



ARAPAHOE COUNTY  
COLORADO'S FIRST

## Board Summary Report

**Date:** January 22, 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 for Conversions to Electronic Message Signs/ Electronic Message Boards – Second 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. Staff is requesting an extension of the temporary moratorium for an additional three (3) months. Staff is proposing to extend the moratorium by another three (3) months to May 7, 2020.

### **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. Pursuant to Resolution No. 190527, this temporary moratorium was extended to February 7, 2020. Staff is now requesting a second extension for a period of three (3) months to May 7, 2020.

### **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. 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 major travel corridors as part of an updated code for consideration through the hearing process.

October 22, 2019 Study Session: Staff is expecting to review the draft language and the schedule. Staff will provide an update at the time of the public hearing.

October 29, 2019 Public Hearing: Staff requested the BOCC to extend the moratorium for 3 months to allow for staff to continue work on draft regulations and review legal and constitutional requirements for sign codes. The BOCC approved a 3-month moratorium, set to expire February 7, 2020.

February 4, 2020: A public hearing on staff's request for a second extension of the moratorium is set for this date. Staff is proposing another three (3) month extension.

Since the time of the initial extension of the moratorium further review and analysis has revealed some additional legal concerns within our current regulations, including constitutional issues with the existing Use By Special Review criteria.

If the temporary moratorium is approved (extending from February 7, 2020 to May 7, 2020), Planning Division and County Attorney staff will be better able to prepare draft regulations that comply with legal and 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 necessary. If approved, staff expects to bring the draft language to the Planning Commission and Board of County Commissioners in April. The proposed schedule is attached as Exhibit A.

**Alternatives**

1. The Board may adopt the proposed resolution establishing the moratorium through May 7, 2020, 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 applications for billboards and other off-premise signs as permitted in the current Land Development Code after the temporary moratorium is lifted on February 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 February 7, 2020.

**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:**

Kat Hammer, Planner II

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 second 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 second 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 three months to May 7, 2020.

### **Motion for Denial:**

In the matter of the second 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 its expiration.

### **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 \_\_\_\_\_, 2019 and direct staff to provide the following information for the Board's consideration: *[describe what additional information needed to assist Board's decision]*



WHEREAS, in accordance with said notice, on February 4, 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 second 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 is hereby extended for a period of 3 months to May 7, 2020.
2. That all other provisions of Resolution No. 190273, adopting the moratorium, and Resolution No. 190527, 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.

Billboard Moratorium & LDC Amendment			February	March	April	May
Provide Schedule to BOCC	1 day	2/4/2020	■			
Extend Moratorium Hearing Date	1 day	2/4/2020	■			
Draft Regulations						
Staff Draft Regulations	14 days	2/4/2020 - 2/25/2020	■			
SS at the BOCC - Sign Districts	1 day	2/18/2020	■			
SS at the BOCC - Regulation Language	1 day	2/25/2020	■			
Staff Edit Draft Regulations		2/26/2020 - 3-2-2020	■			
External Referral Period	21 days	3/3/2020 - 3/24/2020		■		
Compile External Referrals	7 days	3/25/2020 -4/1/2020		■	■	
Public Hearings						
Prepare Staff Report	5 days	4/1/2020 - 4/13/2020			■	
Publication in the newspaper		3/24/2020		■		
Public Hearing at the PC	1 day	4/21/2020			■	
Publication in the newspaper		4/7/2020			■	
Public Hearing at the BOCC	1 day	5/5/2020				■
Moratorium Lifted		5/7/2020				■