

MILLCREEK PLANNING COMMISSION OPEN AND PUBLIC MEETINGS TRAINING

- Utah law requires that the presiding officer of the public body (*i.e., Chair*) ensure that members of the public body are provided with annual training regarding the Open and Public Meetings Act (“Act”)

GENERAL RULE

- **The Act provides that all meetings are open to the public unless closed under a specific closed meeting provision**

- **Meeting is defined as convening of a public body, with a quorum (four) present...for the purpose of discussing or acting upon a matter over which the public body has jurisdiction**
 - **Meeting does not include a chance or a social meeting**
-

SPECIAL RULE FOR PLANNING COMMISSION ADOPTED BY ORDINANCE (NOT STATE STATUTE)

- No member of the Commission shall have any ex parte discussion regarding any administrative or re-zone land use application before the Commission.
- Ex parte communication means any communication, including but not limited to electronic or social media communication, with interested parties of an administrative or re-zone land use application coming before the Commission prior to the Commission reaching a final decision.

- UTAH CODE ANN. § 52-4-210 provides “Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.”

-

- **A public body must give at least 24 hours advance notice of each meeting unless the meeting is to consider a matter of emergency or urgent mature**
 - **Public body must give notice of its annual meeting schedule**
 - **Notice requires a meeting agenda, date, time, and place of the meeting**
-

- Notice should be specific enough to notify the public as to the topic to be considered
- The Council chair may in his/her discretion discuss a topic raised by the **public** that is not on the agenda provided that the Council may not take final action on the topic unless it is properly noticed

- **Written minutes and a recording must be kept of all open meetings**
- **Written minutes are the official record of action taken at the meeting**

- **Closed meeting may be held for only specific purposes including the following:**
 - **Discussion of the character, professional competence, or physical or mental health of an individual**
 - **Discussion of pending or reasonable imminent litigation**
-

- **Discussion regarding the purchase, exchange, or lease of real property**
- **Discussion regarding the sale of real property**
- **When the Commission is acting in a judicial or quasi-judicial matter (not statutory)**

- **Minutes and recording of closed meeting are protected records under GRAMA**
- **Recording does not need to be made if the closed meeting is closed exclusively for the discussion of the character, profession competence, or physical or mental health of an individual. Note the presiding officer must sign a sworn statement affirming that the sole purpose of the closed meeting was to discuss such matter**

CASE STUDY # 1

THE MEETING AT SMITHS

Four planning commissioners have been properly taught to shop local and run into each other at the local Smith's store, and one of the commissioners starts discussing a request for a conditional use.

CASE STUDY #1

THE MEETING AT SMITHS

- **MAY:**
 - Recommend that this is not an appropriate forum to discuss this matter and change the subject
 - Continue shopping (walk away)
 - **MAY NOT:**
 - Discuss the matter and indicate how you will vote
-

CASE STUDY #2

THE OVERBEARING CONSTITUTE

- **While attending your local worship service you are approached by a constitute who want to discuss your position and vote on the proposed new day care in his neighborhood (conditional use on commission agenda)**

CASE STUDY #2

THE OVERBEARING CONSTITUTE

- Open Meeting Act
 - Discuss the matter as you deem appropriate
- PC Rules
 - **Recommend that this is not an appropriate forum to discuss this matter and change the subject**
 - **Continue worship (walk away)**

CASE STUDY #3

FACEBOOK DILEMMA

- While perusing Facebook you encounter a post about a daycare that has a pending conditional use application. The post contains some obvious misinformation that you consider outrageous and an intentional misrepresentations.

CASE STUDY #3

FACEBOOK DILEMMA

- Open Meeting Act
 - Engage as you deem appropriate
- PC Rules
 - **Close the post**

CASE STUDY #4

INSPECTING PROPERTY

- You are a diligent member of the Commission and you visit a property that has a pending conditional use application before the Commission.

CASE STUDY #4

INSPECTING PROPERTY

- Open Meeting Act
 - No violation
- PC Rules
 - **No violation**
- **Best Practice**
 - **Explain what you observed to the Planning Commission at the open meeting**

CASE STUDY #4.5

INSPECTING PROPERTY

- While inspection the property that has a pending conditional use application the owner approaches and want to discuss the condition use application.

