

An aerial photograph of a residential neighborhood built on a hillside. The houses are mostly two-story structures with various roof colors. The surrounding landscape is a mix of green trees and dry, yellowish-brown grass. In the background, large, rugged mountains rise under a clear blue sky. The text 'Sensitive Lands Ordinance.' is overlaid in a large, black, serif font across the middle of the image.

Sensitive Lands Ordinance.

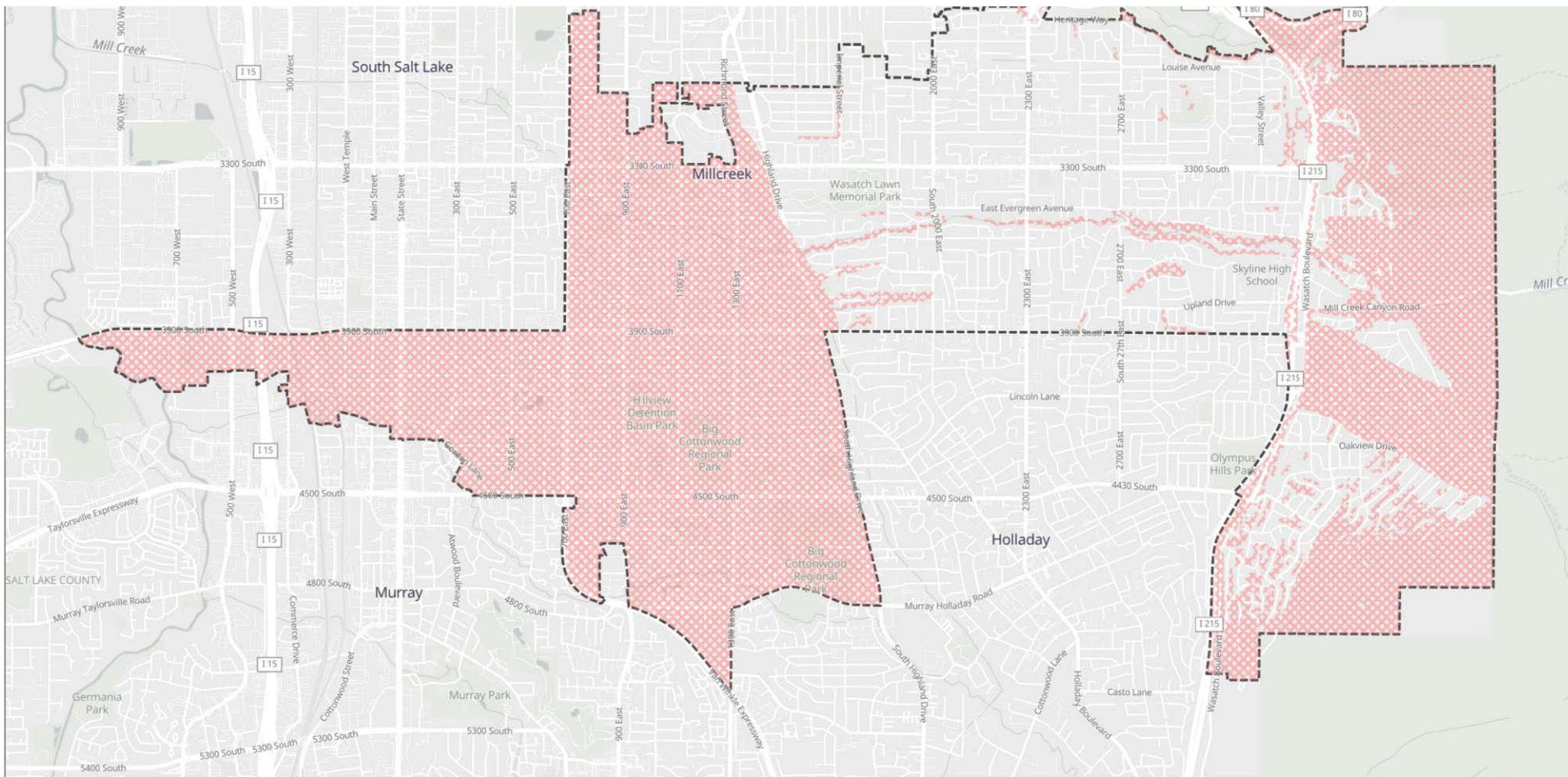
ZT-23-011

By: Millcreek Planning & Zoning

Request & Synopsis

Millcreek's existing Foothills and Canyons Overlay Zone (FCOZ) and Geological Hazards ordinances are found in differing sections of the code. Much of these existing codes were carried over from the County development code and have varying levels of applicability in Millcreek. FCOZ was actually developed for more of a canyon and mountainside setting, but there are provisions such as slope protection that apply elsewhere in Millcreek, not just in Olympus Cove. While these chapters are by necessity technical in nature, this new Sensitive Lands Chapter combines both FCOZ and Geologic Hazards into one chapter to avoid overlap and inconsistencies. Combining and simplifying to cater to Millcreek's needs should improve the use, administration and understanding among applicants. Each Community Council area has significant sensitive lands, which are either topographical features or subsurface features:

- Topographical features include features such as steep slopes, wetlands, rock outcroppings, avalanche and rockfall zones, alluvial fans, ravines, stream corridors, ridgelines, wildland/urban interfaces, and floodplains.
- Subsurface features include saturated soils, areas of liquefaction potential, fault lines and fault line setbacks, and debris flow areas.



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 Sources: Millcreek; UGRC.

