



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

August 31, 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. 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

Study Session Topics

9:00 A.M. Administrative Meeting - Human Resources Follow Up (WHR)

Patrick Hernandez, Director, Human Resources

10:00 A.M. Calendar And Board Updates (WHR)

Michelle Halstead, Director, Communication and Administrative Services

11:00 A.M. *Billboards In The A-1 And A-E

Discussion of a request to review results from a survey sent to property owners located within 600 feet of the three proposed billboard overlay corridors and for direction for staff to draft regulations that will govern the review and approval for billboards within the County

Request: Information/Direction

Kathleen Hammer, Planner II, Public Works and Development

Jason Reynolds, Current Planning Program 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:

[LCD19-002 BSR - PUBLIC OUTREACH UPDATE 08-31-2020.PDF](#)

Break

3:00 P.M. *Drop In
Board of County Commissioners

1. Update On Marijuana Licensing
Update to the Board of County Commissioners regarding marijuana licensing in unincorporated Arapahoe County and receive direction regarding an updated licensing policy including fees

Request: Information/Direction

*John Christofferson, Deputy County Attorney
Ron Carl, County Attorney
Michelle Halstead, Director, Communication and Administrative Services*

Documents:

[BSR SS MARIJUANA LICENSING UPDATE - AUGUST 31, 2020.DOC](#)

*** To Be Recorded As Required By Law**
WHR - West Hearing Room

*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: Jan Yeckes, Planning Division Manager
From: Kat Hammer, Planner II
Subject: Billboard & Off-Premise Signs LDC Amendment

Direction/Information

The purpose of this study session is to share results from a survey sent to property owners located within 600 feet of the three proposed billboard overlay corridors. The proposed locations for these overlay districts were discussed in the Board study session on April 14, 2020. This study session is intended to review the survey results and direct staff to draft regulations that will govern the review and approval for billboards within the County.

Staff is working on proposed regulations that establish billboard overlay districts and would permit billboards in an established billboard overlay district on parcels that are zoned I-1, I-2, B-3, B-4 and B-5, as well as possibly the A-E and A-1, as an allowed use subject to a sign permit. The sign permit would be issued based on an administrative determination of whether the billboard, as proposed, meets specified objective criteria for size, height, location/setback, structural design and other operational criteria set forth in the proposed regulations. The proposed regulations would define billboard signs and electronic message board billboards, prohibit new electronic message board billboards, and amend the existing regulations for off-premise signs (not constituting billboards).

The proposed regulations and sign permit process are intended to replace the Use by Special Review process for billboard and off-premise signs in the existing sign code in order to comply with Constitutional requirements.

Request and Recommendation

Staff requests feedback from the Board on the proposed locations for the billboard districts and the proposed regulations for billboards, electronic message boards and off-premise signs in light of the survey results.

Background

A number of developers and industry representatives have contacted the Planning Division over the last few years to express the desire to construct new billboards, to convert existing billboards to electronic message boards (EMBs), and to reduce the dwell time for EMBs. A new billboard

has not been constructed in unincorporated Arapahoe County in at least 15 years, and there are no Use by Special Review approvals on file for the existing billboards (current regulations require a USR for placement of a billboard). However, there is an important need to amend the existing Sign Code and the approval process set forth therein for billboards and other off-premise signs. The First Amendment strictly limits the County's ability to regulate signs as a matter of free speech and the County Attorney's office has expressed concern over the constitutionality of the existing USR process.

The Board has issued a moratorium on the acceptance of applications for new billboards or for conversion of existing billboards to EMB. The Board recently extended the moratorium for a period of 4 months to September 7, 2020. The Board is scheduled to hear a request for an additional extension of 4 months on September 1, 2020. If the moratorium extension is approved, the moratorium will expire on January 7, 2021.

Links to Align Arapahoe

This request contributes to the "Quality of Life" for Arapahoe County Citizens. Billboard regulations promote public health, safety and general welfare of the community by limiting the impact area of these traditionally large, lighted structures used for advertising products and services or communicating other messages in exchange for payment (rental of advertising space). Billboard regulations should promote an attractive built environment and a healthy local economy.

Discussion

Overlay Districts

At the April 4, 2020 Arapahoe County Board of County Commissioners Study Session, staff proposed several locations for the billboard overlay districts. The Board directed staff to remove the billboard overlay district from the proposed urban areas and maintain the proposed billboard overlay districts in the rural areas. Staff was also asked to consider and evaluate the possibility of allowing billboards within the proposed billboard overlay district in A-E and A-1 zone districts.

