



**Minutes of the
Millcreek Planning Commission
March 20, 2024
5:00 p.m.
Regular Meeting**

The Planning Commission of Millcreek, Utah, met in a regular public meeting on Wednesday, March 20, 2024, at City Hall, located at 1330 E. Chambers Avenue, Millcreek, Utah 84106. The meeting was conducted electronically and live streamed via the City's website with an option for online public comment.

PRESENT:

Commissioners

Shawn LaMar, Chair
Victoria Reid, Vice Chair
Steven Anderson (left at 7:52pm)
David Hulsberg
Christian Larsen (absent)
Nils Per Lofgren
Diane Soule
Dwayne Vance (electronic, left at 7:52pm)
Ian Wright (excused)

City Staff

Elyse Sullivan, City Recorder
Francis Lilly, Planning & Zoning Director
John Brems, City Attorney
Kurt Hansen, Facilities Director

Attendees: Mitchell Vice, Angel Vice, Marv Poulson, Kathy Blake, Jeff Young, Nathan Young

REGULAR MEETING – 5:00 p.m.

TIME COMMENCED – 5:02 p.m.

Chair LaMar called the meeting to order and read a statement describing the duties of the Planning Commission.

2. Commission Business

2.1 Election of Chair and Vice Chair for 2024

Commissioner Lofgren moved to keep the same Chair and Vice Chair for 2024.

Commissioner Soule seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, Commissioner Soule voted yes, and Commissioner Vance voted yes. The motion passed unanimously.

1. Continuing Business

1.1 Consideration of ZT-23-016, Amending the Existing Sign Code Chapter 19.82

Francis Lilly reviewed eight proposed changes to the code since the Commission's February 28th meeting: 1. A compliance threshold, any increase in square footage requires compliance. 2. An interior sign within 3 feet of a window counts as a window sign. 3. Design standards

are required for pole covers. 4. A maximum wall sign area of 200 square feet in residential zones, 300 square feet in C-1 zones, and 600 square feet in C, M, MD, MD3 and IF zones. 5. Adjusted light temperature maximum. 6. Electronic message centers (EMCs) prohibited on pole signs in C zones. 7. Clarified and proposed standards for window signs. 8. Added signs on vehicles to the “mobile sign” definition.

The window signs language would read, “Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of window on each building face. A single window is any window, or section of windows, that is separated from another window by twelve inches (12”) or more. Any door with windows is always considered a separate window. Any interior sign placed within three feet of a window is considered a window sign.”

Commissioner Hulsberg asked about the maximum temperature. Lilly said the color temperature was 4,000 K. Commissioner Reid asked about current limits on EMCs. Lilly said the dimensions were not changing, but a minimum separation was changing. The proposed text was to only allow EMCs on monument signs. Commissioner Soule asked if doors were separate from windows. Lilly said it was counted as a window if it had one. Chair LaMar asked about the window signs table. Lilly said he would make the table align with the standards stated. Chair LaMar asked about putting a tv one foot from a window. Lilly said that would count as a sign. He wondered where the line was regulating signs adjacent to the window. Commissioner Soule asked about temporary signs on roofs and balconies. Lilly said they were not regulated but an amendment could be added to the proposed code.

Lilly reviewed a digital district sign and billboard exchange agreement concept. He gave an overview of other billboard exchanges that took place in Lee’s Summit and Kansas City and described that he had spoken with the planning directors from both cities. He said the exchange ratios were determined through a negotiated process, the billboard companies were not compelled toward an exchange, and the cities did not select the billboards eligible for the exchange; instead, they created categories of signs eligible for exchange. In Lee’s Summit, conversion was allowed on a 2 face : 1 face basis. Digital signs could be 10% larger than the face(s) replaced. Digital billboards are placed along certain highways. The exchange was limited to nonconforming signs. They reduced billboards there from 12 to 6. In Kansas City, the conversion rate depends on sign size. Bigger signs have a lower conversion ratio. The exchange is limited to nonconforming signs. Digital billboards are placed along certain highways. The differences between Missouri and Millcreek were that unlike the Missouri examples, Millcreek would own the resulting sign and would limit the advertising time on the sign. The Missouri examples created permanent vesting for the resulting signs. Millcreek’s proposal is a 40-year lease. Millcreek’s digital district sign is smaller and shorter than the Missouri digital billboards. Millcreek has more control over the design and operation of the sign, due to ownership. State law makes a Missouri-style conversion scheme unworkable, unless the city were to get the billboard companies to voluntarily agree to an exchange agreement.

