

BOARD OF COUNTY COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO

TUESDAY, JANUARY 5, 2021

At the regular meeting of the Board of County Commissioners for Arapahoe County, Colorado held at the Administration Building, 5334 South Prince Street, Littleton, Colorado on Tuesday, the 5th day of January, 2021, there were present:

Nancy Jackson, Chair	Commissioner District 2	Present
Carrie Warren-Gully, Chair	Commissioner District 5	Present
Pro Tem		
Bill Holen	Commissioner District 1	Present
Jeff Baker	Commissioner District 3	Present
Nancy Jackson	Commissioner District 4	Present
Ron Carl	County Attorney	Present
Joan Lopez	Clerk to the Board	Absent and Excused
Joleen Sanchez	Clerk to the Board	Present
	Administrator	

All draft resolutions hereto presented to the Board, as may have been modified by Board review, are contained herein in final form as approved by the Board.

RESOLUTION NO. 21-001 It was moved by Commissioner Holen and duly seconded by Commissioner Baker to adopt the following Resolution:

WHEREAS, Commissioner Kathleen Conti was duly elected by the voters of Arapahoe County in November 2016; and

WHEREAS, Commissioner Conti quickly established herself as an advocate for District 1 residents and the county as a whole, focusing on fiscal sustainability, protecting business interests, and eliminating unfunded mandates, and

WHEREAS, she leveraged her experience as a state representative and small business owner to advance the interests of Arapahoe County at the state capitol and within regional organizations; and

WHEREAS, during her tenure she supported the work of numerous departments as a liaison, including Human Resources, Information Technology, Public Works & Development, Open Spaces, Community Resources, Strategy & Performance, and Finance; and

WHEREAS, Commissioner Conti was a champion for key county initiatives such as: increasing transportation funding, advancing digitization strategies, creating employee leadership programs, expanding open space and trail accessibility, establishing opportunities for family leadership training, and supporting data-driven decision-making; and

WHEREAS, her passion to increase public awareness about the opioid epidemic was evident as she created an animated video to educate youth about the dangers of addiction, personally promoting prevention strategies; and

WHEREAS, Commissioner Conti's legacy of public service is evident throughout the County and our community is a better place as a result of her leadership.

NOW, THEREFORE BE IT RESOLVED that the Board of Commissioners officially recognize the contributions of Commissioner Kathleen Conti during her tenure as an Arapahoe County elected official and hereby declares her future shall prosper as Arapahoe County has prospered under her dedication and service.

The vote was:

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

RESOLUTION NO. 21-002 It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, the Arapahoe County Board of Commissioners is committed to fulfilling its mission of enhancing quality of life through exceptional delivery of services and efficient use of public funds; and

WHEREAS, the Board desires to provide input to federal and state elected officials who represent Arapahoe County constituents pertaining to the development of laws, policies, and regulations that significantly affect the county's ability to provide programs and services consistent with its stated mission, values and statutory requirements; and

WHEREAS, the 2021 Legislative Principles document (Exhibit A) sets forth the board of county commissioner's policy position on broad public policy areas of concern to Arapahoe County, and the commissioners will review proposed legislation and regulations for operational and fiscal impacts in concert with this document; and

WHEREAS, Arapahoe County will monitor state and federal legislation throughout the year, advancing specific priorities and bringing issues forward for further consideration and/or action by the entire Board of County Commissioners.

NOW, THEREFORE BE IT RESOLVED that the Arapahoe County Board of Commissioners 2021 Legislative Principles document as set forth in Exhibit A attached hereto and incorporated herein is hereby approved.

The vote was:

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

The Chair declared the motion carried and so ordered.

BACKGROUND

Arapahoe County is committed to fulfilling its mission of enhancing quality of life through exceptional delivery of services and efficient use of public funds.

As a constitutional subdivision of Colorado state government, Arapahoe County can only exercise those powers specifically expressed in statute or in the constitution. Generally, counties are responsible for law enforcement, including the court system, district attorney and jail facilities; the provision of social services on behalf of the state; the construction, maintenance, and repair of roads and bridges; health departments; and general control of land use in unincorporated areas.

The board of county commissioners is the primary policy-making body for the county and is responsible for the county's administrative and budgetary functions. Other county elected officers include the clerk and recorder, assessor, treasurer, sheriff, and coroner, elected to four-year terms under the state constitution. These officials have specific powers and duties prescribed by law, and they function independently from each other and from the board of county commissioners. However, the county commissioners approve the budgets for all county departments.

In addition to property tax, counties rely on state and federal funding sources to provide required services.

FEDERAL & STATE POLICY PRINCIPLES

The Board of County Commissioners evaluates policy positions through the lens of fiscal and operational impacts to Arapahoe County, consistent with its stated mission, values and statutory requirements.

The following legislative principles describe the County's underlying interest on specific issues. These principles serve as a consistent guide for the county in developing positions on federal and state legislation, rulemaking, and proactive issue advocacy.

The document also serves as a reference for elected representatives when considering legislation that may impact Arapahoe County. The Board of County Commissioners may revisit the county's legislative priorities throughout the year. Strategic, targeted, and/or abbreviated versions of the information contained in this document also will be created throughout the year for use in further legislative communications.

REPRESENTATION

Arapahoe County contracts with Romberg & Associates for state advocacy activities and the director of human services, the county attorney, the director of community resources, director of public works and the director of communication and administrative services serve as staff liaisons for federal and state government relations.

As a member of Colorado Counties, Inc. and the National Association of Counties, Arapahoe County relies on those organization's advocacy team to provide reliable information on legislative issues and their impact on Colorado's counties and their residents. The county also relies on regional associations and other national organizations to advocate for specific issues of local interest.

SPECIFIC 2021 LEGISLATIVE PRIORITIES

Arapahoe County has identified several specific priorities important to the community:

Federal Items

- Securing additional funding to respond to the COVID-19 pandemic and support economic recovery
- Eliminate the federal Medicaid inmate exclusion policy.
- Continue needed community funding through federal block and competitive grant programs from the departments of housing and urban development, justice, transportation and veteran's affairs.
- Ensure reauthorization of the Older Americans Act and adequate funding for implementation.
- Secure additional federal funding for comprehensive veteran services and programs.
- Secure federal infrastructure funding to improve the county's multimodal transportation network, regional airport, stormwater and wastewater facilities.
- Monitor potential residential impacts associated with Metroplex implementation and Centennial Airport operations.

State Items

- Secure funding and outline implementation approach for a new judicial district.
- Clarify state's regulatory scope with former landfill areas.
- Ensure funding is maintained or expanded to implement mandated human services.
- Protect funding formulas for community corrections programs, including alternative sentencing and pre-trial programs.
- Secure funding for increased mental health and substance use disorders treatment throughout the county.
- Advance solutions that increase vital human service resources to vulnerable populations to address issues such as reliable access to healthy food, homelessness, mental health, opioids, and substance use.
- Secure state infrastructure funding to improve the county's multimodal transportation network, regional airport, stormwater and wastewater facilities.
- Encourage statewide/state-funded solutions to the affordable housing issues in the state including homelessness.

GUIDING LEGISLATIVE PRINCIPLES

UNFUNDED MANDATES

To effectively serve the needs of our community, Arapahoe County officials must have the resources and authority commensurate with the responsibilities placed on them by state and federal laws, regulations and court decisions.

Arapahoe County supports adequate funding for any future state or federally imposed mandates upon local government, including the need for technology improvements necessary to fulfill these mandates.

Arapahoe County strongly opposes cost shifting from the state and federal government to local governments. The state and federal government must exercise fiscal restraint and responsibility, refraining from solving budget shortfalls with county government resources.

OUTCOME-BASED DECISION MAKING

Arapahoe County strongly believes the most effective governance results from local, state and federal officials working in true partnership toward the development and implementation of programs and services.

State and federal governments should base decisions about laws and regulations affecting county governments on comprehensive data and measurable outcomes. Relying on these two standards to scrutinize existing and proposed laws and regulations will help reduce unnecessary, unfunded or underfunded mandates, streamline government and utilize limited resources more efficiently. State and federal officials should also consider programmatic models that might exist as well as the possible limitations on local control that might result from new legislation, rules or regulations.