A-E and A-1 Zone Districts

Currently the LDC permits billboards in the I-1, I-2, B-3, B-4 and B-5 zone districts. Staff received direction to research the possibility of allowing billboards within the proposed billboard overlay district in the A-E and A-1 zone districts. Doing so would greatly expand the areas where billboards could be permitted.

Staff sent out a postcards on July 10, 2020 to all the property owners within 600 feet of the three proposed billboard overlay corridors. The post card asked the property owner to complete a short online survey and included a link on the postcard. The postcard also included a staff contact if the online survey was not feasible to complete and a property owner still wanted to provide comment. The survey stayed open for 17 days after the postcards were mailed and was closed on July 27, 2020.

The postcard was sent to 1080 property owners along the three proposed billboard overlay corridors. Staff received approximately 160 undeliverable postcards. The survey was completed by 134 property owners, (12.4% response rate for all property owner addresses and 14.6% response

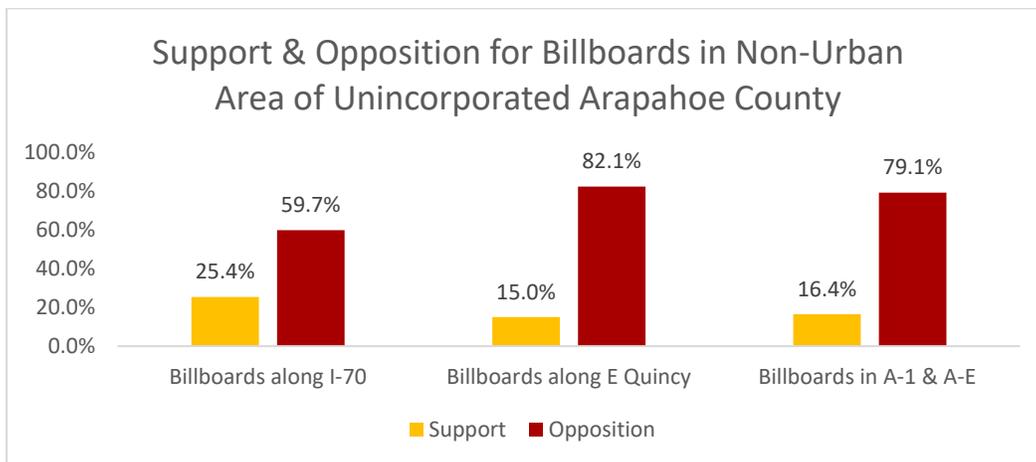
rate for postcards received by property owners). Please note staff received one phone call from a resident who indicated he was opposed to any new billboards along the proposed I-70, E. Quincy Ave. and along Kiowa Bennett Rd. billboard overlay corridor.

The survey included six questions directly related to billboards along the three proposed billboard overlay corridors; the responses are summarized below and are depicted graphically below and on the attached “Public Outreach Results for Billboards in the Non-Urban Areas of Arapahoe County” document.

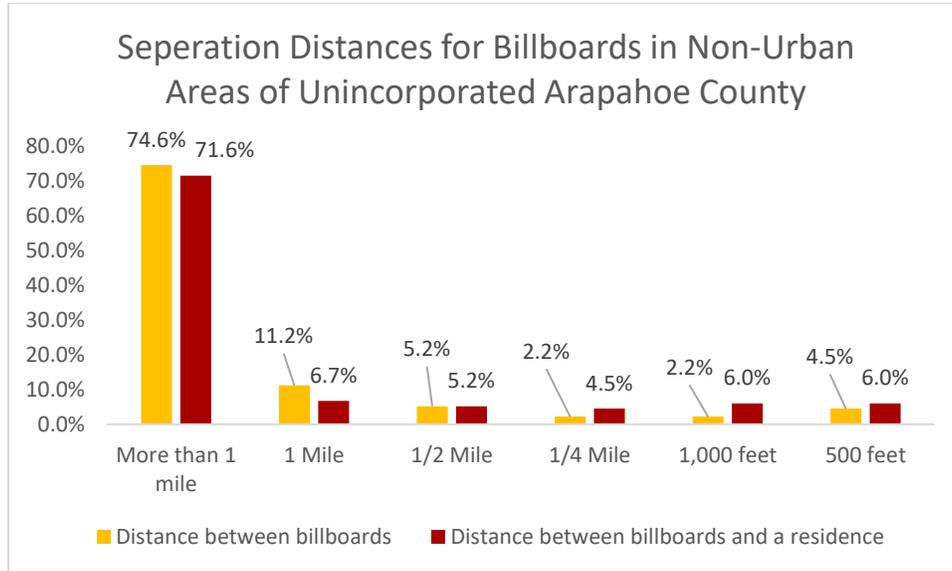
The respondents were asked to answer six questions:

1. *Whether billboards should be allowed along I-70, east of Watkins Road*
2. *Whether billboards should be allowed along E. Quincy Ave., east of Gun Club Rd., and along Kiowa Bennett Road*
3. *Whether billboards should be allowed on agricultural zoned (A-E and A-1) property in addition to the currently allowed industrial and commercial zones*
4. *If approved for agricultural (A-E and A-1) zoned property, what distance should separate billboards from each other*
5. *If billboards are approved for agricultural (A-E and A-1) zoned property, how far should they be from a residence*
6. *Whether new billboards should be prohibited county-wide*

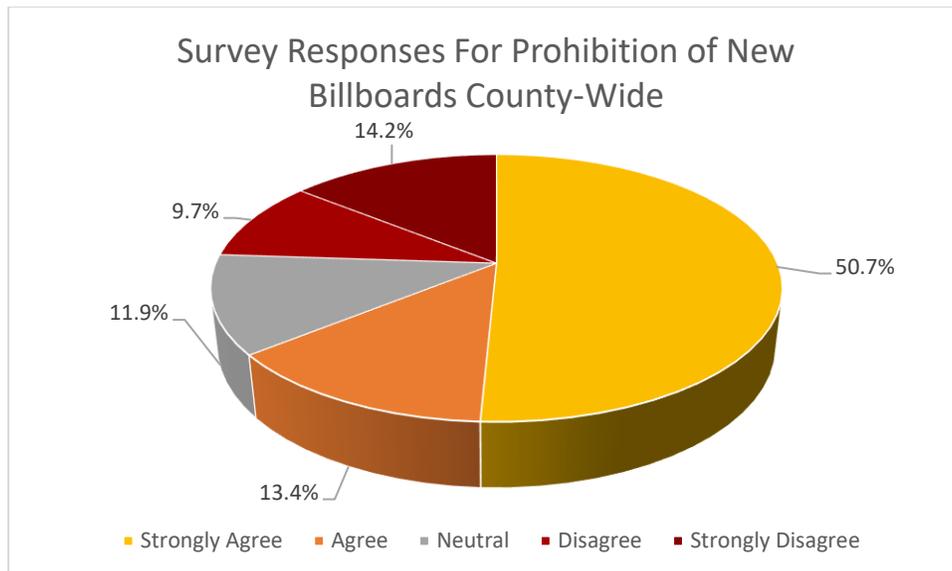
Generally speaking, a majority of the respondents are in opposition to permit new billboards along the proposed I-70, E. Quincy Ave. and along Kiowa Bennett Rd billboard overlay corridors. Respondents also opposed billboards in the A-1 and A-E zone districts. The graph below indicates the percentage of respondents who are in support and in opposition of permitting new billboards along the proposed corridors and billboards in the A-E and A-1 zone districts.



Almost 75% of the respondents suggest a separation setback of one mile or more than a mile if billboards area permitted in the A-E and A-1 zone districts. Similarly, just over 70% of the respondents suggest a separation distance of one mile or more from residences for new billboards.



Nearly two thirds of the respondents agree or strongly agree that new billboards should be prohibited county-wide. Below is a pie graph indicating survey responses for new billboards within the urban and non-urban areas.



Alternatives

The Board has several options regarding the proposed billboard overlays and draft regulations:

- A. Direct Staff to Draft Regulations Prohibiting New Billboards County-Wide
In light of the survey results and the previous direction to remove the billboard overlay district from the urban areas of unincorporated Arapahoe County, staff suggests removing the proposed billboard overlay district from the rural areas of unincorporated Arapahoe County (prohibiting new billboards county-wide).
- B. Proceed with Previously Recommended Billboard Overlay Locations as Proposed so Far
The previously recommended billboard overlay locations could benefit travelers on Quincy and Kiowa Bennett Road. The urban area overlay districts were removed from consideration following the Board's direction on April 4, 2020.
- C. Modify the Proposed Billboard Overlay Locations and/or Proposed Regulations
Overlay areas could be added to or removed from the proposed locations or other changes could be made to separation, setback, definitions, EMB requirements/prohibitions, or other requirements in the proposed regulations.
- D. 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. While regulations could be written without the use of the billboard overlay district option, the USR approval process would remain a potential source of liability for the County.
- E. Request Additional Information
Staff could present additional overlay alternatives at a future study session; however, this option could affect the project schedule.