CASE STUDY #4.5

INSPECTING PROPERTY

- Open Meeting Act
 - No violation
- PC Rules
 - **Violation**
- **Best Practice**
 - **Recommend that this is not an appropriate forum to discuss this matter and walk away**

CASE STUDY #4.5

INSPECTING PROPERTY

- What are your obligations:
- Disclose/disclose in the Commission meeting the ex parte communication
- Depending on what you heard consider recusing yourself

CASE STUDY #5

DISCUSSION WITH MEMBERS OF PC

- You are approached by a fellow member of the PC regarding a pending conditional use application

CASE STUDY #5

DISCUSSION WITH MEMBERS OF PC

- Open Meeting Act
 - No violation unless a quorum is present
- PC Rules
 - **No Violation**
- **Best Practice**

CASE STUDY #6

DISCUSSIONS WITH STAFF

- You are confused by a staff report and you call staff for clarification.

CASE STUDY #6

DISCUSSIONS WITH STAFF

- Open Meeting Act
 - No violation unless a quorum is present
- PC Rules
 - **No Violation**
- **Best Practice**
 - **Discuss the clarifications with the PC at the PC meeting**

QUESTIONS CONCERNING THE OPEN AND PUBLIC MEETINGS ACT

ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 1. Compliance Threshold – any increase in square footage requires compliance.
 2. Window Signs – an interior sign within 3 feet of a window counts as a window sign.
 3. Pole Covers – design standards required.



ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:

4. Wall signs – maximum area established:

- ▶ 200 sf residential Zones
- ▶ 300 sf C-1 Zones
- ▶ 600 sf in C, M, MD, MD3, and IF Zones



ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 - 5. Adjusted light temperature maximum.
 - 6. EMCs prohibited on pole signs in C zones.

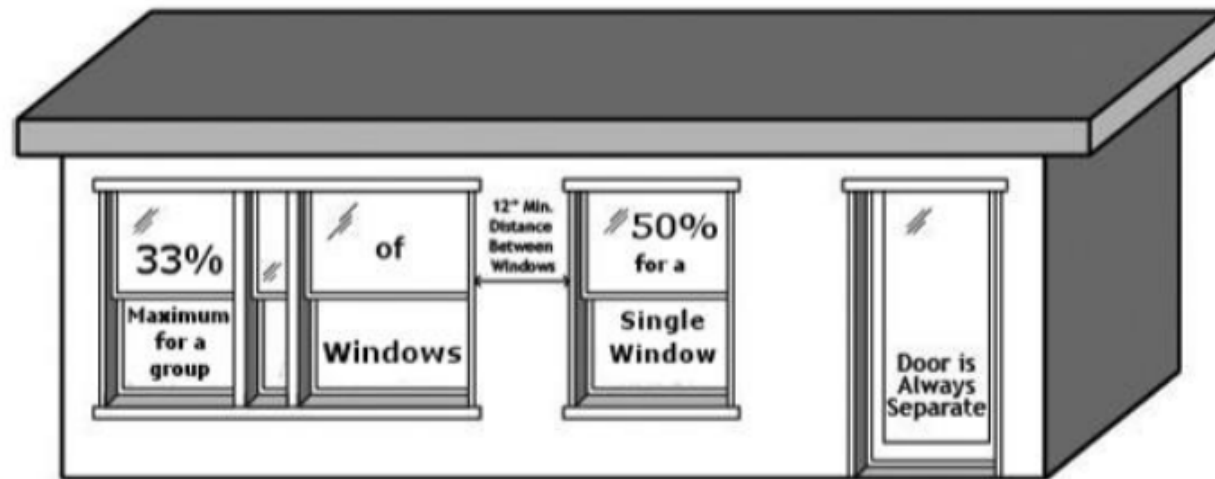


ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 - 7. Clarified and proposed standards for window signs.

ZT-23-011 – Adoption of a New Sign Ordinance

- B. Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows 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.