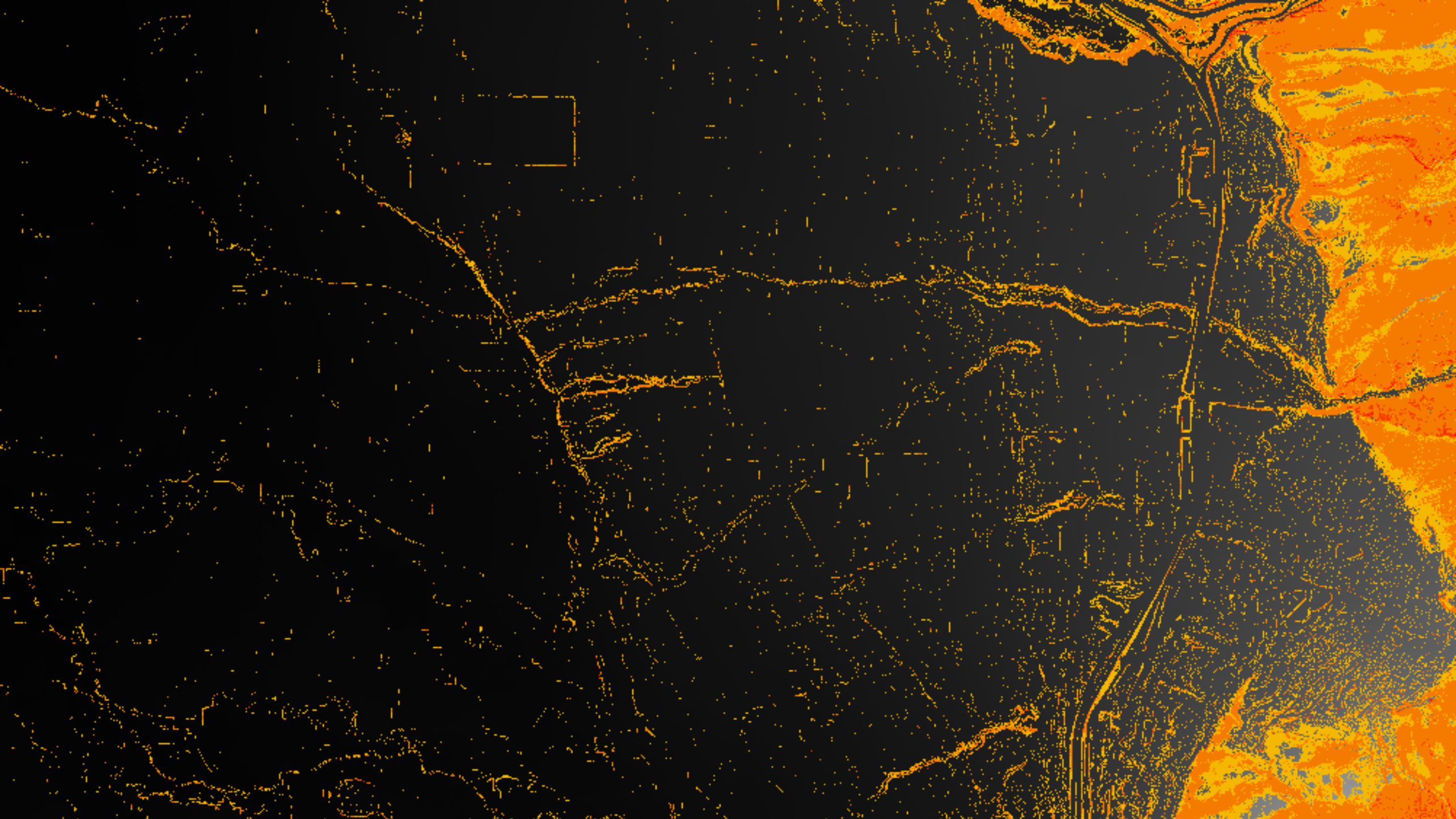
Author: Brian Busch - Millcreek GIS
 Spatial Reference: NAD 1983 StatePlane Utah Central FIPS 4302 Feet
 Path: C:\Users\bbusch\ArcGISPro\Project Master\Project Master.aprx

