



Administration Building
East Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
Relay Colorado 711

Kathleen Conti, District 1
Nancy Sharpe, Chair, District 2
Jeff Baker, District 3
Nancy Jackson, District 4
Bill Holen, Chair Pro Tem, District 5

Public Meeting
September 1, 2020
9:30 AM

The Board of County Commissioners will be attending this meeting telephonically. The public is invited to participate in the public meeting by calling 1-855-436-3656, and press *3 on your telephone keypad to be entered in the queue for general or item-specific comment. The meeting can also be viewed online at:
<https://www.arapahoegov.com/1617/Meeting-Videos-and-Live-Broadcast>

The Board of County Commissioners holds its Public Hearing at 9:30 a.m. on the second and fourth Tuesday of each month. Public Hearings are open to the public and items for discussion are included on this agenda. Items listed on the consent agenda are adopted with one vote. Items listed under regular business are considered separately. Agendas are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Questions about this agenda, please contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com.

AGENDA

1. OPENING

1.a. CALL TO ORDER

Arapahoe County Board of County Commissioners

1.b. INTRODUCTION

Ron Carl, County Attorney

Joleen Sanchez, Clerk to the Board Administrator

1.c. ROLL CALL

1.d. PLEDGE OF ALLEGIANCE

2. MODIFICATION TO THE AGENDA

3. ADOPTION OF THE AGENDA

4. CITIZEN COMMENT PERIOD

Citizens are invited to speak to the Commissioners on non-agenda items. There is a 3-minute time limit per person, unless otherwise noted by the Chair.

5. GENERAL BUSINESS ITEMS

5.a. *PUBLIC HEARING - Extension of the Billboard Moratorium

Consideration of a request for approval of a resolution to further extend a temporary moratorium on the acceptance and processing of applications for any new billboard or other off-premise sign, and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign. The additional time accounts for project delays resulting from COVID-19 building closures and public outreach, and will allow staff to develop regulations based on feedback from the Board of County Commissioners. Staff is requesting an extension of the temporary moratorium for an additional four (4) months to January 7, 2021

*Presenter - Kathleen Hammer, Planner II, Public Works and Development
Jason Reynolds, Current Program Planning Manager, Public Works and Development*

Jan Yeckes, Planning Division Manager, Public Works and Development

Bryan Weimer, Director, Public Works and Development

Todd Weaver, Director, Finance

Robert Hill, Senior Assistant County Attorney

Documents:

[LDC19-002 BSR.MORATORIUM.EXTENSION 09-01-2020.PDF](#)

6. COMMISSIONER COMMENTS

***Denotes a requirement by federal or state law that this item be opened to public testimony. All other items under the "General Business" agenda may be opened for public testimony at the discretion of the Board of County Commissioners.**

Arapahoe County is committed to making its public meetings accessible to persons with disabilities.

Assisted listening devices are available. Ask any staff member and we will provide one for you.

If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: August 12, 2020

To: Board of County Commissioners

Through: Bryan Weimer, Director, Public Works and Development

Through: Jan Yeckes, Planning Division Manager

From: Kat Hammer, Planner II

Subject: LDC19-002 Billboard and Off-Premise Signs and Conversions to Electronic Message Signs/Electronic Message Boards – Third Request to Extend the Temporary Moratorium on Land Development Applications.

Request and Recommendation

The purpose of this agenda item is to request that the Board of County Commissioners approve, following a public hearing, a resolution to further extend a temporary moratorium on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign. The additional time accounts for project delays resulting from COVID-19 building closures and public outreach and will allow staff to develop regulations based on feedback from the Board of County Commissioners. Staff is requesting an extension of the temporary moratorium for an additional four (4) months to January 7, 2021.

Background

Staff has received inquiries for new billboards and for conversion of existing billboards to electronic message boards. Pursuant to Resolution No. 190273, the Board of County Commissioners approved a 6-month temporary moratorium on May 7, 2019, on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign. Prior to the moratorium adoption, Arapahoe County received applications for two billboards: one proposed at Belleview and I-25 and the other proposed at Hampden Avenue/Highway 285 and Knox Court. Staff continues processing those applications and the County is awaiting responses to the most recent review comments. Pursuant to Resolution No. 190527, this temporary moratorium was extended to February 7, 2020. Resolution No. 200109 and Resolution No. 200232 extended the temporary moratorium to May 7, 2020 and September 7, 2020, respectively. Staff is now requesting a four month extension to January 7, 2021.

Links to Align Arapahoe

This request contributes to the “Quality of Life” for Arapahoe County Citizens. Billboard regulations promote the public health, safety and general welfare of the unincorporated community. Billboard regulations should promote an attractive built environment and a healthy local economy.

