

MINUTES
PLANNING COMMISSION WORK SESSION MEETING
FRUIT HEIGHTS CITY
910 South Mountain Road
September 8, 2026

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

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

PLANNING COMMISSION MEMBERS PRESENT: Chairman Justin Wright Commissioners, Callen Bagley Shelley Bodily Scott Justensen and Justin Wright. Council Member Mark Cottrell. Commissioners Heidi Murdock was excused.

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

VISITORS: Sam Paget, Elizabeth Nielson, Mary Monsen, Jennifer Barkdull, Dallin Hutchinson, Mike Burnett, Charlie Marz Terry Hars Frank Leaver, Clark Moss

PUBLIC COMMENTS:

Elizabeth Nielson expressed her appreciation for the collaborative effort among City staff, residents, the Planning Commission, and City Council. She said she was pleased to see the groups working together, sharing expertise, and finding ways to be more efficient and effective for the benefit of the City.

Dallin Hutchinson spoke in support of allowing detached accessory dwelling units (DADUs) as a low-impact solution to housing needs. He stated that DADUs could provide flexible housing options, allow families to stay together, and help seniors age in place while maintaining the character of single-family neighborhoods. He encouraged the Commission to include clear standards in the ordinance, including proportionate infrastructure impact fees, reasonable size and height limits, appropriate side and rear setbacks, and architectural requirements that complement the primary residence. Mr. Hutchins emphasized the importance of ensuring DADUs are compatible with surrounding neighborhoods, do not place an unfair financial burden on existing residents, and help the City comply with state requirements while providing additional affordable housing options.

Sam Paget requested clarification regarding communication and direction between the Planning Commission, City Council, and residents concerning R-3 zoning and the proposed density for the two properties being considered for rezoning. He referenced the August 25 Planning Commission meeting and noted discussions regarding densities ranging from 8–10 units per acre to as many as 25 units per acre. He asked how direction is communicated between the Planning Commission and City Council and how residents can stay informed and provide input. Mr. Padgett expressed concern that the proposed density on the smaller properties was too high, should be more consistent with surrounding neighborhoods, and could establish a precedent for higher-density development throughout the City. He encouraged the Commission to consider the impact on surrounding residents and the long-term effects

on the community, emphasizing that citizen input should be an important part of the decision-making process. He encouraged the Commission to carefully consider the concerns of residents, build trust within the community, and make decisions in the best interest of the city and its residents.

PLANNING COMMISSION BUSINESS:

3.1 Detached Accessory Dwelling Units (DADU) Ordinance Title 10-11-25 discussion.

The Planning Commission discussed the draft ordinance regarding Detached Accessory Dwelling Units (DADUs).

Staff provided background on the draft ordinance and explained that the document had been prepared using input from the City Attorney, City staff, and information provided by members of the public. The Commission agreed to review the ordinance section by section.

The Commission first discussed the applicability of DADUs. The draft provides that a DADU may be permitted on a lot containing at least 11,000 square feet and a legally established single-family dwelling. DADUs meeting the requirements of the ordinance would be reviewed administratively and would not require a conditional use permit.

The Commission discussed the limitation of allowing only one accessory dwelling unit on a property, whether attached, internal, or detached. Members discussed the potential neighborhood, parking, and utility impacts of allowing both an internal and detached ADU on the same property.

The Commission discussed setbacks for DADUs. The draft proposed a 10-foot setback from property lines and a 10-foot separation from the primary dwelling. Members discussed whether the setback should instead follow the setback required by the applicable zoning district. Fire safety, emergency access, impacts to neighboring properties, utility easements, and the difference between habitable structures and non-habitable accessory buildings were discussed. Staff noted that fire safety considerations supported maintaining a reasonable separation between structures. The Commission requested additional consideration of setbacks and related fire-code requirements.

The Commission discussed building height and whether a detached garage with living space above could be permitted as a DADU. Members expressed interest in allowing a one-and-a-half-story configuration or a living area above a detached garage, while limiting the overall height and requiring the structure to remain subordinate to the primary dwelling. The Commission discussed the proposed 16- to 18-foot height limits and whether a slightly greater height could be appropriate if the structure remained shorter than the primary dwelling and was designed consistently with it. Staff agreed to further research the issue.

The Commission discussed the proposed maximum DADU size of 1,200 square feet and minimum size of 400 square feet. Members discussed whether a minimum size was necessary and whether studio units should be permitted without a separate bedroom. The Commission expressed support for allowing studio-style DADUs and requested that the bedroom requirement be reconsidered.

The Commission discussed lot coverage and the proposal limiting a DADU to no more than 50 percent of the rear yard. Members also discussed whether an overall lot-coverage standard should be considered rather than limiting the calculation to the rear yard.

The Commission discussed windows facing side and rear property lines. Members considered requirements for obscured or frosted glass, window height, ventilation, privacy, and emergency egress. The Commission requested further review of the proposed language to ensure that it does not conflict with applicable fire and building codes.