SENSITIVE LAND AREAS MILLCREEK, UT

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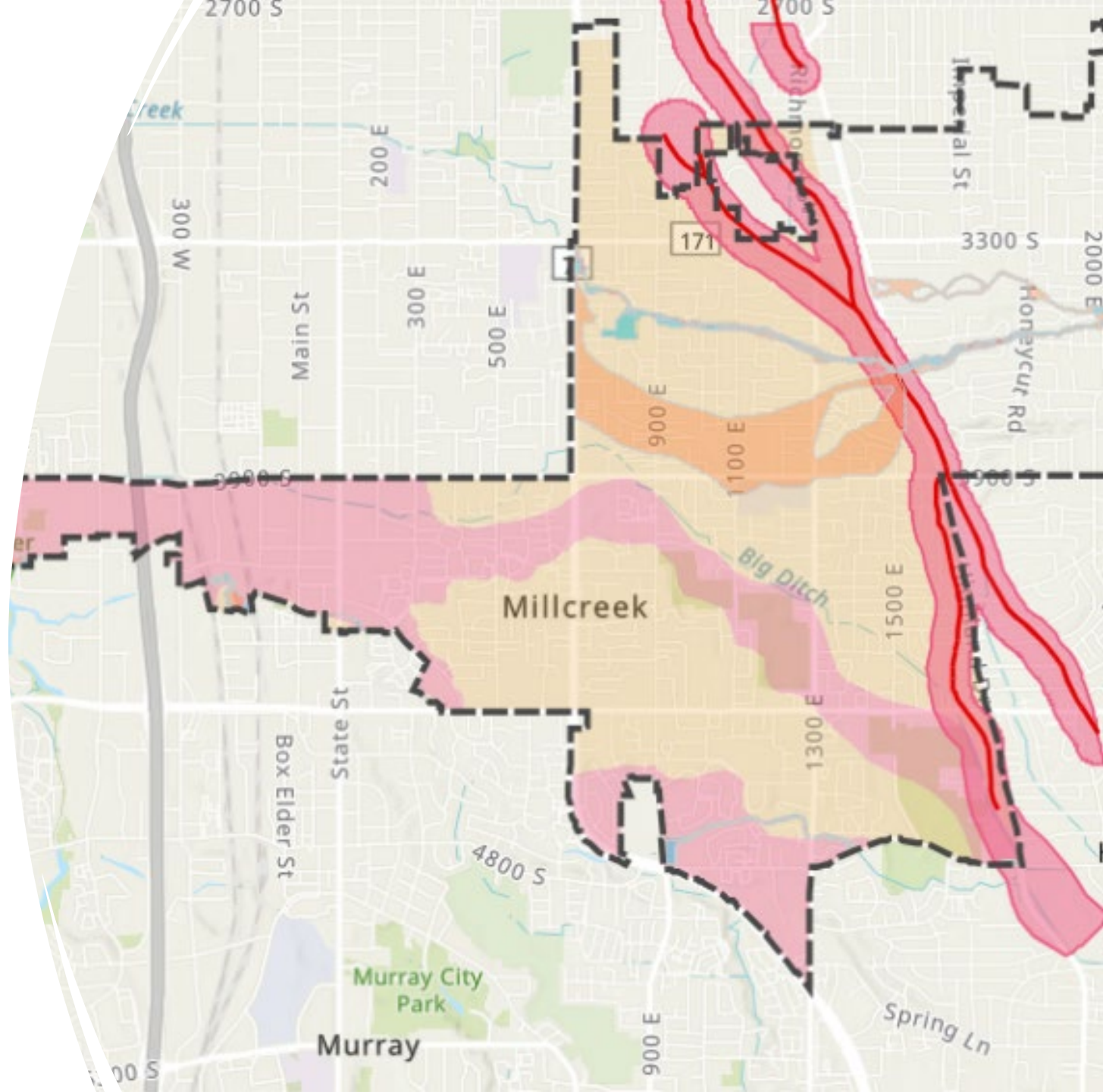
Millcreek
 1330 East Chambers Ave
 Millcreek, UT 84106
 (801) 214-2700
www.millcreekut.gov