Lilly said for cities that have a lot of billboards, a billboard company can relocate within 1 mile of the existing sign within any commercial or industrial zone up to a certain height. If a city denied them that permit, it would trigger an eminent domain process. He relayed an example from South Salt Lake with a relocation and digitization of a sign. Condemnation is

limited to areas where cities are planning a public improvement, or where it denies a billboard company's permit to relocate an existing billboard pursuant to state code. Thus, opportunities to remove billboards this way are limited. Condemnation is expensive. Local examples range from \$150,000 to approximately \$500,000. Neither Lee's Summit nor Kansas City based their ratios on a market analysis. Instead, they looked for an optimal ratio that was amenable to both the city and the sign companies. Absent knowing the value of each sign, cities can rely on visual impact (height and sign area) and nonconforming status of billboards to prioritize their removal first.

Lilly said an allowance for additional digital district signs gives the City Council the option to consider an exchange agreement. The City Council has the sole authority to negotiate an exchange agreement with a billboard company. The Planning Commission should consider: impacts of additional digital district signs and their appropriate locations, opportunity to reduce the number and square footage of billboards in Millcreek, and suggestions on limiting the nature of the agreement to nonconforming billboards or billboards in a particular area. He presented options based on the commission's prior feedback regarding digital district signs and billboard exchanges.

Option 1: Allow for up to two additional district signs, subject to an exchange agreement that removes billboards in the Millcreek City Center. This option would allow for the construction of two digital district signs, one at either end of Chambers Avenue, subject to an exchange agreement. Billboards to be removed would be in the City Center.

Option 2: Allow for up to two additional district signs, subject to an exchange agreement that removes any nonconforming billboard in Millcreek, or a billboard that is located near a city gateway. This option would allow for two digital district signs on Chambers Avenue. In this case, the Planning Commission would be recommending that the City Council enter into an exchange agreement, with a preference to remove any nonconforming billboard, which would include any billboard that is:

- Taller than 32 feet in height.
- Larger than 300 sf in sign area.
- Located within 150 feet of a residential zone.
- A two-decked billboard.
- Any billboard within 500 feet of a municipal boundary.

Option 3: Allow for one additional Digital District Sign on 1300 East and Chambers Avenue.

Option 4: No changes. This option, if adopted by the City Council, would not allow for any additional digital district signs in Millcreek. There would be no opportunity to remove billboards in Millcreek using an exchange agreement mechanism.

Lilly spoke to the trade-off of static versus digital signs. He said this is the only exchange concept where the square footage of billboards gets reduced. This is a policy of the city. Digital signs have an impact. At a minimum, the same controls applied to the Millcreek Common digital district sign should apply to these additional signs. Aesthetically, he believes a smaller, lower digital sign is better than a taller, bigger billboard – all things being equal. Size matters more than how often the sign changes. Aesthetic considerations prompt

divergent and deeply held attitudes. He could not identify a correlation between the presence of a digital billboard and an increase in accidents. He did not say that digital signs were not distracting. There were 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S/Highland Drive intersection, and the run of road between, with no fatalities.

In his professional recommendation, Lilly could not speak to political or financial considerations. He said the city should pursue as advantageous an agreement as possible, and more square footage in the exchange would be better. He noted that ownership and control matters. An exchange where a sign company maintains private ownership of the resulting digital sign should be much higher than 3:1. This is merely a proposal to reduce the number and area of billboards in Millcreek. There is no perfect solution to reducing the number and square footage of billboards in Millcreek. However, his recommendation is to be proactive rather than reactive with billboard companies in this circumstance, and an exchange of owned billboards to leased time on city-owned signs is the most effective method he could think of at achieving an adopted policy goal.

Lilly recapped the community council recommendations from the last meeting and noted the Mt. Olymp Community Council made a unanimous recommendation to deny the application. The motion was based on concerns about traffic safety.

Commissioner Reid asked if property owners that leased space to billboard companies could raise the property rental rate after the lease expires. Lilly did not know. Commissioner Reid asked how far away residential property was from the proposed digital signs. Lilly said over 300 feet from the duplex being built on Woodland Avenue and not close to any on Highland Drive. Commissioner Hulsberg wondered why the issue was initiated by the city. Lilly said staff saw and heard the value of advertising for events in the city and on Millcreek Common. He said the city pays for the electricity but Reagan Outdoor pays for the installation and maintenance of the digital district sign. The city does not receive revenue from the sign.

Commissioner Soule asked if Lilly had reviewed written public comments and wondered if this proposed code violated UDOT code. Lilly said 3300 S is a UDOT road, but it is not a highway, so the grade separated highway regulations do not apply.

Chair LaMar invited comments from the public.