REVENUE PREDICTABILITY

Arapahoe County believes any tax policy reform should ensure that the powers granted to counties and the funding mechanisms available are sufficient to address county responsibilities. Tax policy reform should create a fair and equitable distribution of the property tax burden among all property. Any and all legislative alternatives should ensure local governments have adequate authority and funding to meet its statutory responsibilities and the expectations of residents. Arapahoe County strongly supports prior county approval of programs that must be funded with county property taxes but are not controlled or generated at the county level.

The County supports requiring the state to reimburse local governments and districts for any loss in property tax revenues caused by constitutional or statutory changes in order to preserve our ability to fulfill statutory duties.

Arapahoe County supports county authority to approve the use and the amount of the county portion of revenues designated in a proposed urban renewal plan for tax increment financing; and to establish mechanisms to ensure that counties have greater influence to ensure proposed urban renewal projects meets the current statutory requirement of ameliorating blight or slum conditions.

LOCAL CONTROL & FLEXIBILITY

County officials are elected officials closest and most responsive to the citizens. Arapahoe County supports the concept of local control and authority to ensure programs and services reflect the unique needs of our citizenry.

The County opposes any administrative effort to promulgate rules and regulations that interpret the law in a manner negatively impacting counties. County commissioners are important and necessary stakeholders in any rule-making process to ensure mandates are appropriately delivered to local constituents.

JUSTICE & PUBLIC SAFETY

Arapahoe County supports strong and efficient relationships between all levels of government with respect to the criminal justice system and public safety systems.

Arapahoe County supports a continuum of approaches to prevent violence, ranging from increased efforts to hold accountable criminal activities to designing effective prevention and early intervention programs for youth and families at risk. The County recognizes that focusing on and funding these preventative services saves money. The role of the sheriff's office is to enforce the law, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. Where possible, the County supports legislation that enables local decision-making on public safety services to permit development of locally appropriate solutions.

Arapahoe County embraces the concept of specialty courts to divert mentally ill and drug using offenders away from the traditional court system.

Arapahoe County recognizes that our jail population is changing, with the number of individuals with mental and behavioral health issues as well as crime severity increasing. The County supports programs that deliver mental health and substance abuse programs for individuals within the criminal justice system, providing alternative sentencing and pre-trial programs to keep nonviolent and first time offenders out of jail, and expanding programs that reduce the likelihood of reoffending once inmates are released in the community.

Arapahoe County supports timely and accurate reimbursement for housing state inmates in county facilities as well as efforts to alleviate the existing backlog of state inmates in county facilities.

HUMAN SERVICES

Arapahoe County supports local administration of the social services system in order to maximize the flexibility and responsiveness of the system to local needs, while ensuring efficient management and local control. Arapahoe County has consistently achieved high rankings for service delivery, consistent with state and federal standards. The County supports a state run, county administered human services system. The County also supports flexibility in providing benefits and services that best meet local needs without shifting costs locally and negatively impacting county government.

Arapahoe County supports policies that advance a two-generation (2Gen) approach, which simultaneously serves the whole family. The 2Gen approach helps children and families get education and workforce training, social supports like parenting skills and health care needed to create a legacy of economic stability and overall well-being.

Arapahoe County supports local input into the state's budget management process to avoid supplemental appropriations requests for foreseeable circumstances. Arapahoe County supports maintenance of effort (MOE) requirements that allow flexible funding for social services

programs to minimize, avoid increasing, or more equitable distribution of fiscal responsibility of counties.

Arapahoe County continues to advocate for 100 percent reimbursement from the state to administer the food stamp, Medicaid and other adult assistance programs.

ELECTIONS

Arapahoe County is committed to implementing and coordinating elections in a nonpartisan manner, with utmost integrity. The County supports increasing voter access and education, while protecting voter privacy consistent with state statute.

LAND USE

Arapahoe County supports local control over the various uses of land and their impacts, recognizing that activities relative to growth, development, natural resources and environmental management are unique within each community. The County's 2018 Comprehensive Plan identifies six principles to help create a sustainable, resilient and healthy community, including: growth management, public facilities and services, economic health, transportation and mobility, natural and cultural resources and environmental quality. Arapahoe County advocates for policies that help advance these principles over the next 20 years. The County also supports actions that ensure adequate water availability for future land use development.

The County supports maintaining mechanisms that lessens the costs of growth and redevelopment, such as impact fees, real estate transfer taxes and other growth-financing tools. The County opposes any efforts to supersede, override or preempt local land use authority.

TRANSPORTATION AND INFRASTRUCTURE

Arapahoe County believes the movement of goods and people are vital to the continued economic success of the state and Coloradans quality of life. Federal and state officials must be willing to make significant investment to maintain and improve Colorado's multimodal transportation network to preserve these benefits.

With several major highways, transit lines, and one of the nation's busiest regional airport, effective transportation is equally important to the success of the county's economy. Arapahoe County has demonstrated a willingness to partner on large-scale infrastructure projects, such as the Interstate 25/Arapahoe Road interchange and Parker/Arapahoe Road interchange, but is against efforts to pass along additional State roadway construction or maintenance responsibilities to local governments without increased and adequate funds to meet these additional responsibilities.

Arapahoe County continues to support an equitable Highway User Trust Fund (HUTF) allocation formula and restrictions on the use of "off the top" diversions. The County opposes funding mechanisms which eliminate or reduce local shareback for transportation projects. Arapahoe County believes county commissioners should have an enhanced role in prioritizing regional and statewide projects within their area. The County also supports opportunities for counties to design their own transportation finance mechanisms to respond to local and regional transportation needs.

WORKFORCE & ECONOMIC DEVELOPMENT

Home to some of the nation's largest companies and innovative small businesses, Arapahoe County is committed to maintaining a strong economic and business climate. Arapahoe County

supports a strong partnership among counties, the state, municipalities and private business and industry to design and implement economic development incentives and programs. The County supports local organizations that specialize in growing our economy, particularly the high tech, communication, military, government, service, and retail industries.

The County also operates Arapahoe/Douglas Works!, a publicly-funded workforce center consistent with the federal Workforce Innovation and Opportunity Act (WIOA). With locations in Centennial, Aurora and Castle Rock, Arapahoe/Douglas Works! provides free services to both small and large businesses as well as job seekers to ensure Arapahoe and Douglas county's workforce and economy remain strong. Arapahoe County supports continuing a local delivery model to implement WIOA requirements, ensuring decisions can be made at the local level.

RESOLUTION NO. 21-003

It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to adopt the following resolution:

WHEREAS, on August 28, 2018, following public hearing on referral of an application for an administrative Use by Special Review submitted by Conoco Phillips, in accordance with then Section 12-1908.02 of the Land Development Code, the Arapahoe County Board of County Commissioners ("the Board") approved the application for the Swan Well #4-64 6-1 3DH Oil and Gas Facility ("the Swan Well"), Case No. AE18-003; and

WHEREAS, in March, 2020, Crestone Peak Resources completed the acquisition of ConocoPhillips' leasehold interest in Colorado, including the Swan site; and

WHEREAS, since approval of the AUSR in Case No. AE18-003, no operations have been commenced at the Swan Well site and conditions of approval for emergency road access have not been completed; and

WHEREAS, on July 29, 2020, Crestone Peak Resources notified Arapahoe County that it does not intend to use the Swan well site to access their mineral resources due to the presence of an alternative site and notified the County that it was withdrawing the Swan Well application.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Arapahoe County that the approval in Case No. AE18-003 is hereby rescinded and of no further effect. Any future plans to conduct any oil and gas operations or to install an oil and gas facility at the Swan Well site will require a new application under the then existing requirements of the Arapahoe County Land Development Code.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-004A