Fiscal Impact

No direct fiscal impact is anticipated. Prohibiting billboards countywide could affect the billboard industry; however, it should be noted that no new billboards have been installed in Arapahoe County for at least 15 years.

Concurrence

Staff is seeking Board direction. Staff has discussed this with Public Works Planning & Zoning and the County Attorney's office.

Reviewed By

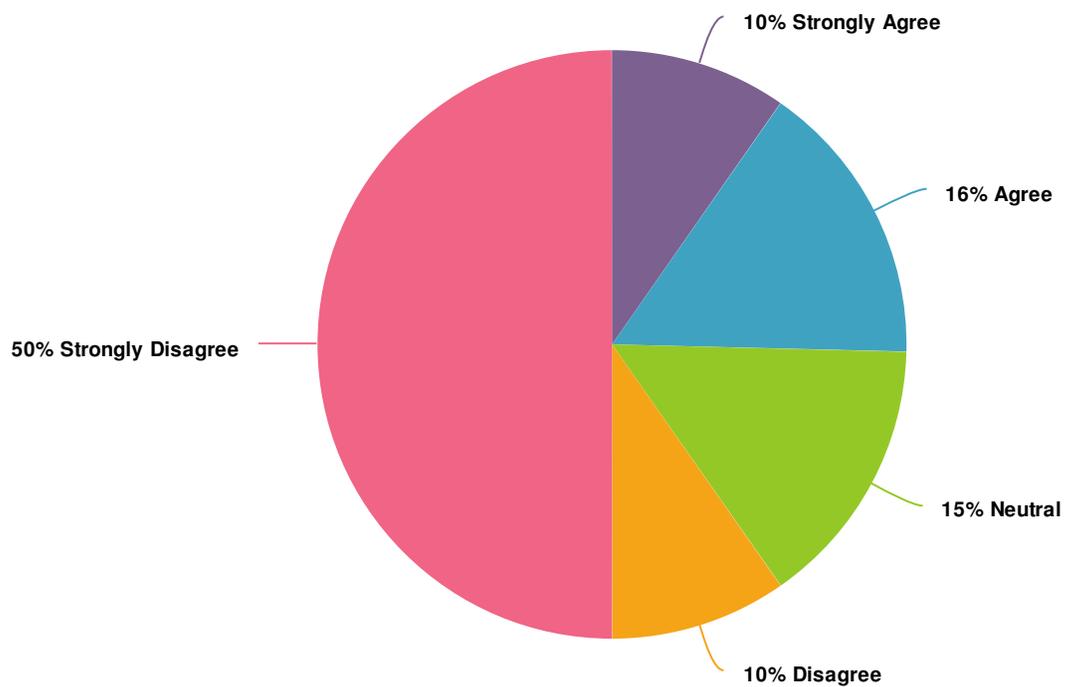
Jan Yeckes, Planning Division Manager
Robert Hill, Senior Assistant County Attorney
Bryan Weimer, Public Works and Development Department Director
Todd Weaver, Finance Department Director

Attachments

Public Outreach Results for Billboards in the Non-Urban Areas of Arapahoe County

Report for Billboards in Agricultural Zone Districts

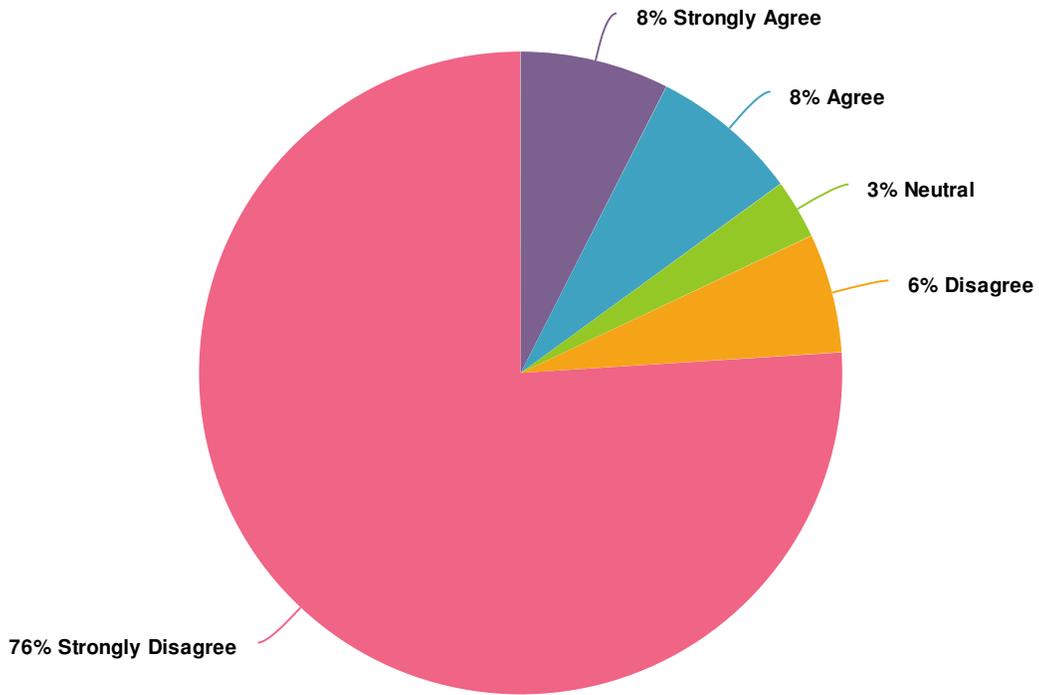
1. Billboards should be allowed along I-70, east of Watkins Road



