REGULAR MEETING OF THE
ARAPAHOE COUNTY PLANNING COMMISSION
Tuesday, June 4, 2019 at 6:30 p.m.

1. CALL TO ORDER

2. GENERAL BUSINESS ITEMS

2.I. May 7, 2019 Planning Commission Minutes

3. STUDY SESSION ITEMS

3.I. Study Session Item 1 - GESC Manual And Chapter 14 Of Stormwater Management Manual Related To The County's MS4 Permit
   Presenter: Chuck Haskins, Engineering Division Services Manager
   Request: Review proposed GESC Manual Updates
   Direction/Action: Informational Only

3.II. Study Session Item 2 - Oil And Gas Regulations
      Presenter: Diane Kocis, Energy Specialist
      Request: Review potential upcoming changes to oil and gas regulations in response to new legislation
      Direction/Action: Informational Only

   Documents:

   ITEM 2 - OIL AND GAS REGULATIONS.PDF

3.III. Study Session Item 3 - Billboard And Off-Premise Signs Moratorium
       Presenter: Kathleen Hammer, Planner II
       Request: Review and discuss recent BOCC action on a moratorium on land use cases related to billboards and off-premise signs.
       Direction/Action: Informational Only

   Documents:

   ITEM 3 - LDC19-002 BILLBOARD AND OFF-PREMISE SIGNS STUDY SESSION 6.4.2019 - FINAL.PDF

3.IV. Study Session Item 4 - Small Cell Towers In ROW
      Presenter: Jason Reynolds, Current Planning Program Manager
      Request: Review and discuss recent revisions to small cell tower design standards in the right-of-way
      Direction/Action: Informational Only

   Documents:

   ITEM 3 - LDC19-002 BILLBOARD AND OFF-PREMISE SIGNS STUDY SESSION 6.4.2019 - FINAL.PDF

ANNOUNCEMENTS:
The next Planning Commission meeting is scheduled for June 18, 2019.
Planning Commission agendas, Board of County Commission agendas, and other important Arapahoe County information may be viewed online at [www.arapahoegov.com](http://www.arapahoegov.com) or you may contact the Planning Division at 720-874-6650.

**PLANNING COMMISSION MEMBERS:**

<table>
<thead>
<tr>
<th>Vacancy</th>
<th>Jamie Wollman</th>
<th>Randall Miller</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diane Chaffin</td>
<td>Jane Rieck, Chair</td>
<td>Richard Sall</td>
</tr>
<tr>
<td>Kathryn Latsis</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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

*Please contact the Planning Division at 720-874-6650 or TTY 711, at least three (3) days prior to a meeting, should you require special accommodations.*
BoCC Study Session, [March 20, 2018]

Board Summary Report

Date: March 13, 2018
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Diane Kocis, Energy Specialist
Subject: Oil & Gas Update

Request and Recommendation
The purpose of this action is to request direction regarding updating the Energy Facilities section of the Land Development Code and the Oil & Gas MOU.

Background
The existing Land Development Code and the Oil & Gas MOUs were developed with oil and gas well pads with only 1-2 wells. In the past 2 years staff has seen a significant increase in the number of wells per pad (up to 23/pad). Drilling and fracking periods will be significantly longer to complete a greater number of wells and may last well over one year. It’s important to note that the newer wells have drastically improved production volumes, due to fine-tuning of fracking techniques. The increased number of wells/pad and the higher volumes of fluids recovered from these wells will put more stress on County roads. The longer drilling periods will impact neighboring residents for much longer periods.

Links to Align Arapahoe
This matter links to the Align Arapahoe goal for Quality of Life for Arapahoe County citizens who will be impacted by neighboring large scale oil and gas facilities and to the goal of Fiscal Responsibility, for anticipating potential damage and subsequent repairs to County roads.

Discussion
The siting of large scale oil and gas facilities in residential areas will inevitably lead to land-use conflicts and traffic issues. Staff has developed recommendations for changes to the Land Development Code and for MOU changes and will provide additional information at the update.