It was moved by Commissioner Jackson and seconded by Commissioner Holen, pursuant to Sections 30-10-303 and 30-10-304, Colorado Revised Statutes, the Board hereby determines that the Board of County Commissioners will meet on Mondays and Tuesdays (except for legal holidays), as may be required to conduct County study sessions for the year 2021, at the County Administration Building, 5334 South Prince Street, Littleton, Colorado, and to establish the BoCC will meet on the second and fourth Tuesdays of each month (except for legal holidays), as may be required to conduct County business meetings for the year 2021, at the County Administration Building, 5334 South Prince Street, Littleton, Colorado, or, with proper notice, at such locations deemed appropriate by the County Commissioners.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-004B It was moved by Commissioner Jackson and seconded by Commissioner Holen, pursuant to Section 24-6-402(2), Colorado Revised Statutes, that the Board of County Commissioners (BoCC) hereby designates the Arapahoe County public website as its public place of posting notice of all meetings of the BoCC, the Arapahoe County Planning Commission, Open Space and Trails Advisory Board (OSTAB), Arapahoe County Zoning Board of Adjustment, and Justice Coordinating Committee. Notices of all other Arapahoe County committee and board meetings, and notices of meetings of the BoCC in the event such notices are unable to be posted online, shall be posted at the Arapahoe County Administration Building at 5334 West Prince Street, Littleton, Colorado, in the glass case next to the West Hearing Room; except that notices of the Arapahoe County Planning Commission, OSTAB, and the Arapahoe County Zoning Board of Adjustment in the event such notices are unable to be posted online shall be posted at the Arapahoe County Public Works and Development Lima Plaza Building at 6924 South Lima Street, Centennial, Colorado, in the glass case in the main entrance.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-005 It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, on September 30, 2020, GM 2280, LLC d/b/a Golden Meds applied to Arapahoe County for a Modification of Premises for the Marijuana Store within unincorporated Arapahoe County and located at 2280 S. Quebec St., Unit G, Denver, CO 80231; and

WHEREAS, in November 2000, Colorado voters passed Amendment 20, which added Section 14 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the use of medical marijuana in certain limited circumstances; and

WHEREAS, in November 2012, Colorado voters passed Amendment 64, which added Section 16 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the personal use, cultivation, and sale of marijuana at retail marijuana stores, and further providing for state and local licensing and regulation of retail marijuana stores; and

WHEREAS, since the passage of Amendments 20 and 64, over time, the Colorado General

Assembly adopted legislation to provide for state and local licensing and regulation of marijuana businesses, which is now codified in the Colorado Marijuana Code at Article 10 of Title 44, Colorado Revised Statutes and covers both retail and medical marijuana stores; and

WHEREAS, the foregoing Colorado Constitution Sections 14 and 16 of Article XVIII and the provisions of said Article 10 of Title 44 authorize a board of county commissioners to adopt and enforce regulations for the licensing of medical and retail marijuana stores within the unincorporated territory of the county; and

WHEREAS, on July 28, 2020, the Board of County Commissioners ("BoCC") adopted Arapahoe County Ordinance No. 2020-02, an Ordinance Establishing Limited Retail Marijuana Stores within Unincorporated Arapahoe County, which became effective August 27, 2020 and which allows four existing medical marijuana businesses in unincorporated Arapahoe County to also sell retail marijuana and marijuana products, as non-conforming uses, at the following locations and no others: 1842 South Parker Road, Unit 18, Denver, Colorado 80231; 2280 South Quebec Street #G, Denver, Colorado 80231; 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110; and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222; and

WHEREAS, on July 28, 2020, the BOCC adopted Resolution No. 200507, also effective August 27, 2020, to amend the Arapahoe County Land Development Code, Section 3-3.5, to recognize and allow for the retail sale of marijuana and marijuana products sales at the locations identified above; and

WHEREAS, on September 22, 2020, the BOCC adopted Resolution No. 200621, which adopted and established the Arapahoe County Marijuana Licensing Policy ("the Policy") to establish standards for the licensing of medical and retail marijuana businesses, as well as to establish standards for approval of transfers of ownership, internal ownership structure changes, and proposed modifications to the licensed premises; and

WHEREAS, pursuant to the provisions and standards set forth in the Policy, GM 2280, LLC d/b/a Golden Meds has applied for Modification of Premises at 2280 S. Quebec St., Unit G, Denver, CO 80231; and

WHEREAS, in accordance with the Policy, on December 14, 2020, the Planning Division of the Arapahoe County Department of Public Works and Development confirmed that that the proposed modification for the store at 2280 S. Quebec Street, Unit G, Denver CO 80231 is consistent the Land Development Code and the Ordinance No. 2020-02; and,

WHEREAS, GM 2280, LLC d/b/a Golden Meds has also applied to the State of Colorado, Department of Revenue, Marijuana Enforcement Division, for a Modification of Premises at 2280 S. Quebec St., Unit G, Denver, CO 80231.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Retail Marijuana Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the application for Modification of Premises for GM 2280, LLC d/b/a Golden Meds located at 2280 S.

Quebec St., Unit G, Denver, CO 80231. Approval of this modification to these licensed premises is conditioned upon the State of Colorado's approval of the modification.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-006 It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to adopt the following Resolution:

WHEREAS, on November 2, 2020, Medical Cannabis Colorado LLC d/b/a Cure Colorado applied to Arapahoe County for a new Retail Marijuana Local License for premises within unincorporated Arapahoe County and located at 6200 E. Yale Ave., Unit B, Denver, CO 80222; and

WHEREAS, in November 2000, Colorado voters passed Amendment 20, which added Section 14 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the use of medical marijuana in certain limited circumstances; and

WHEREAS, in November 2012, Colorado voters passed Amendment 64, which added Section 16 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the personal use, cultivation, and sale of marijuana at retail marijuana stores, and further providing for state and local licensing and regulation of retail marijuana stores; and

WHEREAS, since the passage of Amendments 20 and 64, over time, the Colorado General Assembly adopted legislation to provide for state and local licensing and regulation of marijuana businesses, which is now codified in the Colorado Marijuana Code at Article 10 of Title 44, Colorado Revised Statutes and covers both retail and medical marijuana stores; and

WHEREAS, the foregoing Colorado Constitution Sections 14 and 16 of Article XVIII and the provisions of said Article 10 of Title 44 authorize a board of county commissioners to adopt and enforce regulations for the licensing of medical and retail marijuana stores within the unincorporated territory of the county; and

WHEREAS, on July 28, 2020, the Board of County Commissioners ("BoCC") adopted Arapahoe County Ordinance No. 2020-02, an Ordinance Establishing Limited Retail Marijuana Stores within Unincorporated Arapahoe County, which became effective August 27, 2020 and which allows four existing medical marijuana businesses in unincorporated Arapahoe County to also sell retail marijuana and marijuana products, as non-conforming uses, at the following locations and no others: 1842 South Parker Road, Unit 18, Denver, Colorado 80231; 2280 South Quebec Street #G, Denver, Colorado 80231; 3431 South Federal Boulevard, Unit G, Englewood, Colorado 80110; and 6200 East Yale Avenue, Unit B, Denver, Colorado 80222; and

WHEREAS, on July 28, 2020, the BOCC adopted Resolution No. 200507, also effective August 27, 2020, to amend the Arapahoe County Land Development Code, Section 3-3.5, to recognize and allow for the retail sale of marijuana and marijuana products sales at the locations identified above; and

WHEREAS, on September 22, 2020, the BOCC adopted Resolution No. 200621, which adopted and established the Arapahoe County Marijuana Licensing Policy ("the Policy") to establish standards for the licensing of medical and retail marijuana businesses in the unincorporated territory of Arapahoe County; and

WHEREAS, Medical Cannabis Colorado LLC d/b/a Cure Colorado has applied for a new Retail Marijuana Local License at 6200 E. Yale Ave., Unit B, Denver, CO 80222 as allowed under Ordinance No. 2020-02 and Section 3-3.5 of the Arapahoe County Land Development Code and pursuant to the provisions and standards set forth in the Policy; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, on December 9, 2020, the Planning Division of the Arapahoe County Department of Public Works and Development confirmed that Medical Cannabis Colorado LLC d/b/a Cure Colorado has been in compliance with the Arapahoe County Land Development Code Regulations; and

WHEREAS, in accordance with the licensing standards set forth in the Policy, on December 9, 2020, the Arapahoe County Sheriff's Office confirmed that there have been no material issues or concerns with Medical Cannabis Colorado LLC d/b/a Cure Colorado; and