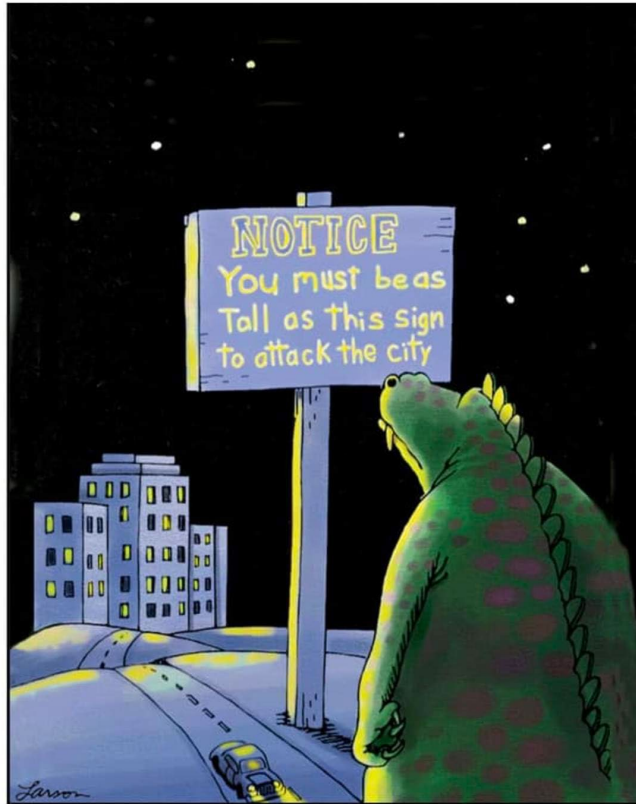
- C. Any interior sign placed within three feet of a window is considered a window sign.

ZT-23-011 – Adoption of a New Sign Ordinance

- Proposed changes to the sign code since the 28 February Meeting:
 8. Added to the Mobile Sign definition to address signs on vehicles.



A Digital District Sign and A Billboard Exchange Agreement



Billboard Exchanges in Lee's Summit and Kansas City

- ▶ Lee's Summit:
 - ▶ Conversion allowed on a 2 face : 1 face basis. Digital signs could be 10% larger than the face(s) replaced.
 - ▶ Digital billboards placed along certain highways.
 - ▶ Exchange limited to nonconforming signs.
 - ▶ Reduced billboards from 12 to 6.

Billboard Exchanges in Lee's Summit and Kansas City

- ▶ Kansas City:
 - ▶ Conversion rate depends on sign size. Bigger signs have a lower conversion ratio.
 - ▶ Exchange limited to nonconforming signs.
 - ▶ Digital billboards placed along certain highways.

Sign Type	Sign Area	Conversion Ratio
Junior Poster (6' x 12')	72 sf	7 sf : 1 sf
Poster (10'6" x 22'9")	239 sf	7 sf : 1 sf
Bulletin Board (14' x 48')	672 sf	3 sf : 1 sf

Billboard Exchanges in Kansas City and Lee's Summit

- ▶ Exchange ratios determined through a negotiated process.
- ▶ Billboard companies were not compelled toward an exchange.
- ▶ Kansas City and Lee's Summit did not select the billboards eligible for exchange. Instead, they created categories of signs eligible for exchange.

Differences between Missouri and Millcreek

- ▶ 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 DDS 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 for a Missouri-style conversion scheme unworkable, unless we were to get the billboard companies to voluntarily agree to an exchange agreement.

Assessing the Value of a Billboard in an Exchange Agreement

- ▶ Condemnation limited to areas where we are planning a public improvement, or where we deny a billboard company's permit to relocate an existing billboard pursuant to state code. Thus, our opportunities to remove billboards this way are limited.
- ▶ Condemnation 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 signs, we can rely on visual impact (height and sign area) and nonconforming status of billboards to prioritize their removal first.

Role of the Planning Commission and City Council

- ▶ 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.
 - ▶ Suggestions on limiting the nature of the agreement to nonconforming billboards or billboards in a particular area.

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 1: Allow for up to two additional district signs, subject to an exchange agreement that removes billboards in the Millcreek City Center.

- Model motion: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement would emphasize removal of billboards in or near Millcreek's city center to maximize the removal of development impediments and improve viewsheds in and near 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 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.

- ▶ Model Motion 2: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150 of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

Option 3: Allow for One Additional Digital District Sign on 1300 East and Chambers Avenue.