Discussion

Since the temporary moratorium was approved, staff has discussed this with the following Divisions and agencies: Arapahoe County Planning, Arapahoe County Zoning, Colorado Department of Transportation (CDOT) and billboard industry representatives. Staff has compiled and presented research regarding other jurisdictions’ regulations and safety of electronic billboards and EMB. The history of the study sessions on the planned billboard and sign code amendments and the moratorium and public hearings, to date, are as follows:

July 29, 2019 Study Session: Anthony Lovato, CDOT, Outdoor Advertising Program Manager, presented CDOT’s regulations to the BOCC. The BOCC asked staff to provide research regarding billboards and safety impacts.

September 10, 2019 Study Session: Staff presented research regarding billboards and safety impacts. The research on this topic is inconclusive due to the complexity of studying driver distraction. No billboard, road or driver is the same as another. The BOCC directed staff to provide draft language that permits new billboards and conversion of billboards with an approved Use by Special Review and a tentative schedule for review and consideration through a public hearing. The BOCC directed staff to draft language to prohibit billboards along certain travel corridors as part of an updated code for consideration through the hearing process.

October 22, 2019 Study Session: Staff presented draft USR and Billboard language and a tentative schedule. Commissioners requested staff to compile a list of referrals. The draft referral list was included in the October 29th public hearing packet.

October 29, 2019 Public Hearing: Staff requested the BOCC to extend the moratorium for three months to allow for staff to continue work on draft regulations and review legal and constitutional requirements for using codes. The BOCC approved a three-month moratorium, which expired February 7, 2020.

February 4, 2020 Public Hearing: The BOCC approved a three-month extension of the temporary moratorium to May 7, 2020.

April 14, 2020 Study Session: The BOCC discussed Billboard Overlay Districts, which identify potential locations for billboards within Arapahoe County, and provided feedback that will affect the drafting of updated billboard regulations. The BOCC asked staff to remove the Billboard Overlay Districts from the urban areas and maintain the proposed Billboard Overlay District in the rural areas of the County.

May 5, 2020 Public Hearing

The BOCC approved a four-month extension of the temporary moratorium to September 7, 2020.

June 2, 2020 Study Session

The BOCC discussed three Billboard Overlay Districts in the non-urban area of the County. Staff also asked the BOCC to discuss appropriate spacing for billboards in the non-urban area. Staff was directed to survey property owners along the three proposed Billboard Overlay District corridors. Staff is scheduled to present survey results to the BOCC at a study session on August 31, 2020.

June 8, 2020 Study Session

The BOCC discussed the Colorado Department of Transportation (CDOT) desire to modify a portion of the rules governing outdoor advertising in Colorado, 2 CCR 601-3 (Outdoor Advertising Rules). Staff sent comments to CDOT in mid-June. The County's main concern is the proposal to reduce the spacing of signs in areas zoned for commercial and industrial uses. The County supports the option to maintain the 500-foot spacing requirements for billboard locations that are outside an incorporated area. On August 7, 2020 CDOT provided an update on the proposed rule changes, CDOT is reviewing the public comments and will provide a matrix of the comments when complete.

Since the time of the initial extension of the moratorium, further review and analysis have revealed some additional legal concerns within our current regulations, including constitutional issues with the existing Use by Special Review criteria. The COVID-19 building closures and request for public outreach also delayed the scheduling of planned study sessions on this topic.

If the temporary moratorium is approved (extending from September 7, 2020 to January 7, 2021), Planning Division and County Attorney staff will prepare draft regulations that incorporate BOCC feedback and comply with constitutional requirements for sign codes. Once such regulations are prepared, with the BOCC's concurrence, Planning Division staff will send external referrals, review external referral comments received, and hold any further study sessions with the Planning Commission and Board of County Commissioners, as well as public hearings to consider the proposed regulations.

Alternatives

1. The Board may adopt the proposed resolution establishing the moratorium through January 7, 2021, to allow time to consider updated Land Development Code regulations.
2. The Board may choose to not adopt the proposed resolution, which would allow staff to process new applications for billboards and other off-premise signs, as permitted in the current Land Development Code, after the temporary moratorium is lifted on September 7, 2020. However, certain provisions in our existing sign code make this option legally problematic.

3. The Board may continue this item for further study, but the moratorium will expire on September 7, 2020, and will have a similar outcome to choosing to not extend the moratorium.

Fiscal Impact

The proposed resolution should not result in any fiscal impact on the County.

Concurrence

Staff has discussed the sign code billboard provisions with Arapahoe County Planning, Arapahoe County Zoning, CDOT and billboard industry representatives.

Reviewed By:

Jason Reynolds, Current Planning Program Manager

Jan Yeckes, Planning Division Manager

Bryan Weimer, Director of Public Works and Development

Todd Weaver, Finance Department

Bob Hill, Senior Assistant County Attorney

DRAFT MOTIONS

Motion for Approval:

In the matter of the fourth request to extend a temporary moratorium on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign, as was adopted pursuant to Resolution No. 190273, I have considered the Planning staff recommendation, reviewed the Board Summary Report, and heard such public testimony and staff comment as was presented to the Board at public hearing this day. I move that the Board of County Commissioners **adopt by resolution** a fourth extension to the temporary moratorium on the acceptance and processing of applications for such billboards or other off-premise signs and conversion of any existing billboard or off-premise sign to an electronic messaging sign as presented to the Board. Such moratorium shall be extended for an additional four months to January 7, 2020.