WHEREAS, Medical Cannabis Colorado LLC d/b/a Cure Colorado has applied to the State of Colorado, Department of Revenue, for a new Retail Marijuana Local License at 6200 E. Yale Ave., Unit B, Denver, CO 80222.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Retail Marijuana Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the new application for a Retail Marijuana Local License for Medical Cannabis Colorado LLC d/b/a Cure Colorado located at 6200 E. Yale Ave., Unit B, Denver, CO 80222 and hereby authorizes the Chair to sign the Retail Marijuana Local License for Medical Cannabis Colorado LLC d/b/a Cure Colorado to be valid for the period corresponding with that specified in the approved State of Colorado Retail Marijuana Store license.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-007

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

WHEREAS, on December 7, 2020, Medical Cannabis Colorado LLC, d/b/a Cure Colorado, applied to Arapahoe County for renewal of its Medical Marijuana Local License for premises within unincorporated Arapahoe County and located at 6200 E. Yale Ave., Unit B, Denver, CO 80222; and

WHEREAS, in November 2000, Colorado voters passed Amendment 20, which added Section 14 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the use of medical marijuana in certain limited circumstances; and

WHEREAS, in November 2012, Colorado voters passed Amendment 64, which added Section 16 of Article XVIII of the Colorado Constitution, which amendment created an exception to state criminal laws, allowing the personal use, cultivation, and sale of marijuana at retail marijuana stores, and further providing for state and local licensing and regulation of retail marijuana stores; and

WHEREAS, since the passage of Amendments 20 and 64, over time, the Colorado General Assembly adopted legislation to provide for state and local licensing and regulation of marijuana businesses, which is now codified in the Colorado Marijuana Code at Article 10 of Title 44, Colorado Revised Statutes and covers both retail and medical marijuana stores; and

WHEREAS, the foregoing Colorado Constitution Sections 14 and 16 of Article XVIII and the provisions of said Article 10 of Title 44 authorize a board of county commissioners to adopt and enforce regulations for the licensing of medical and retail marijuana stores within the unincorporated territory of the county; and

WHEREAS, 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 prohibited new medical marijuana facilities but allowed the four (4) medical marijuana facilities that were potentially in existence and in compliance with the Land Development Code non-conforming use requirements as of December 15, 2009, to continue as legal non-conforming uses; and

WHEREAS, on June 26, 2012, the BOCC adopted Resolution No. 120494, which resolution established the Arapahoe County Medical Marijuana Licensing Policy to establish procedure and standards for the issuance of a medical marijuana license; and

WHEREAS, pursuant to the Arapahoe County Medical Marijuana Licensing Policy, the BOCC approved the initial issuance and annual renewals of a Medical Marijuana Local License for this business at 6200 E. Yale Ave., Unit B, Denver, CO 80222 for 2015 through 2019; and

WHEREAS, on September 22, 2020, the BOCC, by Resolution No. 200621, adopted and established the Arapahoe County Marijuana Licensing Policy ("the Policy") for the licensing of medical and retail marijuana businesses in the unincorporated territory of Arapahoe County; and

WHEREAS, on October 20, 2020, the Planning Division of the Arapahoe County Department of Public Works and Development confirmed that Medical Cannabis Colorado LLC, d/b/a Cure Colorado, 6200 E. Yale Ave., Unit B, Denver, CO 80222 has been in compliance with the Arapahoe County Land Development Code Regulations at this location; and

WHEREAS, on October 22, 2020, the Arapahoe County Sheriff's Office confirmed that there have been no material issues or concerns with Medical Cannabis Colorado LLC, d/b/a Cure Colorado, at this location; and

WHEREAS, Medical Cannabis Colorado LLC, d/b/a Cure Colorado, also applied to the State of Colorado, Department of Revenue, for the renewal of its corresponding State medical marijuana license at 6200 E. Yale Ave., Unit B, Denver, CO 80222.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado, that pursuant to the Arapahoe County Medical Marijuana Licensing Policy, the Board of County Commissioners of Arapahoe County, Colorado hereby approves the annual renewal of the Medical Marijuana Local License for Medical Cannabis Colorado LLC d/b/a Cure Colorado located at 6200 E. Yale Ave., Unit B, Denver, CO 80222 and hereby directs the Chair to sign the Medical Marijuana Local License for Medical Cannabis Colorado LLC d/b/a Cure Colorado to be valid for the period corresponding with that specified in the approved State of Colorado Medical Marijuana Store license.

The vote was:

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

The Chair declared the motion carried and so ordered.

RESOLUTION NO. 21-008 It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated November 30, 2020, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-009

It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated December 7, 2020, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-010

It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated December 14, 2020, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-011

It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated December 21, 2020, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-012

It was moved by Commissioner Jackson and duly seconded by Commissioner Holen to approve the submitted warrant disbursement register, dated December 28, 2020, reviewed by the Board of County Commissioners on this date. The Arapahoe County Finance Officer, Chair of the Board of Social Services, and the Chair of the Board of County Commissioners are hereby authorized to sign same. All pre-paid and statutory Social Service warrants are hereby authorized for payment this week, subject to inclusion on the warrant disbursement register next week and ratification by the Board of County Commissioners.

The vote was:

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

The Chair declared the resolution adopted and so ordered.

RESOLUTION NO. 21-013

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

WHEREAS, Sections 29-20-101, *et seq.*, Colorado Revised Statutes (C.R.S.), and Sections 30-28-113, -116 and -133, C.R.S., provide broad land use authority within the unincorporated territory of Arapahoe County to the Board of County Commissioners (the Board) and further provide that the Board has the power to adopt and amend the zoning regulations and subdivision regulations after notice to and recommendation from the Planning Commission, all as set forth in such statutes; and

WHEREAS, the Board has adopted the Arapahoe County Land Development Code, which establishes the zoning and subdivision regulations for unincorporated Arapahoe County, and from time to time the Board considers proposed amendments to the Land Development Code and such zoning and subdivision regulations, all in accordance with such statutory authority; and

WHEREAS, the Department of Public Works and Development, Planning Division staff, has made recommendations for certain amendments to the Arapahoe County Land Development Code, Case No. LDC19-002, concerning billboard and off-premise signs, and forwarded such proposed amendments to the Arapahoe Planning Commission for review and recommendation; and

WHEREAS, on December 1, 2020, the Planning Commission held a duly notice public hearing, heard such public comment as was presented, and reviewed and considered the Planning Division staff's proposed recommended amendments to the Land Development Code, and following such public hearing, the Planning Commission voted to recommend approval of the proposed amendments to the Land Development Code; and

WHEREAS, Notice of a Public Hearing to be held on January 5, 2020 on the proposed amendments to the Land Development Code was published on December 17, 2020 in The Villager,

a newspaper of general circulation in the County, and was also published on December 15, 2020 in the I-70 Scout, a newspaper with circulation in the eastern part of Arapahoe County; and

WHEREAS, on January 5, 2021, in accordance with the published notice, the Board held a Public Hearing on the proposed amendments to the Land Development Code; and

WHEREAS, evidence was presented to establish that all notice and other procedural requirements required by law for amending the Land Development Code were followed, and to establish the Board's jurisdiction to hear and decide on the proposed amendments; and

WHEREAS, Planning Division and Legal staff presented and explained the proposed amendments, and responded to Board questions and comments concerning the proposed amendment; and

WHEREAS, following the presentation by County staff, the Chair opened the Hearing for public comment and the Board heard and considered such public comment as was presented on the proposed amendment; and

WHEREAS, the Board hereby makes the following findings:

A. The Board finds and determines:

1. That the statutory jurisdictional requirements have been met.
2. That the Public Hearing was opened and that the public had opportunity for public input and comment on the proposed amendments.
3. That the Board has jurisdiction to hear, consider and act upon the proposed amendments to the Land Development Code.
4. That the proposed amendments to the Land Development Code are consistent with the Arapahoe County Comprehensive Plan.

