

MINUTES
PLANNING COMMISSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
March 25, 2026

WELCOME: Chairman, Kevin Paulsen called the meeting to order at 7:04pm.

PLEDGE & OPENING CEREMONY: The Pledge of Allegiance was led by Commissioner Shelley Bodily

PLANNING COMMISSION MEMBERS PRESENT: Chairman Kevin Paulsen Commissioners, Scott Justensen and Justin Wright. Council Member Mark Cottrell, Commissioners Heidi Murdock and Shelley Bodily was Absent

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

VISITORS: Robin Moran, Dave Moran, Andy Busch, Chris Valdez, Scott Baird, Jed Iverson, Paul Chase, Robyn Larkin, Yuhong Farn, Rod Larkin

PUBLIC COMMENTS: None

REVIEW AND APPROVAL OF MINUTES FROM PREVIOUS MEETINGS:

Commissioner Justin Wright made a motion to approve the February 24, 2026, Planning Commission minutes. Commissioner Scott Justensen seconded the motion. There was no further discussion.

The motion was approved by the Planning Commission at (7:03)

Commission Vote:

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

The motion carried **(3-0)**.

PUBLIC HEARING:

5.1 Public Hearing Mar 25 RE: Rezone request on parcels adjacent to 1149 S Mountain Rd and Hidden Springs PKWY

Scott Baird presented concerns regarding fire risk on adjacent HOA-owned parcels near his property. He explained that invasive vegetation, including phragmites and Russian olive, creates a high fire hazard, and the area has been identified as high risk by the State.

Mr. Baird stated he has been working with the Hidden Springs HOA to explore options for mitigating the risk, including obtaining an easement or acquiring the property for maintenance. Due to limited access and steep terrain, he proposed rezoning the parcels to agricultural use to allow for controlled grazing as a cost-effective way to manage vegetation.

He emphasized that the intent is to preserve the area as open space, reduce fire danger, and not allow development. He noted the HOA has expressed support, and he is seeking Council consideration of a rezone to facilitate the proposal.

Mr. Baird concluded and offered to answer questions.

The full presentation can be viewed on the City's website by visiting the Agenda Center and selecting the March 25, 2026, Planning Commission meeting Agenda and Packet at <https://www.fruitheights.gov/AgendaCenter>.

The Public Hearing for Rezone request on parcels adjacent to 1149 S Mountain Rd and Hidden Springs PKWY is now open.

Paul Chase asked for clarification regarding which parcels were included in the proposal and the total acreage.

Scott Baird clarified that the request applies only to parcels located west of Hidden Springs Parkway. He explained that the two parcels total approximately 2.48 acres, including one parcel with a stormwater retention basin that may need to remain under HOA ownership per the master plan.

Mr. Baird stated that he is interested in acquiring or obtaining access to the portions that are feasible and would be willing to fence and maintain the entire area, including managing vegetation through grazing.

Andy Bush expressed concerns regarding the timing of the proposed rezoning. He stated that while he supports efforts to mitigate wildfire risk, he questioned why the City would proceed with rezoning prior to any finalized agreement or transaction between the applicant and the Hidden Springs HOA. He also noted uncertainty about the current zoning and potential impacts on property value and urged the Commissioners to proceed with caution.

Staff clarified that a rezoning request is independent of property ownership and may proceed without a sale or transfer of the property.

Scott Baird added that the request was made in coordination with the HOA board as part of efforts to address fire risk in a cost-effective manner. He explained that agricultural zoning would allow for grazing to manage vegetation, whereas maintaining the property under its current zoning would be more

difficult and costly. He emphasized that the intent is not development, but maintenance and fire mitigation.

Scott Baird clarified that the rezoning application was submitted by the Hidden Springs HOA board as the property owner. He explained that he has assisted with the process, including covering application and legal fees, and was authorized by the HOA to present on their behalf.

Mr. Baird stated that his involvement is to help facilitate a solution to reduce fire risk in the area, noting that his property is among those most directly impacted.

Jed Iverson expressed opposition to the proposed rezoning. He cited concerns related to public safety and environmental impacts, noting that the area is designated as sensitive land with moderate to high risk. Mr. Iverson stated that rezoning to agricultural use could introduce grazing, which he believes may destabilize the hillside by removing vegetation and compacting soil, potentially increasing the risk of erosion or landslides. He also raised concerns regarding the original Planned Unit Development (PUD) approvals for Hidden Springs, noting that the area was designated as common open space and part of a wildlife corridor, which contributed to bonus density allowances. He expressed concern that rezoning could conflict with those original entitlements. He concluded by stating his opposition based on safety, environmental, and zoning considerations.

