



**Minutes of the  
Millcreek Planning Commission  
January 30, 2020  
6:00 p.m.  
Special Work Meeting**

The Planning Commission of Millcreek, Utah, met in a special public work meeting on Thursday, January 30, 2020 at City Hall, 3330 S. 1300 E., Millcreek, UT 84106.

**PRESENT:**

**Commissioners**

Fred Healey (excused)  
Tom Stephens  
David Allen (absent)  
Russ Booth  
Scott Claerhout (arrived at 5:38 p.m.)  
Shawn LaMar  
Mark Mumford  
Victoria Reid (left at 6:14 p.m.)  
Skye Sieber (excused)

**City Staff**

Francis Lilly, Planning and Zoning Director  
Elyse Sullivan, City Recorder  
Erin O’Kelley, Planner  
Blaine Gehring, Legislative Analyst  
Kurt Hansen, Legislative Policy Director

**Attendees:** None

**WORK MEETING – 5:00 p.m.**

**TIME COMMENCED: 5:34 p.m.**

**1. Open and Public Meetings Act Training**

Elyse Sullivan went over the Open and Public Meetings Act for the Commission’s annual training. She described that public bodies exist to aid in the conduct of the people’s business and their actions and deliberations should be taken and conducted openly. She reviewed the definitions of a public body, quorum, and meeting, and gave an overview of noticing, agenda, minutes, and recording requirements. She briefly discussed closed meetings, electronic meetings, and penalties for knowingly violating the Act.

**2. Discussion on Fences and Retaining Walls**

Blaine Gehring brought up clear view on corner lots as a triangle either 30-feet each leg from the property line or 50-feet each leg from the edge of pavement and clear view on driveways as a triangle with a 12-foot leg on each side of the driveway (used depictions to illustrate). In the triangle the maximum fence height allowed would be 3 feet if it was opaque, then 4 feet if open. Gehring said in other sections of code the requirement was 2 feet, so there would need to be amendments. Commissioner Reid brought up her personal fence and said it was 9.5 feet from the curb and was on the driveway. She wondered where the 12-foot standard came from and said that the length was not a problem and recommended the standard be lowered. Francis Lilly said the 12 feet came from the clear view concept that was based on an engineering

standard for seeing the street while backing out of a driveway. Lilly said staff wanted a fence code because there was currently nothing to enforce. He relayed an example of a resident wanting to install a 20-foot fence and the code did not address it. The Planning Department wanted guidelines to give to the public. Erin O'Kelley said 12 feet comes from seconds of visual for oncoming traffic so reducing that length would reduce the seconds one can see oncoming cars. Kurt Hansen said 12 feet would be the minimum for local roads. Commissioner Reid recommended it be 10 feet for driveway triangles. Commissioner LaMar said he wanted to look at existing neighborhoods before making a determination. Hansen brought up that people take fences to the asphalt and into the City's right-of-way. Commissioner Booth asked if everything that currently existed would be grandfathered. Gehring said the proposed ordinance said unless it posed a hazard, it would be grandfathered. Hansen brought up that the existing code had a clear view requirement at 2 feet in height, so the code would raise allowable fences to 3 feet. He said if the City needed to put in sidewalk, the fence would be removed from the right-of-way.

Gehring discussed the proposed fence height requirements. On front and corner lots, chain link fences or fences that were 50 % open up to 4 feet would be allowed or opaque fences for 3 feet of first 12 feet of the property, and 6 feet for the remainder of the lot back to the front setback line. In the rear yard, a maximum 8-foot fence would be allowed but a building permit would be required for fences 7 feet or taller. Fence materials that would be allowed are high-quality, durable requiring minimal maintenance; architecturally designed brick, stone or block of pre-cast concrete solid or private heavy gauge beige or white vinyl; and chain link in interior side or rear yards which may contain slats. Prohibited materials would be roofing panels, pallets, tarps, chipboard, and plywood. Commissioner LaMar asked about chain link fences in the front yard. Gehring said they could have slats up to 3 feet in the front yard or without slats up to 4 feet. Fences for recreational uses such as tennis courts, sport courts, hot tubs, and swimming pools could be higher than 8 feet up to 18 feet setback from any property line. Commissioner LaMar suggested specifying recreational uses because the term was subjective.