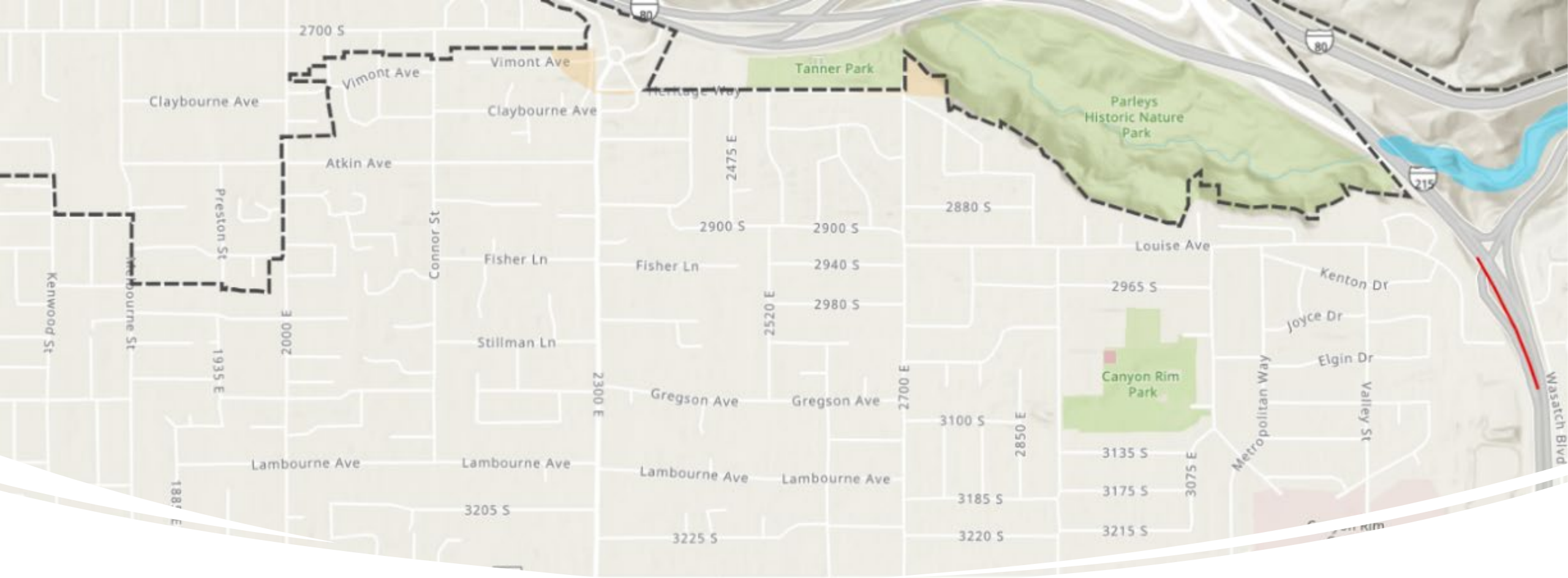




Millcreek

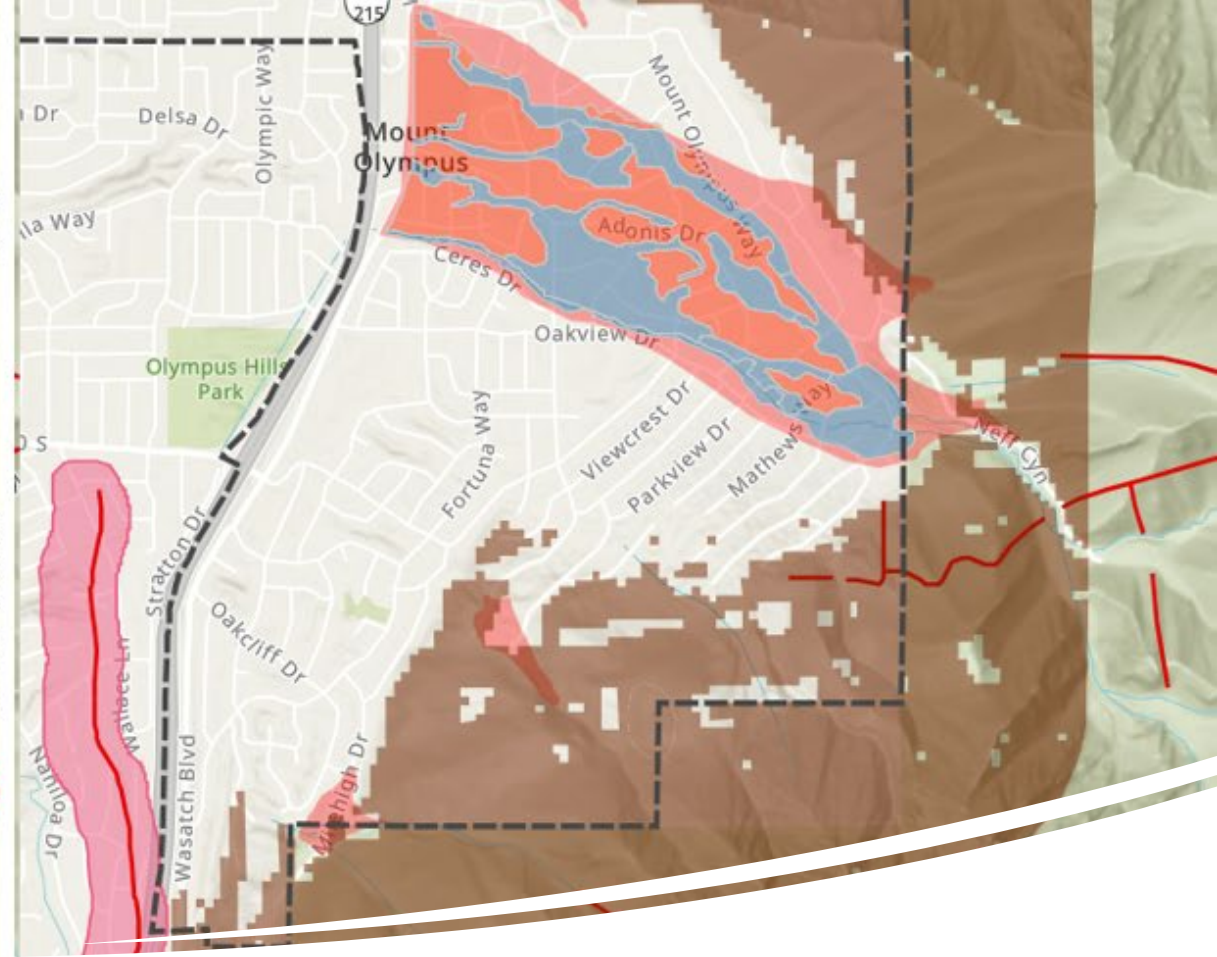
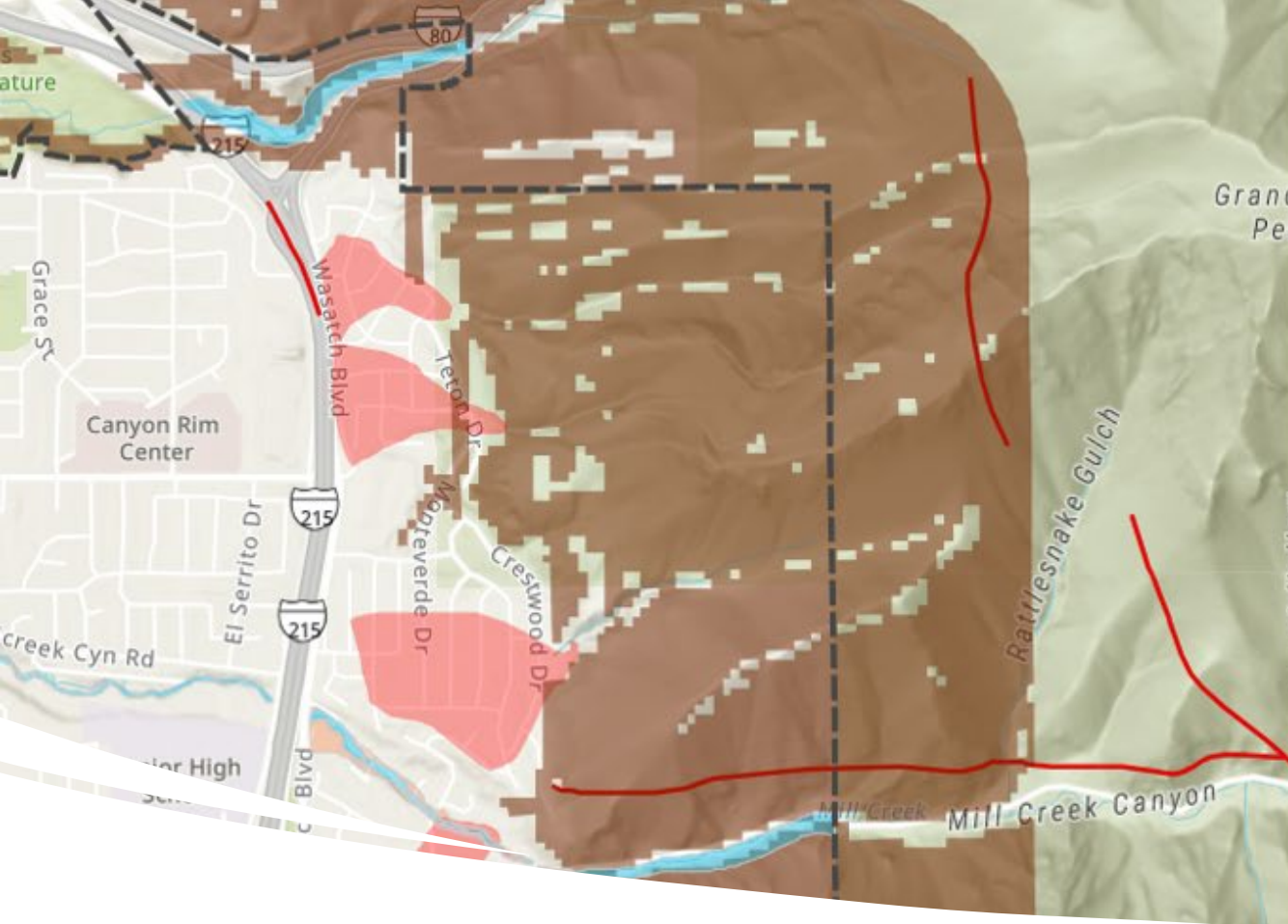
Sensitive Lands in the Millcreek Community Council district include fault lines and fault setbacks, floodplains associated with Mill Creek, and moderate or high liquefaction areas. The entirety of the Millcreek Community Council District is affected by sensitive lands, which have been regulated in the past in the Geological Hazards Ordinance. Typically, liquefaction areas require more robust soils studies and declarations, and Faultline hazard areas require an on-site fault survey, and additional setbacks, if applicable. The regulations for these sensitive lands currently found in the Geological Hazards Ordinance are not changing significantly in the proposed Sensitive Lands Ordinance.