Value	Percent	Responses
Strongly Agree	9.7%	13
Agree	15.7%	21
Neutral	14.9%	20
Disagree	9.7%	13
Strongly Disagree	50.0%	67

Totals: 134

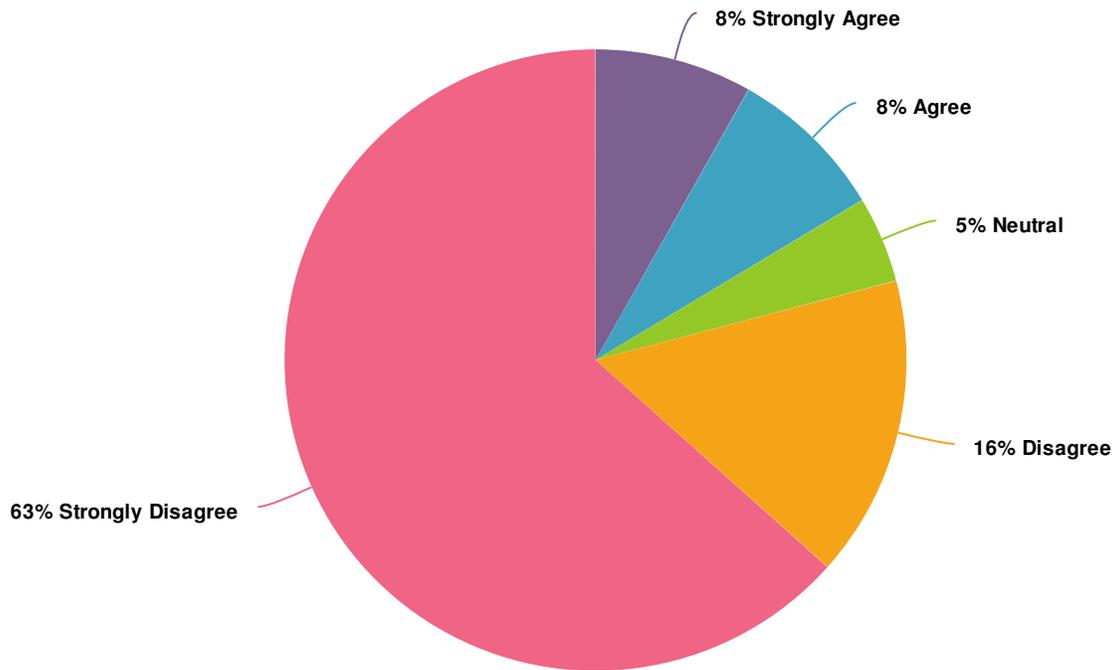
2. Billboards should be allowed along E. Quincy Ave., east of Gun Club Rd., and along Kiowa Bennett Road



Value	Percent	Responses
Strongly Agree	7.5%	10
Agree	7.5%	10
Neutral	3.0%	4
Disagree	6.0%	8
Strongly Disagree	76.1%	102