The Commission discussed architectural design requirements. The draft requires a DADU to be designed consistently with the primary dwelling. Members also suggested addressing decks, patios, balconies, and roof decks within the ordinance.

Parking requirements were discussed. The draft requires one on-site parking space for a DADU under 650 square feet and two on-site parking spaces for a DADU over 650 square feet. The required parking must be located on the same property and be in addition to the parking required for the primary dwelling. The Commission discussed the prohibition on long-term on-street parking, enforcement concerns, winter parking, and situations in which a household may have more vehicles than the minimum number of required spaces. Members agreed that adequate off-street parking was important.

The Commission discussed owner-occupancy requirements. The draft requires the property owner to occupy either the primary dwelling or the DADU as the owner's primary residence. Members discussed temporary absentee ownership for circumstances such as military assignments, employment, family obligations, or other extended absences. The Commission discussed whether a temporary exception should be established while still preventing both units from being rented simultaneously. Staff agreed to research possible language addressing temporary absentee ownership.

The Commission discussed rental restrictions. The draft prohibits DADUs from being rented for periods of less than 90 consecutive days and prohibits short-term or nightly rentals. The primary dwelling and DADU would share the same street address, with the units potentially identified as A and B. Mobile homes, recreational vehicles, camp trailers, and shipping containers would not qualify as DADUs. DADUs would also not be permitted on lots containing multifamily dwellings.

The Commission discussed building, health, fire, electrical, plumbing, mechanical, and other applicable codes. It was agreed that a DADU could not be occupied until all required inspections were completed and a certificate of occupancy or other required authorization was issued.

The Commission discussed utility requirements and whether the primary dwelling and DADU should share utility connections. Members discussed water, sewer, stormwater, transportation utility fees, electrical service, gas service, and the potential impact of additional utility usage. The Commission discussed whether utility charges should be based on a full additional base rate, square footage, or another calculation. Staff was asked to develop several options for consideration regarding utility fees and charges associated with DADUs.

The Commission discussed conversion of existing accessory structures into DADUs. The draft allows an owner of a legally constructed accessory structure to apply for conversion, subject to applicable setback, building, health, fire, and other requirements. Members clarified that an existing structure would need to comply with applicable requirements for residential occupancy and would not automatically qualify merely because it was legally constructed for another use. The Commission discussed whether requirements should be based on conditions at the time of new construction or conversion.

The Commission reviewed the proposed application and administrative-review process. Applications would include information such as a site plan, property boundaries, setbacks, easements, floor area, building height, parking, utility connections, building plans, evidence that existing structures were legally established, and owner-occupancy certification. The Land Use Authority would approve applications that comply with the ordinance and applicable law and would identify the basis for any denial.

The Commission discussed provisions prohibiting a DADU from being separately divided, conveyed, or converted into a separate legal lot or parcel, except as otherwise allowed by state law and city subdivision ordinances. Members requested additional review of how the provision could affect future subdivision of larger properties.

The Commission discussed existing development agreements and whether additional language should address existing subdivision restrictions, development agreements, and HOA requirements. Staff indicated that the City Attorney would be consulted regarding the proposed language.

The Commission also discussed whether a fenced yard should be required for a DADU and whether occupancy limits should be addressed. Members generally agreed that the ordinance should focus on clear requirements, including the limitation that only one dwelling unit could be rented at a time, rather than creating complicated occupancy definitions.

The Commission identified the following items for additional review:

- DADU setbacks and whether they should correspond with the applicable zoning district setback.
- Fire-safety requirements and separation between structures.
- Height limits and the possibility of allowing living space above a detached garage.
- Requirements for decks, patios, balconies, and roof decks.
- Window privacy requirements while maintaining required emergency egress.
- Studio DADUs and removal or modification of the separate-bedroom requirement.
- Overall lot coverage versus rear-yard coverage.
- Utility billing and potential fee structures.
- Temporary absentee ownership.
- Subdivision implications for larger properties.
- Requirements applicable to prefabricated or manufactured structures.
- Fencing requirements.
- Existing development agreements, subdivision restrictions, and HOA provisions.

The Commission agreed that an additional work session would be helpful to further review and refine the draft ordinance before the scheduled public hearing. A work session was scheduled for **Thursday, September 17, 2026, at 5:30 p.m.** The public may attend the work session, but no public comments would be taken during the work session.

CALENDAR:

September 22, 2026, Planning Commission Meeting.

ADJOURNMENT:

Commissioner Heidi Murdock made a motion to Adjourn. Commissioner Shelley Bodily Seconded the motion. The meeting ended at 8:59 p.m.

Date approved by City Planning Commission: September 22, 2026

Not approved until signed.

/s/ Hailee Ballingham _____

Hailee Ballingham, City Deputy Recorder