Canyon Rim

The Canyon Rim Area is arguably the least impacted by sensitive lands, although there is a known fault along I-215 north of the Canyon Rim Shopping Center. In addition, there are some areas of moderate liquefaction potential along Vimont Avenue and adjacent to Tanner Park. There are a handful of properties with steep slopes at the edge of Tanner Park that are currently regulated under FCOZ and would still be subject to slope analysis and buildable area requirements in the Sensitive Lands Ordinance.



Mount Olympus

The Mount Olympus Community Council area has significant and well-known sensitive lands, including debris flow areas (brown in the images above) which correspond roughly to areas with slopes greater than 30 percent. In addition, there is a significant avalanche path, several alluvial fans, and significant floodplains.

General Plan Considerations

- **GOAL N-1: Preserve and enhance the physical elements that define each neighborhood's character.**
 - Strategy 1.3: Identify neighborhood natural features such as trees, waterways, and open spaces, and incorporate them into project design.
 - Strategy 1.5: Ensure that new infill development is compatible with existing neighborhoods by regulating structure sizes and heights; Building forms and materials; yards setbacks; streetscape character; height and bulk transitions; buffering; and other factors.
- **GOAL N-2: Strive for a variety of housing choices in types, styles, and costs of housing throughout Millcreek.**
 - Strategy 1.5. Promote the maintenance and improvement of the existing housing stock and allow for remodeling, expansion, and additions as appropriate in the area to accommodate the changing sizes and varieties of household types.
- **GOAL HE-2: Promote a healthy and diverse tree canopy to enhance neighborhood livability, provide habitat, and improve air and water quality.**
 - Strategy 2.3: Protect native riparian vegetation along Mill, Parleys, and Big Cottonwood creeks. Develop a strategy for restoring and maintaining a mix of native tree species in Millcreek.



A small green seedling with several leaves is growing out of a crack in a dark, textured surface, likely asphalt. The background is a soft, out-of-focus light color.

General Plan Considerations

- **GOAL HE- 7: Require that new development protects the treasured views of Mount Olympus, the Oquirrh Mountains, the Great Salt Lake, and other significant viewsheds from roadways, frequented public areas, community gateways, and other public places.**
 - Strategy 7.4: Continue to protect the foothills’ natural landscape by using a variety of techniques such creating conservation easements or purchasing private property.
- **GOAL HE-8: Strengthen resiliency to natural disasters and climate realities through development patterns, hazard mitigation, and education.**
 - Strategy 8.2: Incentivize fire mitigation and wildland fire fuel reduction on private property within the Wildland Urban Interface (WUI).
- **GOAL N-3: Prioritize the development of effective neighborhood-scale plans and programs for those areas with the most potential for change and need protection.**
 - **Strategy 1.2:** Amend zoning and subdivision regulations, as necessary to implement neighborhood plans (e.g., new zoning or design overlays, and/or development and remodeling standards.

An aerial photograph of a residential neighborhood with mountains in the background. The houses are mostly two-story structures with various roof colors, surrounded by trees with autumn foliage. The mountains in the background are rugged and have some sparse vegetation. The sky is clear and blue.