Our existing MOU template was a cutting edge document developed when the Niobrara Formation in Arapahoe County was just explored and tested. Since the MOU template was adopted, many other jurisdictions have successfully negotiated new MOUs with operators that contain many conditions stricter than COGCC rules to address the new larger facilities that are
closer to residences and have greater traffic, visual and noise impacts. Staff is also recommending revising transportation/road impact fees to reflect increased levels of activity.

**Alternatives**
The Board of County Commissioners has 3 alternatives:
1. Direct staff to draft changes to the MOU and the Land Development Code.
2. Direct staff to continue to process the current Oil & Gas cases using the existing MOU template and existing Energy Facilities section of the Land Development Code.
3. Additionally, provide direction to staff on whether to move forward with revised road impact fees.

**Reviewed By:**
Diane Kocis
Jan Yeckes
Dave Schmit
Ron Carl
Bob Hill
Recommendations for Oil & Gas Regulations + New COGCC Developments

May 21, 2019 BoCC Study Session

Arapahoe County Public Works
Purpose of Study Session

• Obtain Direction From BoCC to Update the Oil and Gas Regulations of the Land Development Code.

• Concurrence of BoCC of the Areas of Concern to Evaluate for Possible Incorporation into Updated Regulations (9 Topics Identified)
  - Quality of Life
  - Health/Safety
  - Process Improvement

• Update BoCC on COGCC Following Passage of SB19-181
Existing Situation for Oil & Gas Development in Unincorporated Arapahoe County

• With an MOU, locations are approved administratively.

• Until recently, most UAC pads had 1-2 wells. 8 is new norm. Up to 24.

• Historic COAs have been minimal (preemption and protection of mineral rights).

• Oil & gas development can occur in any zone district. Industrial facilities go into residential areas.

• Drilling and fracking phases involve 24/7 operations.
Now that SB19-181 is approved ...

• State preemption over Oil & Gas is removed.

• Local Governments now have authority to develop reasonable regulations to govern site approval and mitigate impacts.
Trend Toward Larger Facilities (4 or more wells) in Unincorporated Arapahoe County

2012: none
2013: none
2014: 1
2015: 3
2016: 5
2017: 8
2018: 9
Staff Identified Areas of Concern

Staff has prepared an evaluation of **nine areas of concerns** with oil and gas well sites and additional suggestions to reduce oil and gas impacts and issues that have been **routinely experienced** with oil and gas exploration and production in the County – from a list of **lessons learned**.

We’ve already decreased the list.
Reasons Behind the Identified Concerns

• Staff is *not* intending to shut down or hinder industry.

• Staff is seeking to reduce impacts on County residents and their Quality of Life and likewise reduce impacts on County staff and infrastructure.

• Implementing some of the recommendations could reduce the number of complaints/concerns received.
Quality of Life

Topics Identified:

• Noise

• Lights

• Visual Mitigation
Health and Safety

Topics Identified:

• Lightning

• Emergency Response Plans

• Setbacks
Process Improvement

Topics Identified:

• Notifications

• Development Plans

• Incentivize Pipelines
Development of Mitigation Measures to address the impacts of larger, closer pads

• Staff will consult with industry and other jurisdictions to better understand what is possible and what has worked.

• Input on which impacts we want to mitigate.

• Develop a **tiered approach** (stricter standards when closer to homes or beyond a certain number of wells/pad).
Topics of Concern

*That Can be Addressed Through Mitigation*

- **Noise** – Currently allowed “light industrial” noise levels 24/7. “Noise is in the ear of the beholder”.

- **Lighting** – Currently allowed industrial levels 24/7. “Light is in the eye of the beholder”.

- **Visual Mitigation** – equipment is higher than homes; In place for +/- 25 years.

- **Emissions/Odors** – can be a nuisance or a serious health issue.