B. The Board further finds and concludes that the proposed amendments to the Land Development Code are appropriate and lawful land use regulations for the unincorporated territory of Arapahoe County, that the proposed amendments will promote the community's interest in reasonable stability in zoning and subdivision regulations, and that the proposed amendments are in the public interest and for the public good.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Arapahoe County, Colorado that the following amendments to the Arapahoe County Land Development Code to amend the provisions relating to Sign Regulations and the Planned Sign Program in Sections 4-1.5, 6-4.6, and the associated definitions in Section 7.2 relating to billboard signs, permanent freestanding signs, electronic message board signs, non-conforming signs, and miscellaneous other Sign Regulation amendments are hereby approved and adopted:

Arapahoe County Land Development Code

Signs

INTENT

This Section 4-1.5 is designed to provide regulations for the erection and maintenance of signs. The general objectives of these regulations are to enhance the health, safety, welfare and convenience of the public and to achieve the following:

1. To promote the safety of persons and property by providing that signs not create a hazard due to collapse, fire, collision, decay or abandonment, and do not create traffic hazards by confusing or distracting motorists; by impairing the driver's ability to see pedestrians, obstacles or other vehicles, or to read traffic signs.
2. To promote the efficient communication of sign messages that provide information most needed and sought by the public, and to ensure that persons exposed to signs are not overwhelmed by the number of messages presented and are able to exercise freedom of choice to observe or ignore those messages according to the observer's purpose.
3. To protect the public welfare and to enhance the appearance and economic value of the landscape by protecting scenic views. In addition, signage shall not create a nuisance to persons using the public right-of-way, and shall not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, or height.
4. To preserve and promote the visual and aesthetic quality of the county in order to enhance citizen's quality of life, provide a favorable investment climate, and implement the goals of the County's adopted comprehensive plan.
5. To serve as general guidelines for the administration of signs through the Planned Unit Development process on rezoning and/or Detailed Development Plan applications, such as a Specific Development Plan.
6. To comply with all federal and state laws promoting freedom of speech and expression and content-neutral regulation of signs, as interpreted by relevant court decisions.

B. GENERAL PROVISIONS

1. A sign permit shall be required from the PWD Building Division for all signs exceeding six square feet in area, unless otherwise exempted by regulations within this Section Chapter 1:. In addition, a sign permit shall be required at any time the sign area is increased, and any time a static message sign is converted to an electronic message sign, or vice versa. Applications for sign permits shall be made to the Arapahoe County Department of Public Works and Development. Upon receipt of such application the Department shall act on the application within 60 days of the date of receipt of the application. Permit applications for any proposed sign shall be issued if the proposed sign meets the requirements of this Sign Code.
2. Freestanding signs permitted by these regulations shall be no taller than six feet to the top of the sign structure, unless otherwise permitted and the sign face shall be no larger than 48 square feet per face.

3. All requests for a sign permit shall be accompanied by a drawing that is fully dimensioned, showing the sign structure and message, and a site plan showing the location, setbacks, height and sign area of all proposed and existing signage.
4. Sign permit fees shall be established by the Board of County Commissioners and paid to the PWD Building Division.
5. Signs within PUDs shall comply with the provisions set forth within the General and/or Specific Development Plan for the parcel, as approved and/or amended by the Board of County Commissioners or otherwise as provided under the Land Development Code, except that no PUD may be approved to allow for the installation of a new billboard sign or to convert an existing billboard sign to an electronic message board billboard sign. These Sign Regulations shall govern if the General and/or Specific Development Plans do not otherwise address provisions required by these regulations (i.e., permits, prohibited signs, definitions, etc.).
6. These regulations recognize other regulations pertaining to signage, such as the State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, as may be amended. Where any provision of these regulations cover the same subject matter as other regulations, the more restrictive regulation shall apply.
7. Sign Area Measurement
 - a. Area to be Measured

The structure or bracing of a sign shall be omitted from the measurement unless the structure or bracing is made part of the message or face of the sign. Where a sign (including but not limited to an awning sign) has two display faces placed back to back, the area of only one face shall be included in determining the area of the sign.
 - b. Sign With Backing

The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the display surface or face of the sign including the frame, backing, face plates, nonstructural trim or other component parts if not used for support.
 - c. Signs Without Backing

The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas creating the smallest single perimeter enclosing the limits of each letter, word, written representation (including any series of letters), emblems, logos or figures of similar character including the frame, face plates, nonstructural trim or other component parts if not used for support.
 - d. All Other Signs or Combinations of Signs

The area of any sign having parts both with and without backing shall be measured by determining the total area constituting the smallest single perimeter enclosing the limits of either of the following combinations:

i. The display surface or face of the sign including all frames, backing, face plates, nonstructural trim: or

ii. Other component parts not otherwise used.

8. Illumination and Color

Illuminated signs shall be by illuminated by lighting internal to the sign. If this is not possible, the source of illumination shall be shielded and shall not cause glare on adjacent properties. Top of Building Signs located on office and industrial buildings shall not be illuminated after 10 p.m. or before 6 a.m.

9. Public Right-of-Way

All signs erected in public rights-of-way by the federal, state, or local government or by a public agency authorized by the federal, state, or local government for the purpose of controlling or directing the traveling public shall be exempt from the provision of these Regulations.

10. Maintenance

Signs and sign structures shall be maintained by their owners at all times in a state of good repair, with all braces, bolts, clips, supporting frame and fastenings free from deterioration, insect infestation, rot, rust, or loosening. Signs shall be able to safely withstand the maximum wind pressure for the area in which they are located. The County Building Inspector shall have the authority to order the repair, alteration, or removal of a sign or sign structure which constitutes a hazard to life or property. In the event that such a sign has not been removed, altered, or repaired within 30 days after written notification from the Director of PWD or a designated representative, or the County Zoning Administrator or a designated representative, the County shall have the authority to remove said sign or structure at the expense of the owner of the premises on which the sign is located, without liability to the County.

C. SIGNS NOT REQUIRED TO OBTAIN PERMITS

The following types of signs are allowed without need to first obtain a sign permit from the County:

1. Any official and legal notice issued by, or any sign or notice required to be installed by, any government, public body, person, officer, or court in performance of a public duty or in giving any legal notice.
2. Any interior sign located within an activity and/or structure and not visible from a public right-of-way or adjacent property.
3. Any tablet, plaque, or cornerstone etched or carved into or onto buildings.
4. One sign per building surface that does not exceed two square feet in size and does not project more than six inches from the building surface.
5. Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed six square feet in size and does not exceed four feet in height on any lot or property where the primary use is for a single-, two-, or multi-family residential structure. These temporary signs shall not be required to meet the minimum

yard setback requirements of the districts in which they are located, but shall not impair visibility for traffic movement.

6. Any temporary sign erected for a period not to exceed 90 consecutive days in a calendar year, that does not exceed 32 square feet in size, and that does not exceed four feet in height on any property where the primary use is agricultural, commercial or industrial. These temporary signs shall not be required to meet the minimum yard setback requirements of the zoning districts in which they are located, but shall not impair visibility for traffic movement.
7. Temporary site or building decorations that are displayed for a period of not more than 60 consecutive days and not more than 60 days in any one year.
8. Any sign that is located on a lot where the primary use is commercial or industrial, that is oriented primarily for viewing by persons travelling within the lot (and not from a public street or right-of-way), that does not exceed 10 square feet in size and does not exceed four feet in height. The signs allowed under this paragraph shall not be required to meet the minimum yard setback requirements of the zoning district in which they are located, but shall not impair visibility for traffic movement.
9. Flags that are located on a lot where the primary use is single-, two-, or multifamily residential structure(s) and that do not exceed 20 square feet in size and are mounted on a pole that does not exceed 35 feet in height or the maximum height permitted in the zoning district in which the lot is located, whichever is less.
10. Flags that are located on a lot or parcel where the primary use is agricultural, commercial, or industrial and that do not exceed 50 square feet in size and are mounted on a pole that does not exceed 50 feet in height or the maximum height permitted in the zoning district in which the lot or property is located, whichever is less.

D. SIGNS PROHIBITED IN ALL DISTRICTS

The following types of signs are not permitted in any zoning district in unincorporated Arapahoe County:

1. Signs on which a message appears on more than 2 faces.
2. Signs constituting a traffic hazard.
No person shall install or maintain or cause to be installed or maintained any sign that simulates or imitates in size, color, lettering, or design any traffic sign or signal, or that includes any other words, phrases, symbols and/or characters that may interfere with, mislead or confuse traffic or otherwise create a traffic hazard.
3. Signs on public property.
Signs are prohibited on any street, median, island, parkway, sidewalk utility pole, tree, traffic control sign post, traffic signal, any other official traffic control device, within or projecting over any public road right-of-way, or on or projecting over any other public property without the approval of the government or public entity that owns or regulates traffic or activities on that public property, except that signs on bus benches and transit shelters that conform with this Section Chapter 1: shall be permitted.
4. Obscene or unlawful materials.