- Model Motion 3.1: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of one additional digital district sign in the City Center Overlay Zone, at Chambers Avenue and 1300 East, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of billboards in or near Millcreek's city center to maximize the removal of development impediments and improve viewsheds in and near the City Center.

Option 3: Allow for One Additional Digital District Sign on 1300 East and Chambers Avenue.

- Model Motion 3.2: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of one additional digital district sign in the City Center Overlay Zone, at Chambers Avenue and 1300 East, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150 of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

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.

Option 4: No Changes

- Model Motion: Recommend 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 only one digital district sign is allowed in the City Center Overlay Zone.

Is the Trade-off Worth it?

- ▶ 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 DDS should apply to these additional signs.
- ▶ Aesthetically, I believe 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.
- ▶ I cannot identify a correlation between the presence of a digital billboard and an increase in accidents.
 - ▶ 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S / Highland Dr intersection, and the run of road between. No fatalities.

Is the Trade-off Worth it?

- ▶ My professional recommendation cannot speak to political or financial considerations.
- ▶ The City should pursue as advantageous an agreement as possible. More square footage in the exchange would be better!
- ▶ 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, my 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 I can think of at achieving an adopted policy goal.**

Community Council Recommendations for Digital District Signage

- ▶ **Millcreek Community Council:** 9 in favor, 2 against, 1 abstain to approve the city's plan to add digital district signs while removing traditional billboards. Preference for a more advantageous ratio.
- ▶ **Canyon Rim Citizens Association:** 2 in favor, 2 abstain, 1 against to 'encourage the City of Millcreek to pursue the digital signs'. Preference for a more advantageous ratio.
- ▶ **East Mill Creek Community Council:** 5 in favor, 3 against to the adoption of the sign ordinance, including a provision for digital signs subject to an exchange agreement.
- ▶ **Mount Olympus Community Council:** Motion to deny, unanimous among members in attendance. Motion based on concerns about traffic safety and aesthetics of digital signs.

ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 1. Compliance Threshold – any increase in square footage requires compliance.
 2. Window Signs – an interior sign within 3 feet of a window counts as a window sign.
 3. Pole Covers – design standards required.



ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:

4. Wall signs – maximum area established:

- ▶ 200 sf residential Zones
- ▶ 300 sf C-1 Zones
- ▶ 600 sf in C, M, MD, MD3, and IF Zones



ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 - 5. Adjusted light temperature maximum.
 - 6. EMCs prohibited on pole signs in C zones.

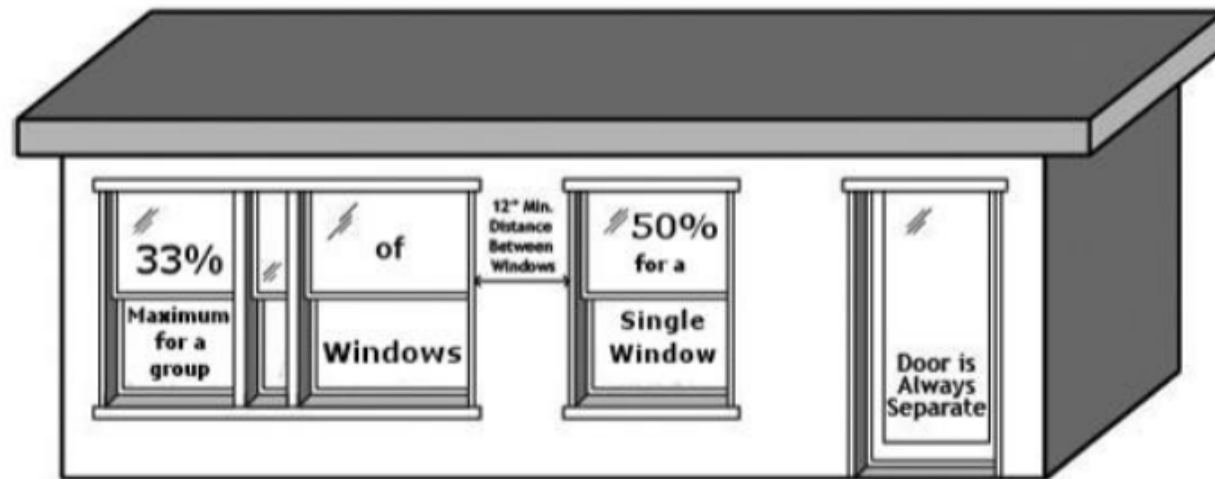


ZT-23-011 – Adoption of a New Sign Ordinance

- ▶ Proposed changes to the sign code since the 28 February Meeting:
 - 7. Clarified and proposed standards for window signs.