Motion for Denial:

In the matter of the fourth request to extend a temporary moratorium on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign, as was adopted pursuant to Resolution No. 190273, I have considered the Planning staff recommendation, reviewed the Board Summary Report, and heard such public testimony and staff comment as was presented to the Board at public hearing this day. I move that the Board of County Commissioners **deny** the request for an extension to the temporary moratorium on the acceptance and processing of land use applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign and to let the original moratorium terminate upon expiration of the most recent extension on September 7, 2020.

Motion for Continuance:

In the matter of the request to extend a temporary moratorium on the acceptance and processing of applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign, I move to continue this matter to the ____ day of _____, 2020 and direct staff to provide the following information for the Board's consideration: *[describe what additional information needed to assist Board's decision]*

RESOLUTION NO. XXXXX

It was moved by Commissioner _____ and duly seconded by Commissioner _____ to adopt the following Resolution:

WHEREAS, the Arapahoe County Board of County Commissioners (“the Board”) has broad authority under the Local Government Land Use Control Enabling Act, CRS 29-20-101, et seq., to plan for and regulate the use of land within its jurisdiction; and

WHEREAS, such statutory authority includes the power to regulate the use of land on the basis of the impact of the use on the community or surrounding areas; and

WHEREAS, such authority also includes the power to adopt and enforce temporary moratoria on particular land uses pending the County developing, adopting, and implementing appropriate regulation for such uses in order to protect the public health, safety, and welfare, and to provide for the planned and orderly use of such land; and

WHEREAS, on May 7, 2019, following a noticed public hearing, the Arapahoe County Board of County Commissioners (“the Board”) adopted Resolution No. 190273 to impose a moratorium on the acceptance and processing of land use applications for any new billboard or other off-premise sign, and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign within the unincorporated territory of Arapahoe County for the reasons set forth in that Resolution; and

WHEREAS, the moratorium adopted under Resolution No. 190273 had been set to expire on November 7, 2019, but was extended for three months under Resolution No. 190527 and for another three months under Resolution No. 200109 and another four months under Resolution 200232; and

WHEREAS, the moratorium extension adopted under Resolution No. 200232 is set to expire on September 7, 2020; and

WHEREAS, Planning Division and County Attorney staff are continuing to work on proposed new regulations to address procedural and substantive requirements for new billboards and other off-premise signs, including new electronic messaging signs, and to address procedural and substantive requirements for the conversion of existing billboards or other off-premise signs to electronic messaging signs; and

WHEREAS, in order to address certain legal issues regarding proposed sign code amendments, Planning Division and County Attorney staff need more time to complete proposed revisions to the billboard and off-premise sign provisions of the Land Development Code ; and

WHEREAS, Planning Division and County Attorney staff are not able to complete such proposed regulations prior to the expiration of the moratorium as established by Resolution No. 190273 and extended by Resolutions No. 190527, 200109 and 200232 and therefore has asked the Board to further extend the moratorium; and

WHEREAS, a public hearing on an additional extension of the moratorium was published on August 13, 2020 in the Villager, a newspaper of general circulation in Arapahoe County and was published on August 11, 2020, in the I-70 Scout, a newspaper with circulation in Eastern Arapahoe County; and

WHEREAS, in accordance with said notice, on September 1, 2020, the Board conducted a public hearing on staff request for an additional extension of the moratorium at which the public had the opportunity to comment on the proposed fourth extension of such moratorium; and

WHEREAS, the Board has considered Planning staffs' request to further extend the moratorium and such public comment as was presented at the public hearing; and

WHEREAS, the Board hereby finds that the reasons for the moratorium still exist and that it is appropriate to further extend the moratorium for a reasonable time to enable Planning to develop regulation for new billboard and other off-premise sign installations, including new electronic messaging signs, and for the conversion of existing billboards and other off-premise signs to electronic messaging signs for the protection of the public health, safety and welfare: and

NOW, THEREFORE, the BOARD OF COUNTY COMMISSIONERS FOR ARAPAHOE COUNTY hereby resolves as follows:

1. That the moratorium on the acceptance and processing of land use applications for any new billboard or other off-premise sign and on applications for conversion of any existing billboard or other off-premise sign to an electronic messaging sign within the unincorporated territory of Arapahoe County as provided in Resolution No. 190273 and subsequent extensions is hereby extended for a period of four months to January 7, 2021.
2. That all other provisions of Resolution No. 190273, adopting the moratorium, and Resolution Nos. 190527, 200109 and 200232 extending the moratorium, are ratified and shall remain in effect for the period of time as provided herein.
3. That this Resolution is effective upon its passage.

The vote was:

Commissioner Baker, ; Commissioner Conti, ; Commissioner Holen, ; Commissioner Jackson, ; Commissioner Sharpe, .

The Chair declared the motion carried and so ordered.