It shall be unlawful for any person to exhibit, post or display, or cause to be exhibited, posted, or displayed upon any sign, anything of an obscene nature, or unlawful activity (as defined by the Colorado Revised Statutes, as amended, or as interpreted by the courts of the State of Colorado or the United States).

5. Signs on doors, windows, or fire escapes.

No sign shall be installed or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape, except those signs required by other codes or ordinances.

6. Animated or moving signs.

7. Interior and/or exterior signs visible from a public right-of way consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating or otherwise animated light are prohibited, however this does not include electronic message boards that comply with this Chapter Chapter 1:.

8. Billboards.

9. Vehicle signs.

10. Flags, banners or other devices designed or allowed to wave, flap or rotate with the wind that do not comply with Sections 4-1.4.C.8, 4-1.4.C.9, 4-1.4.F.5, 4-1.4.F.6, and/or 4-1.4.F.7.

11. Signs in proximity to utility lines.

No sign shall be constructed or maintained that has less horizontal or vertical clearance, or that is located within any required easement width, from authorized communication or energized electrical power lines, than that required by the laws of the State of Colorado and regulations duly promulgated by agencies of the state or electric utilities authorized to serve Arapahoe County.

12. Portable signs that are not permanently affixed to any structure on the site or permanently mounted to the ground.

13. Any signs emitting sound.

14. Roof-mounted signs or signs which project above the highest point of the building.

15. Signs attached to a building which project perpendicularly from the building a distance of more than 18 inches.

16. Signs attached parallel to the wall of a building, but mounted more than 18 inches from the wall.

E. SIGNS DISPLAYED ON RESIDENTIAL AND AGRICULTURAL PROPERTIES

1. For lots and parcels on which the primary use is agricultural or residential, the following signs shall be allowed on agriculturally or residentially zoned properties:

- a. One sign per dwelling that does not exceed two square feet in area. No permit is necessary for this type of sign.**

- b. One temporary sign per primary structure containing a residential dwelling that is not a multifamily dwelling, that: 1) does not exceed six square feet in area, 2) does not exceed four feet in height (including posts), and 3) is not illuminated. These signs shall not be required to meet minimum yard setback requirements of the zone district in which they are located, but shall not impair visibility for traffic movement. No permit is necessary for this type of sign.
 - c. Temporary signs on vacant lots or parcels of land, provided that the total surface area of all such signs (does not exceed 100 square feet per lot or parcel, provided that the total surface area of any one sign does not exceed 50 square feet, and provided that the signs are set back at least 10 feet from the property boundaries and the public rights of way.
 - d. One temporary sign per street frontage on each lot containing a primary structure with a multifamily or non-residential use, provided that the total surface area of each sign does not exceed 32 square feet per face (a maximum of two faces are permitted for each sign) and does not impair traffic visibility.
2. In Agricultural zoning districts A-E and A-1, one additional sign per permitted use, accessory use, special exception use or use by special review shall be permitted per street frontage, provided the total surface area of such signs does not exceed 50 square feet per lot or parcel.
 3. One sign located at each entrance to a residential property from an adjacent public street, provided that the surface area of each sign does not exceed 40 square feet, the maximum height of such signs shall not exceed six feet, and the signs are located so as not to impair vehicular visibility.
 4. Temporary signs located at the entrance to an approved subdivision where dwelling units are under construction or approved to be constructed; provided that no more than one sign is located adjacent to each street abutting the subdivision and that the total surface area of each sign face do not exceed 32 square feet. This type of sign shall be located at least 10 feet from the public right of way, but otherwise shall not be required to meet minimum yard setback requirements of the zoning district in which it is located and shall not remain erected after the last dwelling unit is sold, rented or leased.
 5. One temporary sign per model home within an approved residential subdivision, provided that the surface area of each sign does not exceed 16 square feet. Such signage shall be located at least 10 feet from the public right of way, and shall not remain erected after the last model home is sold, rented or leased.

F. GENERAL PROVISIONS FOR ALL USES.

1. Fascia Signage Message Heights

The maximum allowable height of fascia messages shall be determined by measuring the distance between the nearest adjacent public right-of-way and the location of the fascia upon which the fascia sign is to be placed, at the rates shown in the table below. Up to 10 percent of the width of the fascia may be occupied by message content up to

one and one-half (1 ½) times the maximum height of the message height shown in the table below.

TABLE 4-1.5.1 LETTER HEIGHT FOR SIGNS		
Distance from R-O-W (feet)	Signs Between Top of Storefronts and Second Level Finish Floor (inches)	Top of Building Signs (inches)
0 - 50	12	18
51 - 100	18	24
101 - 150	24	30
151 - 200	30	36
201 - 250	36	42
251 - 300	42	48
301+	48	48

2. Fascia Signage Maximum Sign Area and Location

The maximum allowable sign area for any fascia sign shall be measured by multiplying the permitted letter height by two-thirds the length of the fascia or building elevation upon which such sign is placed, provided, however, that no fascia sign shall exceed 200 square feet, unless otherwise stated in this Section Chapter 1: (see Sections 4-1.4.G, 4-1.4.H, and 4-1.4.I for additional limitations). In cases where a property user has two structures, one of which is accessory, whether attached or not, and more than one structure faces the same adjacent public right-of-way, only one of the structures will be permitted fascia signage. Fascia signage shall not be permitted to be placed above the first floor elevation for the structure upon which it is placed, unless otherwise specifically permitted in this Section Chapter 1: Fascia signs may be placed on commercial buildings in only two locations: (1) the space between the top of storefronts and the second finish floor and, (2) Top of Building Signs (See Chapter 7, Sign, Top of Building). Fascia signs shall not overlap or cover features of the building, such as cornices, eaves, windows, door frames, columns and other decorative elements.

3. Top of Building Sign Locations

Top of Building Signs may not be located on building elevations adjacent to residential zoned property. Top of Building Signs shall not be visible from residences located within one-half mile of the building.

4. Additional Freestanding Signs

Up to two freestanding signs per access to a public right-of-way shall be permitted for each lot or parcel, or for contiguous lots or parcels under common ownership or control, provided that the included property contains at least 10 acres in land, the primary use of the property is institutional, commercial, or industrial, or a combination of such uses, each allowed additional sign does not extend more than six feet above ground level, and the total surface area of each sign does not exceed 48 square feet per sign face.

5. Banners

Banners shall be allowed and shall be limited to a total of one banner sign not exceeding 50 square feet in area per business, organization, or tenant. Banners for properties where the primary use is a multi-family structure(s) shall not exceed one 50 square foot

banner per street frontage. Banners shall be securely mounted to wall or structure on the premises. Banners may be allowed on fencing for projects currently under construction. Banners are never allowed to be freestanding. Banners must be maintained in good repair at all times. These Banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

6. Flag Banners/Feather Flags

Flag banners/feather flags shall be allowed at a rate of two per business, organization, or tenant, provided that each banner and feather flag does not exceed 20 square feet in area, does not exceed 10 in height, is placed in a landscaped area, is set back at least 10 feet from each public right-of-way, and does not impede sidewalk pedestrian traffic. Flag banners/feather flags shall not be placed in any public right-of-way. These Flag banners/feather flags may be authorized through an application for temporary use permit in accordance with this Land Development Code.

7. Flags or Banners on Light Poles

Flags may be installed interior to a development, or banners may be attached to existing light poles interior to a development, provided that the flag or banner is not on or overhanging a public right-of-way and provided that the flag or banner does not exceed 15 square feet in size. These flags or banners may be authorized through an application for temporary use permit in accordance with this Land Development Code.

8. Electronic Message Boards

For any sign type that is proposed to have or be an electronic message board, the Electronic Message Board must meet the following performance and location standards:

The information displayed on the sign face of an electronic message board during any one dwell time must be a complete message, symbol, picture or other communication and shall be shown in its entirety at one time. No message, symbol, picture or other communication visible on the sign face shall require a change in words, devices, symbols, etc., or additional words, devices, or symbols, etc., to complete the message, symbol, picture or other communication during a subsequent dwell time. At no time may the sign face flash, blink, rotate, or feature animated/moving images or text. The minimum dwell time for a message, symbol, picture or other communication on a sign face is one (1) minute and no electronic message board sign face may be changed more than once every one minute. The message, symbol, picture or other communication on the sign face may include multiple colors. The message, symbol, picture or other communication display shall be static or any transition must occur instantaneously or over a period of no more than one (1) second while the sign face is being changed.