Angel Vice, Carolyn Street, said billboards were a dying breed and digitizing signs gave billboard companies a lifeline. She disagreed with the assumption that the digital sign was a benefit to the city center. She noted VentureOut! did not make money for the city. She said a fifth option was to have a digital sign in Olympus Cove instead. She said people did not want digital signs in Millcreek, it was not the wanted aesthetic.

Marv Poulson, Carolyn Street, felt betrayed by the city council that the sign issue was being brought back from 2021. He felt the current graphics on the digital sign were bad.

Kathy Blake read her comment, see attached.

Jeff Young, YESCO, said it was the 104th birthday of YESCO Sign Company. He addressed his issues with Millcreek's on-premises sign code. He said glares from televisions through

windows were visible, so they were not practical as signs. He loved pole covers on signs. He appreciated the square footage allotments in the code. He addressed the 4,000 K light temperature and did not recommend the kelvin temperature for the code but advocated that 0.2 foot candles above ambient lighting was what hundreds of successful cities had adopted. He said nit guns were rarely used. He said electronics should be on pole signs. When they are on the ground, they can be affected by radiant heat from the ground, snow, vandalism, and sprinklers. In the off-premises sign code, he did not advocate for a 24 hour hold period. He described data on eye glances at billboards while driving as being safe since they were for less than 2 seconds, the threshold for unsafe distracted driving.

Lilly noted there were not any proposed changes to the off-premises sign code.

Nathan Young, YESCO, asked for the city to engage with the sign companies. He addressed his concerns with the off-premises sign code. The exchange ratios for static to digital signs created a monopoly. He said sign companies providing their lease agreements to the city with a demolition permit should not happen as they were proprietary information. The lighting pointed downward instead of upward on signs needed to be discussed, particularly with LED technology.

Chair LaMar read comments the commission received via email (see attached) from Jake Hathaway, Tom Stephens, Dr. Jen Schwartz, Gary Blake, Brent Crane, Max Duchaine with Scenic America, MJ Merkley, Chris Kaiser, Janine Terrill, Ryan Workman, Susan Bowlden, and Kate Kopischke with Scenic Utah.

Mitchell Vice, Carolyn Street, said he could attest to the inefficacy of billboard advertising. There were perils to billboards. The outdoor advertising industry was trying to stay relevant by digitizing signs. The city's motto, "Connected by Nature," was disregarded with digital signs. He proposed the static billboards remain as they have become invisible. There were multiple studies addressing distracted driving hazards.

Lilly reviewed the four options presented. Chair LaMar clarified that the city proposed options 1-3 as a way to reduce billboards in the city. John Brems recommended if the commission recommended an option that involved an exchange that the city put the exchange out to bid. Chair LaMar noted the off-premises sign code was not being reviewed. Nathan Young said YESCO was caught off guard with the proposed ordinance. He said he would draft some proposed language for Millcreek's use.

Commissioner Vance said safety, aesthetics, and value were what the issue was about. He did not like digital signs or the existing digital district sign. If there were to be another sign, he would want it redesigned. He wondered if the tradeoffs were worth it and did not think they were yet. He recommended two recommendations, one to the sign code and one to the digital district sign aspect.

Commissioner Soule agreed with Commissioner Vance. She felt some changes to the basic code could be made, particularly to those about technology. She did not have enough data about safety. She said if a new one digital sign was installed, she recommended it be on 1300 E since there were no residences and the commercial property across the street belonged to

Salt Lake City. She said there needed to be a mathematical formula for exchanges. She votes to keep mountain views. She could go with options 3 or 4.

Commissioner Hulsberg said when there is falling rain or snow, the signs erase the painted road lines. He would recommend option 4, but if the city was moving forward with an exchange, he wanted a clear distinction of what the exchange was for. He wanted an equitable approach in determining which signs should be removed.

Commissioner Reid preferred option 4. She did not see a pressing need for another digital sign right now. She said that promoting events on the current sign was making events more successful was an assumption, as it was not the only way they were publicized. She thought competition was good with the sign companies. She liked the current conservative lighting standards in code. She agreed with separating the two sections of the sign ordinance, regular billboards and district signs. She suggested if a district sign was needed, she felt there needed to be clearer, stronger language on what kind of an exchange ratio would make a good deal.

Commissioner Lofgren preferred the aesthetics of the digital district sign to those of static billboards. He was in favor of option 2, but that the exchange agreement would need to be aggressive. The digital signs were shorter and smaller and did a better job of protecting views than static billboards.

Commissioner Anderson wished the square footage of billboards along 3300 S could be removed for the 8 rotations of a digital sign. He would remove the 51 static billboards in the city for 5-6 digital ones. He noted the new building on the east side of Highland Drive would block the view of a sign on the west side of Highland Drive from the residences on the east side.

