



Administration Building  
West 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

## **Study Session**

**October 19, 2020**

**The members of the Board of County Commissioners may attend study sessions virtually or in person, but due to social distancing requirements, presenters and the public may only attend virtually. The public may attend the study sessions (listening only) by calling 1-855-436-3656. The Board of County Commissioners may go into executive session during or at the conclusion of the study session as necessary to receive legal advice or discuss other confidential matters.**

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners' Office or through the County's web site at [www.arapahoegov.com](http://www.arapahoegov.com). Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under "Committee Updates" to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners' Office at 303-795-4630 or by e-mail at [commissioners@arapahoegov.com](mailto:commissioners@arapahoegov.com)

### **Study Session Topics**

**9:00 A.M. Calendar And Board Updates**

*Michelle Halstead, Director, Communication and Administrative Services*

**10:00 A.M. Intergovernmental Updates With Shannon Carter**

*Board of County Commissioners*

**10:30 A.M. Strategy And Performance Update**

*Manisha Singh, Director, Strategy and Performance*

**11:00 A.M. E-Team Update**

*David Bessen,*

*Chair, E-Team*

*Director, Information Technology*

**11:30 A.M. Administrative Meeting - Update On Vacation Balances**

*Dusty Sash, Total Compensation Manager, Human Resources*

## Break

### 1:00 P.M. \*LDC19-002 Billboard And Off-Premise Signs Draft Regulations

Discussion of a request for direction from the Board of County Commissioners on proposed amendments to the sign regulations to address off-premise signs, new billboards, and the conversion of existing billboards to electronic message boards (EMB). Staff is proposing amended regulations which would prohibit any new billboards and conversion of any existing billboards to an EMB in unincorporated Arapahoe County. Staff also recommends removing the existing provision in the Land Development Code that would allow other off-premise signs, not billboards by reason of size

*Request: Information/Direction*

*Kathleen Hammer, Planner II, 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 - DRAFT LANGUAGE - SS 10-19-2020.PDF](#)

### 2:00 P.M. \*Executive Session

Executive Study Session and County Attorney Administrative Meeting [Section 24-6-402 (4)(b)C.R.S.](As required by law, specific agenda topics will be announced in open meeting prior to the commencement of the closed and confidential portion of this session) (WHR)

*Ron Carl, County Attorney*

### \*To Be Recorded As Required By Law

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*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:** October 7, 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 – Draft Language

### Request and Recommendation

Staff is seeking direction from the Board of County Commissioners on proposed amendments to the sign regulations to address off-premise signs, new billboards and the conversion of existing billboards to electronic message boards (EMB). Staff is proposing amended regulations which would prohibit any new billboards and conversion of any existing static billboard to an EMB in unincorporated Arapahoe County. Staff also recommends removing the existing provision in the Land Development Code that would allow other off-premise signs, not billboards by reason of size. By eliminating the allowance for billboards and off-premise signs under the current Code. The draft regulations will also eliminate the Use by Special Review approval process currently required for those types of signs.

Staff requests feedback from the Board of County Commissioners on these draft regulations prior to commencing outside referrals and commencing the schedule for public hearings before the Planning Commission and Board of County Commissioners on the proposed Land Development Code amendment.

### 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. The billboard proposed at Belleview and I-25 is being processed as a Specific Development Plan and the billboard proposed at Hampden Avenue and Highway 28 is being processed as an USR. 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, Resolution No. 200232 and Resolution No. 200578 further extended the temporary moratorium to May 7, 2020, September 7, 2020, and January 7, 2020 respectively.

### Links to Align Arapahoe

This request contributes to the “Quality of Life” for Arapahoe County Citizens. Billboard regulations will help promote public health, safety and improve the general welfare of the unincorporated community and people driving on County roads.

### **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*

Staff proposed to the BOCC draft regulations that would establish Billboard Overlay Districts, which would identify potential areas in which billboards would be permitted within Arapahoe County. The BOCC asked staff to remove the Billboard Overlay Districts from the urban areas, which would mean no static to EMB conversions and no new billboards in those areas. Existing billboard would become non-conforming uses that could not be replaced or improved beyond routine maintenance. The BOCC expressed some support for maintaining the proposed Billboard Overlay District in the rural areas of the County and asked staff to look further into that option.