ZT-23-011 – Adoption of a New Sign Ordinance

- B. Window signs shall not cover more than 50 percent of any single window, nor more than 33 percent of the entire surface area of a group of windows 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.



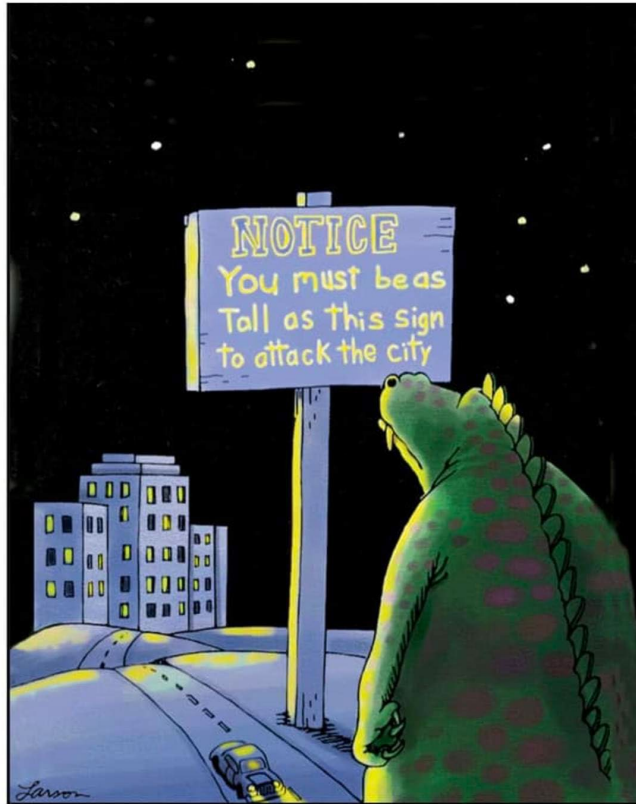
- C. Any interior sign placed within three feet of a window is considered a window sign.

ZT-23-011 – Adoption of a New Sign Ordinance

- Proposed changes to the sign code since the 28 February Meeting:
 8. Added to the Mobile Sign definition to address signs on vehicles.



A Digital District Sign and A Billboard Exchange Agreement



Billboard Exchanges in Lee's Summit and Kansas City

- ▶ Lee's Summit:

- ▶ Conversion allowed on a 2 face : 1 face basis. Digital signs could be 10% larger than the face(s) replaced.
- ▶ Digital billboards placed along certain highways.
- ▶ Exchange limited to nonconforming signs.
- ▶ Reduced billboards from 12 to 6.

Billboard Exchanges in Lee's Summit and Kansas City

- ▶ Kansas City:
 - ▶ Conversion rate depends on sign size. Bigger signs have a lower conversion ratio.
 - ▶ Exchange limited to nonconforming signs.
 - ▶ Digital billboards placed along certain highways.

Sign Type	Sign Area	Conversion Ratio
Junior Poster (6' x 12')	72 sf	7 sf : 1 sf
Poster (10'6" x 22'9")	239 sf	7 sf : 1 sf
Bulletin Board (14' x 48')	672 sf	3 sf : 1 sf

Billboard Exchanges in Kansas City and Lee's Summit

- ▶ Exchange ratios determined through a negotiated process.
- ▶ Billboard companies were not compelled toward an exchange.
- ▶ Kansas City and Lee's Summit did not select the billboards eligible for exchange. Instead, they created categories of signs eligible for exchange.

Differences between Missouri and Millcreek

- ▶ 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 DDS 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 for a Missouri-style conversion scheme unworkable, unless we were to get the billboard companies to voluntarily agree to an exchange agreement.