Commissioner Soule asked YESCO how many billboards they had in the city. Nathan Young said 5 structures with 9 faces. Commissioner Soule asked about digitalization of signs in their industry. Young noted that on and off-premises signs were very different. He said the landowners of property where the signs were would be affected by loss of income with the removal of the sign. He noted the current signs were productive. Jeff Young said YESCO did not have facial recognition technology on their billboards as mentioned in a public comment. He said some businesses saw value in advertising on billboards. He recognized that some people hated billboards. He said to let commercial zones be commercial zones and residential zones be residential zones. Commissioner Soule wondered about putting district signs in every district, not just the city center. This could help small Millcreek businesses.

Chair LaMar asked if pure white could be used for logos. Lilly read text from the proposed code, but the intent was the opposite. He would fix it. Chair LaMar said there was another option, option 5, of having a smaller digital district sign where Millcreek had 100% of the rotations. He said size can matter to a point based on road speeds. Commissioner Lofgren said the school signs on 3900 S brought a community feel to the area. Commissioner Anderson would be in favor of smaller Millcreek digital signs. Commissioner Hulsberg said option 5 had been achieved with the current digital district sign and adding an additional sign would not accomplish anything. Commissioner Lofgren said the exchange agreement would need to be substantial.

Commissioner Soule preferred option 4 for right now since there was not enough clarification with the other options. She recommended a 7:1 exchange rate. Commissioner Reid supported option 4. She said the exchange ratio was not robust enough. She pointed out the exchange rates in the Missouri cities were not comparable since the percentage of billboards in the cities were not similar. Commissioner Anderson asked about the existing digital district sign exchange. Lilly said it removed an existing static sign in the same location and the elimination of 924 square feet of vested billboard rights that had been previously removed and banked for future use. Commissioner Anderson said he would be in favor of option 3, but to get a better exchange than the original digital district sign. Commissioner Vance said the sign code could be recommended to the city council but now was not the time for additional digital district signs in the city center. Lilly proposed option 5 of no changes with a monument sign. Chair LaMar felt a robust exchange was needed if the council did one. Commissioner Soule recommended that if another digital sign was installed, to put it on 1300 E and not Highland Drive.

Commissioner Reid moved to recommend approval to the city council of the sign ordinance portion of ZT-23-016, which amends the existing sign code chapter 19.82, with the additions discussed: window signs should be limited to the ground story of a building; amend 18.68.140 (C) to clarify durations of temporary signs; and pure white materials should be allowed for logos and wording in a sign (excluding considerations to brightness and light temperature recommendations {per sign industry practices}). Commissioner Vance seconded and clarified that this is expressly excluding the digital district signs. Commissioner Anderson said best industry practices on brightness and light temperature made sense. Lilly said the brightness for standard signs was new language as an attempt to balance the rights of sign companies and the city's interest in dark sky compliance. Chair LaMar felt the industry could adapt to what the community wanted and not rely on the best industry practices. **Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Anderson voted no, Commissioner Hulsberg voted yes, Commissioner Lofgren voted no, Commissioner Soule voted yes, and Commissioner Vance voted yes. The motion passed.**

Commissioner Lofgren said Millcreek was not a dark sky community and industry standards made sense. Commissioner Anderson said the sign ordinance may still need modifications. Commissioner Soule noted this ordinance would create a lot of nonconforming signs. Lilly said existing signs could be maintained as long as they did not increase in size.

Commissioner Hulsberg recommended that the city council approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Table 18.16.113 in the draft ordinance should be amended to state that no additional digital district signs are allowed in the City Center Overlay Zone. Commissioner Reid seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Anderson voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted no, Commissioner Soule voted yes, and Commissioner Vance voted yes. The motion passed.

Commissioner Soule recommended that if there were to be signs, that the Commission be able to weigh in. Commissioner Reid felt the wording, "meaningful reduction" was not clear enough.

The Commission took a break from 7:52-8:07pm.

2. Commission Business

2.2 Open and Public Meetings Act Training; John Brems, City Attorney

John Brems administered the required annual training which included information about public body quorums, meeting noticing, open and closed meetings, minutes/recordings of meetings, case studies, and the planning commission's rules on ex parte communication. Commissioner Reid asked why Millcreek had strict rules for the commission. Brems said the planning commission recommended them after the city incorporated. Chair LaMar asked about commissioners providing supplemental information to the commission. Brems said that was okay. Commissioner Soule asked about correcting misinformation that was not related to the planning commission. Brems said that was fine. Commissioner Reid asked if the commission could ask questions of applicants outside of a meeting during a site visit. Brems said that was a violation of the commission's rules. Chair LaMar said if ex parte communication happened, the information should be shared with the rest of the commission. Lilly recommended revisiting some of the commission's rules. Commissioner Hulsberg recommended not meeting with applicants outside of the commission meetings.