Chris Valdez, speaking as an adjacent property owner, expressed concerns regarding wildlife, wetlands, and waterway protection. He noted that he purchased his property with the understanding that the area included protected wetlands and provided habitat for wildlife. While supportive of wildfire mitigation efforts, Mr. Valdez opposed rezoning for agricultural use, citing concerns about potential impacts from farm animals, equipment, and maintenance structures on the land, wildlife, and the surrounding community. He suggested exploring alternative approaches for wildfire mitigation, including controlled access for equipment and volunteer labor to clear hazardous vegetation. He emphasized protecting the land as a community resource and maintaining its natural state. Concluded by expressing willingness to assist in mitigation efforts but stated his opposition to rezoning that would allow agricultural use.

Yuhong Fan agreement with Chris Valdez's comments

Commissioner Member Justin Wright made a motion to close the Public Hearing RE: Rezone request on parcels adjacent to 1149 S Mountain Rd and Hidden Springs PKWY Commissioner Member Scott Justensen seconded the motion

The motion was approved by the Planning Commission at (7:27)

Commission Vote:

- Scott Justensen — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes
- Shelley Bodily--Absent
- Heidi Murdock – Absent
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The motion carried **(3-0)**.

Commissioner Paulsen thanked the public for their respectful engagement and noted the value of hearing multiple perspectives. He acknowledged concerns raised regarding wildfire risk, slope stability, wildlife protection, and the historic designation of the area as common open space. He emphasized that these points provided useful context for future city decisions.

The Commission discussed potential impacts of rezoning the Hidden Springs parcels. Key points included:

- **Bonus Density / Ownership Restrictions:** Some parcels were designated as open space in the original subdivision plan. The upper parcel, which includes the stormwater detention basin, must remain under HOA ownership in perpetuity; the lower parcel does not have the same restriction. Rezoning does not change ownership but could conflict with public use obligations if imposed.
- **Neighbor Concerns:** Two adjoining property owners expressed opposition due to slope stability, landslide risk, and anticipated changes to vegetation and wildlife.
- **Wildfire and Vegetation Management:** Commissioners acknowledged risks from invasive Phragmites and other vegetation, emphasizing the need for ongoing maintenance to mitigate fire hazards. Letters or notices to the HOA may be used to ensure weeds are removed in compliance with city ordinances.
- **Animal Use and Zoning Differences:** Current R1-12 zoning does not allow animal keeping. Rezoning to agricultural or RS-12 could allow livestock, with point-based restrictions based on acreage. Differences between RS-12 and AG1 zones were discussed.
- **Wetland Considerations:** Some areas are designated wetlands. Army Corps of Engineers and state agencies may support wetland restoration projects, including the use of livestock to remove invasive species, if properly coordinated.
- **Further Review Recommended:** Given concerns about slope stability, landslide risk, and potential environmental impacts, the Commission suggested further discussion with the HOA, including potential geotechnical studies, before proceeding with rezoning. Consideration of easements or restrictions to preserve hillside vegetation while allowing fire mitigation efforts was also recommended.

Commissioner Justin Wright made a motion to table the Rezone request on parcels adjacent to 1149 S Mountain Rd and Hidden Springs PKWY Commissioner Scott Justensen seconded the motion.

The motion was approved by the Planning Commission at (7:27)

Commission Vote:

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

The motion carried **(3-0)**.

Public Hearing Mar 25 RE: Title 10- Chapter 10C - WUI (Wildland Urban Interface)

The Public Hearing for Title 10- Chapter 10C - WUI (Wildland Urban Interface) is now open.

Wildland Urban Interface (WUI) – Ordinance and Map Discussion:

The Planning Commission held a public hearing to review the proposed Wildland Urban Interface (WUI) ordinance and accompanying map.

- **Purpose and Legal Context:** The ordinance implements the state-required WUI standards for wildfire mitigation. Recent state law updates require cities to adopt boundaries at Level 5 or higher, providing clarity on mapping and building code applicability.
- **Map Development:**
 - The boundary was mapped using the state's Level 5 designation and follows the city limits.
 - The map was reviewed and approved by Farmington Fire and the Davis County Fire Marshal.
 - The red box area corresponds to a mountain bike trail and open space near city property; this area is Level 6 and is not intended for development.
- **Residential Impacts:** Homes within the city are outside the designated WUI boundary, so property owners will not be required to implement additional mitigation measures or pay any related fees. Existing landscaping and wildfire safety practices remain unchanged.
- **Public Comment:** No public comments were received.

Commissioner Justin Wright made a motion to close the public hearing for Title 10- Chapter 10C - WUI (Wildland Urban Interface) Commissioner Scott Justensen

The Planning Commission discussed the WUI ordinance and accompanying map. Key points included:

- The updated state law requires adoption of WUI boundaries at Level 5 or higher, providing clearer guidance for municipalities.
- The map was developed using GIS data, reviewed by Farmington Fire and the Davis County Fire Marshal, and follows the city boundary. Areas such as the mountain bike trail and city-owned property (Level 6) remain designated as non-buildable.
- Residential impacts: Homes within the city are outside the designated WUI boundary, so property owners will not be required to implement additional building code mitigation or pay related fees. Existing landscaping and fire-wise practices remain in place.
- The ordinance aligns with the Community Wildfire Protection (CWP) plan and ongoing city fire mitigation education efforts.
- The ordinance and map, once adopted by the City Council, will be reviewed by the state to confirm compliance with WUI requirements.