Assessing the Value of a Billboard in an Exchange Agreement

- ▶ Condemnation limited to areas where we are planning a public improvement, or where we deny a billboard company's permit to relocate an existing billboard pursuant to state code. Thus, our opportunities to remove billboards this way are limited.
- ▶ Condemnation 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, we can rely on visual impact (height and sign area) and nonconforming status of billboards to prioritize their removal first.

Role of the Planning Commission and City Council

- ▶ 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.
 - ▶ Suggestions on limiting the nature of the agreement to nonconforming billboards or billboards in a particular area.

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 1: Allow for up to two additional district signs, subject to an exchange agreement that removes billboards in the Millcreek City Center.

- ▶ Model motion: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement would emphasize removal of billboards in or near Millcreek's city center to maximize the removal of development impediments and improve viewsheds in and near 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 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.

- Model Motion 2: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of up to two additional digital district signs in the City Center Overlay Zone, at Chambers Avenue and 1300 East and Chambers Avenue and Highland Drive, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150 of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

Option 3: Allow for One Additional Digital District Sign on 1300 East and Chambers Avenue.

- Model Motion 3.1: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of one additional digital district sign in the City Center Overlay Zone, at Chambers Avenue and 1300 East, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of billboards in or near Millcreek's city center to maximize the removal of development impediments and improve viewsheds in and near the City Center.

Option 3: Allow for One Additional Digital District Sign on 1300 East and Chambers Avenue.

- Model Motion 3.2: Recommend that the City Council Approve ZT-24-016, with the following modification with respect to digital district signs in the City Center: Approval of one additional digital district sign in the City Center Overlay Zone, at Chambers Avenue and 1300 East, provided that the City Council consider an exchange agreement that provides a meaningful reduction in the number and square footage of billboards in Millcreek, in keeping with General Plan Strategy 3.9 to reduce the number, size, and height of billboards along all City streets. A preferred exchange agreement should emphasize removal of nonconforming billboards, particularly billboards that are taller than 32 feet in height, or are larger than 300 sf in area, or are located within 150 of a residential zone, or are a two-decked billboard. In addition, the City Council should emphasize billboards located within 500 feet of a municipal boundary in an exchange agreement.

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.

Option 4: No Changes

- Model Motion: Recommend 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.

Option 5: No Changes + Monument Sign

- Model Motion: Recommend 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, and that a new category be added called “District Monument Sign” subject to the following standards: height is limited to 12 feet, and the area of an electronic message center be limited to 100 sf in area.

Is the Trade-off Worth it?

- ▶ 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 DDS should apply to these additional signs.
- ▶ Aesthetically, I believe 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.
- ▶ I cannot identify a correlation between the presence of a digital billboard and an increase in accidents.
 - ▶ 31 traffic accidents in 2023 at the 3300 S/1300 E intersection, 3300 S / Highland Dr intersection, and the run of road between. No fatalities.

Is the Trade-off Worth it?

- ▶ My professional recommendation cannot speak to political or financial considerations.
- ▶ The City should pursue as advantageous an agreement as possible. More square footage in the exchange would be better!
- ▶ 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, my 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 I can think of at achieving an adopted policy goal.**

Community Council Recommendations for Digital District Signage

- ▶ **Millcreek Community Council:** 9 in favor, 2 against, 1 abstain to approve the city's plan to add digital district signs while removing traditional billboards. Preference for a more advantageous ratio.
- ▶ **Canyon Rim Citizens Association:** 2 in favor, 2 abstain, 1 against to 'encourage the City of Millcreek to pursue the digital signs'. Preference for a more advantageous ratio.
- ▶ **East Mill Creek Community Council:** 5 in favor, 3 against to the adoption of the sign ordinance, including a provision for digital signs subject to an exchange agreement.
- ▶ **Mount Olympus Community Council:** Motion to deny, unanimous among members in attendance. Motion based on concerns about traffic safety and aesthetics of digital signs.

Notes

- ▶ MOTION to recommend that the City Council approve the sign ordinance revision ZT-23-016 as presented by staff, not including the provision regarding digital district signs, and with the following recommended changes:
- ▶ Window signs should be limited to the ground story of a building.
- ▶ Amend 18.68.140 (C) to clarify durations of temporary signs.
- ▶ Pure white materials should be allowed for logos and wording in a sign.