2.3 Approval of January 17, 2024 Regular Meeting Minutes

Chair LaMar moved to approve the January 17th meeting minutes as presented by staff. Commissioner Lofgren seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

2.4 Updates from the Planning and Zoning Director

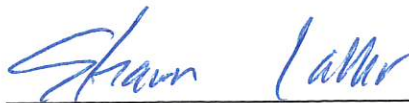
Lilly thanked the commission for their work.

3. Calendar of Upcoming Meetings

- Mt. Olympus Community Council Mtg., 4/1/24, 6:00 p.m.
- Millcreek Community Council Mtg., 4/2/24, 6:30 p.m.
- Canyon Rim Citizens Association Mtg, 4/3/24, 6:30 p.m.
- East Mill Creek Community Council Mtg., 4/4/24, 7:00 p.m.
- City Council Mtg. 4/8/24 7:00 p.m.
- Historic Preservation Commission Mtg., 4/11/24, 6:00 p.m.
- Planning Commission Mtg., 4/17/24, 5:00 p.m.

ADJOURNED: Chair LaMar moved to adjourn the meeting at 8:33 p.m. Commissioner Soule seconded. Chair LaMar called for the vote. Chair LaMar voted yes, Commissioner Reid voted yes, Commissioner Hulsberg voted yes, Commissioner Lofgren voted yes, and Commissioner Soule voted yes. The motion passed unanimously.

APPROVED:



Date

4/17/24

Shawn LaMar, Chair

Attest:



Elyse Sullivan, Recorder

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 2: Additional billboards proposal
Date: Friday, March 22, 2024 12:14:14 PM

From: ryan-ashley workman <[REDACTED]>
Sent: Wednesday, March 20, 2024 12:58 PM
To: Shawn LaMar <slamar@millcreekut.gov>
Subject: [Ext] Additional billboards proposal

To the Millcreek planning Commission:

As a resident of Millcreek for over 20 years, I oppose the addition of more digital billboards. That's one of the things that I love about the area of Millcreek – it's quiet and there's less obnoxious advertising. If there is a vote to be taken I vote against additional billboards. Please take this into account for the record. Sincerely, Ryan Workman [REDACTED]
[REDACTED].

Get [Outlook for iOS](#)

Get [Outlook for iOS](#)

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 3: [Ext] Electronic Billboards
Date: Friday, March 22, 2024 12:14:30 PM

From: Clinical Team <thirdeyefamilysolutions@gmail.com>
Sent: Wednesday, March 20, 2024 12:35 PM
To: Shawn LaMar <slamar@millcreekut.gov>
Subject: Fwd: [Ext] Electronic Billboards

I am a 30+ year resident of the Salt Lake Valley and like many of you I have lived in various parts of the valley throughout those years. On a typical week I spend time in South Salt Lake, Murray, Millcreek, Murray, Riverton and West Jordan as I go about accessing doctor's appointments, my home, my office, shopping, and more. In fact, I drive through Millcreek to get from home to work each day.

I am strongly opposed to the addition of electronic billboards in Millcreek that is being discussed tonight. Studies have shown that electronic billboards are more distracting to drivers (I've listed one such study below and tagged the source), and Millcreek is already experiencing increased traffic and the hazards that come with it. While there may be a financial benefit to the city, the potential cost of injury to people and property cannot be overlooked.

I hope that the council will reconsider the idea of adding more digital billboards. Maintaining the safety of residents should be the priority.

Thank you,
Dr. Jen Schwartz, PhD, CFLE

--

Third Eye Family Solutions
151 E 5600 South Suite 210
Murray, UT 84107
(385)347-0805

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 4: [Ext] Electronic billboards
Date: Friday, March 22, 2024 12:14:46 PM

From: Janine Terrill [REDACTED]
Sent: Wednesday, March 20, 2024 12:13 PM
To: Shawn LaMar <slamar@millcreekut.gov>
Subject: [Ext] Electronic billboards

I ran opposed to these in 2021. I know they installed one and are now trying to install more and I am just trying to keep it to the one. I feel like these are a real nuisance these electronic billboards.

Billboard jail.

I'm not sure I can make it to the city council meeting, but I would very much like to be included in the narrative. I have a daughter that's on the spectrum and these kind of billboards make her seizure.