- **Lightning** – strikes result in a tank fire every other year.
One measure that could mitigate several impacts

Topic to Consider

**SETBACKS** – Most new wells in UAC at just over 1,000 feet, measured from the center of the well to the nearest wall of the nearest home.

Depending how a pad is laid out the existing COGCC setback allows placement of access roads and tanks *closer* to homes.

Fire District has demonstrated heavy smoke migrates 1,200 feet from a *single* tank fire to nearby homes.
Thick smoke from a multiple tank fire
Fire burns at oil and gas site in Weld County; smoke seen for miles
Perfect Storm, Unlikely Scenario: Nearby tanker hit by lightning. Oil tank launched near Greeley.
Possible Mitigation Options

• **Noise:** Sound walls erected drilling phase; Electric motors, Hay bales.

• **Light:** Respond to complaints within 1 day; Decrease height of light poles; Light shields; or Conform to County Lighting Code.

• **Visual:** Landscaping combinations of berms and fencing; Low-Profile tanks when near homes.

• **Notifications:** Notify all landowners within 1 mile. Provide project schedules for all phases to County.

• **Emergency Response Plans:** Submit for review prior to drilling phase.
Tiberius Drilling Lights 4-30-19
Other topics to possibly address

• Citizen outreach for multi-well pads near homes.

• Alternative Site Analysis for wells near neighborhoods.

• Setbacks for new home construction near existing wells.

• Stipulations for wetlands, riparian areas, critical habitats.
What’s New at COGCC?

- All Permit Applications are being held up till Local Governments weigh in or notify COGCC that they are not getting involved in the permitting process
- Director’s Initiatives for delaying applications
- Alternative Site Analysis Guidelines Under Development
- COGCC working with CDPHE on New Air Emissions Rules
- Evaluation of Cumulative Impacts of Oil & Gas Development
- Rules for Flowlines and Inactive Wells
BoCC Requested Direction

• Concurrence for Staff to Begin Update Oil & Gas Land Use Code
  • Goal to Have Revised by End of 2019
  • Use MOU Process Until Updated Code
  • Next Steps will Show Proposed Plan

• Concurrence on Topic Areas to be Considered in Updated Code
  Noise
  Visual
  Lightning
  Process Improvement
  Light
  Setbacks
  ERP
Next Steps

• Develop Outreach, Communications, Education Plan (Change Management)
• Staff Develop Options to Address Areas of Concerns & Present to BoCC
  • Research Other Communities
  • Involve Emergency Service Providers
  • Consider Best Management Practices used elsewhere
  • Consider Tiered Approach
• Outreach to Industry and General Public
  • Surveys
  • Meetings
• Share Feedback on Outreach w/BoCC & Recommendations for Code Update
• Draft an Update to Regulations
• Public Review Process of Regulations
• Adoptions Process
  • Planning Commission (November 2019)
  • BoCC Public Hearing (December 2019)
CITIZEN ISSUES/CONCERNS/QUESTIONS 2012 – PRESENT

Noise and Light

Traffic/Traffic Noise/Road Degradation/Road not designed for Heavy Trucks/Unsafe

Move the Well(s)/Alternative Site Analysis

Lack of Adequate Notifications/Signage

Setbacks/In Compliance with Setbacks?

Location of Wells Near Them and Planned Wells/Want to buy property – where are wells planned?

Water Testing/Analytical Results Interpretation

Air Quality/Health Impacts/Odors
Citizen Issues/Concerns/Questions 2012 – Present Continued

Leases/Mineral Rights/Mineral Rights stolen/Late payments/Forced Pooling

Flaring – Must be dangerous/air quality impacts

Abandoned Lines Questions

Inadequate Revegetation

Visual Impacts/Property Values

Soil Contamination

Water Volumes/Source of Water for Fracking

Fracking under houses and schools/Foundation damage
## Oil and Gas Regulations Considerations