Totals: 134

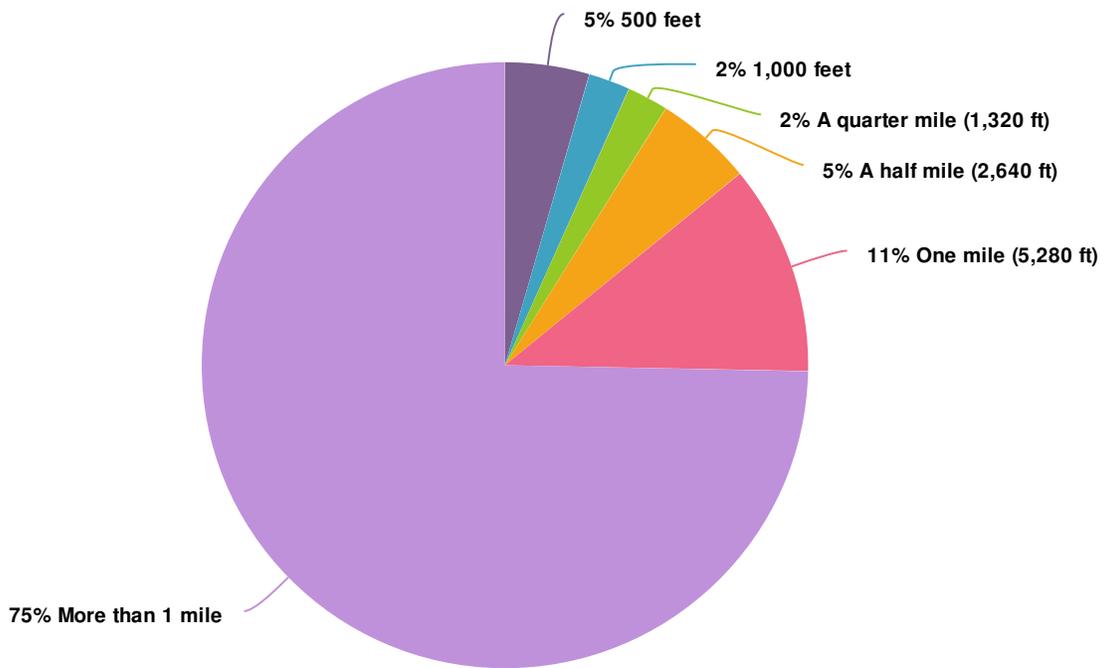
3. Billboards should be allowed on agricultural zoned (A-E and A-1) property. Keep in mind that billboards are currently a permitted land use only in commercial and industrial zone districts (I-1, I-2, B-3, B-4 and B-5).



Value	Percent	Responses
Strongly Agree	8.2%	11
Agree	8.2%	11
Neutral	4.5%	6
Disagree	15.7%	21
Strongly Disagree	63.4%	85

Totals: 134

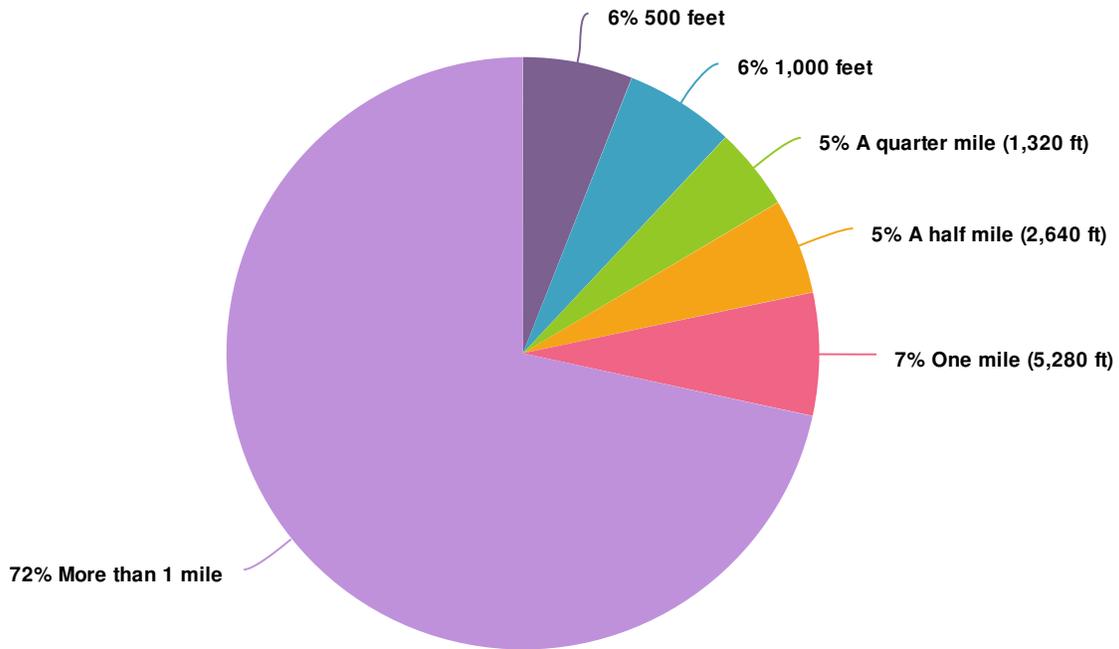
4. If billboards are approved for agricultural (A-E and A-1) zoned property, I think the distance between billboards should be at least:



Value	Percent	Responses
500 feet	4.5%	6
1,000 feet	2.2%	3
A quarter mile (1,320 ft)	2.2%	3
A half mile (2,640 ft)	5.2%	7
One mile (5,280 ft)	11.2%	15
More than 1 mile	74.6%	100

Totals: 134

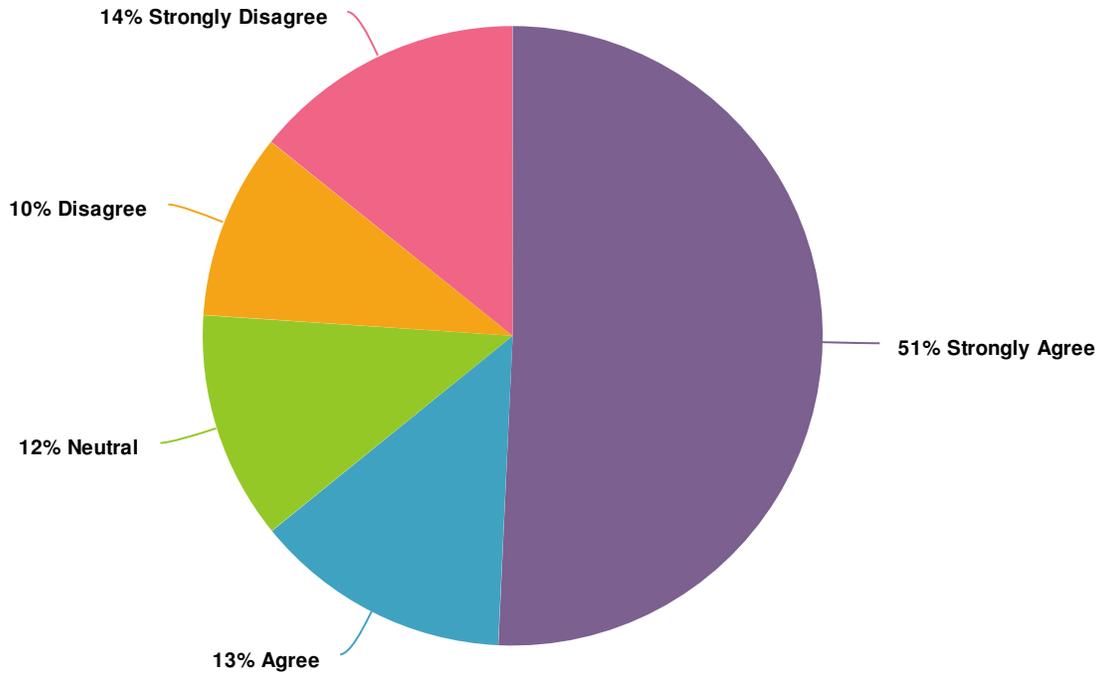
5. If billboards are approved for agricultural (A-E and A-1) zoned property, I think the distance between a billboard and a residence should be at least:



Value	Percent	Responses
500 feet	6.0%	8
1,000 feet	6.0%	8
A quarter mile (1,320 ft)	4.5%	6
A half mile (2,640 ft)	5.2%	7
One mile (5,280 ft)	6.7%	9
More than 1 mile	71.6%	96