Proposed Ordinance Amendments

ZT-23-011

By: Millcreek Planning & Zoning

Requirement	Current Standard	Proposed Standard	Rationale
19.72.020 (Foothills and Canyons Overlay Zone: Applicability)	Maps (Salt Lake County Foothills & Canyons Overlay Zone Map) delineating the boundaries of the Foothills and Canyons Overlay zone are on file with the city. Such maps, as amended, are incorporated into the current ordinance as if fully described and detailed herein.	The new chapter covers properties that lie within sensitive lands as determined by the City’s sensitive lands map. The new sensitive lands ordinance also imposes requirements on sensitive lands that may not be mapped.	Properties with geologic hazards such as riparian areas, alluvial fans, etc. were not included on the maps used to determine the applicability of the ordinance.
19.75.020 (Geological Hazards Ordinance: Definitions)	Current ordinance does not include definitions for “riparian” areas a “alluvial fan”	Additional Sensitive land types are addressed such as riparian areas and alluvial fans.	Riparian areas and Alluvial fans are geological hazards recognized in Millcreek. Definitions must be in place to identify proper study.
19.75.050 (Geological Hazards Ordinance: Studies And Reports Required)	Chart 19.75.050 on Geological Hazards Ordinance details when a geotechnical report is required	A new table shows the various elements required for a geotechnical report based on the various sensitive lands/geologic hazards present on the site.	The new table provides the newly proposed geological hazard definitions, as well as an update on the applicable studies necessary on each of the identified Geological Hazard in Millcreek.
MKZ 19.72 (Foothills and Canyons Overlay Zone) MKZ 19.75 (Geologic Hazards Ordinance)	Two different ordinances with two different chapters.	Major organizational restructuring of chapters, as well as a unification of chapter 19.72 & 19.75.	To provide consistency and clarity, and a single point of access. Avoids a situation where a property that warrants sensitive lands protection is not included because it was not included in an overlay zone.
19.75.040 (Geological Hazards Ordinance: Disputes)	The person disputing the special study area boundary or the presence of mapped or unmapped hazard(s) within a particular area shall submit technical and geologic evidence to support their claim to the County Geologist on behalf of the City in the form of a site-specific geologic hazards report.	Notes a dispute resolution process.	Generally, any administrative decision needs an appeal process. Peer review procedures are found in similar sensitive lands ordinances in the state and region, including North Salt Lake, Draper, and Santa Clara.
Water Table Analysis	Currently not discussed in either Geological Hazards or FCOZ.	Required soil and water table analysis.	Staff has found over the years that a water table analysis is critical to assure foundational integrity for all development.



Findings & Conclusions

- Our current approach of enhanced requirements based on the Foothills and Canyons Overlay Zone has caused confusion among applicants, and resulted in certain properties being ineligible for enhanced protections because they were not in FCOZ.
- The Engineering processes and standards have largely remained the same, with minor updates and clarifications added, as needed.
- The new chapter covers properties citywide (replacing the Foothills and Canyons Overlay Zone) that lie within sensitive lands as determined by the City's sensitive lands map.
- A new table shows the various elements required for a geotechnical report based on the various sensitive lands/geologic hazards present on the site.
- A major organizational restructuring of chapters was made to provide consistency and clarity.
- Notes a dispute resolution process.
- Soil and water table analysis will now be required for all development to assure foundational integrity.



Community Council Recommendations

- **East Mill Creek Community Council.** The East Mill Creek Community Council met on February 1, 2024. They voted unanimously in favor of the adoption of a new Sensitive Lands Ordinance.
- **Mount Olympus Community Council.** The Mount Olympus Community Council met on February 5, 2024. They voted 8 in favor to 0 opposed for the adoption of a new Sensitive Lands Ordinance.
- **Millcreek Community Council.** The Millcreek Community Council met on February 6, 2024. They voted unanimously in favor of the adoption of the new Sensitive Lands Ordinance. The Millcreek Community Council recommended approval subject to the addition of an option that relieves the builder of a single-family home from the obligation of an extensive geotechnical study – and advised the reinsertion of the table currently found in Section 19.75.050 of the Geological Hazards Ordinance into the new Sensitive Lands Ordinance.
- **Canyon Rim Citizens Association.** The Canyon Rim Citizens Association met on February 7, 2024. They voted unanimously in favor of the adoption of a new sensitive Lands Ordinance.

Recommendation & Model Motion

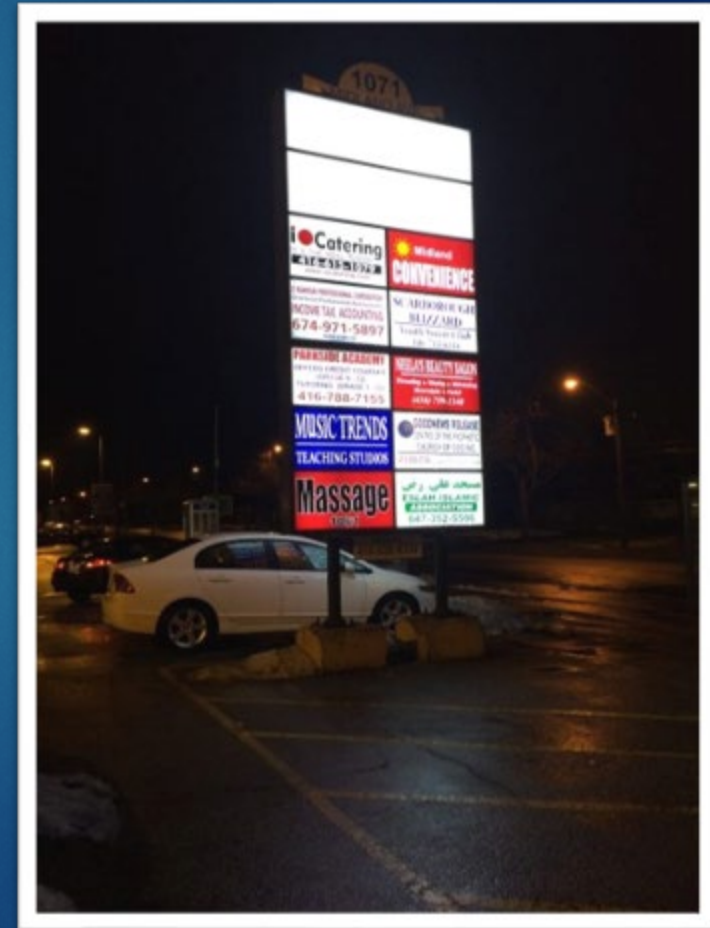
- **Staff Recommendation:** Based on the Findings and Conclusions listed within the report, staff recommends that the Planning Commission take comments at the public meeting and approve application, file number ZT-23-011, under the following conditions:
- **I move that the Planning Commission approve the ordinance, file number (ZT-23-011), as proposed.**

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

- ▶ As part of Millcreek’s comprehensive zoning and subdivision code update, Staff is recommending the following key changes regarding Millcreek’s sign ordinance:
 1. New internal illumination standards that controls light temperature as well as brightness.
 2. Revised standards for all electronic message centers, including a lower maximum illuminance requirement than currently required, and the installation of light protecting louvers for larger electronic message centers, such as the digital district sign on Millcreek Common.
 3. Reduced height for monument signs.
 4. Updated tables for readability.