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 5: [Ext] Say no to digital billboards
Date: Friday, March 22, 2024 12:15:05 PM

From: kaiser chris <[REDACTED]>
Sent: Wednesday, March 20, 2024 7:11 AM
To: Shawn LaMar <slamar@millcreekut.gov>
Subject: [Ext] Say no to digital billboards

As a Millcreek resident and taxpayer I am frustrated the planning commission is yet again trying to put more digital billboards in the city center. Don't sell our city center to the sign companies. On my daily commute when I stop at the red light at 33rd and see that billboard it disappoints me in my elected officials every time. Especially when there is a huge picture of the Mayor's face - what a conflict of interest.

Chris Kaiser

[REDACTED] Millcreek, UT 84106

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 7: [Ext] Proposed Digital Billboards
Date: Friday, March 22, 2024 12:16:11 PM

From: Brent Crane [REDACTED] >

Sent: Saturday, March 16, 2024 5:08 PM

To: Silvia Catten <scatten@millcreek.us>; Thom Desirant <tdesirant@millcreek.us>; Cheri Jackson <cjackson@millcreek.us>; Bev Uipi <buipi@millcreek.us>; Jeff Silvestrini <jsilvestrini@millcreek.us>

Cc: Shawn LaMar <slamar@millcreekut.gov>; v Reid <v Reid@millcreekut.gov>; Steven Anderson <sanderson@millcreekut.gov>; David Hulsberg <dhulsberg@millcreekut.gov>; Christian Larsen <clarsen@millcreekut.gov>; Nils Per Lofgren <nlofgren@millcreekut.gov>; Diane Soule <dsoule@millcreekut.gov>; Dwayne Vance <dvance@millcreekut.gov>; iwright@millcreekut.gov

Subject: [Ext] Proposed Digital Billboards

Dear Millcreek Council Person,

I am writing to urge you *not* to approve the proposed additional digital billboards at the Millcreek City Center.

I am not a fan of any billboards along our roads and byways. They are such a blight to one's senses being constantly barraged by advertising that I do not want to see. The boards that hawk beauty makeovers and erectile dysfunction are especially offensive. One of the reasons I love traveling, especially to other countries, is their lack of billboards and other advertisements that are unwanted by the population. I see the landscape and enjoy the people and sights and the natural beauty of the area. This is particularly true for the Salt Lake Valley and suburbs nestled beneath the grandeur of the Wasatch Front. I realize that this ship has long ago sailed, and I must learn to live with the visual and cultural damage.

However, I believe it is not too late to stop spoiling the beautiful City of Millcreek. When I saw the current digital sign at the City Center my first thought was that of *Las Vegas, Downtown Los Angeles or Times Square, New York*, with their garish digital signs and light shows. Please, may the Council be better than that. Let us turn Millcreek City into a kinder and gentler city such as Boulder, CO, Stowe, Vermont, Carmel, CA. Please strive to be a City that values peace and tranquility over blatant lightshow advertising. At the very least, please press the pause button for a couple years and then evaluate the need and effects of digital signs. Once they are up, they will NEVER come down and more will be added.

I also understand that Digital Signs are a driver safety issue, but I will leave this issue to others more knowledgeable.

Thank you for your consideration.

Brent Crane
[REDACTED]

From: [Shawn LaMar](#)
To: [Elyse Sullivan](#)
Subject: FW 8: [Ext] Please listen to citizens of Millcreek!
Date: Friday, March 22, 2024 12:16:41 PM

From: M M <[REDACTED]>
Sent: Thursday, March 14, 2024 4:35 PM
Subject: [Ext] Please listen to citizens of Millcreek!

Hello,

I hope this email finds you well. I am writing to urgently bring to your attention a critical matter concerning the safety of our community in Millcreek. It has come to my attention that there is a proposal or ongoing consideration for digital billboards within our city limits. As a concerned resident, I implore you to seriously reconsider this decision due to the significant safety hazards these billboards pose.

Digital billboards, while visually intrusive and unsightly, present a far more pressing concern in terms of public safety. Their bright, flashing lights and constantly changing messages serve as an unnecessary distraction to drivers, potentially leading to accidents and endangering lives on our roads. Studies have consistently shown that such distractions contribute to driver fatigue, decreased reaction times, and an increased likelihood of accidents.

Millcreek prides itself on being a safe and welcoming community for all residents and visitors. Introducing more digital billboards contradicts this commitment and puts our citizens at unnecessary risk. Moreover, these billboards detract from the aesthetic appeal of our neighborhoods and commercial areas, diminishing the overall quality of life for those who call Millcreek home.

As our elected representative on the planning commission, I urge you to take swift and decisive action to prevent the installation or expansion of digital billboards in our city. It is imperative that we prioritize the safety and well-being of our community above all else. I implore you to consider the long-term ramifications of allowing such structures to proliferate in Millcreek and to act in the best interests of those you serve.