Totals: 134

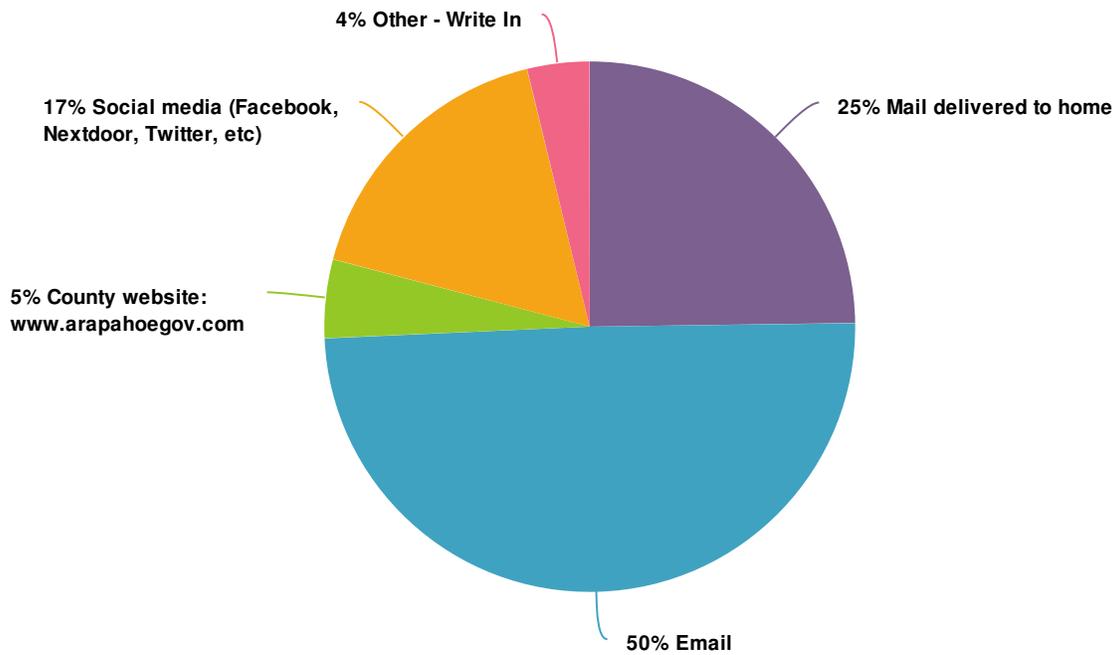
6. New billboards should be prohibited county-wide



Value		Percent	Responses
Strongly Agree		50.7%	68
Agree		13.4%	18
Neutral		11.9%	16
Disagree		9.7%	13
Strongly Disagree		14.2%	19

Totals: 134

7. How do you prefer to get direct information, news, updates or feedback opportunities like this from Arapahoe County? Select all that apply



Value	Percent	Responses
Mail delivered to home	24.8%	26
Email	49.5%	52
County website: www.arapahoegov.com	4.8%	5
Social media (Facebook, Nextdoor, Twitter, etc)	17.1%	18
Other - Write In	3.8%	4

Totals: 105



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: August 24, 2020
To: Board of County Commissioners
Through: Ron Carl, County Attorney
From: John Christofferson, Deputy County Attorney
Subject: Marijuana Licensing Update

Request and Recommendation

The purpose of this study session is to provide an update regarding marijuana licensing in unincorporated Arapahoe County and receive direction regarding an updated licensing policy including fees.

Background

On March 15, 2011, the BOCC adopted Resolution No. 110257 amending its Land Development Code Regulations by adding a new section 12-1800 “Medical Marijuana Land Uses,” which prohibits new medical marijuana facilities but allows those facilities existing as of December 15, 2009 to continue as legal non-conforming uses. On June 26, 2012, the Board of County Commissioners (BoCC) adopted Resolution No. 120494 establishing the Arapahoe County Medical Marijuana Licensing Policy.

On July 7, 2020, the Board of County Commissioners held a study session to provide a recap of previous direction, provide process information related to updating the county’s marijuana regulations, and to seek additional policy direction to complete implementation. The BoCC directed staff to move forward with allowing the current medical marijuana store licensed premises to also have authorization to apply for a retail marijuana store license.

On July 28, 2020, the BoCC adopted Arapahoe County Ordinance No. 2020-02 Establishing Limited Retail Marijuana Stores within Unincorporated Arapahoe County, which will become effective August 27, 2020. Ordinance No. 2020-02 allows the four (4) existing licensed medical marijuana stores (the “Licensed Stores”) to also be licensed retail marijuana stores pursuant to the provision of the Arapahoe County Land Development Code. Also on July 28, 2020, BoCC adopted a revision to the Land Development Code Sec. 3-3.5 Marijuana Land Use and Definitions for marijuana use within unincorporated Arapahoe County.

Staff has performed research regarding the licensing in general, dual licensing, licensing policies, and fees. The State of Colorado Marijuana Enforcement Division provided that separate licenses

are required for a single premises that is allowed to have a medical marijuana store license and a retail marijuana store license.

Discussion

The Colorado Marijuana Code requires that prior to issuing a marijuana license the County adopt a resolution containing specific standards for license issuance, or the County will be required to consider the licensing standards contained in the Colorado Marijuana Code. Staff has prepared a new marijuana licensing policy to include retail marijuana store licenses, other application procedures, and fees, and a form application that creates standards for marijuana license issuance by the County.

Alternatives

The Board could elect to rely solely on the State for licensing.

Fiscal Impact

If the Board decides to adopt this policy at a future public meeting, the County would receive fees for the issuance and renewal of the limited number of retail marijuana store licenses, renewals of medical marijuana store licenses, and other application procedures.

Reviewed By:

Ron Carl, County Attorney

Michelle Halstead, Director of Communication and Administrative Services