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

- ▶ Updated Definitions to reflect content neutrality caselaw and accepted industry standards.
- ▶ Appropriate regulation of school and church signs.
- ▶ A light curfew for signs located within 100 feet of a residential use or zone.
- ▶ Reduction in maximum illuminance of electronic message centers.
- ▶ Light temperature requirements. Logos are exempt.



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

- ▶ A table outlining temporary signage requirements.
- ▶ Updates to iconic sign requirements.
- ▶ Option: should we promote incentives for converting pole signs to monument signs?
 - ▶ Allow taller monument signs?
 - ▶ Do we reduce the distance between a monument and a pole sign?



General Plan Considerations



- ▶ SIGNS. GOAL GP-2: Ensure that sign location and design is responsive to site context and compatible with the surrounding character.
 - ▶ Strategy 2.1: Ensure that signs are compatible with their surroundings. Signs should provide information and make a positive contribution to the character of the community.
 - ▶ Strategy 2.2: Signs should effectively contribute to the aesthetics of the development and minimize negative impacts on adjacent uses and all modes of transportation.

General Plan Considerations

- ▶ SIGNS. GOAL GP-2: Ensure that sign location and design is responsive to site context and compatible with the surrounding character.
 - ▶ Strategy 2.3: Promote compatibility of signs with pedestrian-oriented development in all areas, and particularly in designated mixed-use centers and residential areas.
 - ▶ Strategy 2.4: Discourage billboards in designated or developed commercial and residential areas and in locations that block views of the Wasatch Mountains or in conflict with the goals of the General Plan. Consider techniques to remove or alter billboards such as purchase, amortization or other techniques.
 - ▶ Strategy 2.5: Discourage temporary signs (usually construction signs) on road shoulders that serve as bike lanes and pose hazards to bicyclists.

Community Council Recommendations for the new Sign Ordinance

- ▶ **Millcreek Community Council:** unanimously in favor of the sign ordinance in general.
- ▶ **Canyon Rim Citizens Association:** Combined motion with the consideration of additional digital district signs: 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:** Combined motion with the consideration of additional digital district signs: 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:** unanimously in favor of the sign ordinance in general.

Planning Commission Options: Updated Sign Code in General:

- ▶ Recommend Approval subject to an additional technical review by staff and the City Attorney.
- ▶ Recommend Approval subject to additional considerations by the Planning Commission.
- ▶ Continue the matter to allow for additional discussion.

A Digital District Sign and A Billboard Exchange Agreement

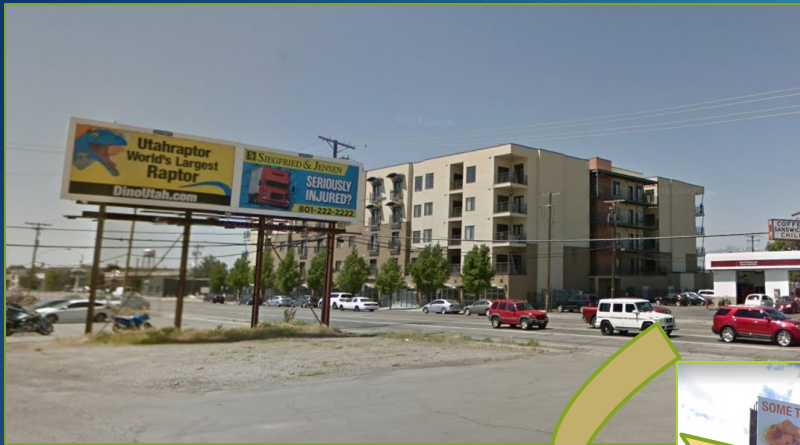




I think that I
shall never
see
A billboard
lovely as a
tree

- Ogden Nash

Relocating Billboards: A Case Study from South Salt Lake

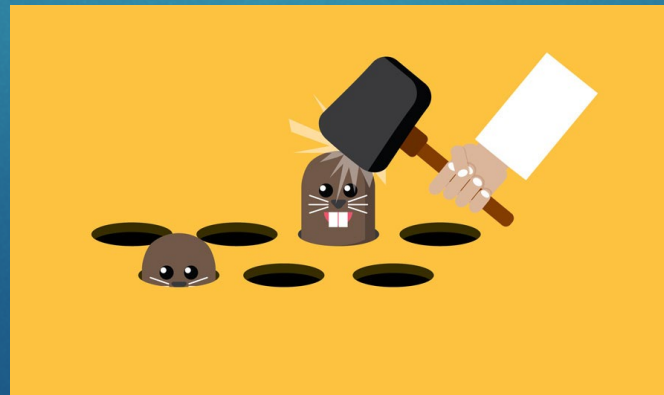


- ▶ South Salt Lake needed to move a sign at 2100 South and Main Street.
- ▶ Bound by state law, we considered purchase or condemnation.
- ▶ The billboard in question was in an area the city wanted to see redeveloped.
- ▶ In the end, we agreed to move the sign and pay relocation expenses totaling \$170,000. The new sign is taller than the one it replaced. It required a conditional use permit. This generated significant public controversy.
- ▶ A subsidiary of ROA owned the property on which the new sign was located. ROA recorded an easement on the property, then sold the property
- ▶ Because of the easement, the property is undevelopable per the intent of SSL's Downtown Master Plan.