<table>
<thead>
<tr>
<th>Topic</th>
<th>Issue</th>
<th>Result/Concern/Lesson</th>
<th>Current MOU</th>
<th>Others/Best Practices</th>
<th>Current COGCC</th>
<th>Potential New COGC</th>
<th>Options Potential Solutions</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Noise</td>
<td>24/7 Industrial or Light Industrial COGCC criteria in Non-Industrial Locations. Does not take adjacent zoning into account.</td>
<td>Citizen complaints of sleeplessness, aggravated chronic pain and lack of mitigation or responsiveness when operator is contacted.</td>
<td>Operator shall provide 24/7 contact information to respond to all noise complaints</td>
<td>Electric motors; “Additional noise mitigation if requested.” Town of Timnath requires compliance with town noise town noise regulations.</td>
<td>Drilling, facility installation or maintenance are subject to maximum permissible noise levels for Light Industrial Zones as measured at the nearest building unit: 70 db from 7 am to 7 pm and 65 db 7 pm to 7 am.</td>
<td>Noise standards or mitigation may be handed over to local governments.</td>
<td>COAs could include: &quot;Noise mitigations may be required&quot;. Mitigations would include: Electric motors, sound walls, weed-free hay bales, location/orientation of generators. County could require sound walls be constructed for the drilling stage. County could require the operator to perform to meet a standard or County could prescribe what we’ll allow for pads near homes.</td>
<td>Conoco is currently using 24/7 noise monitoring equipment for drilling 1,400' from homes to ensure that they are meeting the current state standards, due to numerous complaints. COGCC may inspect the Conoco monitoring equipment.</td>
</tr>
</tbody>
</table>

| Light | Industrial levels of light in residential areas. | Citizen complaints of sleeplessness due to extremely bright lights. | Temporary lighting shall conform to the COGCC rules. Permanent lighting shall be directed downward and internally. | None known. | To the extent practicable, site lighting shall be directed downward and inward and shielded so as to avoid glare on public roads and Building Units within 1,000’. | Unknown if lighting regulation will be handed over to local governments. | Operator shall respond to lighting complaints within 1 day and make all appropriate adjustments. Or: Lighting should be no brighter than OSHA standards; Or: Require oil & gas operations to meet Arapahoe County lighting code. | Conoco currently does respond to complaints and makes adjustments within 24 hours. Citizens are not satisfied with the adjustments. | Could potentially ask that nighttime truck traffic be routed away from neighborhoods where alternate routes exist. |
### Oil and Gas Regulations Considerations

