process, potentially costing an additional \$20,000–\$25,000, and would include citywide mailers, electronic outreach, and public open houses. This outreach phase would be conducted early in the process to gather community input before drafting or revising the General Plan.

It was further noted that a phased, step-by-step approach could be considered, beginning with public outreach and data collection before moving into plan development. Consultants indicated this approach may provide efficiencies by reducing duplication of effort and focusing subsequent planning work on identified community priorities.

Council and staff acknowledged the importance of public engagement and discussed the potential benefits of structuring the process to first gather resident feedback before advancing into formal planning and adoption phases.

2.4 MIH Strategies

Council and Planning Commission members discussed the City's current Moderate-Income Housing (MIH) strategies and the process for evaluating future compliance options. Discussion focused on reviewing available state-approved MIH strategies to determine which options may be feasible for Fruit Heights and whether amendments to the Moderate-Income Housing element or General Plan may be necessary.

Discussion began regarding Strategy B, related to investment in infrastructure improvements that facilitate Moderate Income Housing development. Staff explained that state reporting requirements generally require a direct connection between infrastructure improvements and the creation of Moderate-Income Housing units. Examples discussed included sewer infrastructure; however, it was noted that some utility systems are

controlled by outside districts rather than the city.

Discussion followed regarding whether the Planning Commission should take the lead in reviewing available MIH strategies and identifying feasible options for future consideration. It was suggested that the Planning Commission and City Council independently review available strategies and identify preferred options for future discussion. Members noted that the process would likely require additional time and multiple meetings due to the number and complexity of available strategies.

Council discussion clarified that the primary reason for reviewing MIH strategies is concern regarding the City's ability to demonstrate continued progress under future state reporting requirements. Staff explained that while the city is currently compliant, demonstrating progress under the City's existing selected strategies may become increasingly difficult in future reporting cycles. It was noted that state requirements focus on demonstrating measurable progress rather than achieving specific housing outcomes.

Further discussion addressed the relationship between the Moderate-Income Housing element and the broader General Plan. Staff clarified that the City's current focus is primarily related to Moderate Income Housing compliance, though additional General Plan topics previously raised by the public may also warrant future review.

Council members discussed the importance of public outreach and community engagement before considering significant General Plan or Moderate-Income Housing amendments. Potential outreach options discussed included professional community surveys, public engagement processes, and other tools to better understand community priorities regarding land use, housing, and planning issues. Staff noted that funding for outreach efforts could be considered through future budget amendments or upcoming fiscal year appropriations.

Discussion also included the possibility of reviewing Moderate Income Housing strategies utilized by other Utah municipalities. Staff noted that many cities publish their MIH strategies online, providing examples that may help Fruit Heights identify practical and achievable compliance measures.

Additional discussion addressed the importance of ongoing monitoring of MIH compliance efforts. Councilmembers expressed interest in establishing regular reporting updates to ensure future compliance deadlines remain visible and to avoid last-minute reporting challenges. Staff suggested that quarterly updates regarding Moderate Income Housing progress may be beneficial.

Council consensus supported placing future discussion regarding Moderate Income Housing compliance, Planning Commission direction, and potential public outreach efforts on an upcoming City Council agenda. It was understood that no final decisions regarding amendments to the General Plan or Moderate-Income Housing element would occur at this meeting and that additional discussion and public process would be necessary.

ADJOURNMENT:

Adjourned the meeting at (9:34)

Date approved by City Council: June 2, 2026

/s/ Hailee Ballingham

Hailee Ballingham, City Deputy Recorder

