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May 12, 2021

Sent via Electronic Mail to:

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Re: Notice Pursuant to C.R.S. § 29-20-204(1).

To Whom It May Concern:

Our firm represents StreetMedia Group, LLC (“STREETMEDIA”), the applicant in Case Number RCU2020-00013, which was approved with conditions by Resolution 2021-242 on April 13, 2021. At the hearing of the Board of County Commissioners (“BOCC”) StreetMedia objected to condition of approval number 5, which imposed a 10-year expiration date (“EXPIRATION CONDITION”) on the Conditional Use Approval (“CUP”). The BOCC approved the application, but imposed the Expiration Condition over StreetMedia’s objection.

Notice pursuant to C.R.S. § 29-20-204(1) that StreetMedia alleges a violation of C.R.S. § 20-20-203 is hereby timely provided. C.R.S. § 29-20-203(2) provides:

No local government shall impose any discretionary condition upon a land-use approval unless the condition is based upon duly adopted standards that are

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sufficiently specific to ensure that the condition is imposed in a rational and consistent manner.¹

StreetMedia has searched the Adams County Development Standards and Regulations (“ACDS&R”) and the record of this case for duly adopted standards that are sufficiently specific to ensure that the Expiration Condition is imposed in a rational and consistent manner, and has been unsuccessful.

It is not clear from the record, but it is possible that the County relies upon ACDS&R § 2-02-09-06, which on its face authorizes the County to impose, among other things, “limits on the duration of the conditional use permits.” Yet ACDS&R § 2-02-09-06 goes on to say that such conditions of approval are for the purposes of “implement[ing] the Adams County Comprehensive Plan and ensur[ing] compatibility with adjacent uses.”

The record of this case does not include any analysis that the Expiration Condition relates to the Comprehensive Plan or to compatibility with the adjacent uses. The Staff Report to the BOCC says that the Comprehensive Plan is not an applicable standard, and the case law supports that conclusion. The approval resolution says that the sign is compatible with the adjacent uses, and the record evidence supports that finding.

C.R.S. § 29-20-204(1)(b) allows the County to remove the Expiration Condition from the CUP simply by responding to this notice that it will do so. StreetMedia respectfully requests that the County remove the Expiration Condition from Case No. RCU2020-00013. StreetMedia further requests the removal of Conditions 1 and 2, as the County has since agreed not to enforce those conditions.

Respectfully submitted,
Fairfield and Woods, P.C.



Todd Messenger

TM:dps

Enclosures

¹ The CUP is a “land use approval” as defined by C.R.S. § 29-20-202(1). The County is a “local government” as defined by C.R.S. § 29-20-202(2).