Relocating Billboards:

A Case Study from South Salt Lake

- ▶ The transaction was a net loss for South Salt Lake. The City paid money to replace an old billboard, with a much taller, more expensive billboard.
- ▶ A development impediment was moved from one location to another.
- ▶ Condemnation value increased.
- ▶ There was no reduction in the number or square footage of billboards.
- ▶ State law incentivizes this type of land use decision.
- ▶ This experience was informative to me.



All things being equal...

- ▶ Millcreek adopted a general plan strategy to “reduce the number, size, and height of billboards along city streets”.
- ▶ Millcreek adopted an ordinance stating: “It is the policy of Millcreek to reduce the number and combined square footage of billboards where feasible.”
- ▶ Staff will advise on opportunities to do this where feasible.
- ▶ The previous exchange removed a sign and 924 sf of sign rights. This is something to be celebrated.
- ▶ A legalistic and reactive approach to negotiating with billboard companies is sometimes necessary, but it is most effective at keeping billboards where they are. It is not effective at actually removing billboards.

All things being equal...

- ▶ Reducing the number and square footage of billboards is impossible without some tradeoff.
- ▶ Requires a purchase, condemnation, gift, or exchange.
- ▶ This proposed exchange would result in:
 - ▶ Up to two additional digital signs that would be owned by the City.
 - ▶ A permanent property right that would be amortized through a 40 year operating lease.
 - ▶ Amortization is also expressly contemplated in the General Plan:

“Discourage billboards in designated or developed commercial and residential areas and in locations that block views of the Wasatch Mountains or in conflict with the goals of the General Plan. Consider techniques to remove or alter billboards such as purchase, **amortization** or other techniques.”

All things being equal...

- ▶ We also uphold the city's interest in other ways, by:
 - ▶ Rigorously enforcing standards.
 - ▶ Applying deed restrictions to city-owned land that is for sale.
 - ▶ Working with sign companies to relocate signs in a least impactful way.
 - ▶ Retiring billboard bank credits.
- ▶ My recommendation is based in part on my professional experience. Other people have different experiences – and that's OK!
- ▶ Perspectives differ on strategy, but we all agree that fewer billboards are better for the city!

The Proposed Exchange



2955 E 3300 S
2 Faces totaling 144 sf
~25 feet in height



3155 S Highland Dr
4 Faces totaling 1,152 sf
48 feet in height

3163 S Highland Dr
2 Faces totaling 144 sf
~25 feet in height

The Proposed Exchange



ROA removes three billboards totaling 1,440 sf of sign area of billboards and surrenders the rights to those signs.



ROA leases 60% of the advertising time on a city owned digital sign totaling 441 sf.

Lease expires after 40 years.

Proposed exchange is 3.2 square feet of billboard square footage for 1 square foot of area on a digital district sign, subject to a 40 year lease and a limit on advertising time.

Characteristics of the Digital District Sign

- ▶ 26.5 feet in height.
- ▶ Light protecting louvers block light trespass beyond 38 degrees of the sign.
- ▶ 8-second dwell time.
- ▶ No animated images.
- ▶ Screen size allows for a complete message on one rotation.
- ▶ Advertising limited to 60% of the time on the sign.
- ▶ Nighttime illuminance limited to 0.2 footcandles above ambient light conditions.
- ▶ City messaging is dynamic and flexible.



FOOD TRUCK THURSDAYS
 EVERY THURSDAY. ALL YEAR.
 5 - 8 PM





UNPLOWED ROAD?
 385-468-6101

PLEASE REMEMBER TO
 SHOVEL YOUR SIDEWALK!




DONATIONS NEEDED!

- Blankets
- Bottled Water
- Feminine Products
- PPE Equipment
- Socks
- Ground Coffee
- Scrubs or Sweats
- Paper Coffee Cups
- Gloves & Hat

DROP OFF AT MILLCREEK CITY HALL





BLOOD DRIVE

OCTOBER 25
 9 AM - 2:30 PM

MILLCREEK CITY HALL



VOTE



SKATE LOOP



OPEN DAILY!

HOURS & PRICING AT
MILLCREEKCOMMON.ORG

Need Tax Help?
FREE Clinic Every Thursday

February 2 - April 13
 3:30 - 7:00 PM

3970 S Main Street, Millcreek




Celebrate!


PRIDE SKATE NIGHT
 SAT, JUNE 24
 6:00 - 10:00 PM




SKATE LOOP

WINTER SOLSTICE LIGHT CELEBRATION

THURSDAY, DEC. 21 | 7-8PM

Considerations for a Digital District Sign on Highland Drive

- ▶ The proposed 26.5-foot tall digital district sign will be ~ 280 feet from the nearest residence.
- ▶ The existing 48-foot tall billboard is ~ 125 feet from the nearest residence.
- ▶ Is a digital sign fundamentally more offensive than a static billboard? Opinions differ.
- ▶ Our controls on the existing digital district sign are designed to address some of the more offensive aspects of a digital sign.
- ▶ Our controls better than the controls on most digital signage in the region, including those operated by other municipalities.



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 table, unanimous. Preference for a more advantageous ratio. Concern about the impact of digital signage.

Planning Commission Options: Digital District Signs and an Exchange Agreement

- ▶ Recommend Approval of up to two additional digital district signs in the City Center Overlay Zone, one at either end of Chambers Avenue, 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. Specifically, the Planning Commission recommends an exchange ratio of no less than 3 square feet of static signage removed in exchange for advertising time on each city-owned digital district sign.
- ▶ Recommend approval subject to a greater exchange ratio.
- ▶ Recommend approval of the sign code without any changes to the number of digital district signs.
- ▶ Continue the matter to allow for additional discussion.