Electronic message boards must be equipped with a sensor or other device that is programed to determine the ambient illumination and automatically dim the display according to ambient light conditions.

No electronic message board may exceed a brightness level of 0.3 foot-candles above ambient light. Electronic message boards shall have a default mode to prevent the display from malfunctioning in a flashing or intermittent fashion.

Electronic Message Boards are not permitted for Billboards.

Electronic Message Boards are allowable only for signs that are otherwise permitted in B-3, B-4, B-5, I-1 and I-2 zoning districts, as well as in commercial or industrial areas of a Planned Unit Development, provided that the PUD does not otherwise prohibit Electronic Message Boards.

Wall-mounted/fascia signs of 48 square feet or smaller may have or be Electronic Message Boards.

Nonconforming signs shall not be converted to Electronic Message Boards.

G. SPECIFIC PROVISIONS - OFFICE AND INDUSTRIAL USES

1. Single Tenant Office Building

The tenant shall be allowed to place more than one fascia sign on a building elevation (up to the maximum of three fascia signs), but in no event shall the total square footage of fascia signage placed on any one building elevation exceed 64 square feet. Only one Top of Building Sign per elevation is permitted. One freestanding sign per street frontage is permitted.

2. Multi-Tenant Office Building

An office building containing more than one tenant shall be allowed fascia signage and Top of Building signage at the same rate as permitted for the single tenant office building. Two freestanding signs per street frontage are permitted.

H. SPECIFIC PROVISIONS FOR HOTEL AND HOSPITAL USES

1. Fascia Signage

Hotels and hospitals shall be permitted a maximum of three fascia signs. The total square footage of fascia signage per building elevation shall not exceed 120 square feet or the square footage of the allowable letter height times one-half ($1/2$) the length of the building elevation containing the fascia sign, whichever is less.

2. Freestanding Project Identification Sign

One freestanding sign per street frontage shall be permitted provided that the sign does not exceed six feet in height, or 48 square feet per face.

I. SPECIFIC PROVISIONS FOR RETAIL USES

1. Single Tenant Retail Buildings

A building containing one retail tenant shall be permitted a maximum of three fascia signs and one freestanding sign. The freestanding sign shall not exceed six feet in height, or 48 square feet per face.

2. Multi-Tenant Retail Buildings

A building containing more than one retail tenant shall be permitted one fascia sign per entrance. Each tenant is allowed one fascia sign per storefront facing a public and/or private right-of-way. If the primary entrance to a multi-tenant retail building does not face a public right-of-way and if the rear of said building does not have an entrance but

does face a public right-of-way, the rear fascia of the tenant's lease space may contain a fascia sign. Such fascia sign square footage shall not exceed one-half (1/2) of the size of the fascia sign located above the primary entrance to the lease space.

J. SPECIFIC PROVISIONS FOR CMRS FACILITIES

Commercial Mobile Radio Service Facilities (CMRS) shall be permitted only the signs allowed under Section 4-1.4.C, except as otherwise regulated by the use specific standards for CMRS facilities in Sections **Error! Reference source not found.** Owners/Operators are encouraged to provide emergency maintenance response information.

K. OTHER FREESTANDING AND BUS STOP SIGNS

1. Bus Stop or Transit Shelter

Bus stop or transit shelter signs shall be permitted in all zoning districts, and shall not be larger than the bench on which they are placed. At any officially recognized public bus or transit shelter, no more than one bench or transit shelter may be placed within the public right-of-way following issuance of applicable County permit; except that a maximum of two bus benches shall be permitted at any officially recognized public bus stop located along a designated arterial roadway. Bus bench and transit shelter signs shall be maintained in good condition. This paragraph does not authorize advertising on buildings or light rail stations.

2. Freestanding Signs

Permanent Freestanding Signs are permitted in the B-3, B-4, B-5, I-1 and I-2 zoning districts, and within a Planned Unit Development, subject to an approved sign permit, provided that the signs meet the following criteria:

Except as otherwise provided in these sign regulations, one permanent freestanding sign is permitted per lot or parcel of property. Permanent freestanding 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.

Permanent freestanding signs must be set back a minimum distance of five (5) feet from all adjacent public road rights-of-ways and five (5) feet from side and rear property lines property lines.

All permanent freestanding signs shall be accessory to an allowed non-residential use on a lot or parcel within the zone district and no freestanding sign may be the principal use on any lot or parcel of property.

Permanent freestanding signs proposed as electronic message boards must comply with the provisions of Section 4-1.5(f)(8).

Applicants for any permanent freestanding sign permit must obtain all applicable State of Colorado or CDOT approvals and all building permits required under the Arapahoe County building Code prior to erecting the sign.

L. BILLBOARDS

1. Billboards, because of their size, design, visual impact along public roadways and potential interference with public safety are not permitted within unincorporated Arapahoe County, Colorado.
2. Any Billboard existing prior to May 19, 2019 shall be a non-conforming use as provided in Section 6-4.6 of this Land Development Code and shall be subject to such provision of the Land Development Code.

M. NONCONFORMING SIGNS

Nonconforming sign provisions are found in Section 6-4.6.

N. PLANNED SIGN PROGRAM

1. Intent

Chapter 5: A Planned Sign Program is intended to allow some flexibility and deviation from this Section Chapter 1: **(Signs)** in the location, design, number, size, and materials of signs permitted for freestanding signage for residential and nonresidential uses, as part of a cohesive sign package. Applicants may include, but are not limited to Metropolitan Districts, Master Developers, Business Improvement Districts, Neighborhood Associations, and/or Homeowners Associations. Except as set forth below, it is not the intent of these provisions to alter the permitted sign area for any residential or nonresidential use or for any Billboard sign. Under this Section 4-1.4.N, an alternative sign package may be allowed as part of a comprehensive Planned Sign Program, notwithstanding the fact that such signs may not conform to all the specific sign regulations found elsewhere in this Land Development Code.

1. Purpose

- a. To allow one or more contiguous lots or parcels under single or multiple ownership that contains at least 25 acres in land to create a branding or community identity program;
 - b. To reallocate sign area allowed for freestanding signs;
-

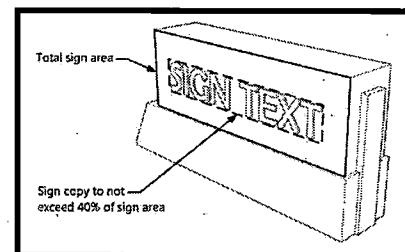
Chapter 9: To allow for deviations from sign height, size, and setback requirements in this Section Chapter 1: **(Signs)**.

2. Criteria

In addition to any other criteria applicable to the approval of an application for a Planned Sign Program, the following criteria shall be considered:

- a. The application shall be made on behalf of an entire defined development area; individual businesses within a development may not apply for a Planned Sign Program.
- b. The Planned Sign Program may include standard templates for individual business signs as part of a coordinated sign plan.