Please do not hesitate to reach out to me if you require any further information or if there are additional steps I can take to support this urgent matter. The safety of our community depends on our collective action and responsibility.

Thank you for your prompt attention to this pressing issue.

Sincerely,
MJ Merkley

Elyse Sullivan

From: Shawn LaMar
Sent: Friday, March 22, 2024 12:14 PM
To: Elyse Sullivan
Subject: FW 1: [Ext] Billboards

-----Original Message-----

From: Susan B [REDACTED] >
Sent: Wednesday, March 20, 2024 4:00 PM
To: Shawn LaMar <slamar@millcreekut.gov>
Subject: [Ext] Billboards

Hello! My name is Susan Bowlden.

I live in your neighboring city of South Salt Lake. I'm writing to ask you to please vote no on those horribly distracting signs. I do a lot of my shopping near your city center as we have few retail spaces in my area. I am frequently at Harmons, La Frontera, and the Brickyard shops.

But I reroute or go to other places when those large, too bright, ever changing and therefore ever distracting signs are there blocking my view of the mountains and distracting me. If you allow those signs, I will shop elsewhere.

Thank you.

Susan Bowlden
[REDACTED]

Sent from my iPhone

Why isn't the one sign we already have enough? In the staff report submitted for this meeting, in the section titled "Options for an Exchange Agreement for Digital District Signs in Millcreek" is this opening phrase: "After hearing from city staff and community partners about the effectiveness of city messaging on the Millcreek Common digital district sign". I want to repeat that – "the effectiveness of....the Millcreek Common digital district sign" as in singular, as in one billboard. Staff and others are saying the one digital billboard already installed managed to draw in enough people to make all the Millcreek Common events over the last two years super-successful. One is clearly enough. We don't need two more digital billboards when just one can do the job.

Signage saturation. In the current sign code (19.82.185, "Off-Premises Signs; Billboards"), section H describes a minimum 500 lineal feet separation requirement for billboards on the same side of the street. The Tres Hombres billboard is only 314 feet away from, and on the same side of the street as, the location for the proposed billboard on Highland Dr. That violates the separation requirement. That spot is also only 69 feet from a self storage ground sign directly across the street, which violates the minimum 100 foot separation requirement between a billboard and a ground sign as described in section I. So why can this proposal go forward without conforming to those requirements? It's because they're calling it a "digital district sign" rather than billboard, so – poof! - the separation requirement doesn't apply. My guess is we have these separation requirements because we don't want to saturate an area with too much billboard signage. Three digital billboards all on a single city block is ridiculous and exactly the density the billboard code is designed to prevent except when we weirdly pretend the separation doesn't apply because we're not calling it a billboard. Calling them district signs rather than billboards is a distinction without a functional difference.

What will you be doing in 40 years? Some people are claiming that the billboard exchange with Regan is a good deal because the digital billboards will be temporary. As in, they would tolerate the visual blight because the digital billboards would come down after 40 years. That is misleading and not based in fact. First, 40 years is not temporary – it's the rest of my life. If you have a 5 year old kid or grandkid they'll be 45 when the lease ends and will have their own college-age kids. Four decades is not temporary. Second, I have never, ever heard staff or the city council make a serious statement or commitment that the digital billboards would be entirely removed – both the board and the framework - at the end of the lease. Any consideration of this proposal should presume these digital billboards will be a permanently installed visual blight.

What would Kathy do? Obviously I don't want any more digital billboards. But if I were forced to make a decision right now and you were nailing my foot to the floor, I would pick option #3 – one digital billboard on 1300 E opposite Harmon's and expand the exchange options to include non-conforming billboards that are not next to the city center. And I'd be very aggressive about getting a better exchange ratio whether that is square footage or entire billboard faces and make certain the updated language is VERY clear – no more digital billboards in or near the city center – so we don't have to go through this again.



March 19, 2024

Millcreek Planning Commission
1330 E Chambers Avenue
Millcreek, UT 84106

To the Millcreek Planning Commission:

I am writing to you as the president of Scenic America, the nation's only 501(c)(3) nonprofit organization dedicated solely to the promotion, preservation, and protection of America's scenic beauty. In our over forty years of operation, we have been on the forefront of advocacy and education for many issues that directly affect the beauty and character of our communities. We have built a reputation as an organization that can quickly and effectively organize and activate a motivated group of supporters for or against issues of importance.

One of these key issues—an issue that we have taken all the way to the Supreme Court—is the matter of outdoor advertising. Billboards, both digital and static, as well as these “smart cities” and “wayfinding kiosks” that are proliferating under the guise of innovation and ad revenue, are a blight on our communities and introduce threats to the safety of ourselves and our surroundings.