<table>
<thead>
<tr>
<th>Topic</th>
<th>Issue</th>
<th>Result/Concern/Lesson</th>
<th>Current MOU</th>
<th>Others/Best Practices</th>
<th>Current COGCC</th>
<th>Potential New COGC</th>
<th>Options</th>
<th>Potential Solutions</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setbacks</strong></td>
<td>Impacts related to noise, air emissions, lights, fire danger from lightning strikes to tanks, and visual impacts are all mitigated to some extent by greater setbacks. Current State setback is 500’ although operators have usually maintained a setback of 1,000’ from homes.</td>
<td>With a 1,000’ well setback, the well pad boundary, the tanks, and the access road can be closer to homes than the well. It depends how the pad is laid out. Many citizens feel that 1,000’ between wells and homes is insufficient to address safety concerns and visual impacts. Fire district has indicated that the dense smoke from a single tank fire can travel more than 1,200’.</td>
<td>Does Not Address</td>
<td>Others specify 1,000’ and at least 750’ in MOUs 2 and 6 years old.</td>
<td>500’ from nearest building measured from the center of the well to the nearest wall of the nearest home; 1,000’ from schools. COGCC is currently delaying applications within 1,500’ of a building unit or within 2,000’ of a school.</td>
<td>Options: 1) Could assign a 1,200’ - 1,500’ setback from homes for greater separation between edge of pad and property lines to be better protective of tank fire smoke impacting homes and to decrease impacts from noise, lights and odors. 2) Could increase this distance if nearest homes are downwind. 3) Could require a greater setback from tanks to homes than the wells to homes setback.</td>
<td>County can consider assigning additional setbacks for parks, business uses, day cares, schools, or water sources.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Issue</td>
<td>Result/Concern/Lesson</td>
<td>Current MOU</td>
<td>Others/Best Practices</td>
<td>Current COGCC</td>
<td>Potential New COGC</td>
<td>Options Potential Solutions</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-------</td>
<td>-----------------------</td>
<td>-------------</td>
<td>-----------------------</td>
<td>---------------</td>
<td>-------------------</td>
<td>---------------------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td><strong>Emissions/Odors</strong></td>
<td>Citizens downwind have experienced respiratory and nervous system symptoms.</td>
<td>Locating tanks greater than 1,000' from homes seems to eliminate this problem.</td>
<td>Does Not Address</td>
<td>Baseline air quality surveys; Annual air compliance reports; Destruction of 98% of methane and VOCs; Money for air sampling.</td>
<td>Defer to CDPHE.</td>
<td>Defer to CDPHE</td>
<td>Incentivize electric drilling rigs, electric generators and electric compressors. Require baseline sampling or annual air compliance reports for sites within 1,200' of residences. Obtain funds for canister sampling that can be returned if not used.</td>
<td>With baseline air quality data CDPHE could potentially measure problematic emission levels during all phases.</td>
<td></td>
</tr>
<tr>
<td><strong>Lightning Mitigation</strong></td>
<td>Lightning strikes ignite tanks. Fairly common.</td>
<td>Heat from one tank fire causes a 2nd or 3rd tank fire. Toxic smoke is likely to migrate offsite.</td>
<td>Does Not Address</td>
<td>Weld County COA</td>
<td>Not addressed.</td>
<td>Not expecting COGCC to address in near future.</td>
<td>Require lightning mitigation recommended by Fire District</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Emergency Response Plan</strong></td>
<td>Industrial facilities in rural residential areas.</td>
<td>Concern for well pad emergencies that could impact nearby homes. Some operators already provide an ERP.</td>
<td>Does Not Address</td>
<td>Broomfield requires.</td>
<td>Does Not Address</td>
<td>Not likely to address.</td>
<td>Develop standardized ERP format with fire districts, OEM and Sheriff. Require ERP prior to drilling phase. Require ERP biannual updates, if necessary or as requested by emergency responders.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Timing of Applications</strong></td>
<td>Some operators submit COGCC applications months/years prior to County application, thereby getting COGCC approval way before County gets applications.</td>
<td>County does not have opportunity to discuss COAs with COGCC. Citizens don’t have a coherent comment submission process.</td>
<td>Does Not Address</td>
<td>Town of Timnath requires notice of pending COGCC applications. Broomfield requires applications submitted to them no later than 30 days prior to COGCC applications. Others require a &quot;development plan&quot; or an &quot;activity plan&quot;, so that the local government is aware of planned locations.</td>
<td>No current specifications.</td>
<td>Likely to require local applications submitted prior to COGCC applications.</td>
<td>Require operators to submit County applications prior to COGCC applications.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Oil and Gas Regulations Considerations