Commissioner Reid left the meeting at 6:14 p.m. Gehring said fencing for incompatible uses between commercial and office uses would be a 6-foot high decorative precast or integrally colored block, brick, stone or other masonry fence or wall. Noise walls abutting I-15 and I-215 would be determined by UDOT. Gehring brought up that double fences with less than a 12-inch separation would be prohibited. Commissioner Mumford said double fences should straddle the property line. Lilly brought up that the setback from accessory dwellings was 30 inches, so that would be a good standard for double fences. Commissioner Booth said there should be a provision for existing fence exceptions when considering fences on property lines. He recommended stating that double fences could be back to back if the neighbors agreed. Commissioner Stephens agreed but said if the fences were not back to back, then they had to have a minimum of a 2-foot separation. Commissioner Stephens recommended no standard on double fences to minimize enforcement. O'Kelley recommended not having a minimum distance between fences because it interfered with property setbacks. Hansen recommended not regulating double fences.

Gehring said there would be wildlife protection in the ordinance. East of I-215 and in the Foothills and Canyons Overlay Zone (FCOZ), nothing greater than 4 feet would be allowed and no picket or sharp points would be allowed. The ordinance would require all fences to be

well maintained by the property owner. Retaining walls would include stacked rocks/boulders intended to resist lateral displacement of earth or other materials. A building permit would be required for walls over 4 feet in height and designed by a certified engineer. Retaining walls would need to meet height requirements for fencing in front yards. Hansen brought up that retaining walls in the front yard would be limited to a maximum of 4 feet and terraced at 4 feet. Lilly said retaining walls greater than 4 feet in height required a permit and pointed out that terraces needed to be measured from original existing grade. Commissioner LaMar proposed that anything over 3 feet should have a permit. Hansen said that State code says the footing to the top of the retaining wall could be up to 4 feet without a permit. Lilly illustrated the FCOZ terrace requirements for the Commission. The Commission agreed with the 4-foot terrace requirement as proposed in the draft code. Hansen asked about fences on top of retaining walls. Lilly said fences on retaining walls and fences in front yards were not aesthetically pleasing. Lilly asked about front yard setbacks. Hansen said the retaining wall ordinance was intended for front yards.

**3. Discussion on an Institutional Facility Zone**

Erin O’Kelley said the draft Institutional Facility (IF) Zone ordinance focused on restricting uses to those that served the community such as a campus and hospital, and other uses would be accessory uses. Uses in the IF Zone would have to be respectful of residential zones, so the residential buffering and area requirements was increased, as was traffic circulation. The zone is less restrictive on height; the draft said 150 feet, but staff was going to change that to 120 feet. The zone could only be on lot sizes that could accommodate the requirements. O’Kelley said staff would be adding language for setbacks. She said the maximum height would be 75 feet on smaller lots. Setbacks from residential zones would be increased and there was a recommended configuration in the draft ordinance. Lilly said St. Mark’s Hospital was intending on doing an addition under the overall height of the building. O’Kelley said staff could add stipulations in the code based on setbacks if setbacks were needed. Commissioner Stephens asked if St. Mark’s wanted a maximum allowable height. O’Kelley said no, the proposed addition would be 5 stories tall. Lilly said the highest point on that campus was about 115 feet. He said sites wanting to add into the new zone would need a minimum assemblage size of 3 acres, if the site was less than 10 acres the height requirements would be different, the City could require a development agreement or different setbacks as part of a rezone, and it would have to meet the vision of the General Plan. He said the zone would not be an overlay zone and was very limiting on commercial uses. O’Kelley said the zone was geared towards a campus for a community amenity that had strict design requirements.

**ADJOURNED: Commissioner Stephens moved to adjourn the meeting at 7:09 p.m. Commissioner Mumford seconded. Chair LaMar called for the vote. All Commissioners voted yes. The motion passed unanimously.**

**APPROVED:** \_\_\_\_\_ **Date**  
 Shawn LaMar, Chair

**Attest:** \_\_\_\_\_  
 Elyse Sullivan, City Recorder