- c. All signage shall be designed to be clean and to minimize visual clutter, with a minimal number of colors on the face of the sign;
- d. The proposed Planned Sign Program assures that the color scheme, lettering style and materials used in signs within the sign program are consistent with and coordinated within the Planned Sign Program area;
- e. The proposed signage shall present a cohesive and unified identity for the Planned Sign Program area;
- f. The proposed sign program does not negatively impact the safety of motorists and pedestrians and shall be developed in a manner compatible with the surrounding environment;
- g. The proposed sign program is compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or infrastructure;
- h. The total signage as presented shall be architecturally integrated;
- i. The height of individual freestanding signs within a Planned Sign Program for areas greater than 250 acres shall not exceed 55 feet for non-residential uses or 25 feet for residential uses;
- j. The height of individual freestanding signs within a Planned Sign Program for areas between 25 and 250 acres shall not exceed 35 feet for non-residential uses or 12 feet for residential uses;
- k. The sign copy for each sign shall not exceed 40 percent of each individual sign area shown on the plan set;
- l. Monument-style signs shall be designed with architecturally compatible bases and shall avoid a top-heavy appearance;
- m. No pole-mounted signs are permitted;
- n. An applicant who desires to include a sign program into a PUD shall do so either concurrent with the zoning amendment development review process or by a PUD modification development review process as provided for in this Code.
- o. Landscaping shall be included with the Planned Sign Program and shall be designed to minimize negative visual impact of the base of monument and ground signs;
- p. Signs, including associated lighting, shall be designed to minimize negative visual impacts to the adjacent properties;
- q. Signage may be allowed in the public right-of-way, on a case-by-case basis, subject to review and approval of the County Engineering Services Division;
- r. Signage contained within the Planned Sign Program shall not include signs with changeable messaging;
- s. Sign materials may be flexible, such as canvas or fabric, if approved as part of a Planned Sign Program;



- t. If an alternative setback is requested, such request shall be proposed as part of the Planned Sign Program;
- u. Signs approved as part of the Planned Sign Program and located adjacent to State Highways may be subject to additional requirements of the State of Colorado Department of Transportation (CDOT); and
- v. The Planning Commission may impose appropriate and reasonable conditions on the approval of any Planned Sign Program, including, but not limited to conditions which alter sign configurations, reduce sign area, relocate signs, or require other design modifications based upon the application's conformance with the criteria outlined in this Section 12-1.4.2.

3. Application and Submittal Requirements

Application and Submittal Requirements for a Planned Sign Program are found in the Development Application Manual, Section 2-10.

4. Approval Required

- a. Applicants for a Planned Sign Program shall obtain approval of a Planned Sign Program from the Board of County Commissioners prior to any signs being erected in or upon any structure or property. All signs erected or maintained within the structure or property shall conform at all times to the approved Planned Sign Program.
- b. The Planning Commission shall consider applications for a Planned Sign Program based on criteria stated in this Section 4-1.4.N.1 to 12-1.4.6 and after review and recommendation by the Public Works and Development Department.
- c. After Planning Commission review and recommendation of the Planned Sign Program, the item shall be placed on the consent agenda of the Board of County Commissioners for review and approval.
- d. Any deviations from an approved Planned Sign Program shall be unlawful unless and until an amendment to the Planned Sign Program is approved by the Planning Division Manager and/or Board of County Commissioners to allow for the deviation.

5. Individual Sign Permits

Individual sign permits, along with all applicable fees, are required for signs contained within an approved Planned Sign Program. The sign permit is separate and distinct from any additional permit required by the Building Division, Planning Division or other agency within the County.

6. Amendment to an Existing Planned Sign Program

a. Administrative Amendment

The Planning Division Manager may administratively approve revisions to a Planned Sign Program, provided the proposed amendment does not alter the approved sign area, the height of any individual sign, or the setbacks.

b. Full Amendment

Modifications that fall outside of an Administrative Amendment shall follow the same provisions for approval of a Planned Sign Program.

Approval of Amendments to an Existing Sign Program

Provided that the proposed amendment complies with the applicable provisions of this Land Development Code, the proposed amendment will be approved.

B. REVOCATION OF A SIGN PERMIT

Chapter 13: Any signs found not to be in conformance with this provision of this Section Chapter 1: **(Signs)** shall be subject to revocation of the sign permit. No refund of any fees will be made if the permit is revoked under the provisions of this Section 12-1.4.B.

Non-Conforming Signs

A. GENERAL PROVISIONS

The Intent Section describes an intended direction for the administration of signs in Arapahoe County. In order to reach those objectives, the eventual termination of signs which do not conform to these Regulations is both reasonable and desirable.

B. CONTINUANCE OF NONCONFORMING SIGNS

Except as provided in Section 18-4.5.C below, any nonconforming sign may be continued in operation and maintained after the effective date of this Section; provided, however, that no such sign shall be changed in any manner that increases the nonconformance of such sign with the provisions of this Section; and provided that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person(s), firm, or corporation claiming a nonconforming status for a sign.

C. TERMINATION OF NONCONFORMING SIGNS

1. Abandonment (Signs Relating to Inoperative Activities)

Signs pertaining to activities or occupants that are no longer using a property shall be removed from the premises within 30 days after the associated activity or occupant has vacated the premises. Any such sign not removed within the required period shall constitute a nuisance and shall be subject to removal by action of the Arapahoe County Zoning Administrator.

2. Violation

Any violation of this Section and/or any pre-existing Arapahoe County sign provisions shall terminate immediately the right to maintain such sign.

3. Destruction, Damage, or Obsolescence

Destruction, Damage, or Obsolescence: the right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign sustains damage in excess of

50 percent of the replacement cost, or becomes obsolete, or substandard to the extent that the sign becomes a hazard.

D. NONCONFORMING DEVELOPMENT STANDARDS

Reserved

Chapter 7 Definitions

Section 7-2: (sign related definitions only)

Animated Sign

Any sign, or any part thereof which changes physical position by means of movement or rotation.

Banner

A temporary sign that is not attached to a permanently mounted backing and/or that is allowed to wave, flap or rotate with the wind.

Sign, Billboard

Any permanent freestanding sign that is of a dimension exceeding forty-eight (48) square feet per sign face or exceeding six (6) feet in height above ground level. Billboard signs will often, but are not required to, be oriented towards a public street or highway.

Electronic Message Board

An Electronic Message Board (EMB), when allowed, is a component or feature of an otherwise permitted sign that is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.

Display Surface

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message.

Flag Banners/Feather Flags

Any sign, banner, valance or advertising display constructed of cloth, canvas, fabric, or other light material, with or without frames.

Flashing Signs

Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means.

Ground Sign

A sign structure supported by poles, uprights, or braces extending from or anchored into the ground but not attached to any part of the building.

Interior Sign

A sign that is located within the external boundaries of a development but not visible from any, or if visible the message is not discernible, from any public right-of-way adjacent to the lot or multi-lot development.

Marquee

A permanent roof structure attached to and entirely supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

Permanent Freestanding Sign

Any permanent sign that is erected as an individual or stand-alone structure, not attached to a building, wall, or fence.

Structure, Sign

See Sign Structure

Temporary Sign

Temporary signs shall include, but not be limited to, any exterior sign, banner, pennant, valance or other display:

Which is constructed of cardboard, paper, cloth, canvas, fabric, plywood, light weight plastic or other light weight material, with or without frame; or

Which is designed for short-term use, or to be moved about from place to place, or not permanently affixed to a non-movable, non-portable supporting structure

Top of Building Sign

A sign located above the top row of windows and below the parapet edge or leading edge of the building roofline.

Vehicle, Sign

Any automobile truck, or other vehicle that is wrapped or coated with materials or is decorated to be used and placed on a property as a sign or any trailer whose primary use is to convey a visual message rather than to transport persons, animals, or goods and is placed on a property to be used as a sign.

Wall Sign

A sign attached to, painted on, or erected against a wall or parapet wall of a building, structure or fence whose display surface is parallel to the face of the building, structure or fence and whose height does not exceed the height of the wall, structure or fence to which said sign is attached, painted upon, or against which said sign is erected.

Window Sign

A sign which is applied or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure.

[end of Land Development Code amendment]

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that the provisions of the Land Development Code amended by this Resolution are hereby repealed.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that Planning Division staff with the approval of the County Attorney is hereby authorized to correct typographical errors and make such text revisions to this Code amendment as are reasonably necessary to incorporate the approved amendment into the Land Development Code for publication.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Arapahoe County that The Board further authorizes the Planning Division Staff to update the Development Application Manual as necessary and in accordance with the provisions of Resolution No. 190390, providing for additions to the Development Application Manual.

The vote was:

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

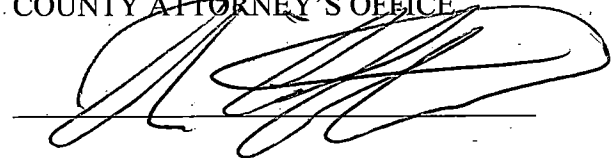
The Chair declared the motion carried and so ordered.

The foregoing Resolutions from the meeting of January 5, 2021 have been reviewed and approved.

BOARD OF COUNTY COMMISSIONERS



COUNTY ATTORNEY'S OFFICE



CLERK TO THE BOARD