<table>
<thead>
<tr>
<th>Topic</th>
<th>Issue</th>
<th>Result/Concern/Lesson</th>
<th>Current MOU</th>
<th>Others/Best Practices</th>
<th>Current COGCC</th>
<th>Potential New COGC</th>
<th>Options Potential Solutions</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Notifications and Postings</strong></td>
<td>Only adjacent residents are currently notified but traffic impacts a bigger area. Light and noise also impacts a bigger area.</td>
<td>Area residents impacted by traffic (and other impacts) who need to make adjustments to their routes and travel times are not aware until construction starts.</td>
<td>Does Not Address</td>
<td>Adans: all property owners within 1/2 mi.</td>
<td>Not covered.</td>
<td>Likely to be left up to the local jurisdiction.</td>
<td>Require notifications by letter for all residents w/in 1 mi at the time of original application.</td>
<td>1/2 mile may not be sufficient, as rural residents are more sensitive to light and noise, where property distances are greater.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Signs are required for 14 days at time of application</td>
<td>Does Not Address</td>
<td>Signs are not specified by other jurisdictions.</td>
<td>Does Not Address</td>
<td>Likely not to address because this is a local matter.</td>
<td>In addition to current requirement for posting at time of application, require mailings or postings of new signs 2-4 weeks prior to construction, drilling or fracking.</td>
<td></td>
</tr>
<tr>
<td><strong>Project schedules for all phases</strong></td>
<td>Staff and citizens don’t know when traffic, noise or other impacts will start or end. Scientific studies have shown that uncertainty about O&amp;G operations is a major stressor that could impact health.</td>
<td>Staff better equipped to answer questions if a rough schedule is is provided.</td>
<td>Does Not Address</td>
<td>Broomfield requires notifications 30 days prior to each phase. A few jurisdictions require a &quot;Development Plan&quot; so that local governments are aware of future development areas.</td>
<td>Does Not Address</td>
<td>Not likely to address. Could possibly require Development Plan submittal to local governments.</td>
<td>Require notifications 2-4 weeks prior to construction, drilling and fracking.</td>
<td></td>
</tr>
<tr>
<td>Topic</td>
<td>Issue</td>
<td>Result/Concern/Lesson</td>
<td>Current MOU</td>
<td>Others/Best Practices</td>
<td>Current COGCC</td>
<td>Potential New COGC</td>
<td>Options Potential Solutions</td>
<td>Notes</td>
</tr>
<tr>
<td>-----------------------</td>
<td>----------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------</td>
<td>----------------------------</td>
<td>------------------</td>
<td>----------------------</td>
<td>------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Incentivize Pipelines</td>
<td>Full USR + 1041 process takes 7-12 months, largely due to having 2 hearings.</td>
<td>Pipelines help to maintain better air quality and keep trucks off roads once liquid lines are installed.</td>
<td>Does Not Address</td>
<td>Weld County and Garfield Counties have a more efficient pipeline application process. Weld County process is administrative unless the pipeline is sufficiently long to warrant a longer application process.</td>
<td>NA. Not regulated by COGCC.</td>
<td>NA. Not regulated by COGCC.</td>
<td>Offer administrative process for pipeline applications with an MOU; This would require a change to our Land Development Code. Need limitation on amount of pipeline that qualifies for the administrative process. Could set that limitation at 3 or 5 miles of pipeline.</td>
<td></td>
</tr>
</tbody>
</table>

Wish list: Citizen outreach in the Planning stage; Alternative Site Analysis for wells near homes; Development Plan; Consider Health and Safety with setbacks for new construction near existing wells; Closed-loop (pitless) drilling required; Stipulations for wetlands, riparian areas, critical habitats and endangered species - such as surveys and mitigation.
PROPOSAL:
The purpose of this agenda item is to inform the Planning Commission about the 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 Board of County Commissioners adopted a temporary moratorium for up to 6 months, effective April 16, 2019.

BACKGROUND
The Land Development Code (LDC) currently provides certain restrictions for billboards and off-premise sign installations in Sections 12-311.02 and 12-312. The Land Development Code defines the zone districts where such signs are permitted; however, these code provisions are outdated and do not address conversions to electronic billboards or other off-premise signs. Planning staff has received inquiries about new billboards and other off-premise sign installations and conversions of existing billboards or off-premise signs to electronic messaging signs.

The Land Development Code defines a billboard and an off-premise sign as:

“BILLBOARD. A sign related to land use, business, product or service, not located or available upon the premise whereon the sign is located. These signs are distinguished from other off-premise signs by their larger than otherwise permitted size and typical location along State Highways and major arterial roadways. Billboards are often erected to attract attention to land uses, businesses, products, and/or services that may be utilized by motorists unfamiliar with the area-wide land uses, businesses, products and/or services, such as tourists and out-of-state visitors.”