Commissioner Scott Justensen made a motion to recommend the Title 10- Chapter 10C - WUI (Wildland Urban Interface) to the city council Commissioner Justin Wright seconded the motion.

The motion was approved by the Planning Commission at (8:12)

Commission Vote:

- Scott Justensen — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes
- Shelley Bodily--Absent
- Heidi Murdock – Absent
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The motion carried **(3-0)**.

PLANNING COMMISSION BUSINESS:

6.1 Lot split at 1167 E Goldspur Sub. Orchards at Country Lane

The Planning Commission reviewed a proposed three-lot division on Goldspur Lane. Key points discussed:

- The property is being divided into two new building lots on the east end, each approximately 14,000 ft², and one existing lot of 1.5 acres containing the current home.
- Future development potential exists on Country Lane in the north/northwest corner, but the applicant is not pursuing additional lots at this time.
- Lot sizes meet the minimum requirement of 12,000 ft², and all lots have access to existing utilities (water, sewer, etc.) along the road.
- Process reminder: While the submission is in **final plat format**, the Planning Commission reviews it for preliminary approval, with final plat approval delegated to staff under current city and state code. The City Council no longer approves subdivisions.

Dave Moran addressed the Planning Commission regarding the proposed lot split. He noted that two homes are planned on the lot adjacent to the Vista properties and expressed concern that prior homes in the area were built with minimal consideration for neighboring properties, with one home utilizing nearly the entire lot. While the second home included some efforts, such as planting trees to help preserve privacy, Mr. Moran emphasized that tight setbacks to his fence line remain a concern. He requested that any new lots maintain larger setbacks to protect privacy and spacing, noting that two homes on the split lot could crowd the area, particularly as future construction will likely maximize home size consistent with surrounding properties. Mr. Moran acknowledged the quality and character of homes in the Goldsboro area but stressed the need to avoid the negative impact of overbuilding on his property.

Lot Frontage & Driveway Concerns:

- The proposed lots each have a frontage of approximately **100 feet**.
- One lot's corner aligns closely with the existing driveway of the home on the larger parcel. Commission confirmed the lot line begins at the edge of that driveway.

Neighbor Concerns – Dave Moran & Others:

- Concerns raised regarding **setbacks of structures**, particularly accessory structures like sheds, pool houses, and sports courts, which can be placed close to property lines.
- Previous development on adjacent properties filled nearly the entire lot, with **two-story accessory structures** and 10-foot fences, impacting privacy and causing **noise concerns**.
- Emphasis on maintaining reasonable **rear and side setbacks** to balance property owner rights and neighborhood character.

Ordinance & Zoning Review:

- Current city ordinance requires **3-foot minimum setbacks** from rear and side property lines for accessory structures up to 18 feet tall, with increased setbacks for taller structures. Eaves must also be **3 feet from property lines**.
- Maximum fence height allowed is **6 feet**, with exceptions for retaining walls or site-specific approvals. Previous 10-foot fences were permitted by special exception.
- Recent amendments limit **impervious coverage** of rear yards to **50%**, ensuring drainage and open space.

Subdivision Consistency:

- Any new homes or accessory structures on the proposed lots are expected to **match setbacks and lot coverage** consistent with the surrounding subdivision.
- Commission noted challenges with balancing **smaller, more affordable lots** and **larger homes packed into limited space**, highlighting the tension between property owner rights and neighborhood impacts.

Commission Notes & Staff Guidance:

- Staff reminded commissioners that **preliminary plat approval** considers compliance with existing subdivision and zoning ordinances.
- Accessory structures, height, and setbacks must adhere to **city ordinance**.
- Noise, lighting, and privacy concerns are acknowledged, and recent code changes may help mitigate potential impacts.
- Commissioners and neighbors expressed appreciation for the discussion and **acknowledged the importance of balancing development with neighborhood character**.

Commission Member Justin Wright made a motion to approve the preliminary plat for the lot split at 1167 E Goldspur orchard at Country Lane.

The motion was approved by the Planning Commission at (8:41)

Commission Vote:

- Scott Justensen — Yes
- Justin Wright — Yes
- Kevin Paulsen — Yes
- Shelley Bodily--Absent

- Heidi Murdock – Absent

The motion carried **(3-0)**.

CALENDAR: April 28, 2026 Planning Commission Meeting

ADJOURNMENT:

Commissioner Justin Wright made a motion to Adjourn. Commissioner Scott Justensen Seconded the motion. The meeting ended at 8:42 p.m.

Date approved by City Planning Commission: June 30, 2026

Not approved until signed.

/s/ Hailee Ballingham _____

Hailee Ballingham, City Deputy Recorder