We understand that the town of Millcreek is currently considering a proposal that will bring added visual pollution in the form of digital billboards—three within a single city block—to the community. We have read through the details of the proposal, including the history that is setting the stage for this potential project (more on that later). We would like to offer the Millcreek Planning Commission the following scientific facts and evidence about outdoor advertising:

- **Driver and Pedestrian Safety:** Numerous geospatial and neuroscience scientific studies have shown that billboards, especially digital billboards, create distractions for drivers and lead to traffic accidents. For example, a 2020 review of 27 independent studies found that outdoor advertising signs are designed specifically to grab drivers' attention and divert it away from the roadway, contributing to distraction from both the road and pedestrians ahead. This was especially evident in inclement weather, difficult road patterns and intersections, at higher speeds, abrupt traffic changes, and when the signs were more

visually dramatic. Roads and communities without these distractions are much safer and more secure for all residents and visitors.¹

- **Environmental Degradation:** Billboards require a large consumption of materials as well as the removal of trees and vegetation.² Additionally, digital signs leave a large carbon footprint with their electronic requirements. Studies indicate that an illuminated billboard can consume over 7,000 kilowatt-hours annually and a single LED billboard can consume nearly 163,000 kilowatt-hours annually. For comparison, the average annual consumption of a home in the United States is over 11,000 kilowatt-hours. Additionally, LED signs and billboards contribute to high levels of light pollution with health impacts to humans such as circadian rhythm disruption as well as interference of nocturnal animal migration, movement, and foraging.³ Fewer billboards leads to a reduction in resource consumption, waste production, and the energy required for maintenance, contributing to environmental sustainability.
- **Socioeconomic Implications:** Billboards and other forms of outdoor advertising are economic burdens for cities and communities. They contribute to regulatory and maintenance costs, decreased property values, and the loss of tourism revenue. It is a common misconception that billboards are economically advantageous to cities, as off-premises advertising primarily benefits large companies, with minimal direct economic contributions to local businesses.⁴ Additionally, billboards that increase visual blight have been shown to reduce adjacent property values, especially in areas with historically marginalized people.⁵ Cities may also incur costs associated with regulating the placement and maintenance of billboards, including the enforcement of zoning laws and sign ordinances.⁶ Conversely, tourism has been shown to increase in cities and states that have banned billboards, as community beautification increases commercial desirability.⁷
- **Aesthetics and Community Character:** One of the most apparent impacts that billboards have on communities is the immediate decline of visual appeal. Billboards, often large and imposing, can dominate the landscape and distract from the natural beauty of the surroundings. The elimination of billboards creates a cleaner visual environment, making it

¹ Wachtel, "Compendium of a Decade's Worth of Research Studies on Distraction from Digital Billboards," October 16, 2020.

² Floyd, "Trees, Billboards, and the Right to be Seen from the Road."

³ Pidd, "Manchester Electronic Ad Boards Each Use Electricity of Three Households."

⁴ OAAA, "Top OOH Product Categories and Advertisers - OAAA."

⁵ Snyder, "Beyond Aesthetics: How Billboards Affect Economic Prosperity," December, 2011.

⁶ Scenic America, "Just Compensation," April 13, 2023.

⁷ Scenic America, "Case Study: Vermont's Billboard Ban," April 13, 2023.

easier for residents and visitors to appreciate the city's architectural, cultural, and natural assets without the distraction of numerous advertising signs.⁸

We, nor the research, cannot be more clear: adding billboards benefits only the outdoor advertising companies that own them, and does more harm than good for the communities that allow them. The town of Millcreek would be doing itself a great disservice by allowing Reagan Outdoors to put up additional billboards.

Furthermore, Scenic America is strongly concerned about the ways in which town leadership allowed for the installation of billboards in the first place. The rewriting of the sign code to remove "off-premise" signs and allow for "district signs," (thereby ignoring the precedent set forth by *Austin vs. Reagan*) and the concerning relationship between the mayor and his wife to Reagan Outdoors, do not reflect well upon town leadership. These are tactics that raise red flags and are more likely to be seen in communities where corruption is rampant, and certainly not to be expected in a state as well-regarded as Utah.

It is for these reasons that we implore the Planning Commission to carefully consider the implications that added outdoor advertising will have on your beautiful community. The negative effects we have outlined within this letter—both implied and optical—far, far outweigh any positive outcomes of more billboards. Please do not allow this program to go forward.

If you have any questions or would like any additional information, please do not hesitate to reach out to me directly at mark.falzone@scenic.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Falzone".

Mark Falzone
President, Scenic America

⁸ McMahon, "Billboards: The Case for Control," June 20, 2023.