“OFF-PREMISE SIGN. A sign advertising a land use, business, product or service not located or available upon the premises whereon the sign is located.”

This moratorium does not apply to applications for new bus stop or transit shelter signs as considered under Section 12-311.01 of the Land Development Code.

Section 12-311.02 of the LDC allows off-premise signs in the B-3, B-4, B-5, I-1, and I-2 zoning districts pursuant to a Use by Special Review (USR) approval. Off-premise signs are also subject to the following criteria.

A. Any off-premise sign shall meet the required accessory use setbacks for the zoning district in which it is located.

B. Off-premise signs shall not extend more than six (6) feet above ground level and shall not exceed forty-eight (48) square feet in sign area per face.
C. The minimum distance between off-premise signs shall not be less than three hundred (300) feet.

D. Permits for off-premise signs shall be approved for periods of one (1) year each, which may be renewable.

E. The State of Colorado Department of Transportation (CDOT) has adopted “Rules and Regulations Pertaining to Outdoor Advertising Effective January 1, 1985,” pursuant to the Colorado Revised Statutes (C.R.S., 43 -1-401 et seq., as amended). On all properties within the unincorporated portions of Arapahoe County that abut Interstate 25 (I-25) and other state highways (Highway 83, Arapahoe Road, etc.), these State Highway Regulations, to the extent that they are more restrictive and comply with all requirements of state and federal law, are recognized to be in full force and effect and supersede these regulations.

Section 12-312 of the Land Development Code allows billboards in the B-3, B-4, B-5, I-1, and I-2 districts pursuant to a Use by Special Review approval. Billboard applications are also subject to the following:

A. Billboards proposed to be erected on property abutting right-of-way for the Interstate or State Highway system require sign permit approval from the CDOT and the Public Works Department Building Division, or as may be required by federal and/or state laws.

B. The maximum sign area permitted for a billboard shall be three hundred (300) square feet per sign face, the maximum height of any billboard shall be thirty-five (35) feet above ground level, and the location of each billboard shall not impair traffic visibility. If there are two (2) sign faces they must be placed back-to-back on the same structure.

C. No billboard shall be located less than five hundred (500) feet of any other billboard.

D. No billboard shall be located within five hundred (500) feet of any residentially zoned property in any jurisdiction measured in a straight line in any direction from the nearest point on the sign structure to the residential zoning district boundary.

Staff recently received an inquiry for a new billboard within a Planned Unit Development. The specific PUD (PUD) is considered Mixed Use (MU) and includes residential and commercial uses but is silent on billboards. Staff determined a billboard would not be permitted in MU unless the PUD specifically allows for it and otherwise complies with the restrictions for billboards listed in the sign code (distance from residential uses, Section 12-312.D.).

DISCUSSION
A number of existing billboards are nonconforming with the current code. Some of the potential nonconformities include: constructed prior to our USR process, constructed in an area without the correct zoning, constructed on unplatted property, or becoming nonconforming because they no longer meet minimum setbacks from residential zoning. County staff will use the time to inventory the existing billboards located in the county.

Staff will evaluate the potential of the conversion of existing billboards to electronic message boards. Staff believes there should be consideration given to where, and in what zone districts
billboards incorporating electronic message boards should be permitted and under what circumstances and conditions. Potential health and safety concerns, in particular traffic, pedestrian distraction issues and aesthetic and community impacts will be evaluated during this moratorium period.

This moratorium is for a period of up to six months to enable Planning Division staff to evaluate the future demand for, the compatibility of, and the potential impacts of new billboards or other off-premise signs and conversion of any existing billboard or other off-premise sign to an electronic messaging sign, and to draft regulations as appropriate for such signs. In the event that staff is able to complete such evaluations and draft such regulations prior to the expiration of the requested six month moratorium, it could be lifted early. If staff needs additional time, a separate request for an extension of the moratorium would have to be brought to the Board for approval.

**RECOMMENDATION**
No recommendation is requested at this time.