*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*

Staff proposed to and discussed with the BOCC three potential 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. The BOCC directed staff to develop rules that could allow billboards in commercial, industrial, and agricultural zone districts in the rural Billboard Overlay Districts. Staff was directed to survey property owners along the three proposed Billboard Overlay District corridors, since adding billboards to agricultural zone districts represented an expansion of where billboards could potentially be located.

*August 31, 2020 Study Session*

Staff presented data from a survey sent to property owners within 600 feet of three proposed billboard overlay corridors, specifically, I-70, east of Watkins Road, East Quincy Avenue, east of Gun Club Road, and along Kiowa Bennett Road. More than two thirds (79%) of the survey respondents opposed allowing new billboards along all three proposed billboard overlay zones in the A-1 and A-E zone districts. Additionally, more than half (64%) of the respondents suggest new billboards should be prohibited countywide. The survey results are attached to this report for reference. The BoCC directed staff to draft regulations prohibiting new billboards countywide and to prohibit conversion of existing billboards to EMBs for consideration through the public hearing process.

*September 1, 2020 Public Hearing*

The BOCC approved a four-month extension of the temporary moratorium to January 7, 2021.

Arapahoe County Planning Commission

Staff presented an overview of the history of the billboard moratorium and a summary of draft regulations at a study session with the Planning Commission on October 6, 2020. The Planning Commission did not object to the draft regulations and discussed the following items: survey results, concerns about what will happen to the existing non-conforming billboards, first amendment concerns and recent court rulings, referral process for draft regulations and business interests, and mobile/vehicular billboards. Staff provided the Planning Commission with

information regarding the survey results, summarized the intent of a non-conforming use per the Land Development Code, addressed legal concerns and clarified that the draft regulations do not address mobile/vehicular signs (these types of signs are prohibited in the County, and staff is not recommending any changes to the regulation of these types of signs).

### Recommended Regulations

Staff is recommending draft regulations which will prohibit any new billboards in unincorporated Arapahoe County and will prohibit the conversion of existing billboards to electronic message board billboards. The draft regulations will also prohibit billboards proposed on land zoned or to be zoned for Planned Unit Developments. Existing billboards would be treated as legal non-conforming uses under the Land Development Code.

The proposed regulations will also amend the definition of a billboard and define a billboard by its size and its proposed location relative to roads and highways without reference to the content of the sign as required under developing court precedent. This is intended to remove the off-premise/on-premise distinction upon which the existing definitions in the Land Development Code are based. The draft regulations define billboards as any sign exceeding 48 square feet per sign face or a sign exceeding six feet in height and that is oriented towards a public road with an intent to advertise to travelers on such road. The draft regulations would not allow billboards, EMB billboards or the conversion of existing billboards to EMB billboards.

The draft regulations are attached to this report.

### **Alternatives**

The Board has several options regarding the proposed regulations during this study session:

A. Proceed with Recommended Draft Regulations

Staff recommends this option, which would prohibit any new billboards and conversion of any existing static billboard to an EMB and remove the existing provision in the Land Development Code that would allow other off-premise signs, currently differentiated from billboards on the basis of size. The Use by Special Review process would no longer be an option for establishing a new billboard or for converting a billboard to an EMB. *If the BOCC chooses this alternative, staff would proceed with a referral process to agencies and stakeholder groups.*

B. Direct staff to take a different approach to drafting the regulations

Taking a different approach to the regulations would affect the project schedule.

C. Maintain the existing billboard and other off-premise sign regulations as currently addressed in Chapter 4 of the Land Development Code

Staff feels that the current regulations do not provide clear direction, and the USR process for sign approval is not consistent with requirements of applicable State and federal case law.

**D. Request Additional Information**

If the Board would decide on a different approach to billboards that would allow billboards at certain locations within the county, the existing USR process for approving those billboards will need to be modified to comply with First Amendment law.

**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

John Christofferson, Deputy County Attorney