



Legislation Text

File #: 20-049, **Version:** 1

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager, Public Works and Development

From:

Presenter: Russell Johnson, Weed Control Specialist, Public Works and Development

Subject:

An ordinance (No. 2021-01) to amend and restate the existing Weed Control Ordinance No. 2001-02 to allow for regulation of weeds on lots up to two acres in size zoned for residential, commercial, and industrial purposes

Purpose and Recommendation:

Consideration of a request for the Arapahoe County Board of Commissioners to approve and adopt proposed Ordinance No. 2021-01 following a public hearing noticed for January 12, 2021.

Background:

The proposed Ordinance, if approved, would amend and restate the existing County Weed Control Ordinance No. 2001-02, expanding the provisions to allow for regulation of weeds on lots up to two acres in size zoned for residential, commercial and industrial purposes, including those zoned by Planned Unit Development. Staff recommends that the Board approve a resolution in the form attached to this Board Summary Report to adopt proposed Ordinance No. 2021-01.

In July of 2019, during a study session to discuss various property maintenance challenges, staff was provided guidance to pursue an update to the County's existing Weed Control Ordinance, County Ordinance 2001-02, which applies only to lots up to one acre in size and zoned for residential purposes. Since its adoption in 2001, numerous limitations have been identified that the proposed ordinance 2021-01 seeks to address. Staff prepared a proposal to expand the provisions of the weed control ordinance to include lots up to two acres in size and to add properties zoned for commercial and industrial uses, in addition to lots zoned for residential uses, including those zoned by PUD.

On November 17, 2020, the BOCC held a study session and provided direction to staff to schedule the proposed ordinance for adoption. On December 8, 2020, in accordance with CRS 30-15-406, following introduction and first reading of the proposed Ordinance No. 2021-01, the Board set the public hearing date for the proposed Weed Control Ordinance for January 12, 2021. The proposed ordinance was published in full on December 24, 2020, in the Villager Newspaper and noticed for public hearing.

Discussion:

Since the inception of Ordinance 2001-02, numerous parcels have come to the attention of staff and the BOCC as being a nuisance or public health hazard to the residents of Arapahoe County. These parcels were either zoned commercial or in excess of one acre in size and therefore were exempt from regulation by the existing

ordinance. While these parcels were not in violation of the ordinance at the time, they could be classified as a public health hazard or nuisance to the residents of Arapahoe County.

Staff began to look at changes that could be made to the ordinance that would regulate these parcels while still maintaining the existing exemptions to agricultural and rural residential (large lot) properties, as well as exemptions for open spaces and floodplains. After much discussion, staff is comfortable that these changes will address the complaints on previously exempt parcels that are received on an annual basis. While there are properties within the urban/suburban areas that exceed two acres in size, these larger commercial and multi-family developments, parcels assembled into larger tracts for redevelopment, and the occasional single-family residential lots that exceed a two-acre lot size within the urbanized areas do not seem to be the generators of complaints.

Alternatives:

Following the noticed public hearing on the proposed Ordinance, the Board may, by majority vote:

- 1. Approve and adopt the ordinance as introduced and read on December 8, 2020, as recommended by Staff.** Weed control provisions would be expanded to include properties up to two acres in size, zoned for residential, commercial or industrial uses, including those zoned by PUD.
- 2. Deny the request and continue to operate under the existing Weed Control Ordinance.** Existing ordinance 2001-02 would continue to apply only to residentially zoned properties of up to one acre in size and would not apply to commercially or industrially zoned lots.
- 3. Continue for further consideration.**

Fiscal Impact:

Staff estimates that the change to the ordinance would result in an increase of 10 to 20 weed ordinance violations on annual basis. Currently, staff handles 200 to 300 weed violations, so the impact to existing workloads would be minimal. It is further estimated that 1 to 5 of these additional weed violations would result in enforcement action where those expenditures would then be recouped through the established assessment process.

Actions Requested:

Approval and adoption of Ordinance No. 2021-01, which would amend and restate the existing County Weed Control Ordinance No. 2001-02 and expand the provisions to allow for regulation of weeds on lots up to two acres in size zoned for residential, commercial and industrial purposes, including those zoned by Planned Unit Development.

Links to Align Arapahoe:

Quality of Life - Fostering a safe and vibrant County for residents, businesses and employees to live happy, healthy lives and to protect property values by providing a mechanism for ensuring that properties are well maintained.

Service First - Delivering reliable, timely and accessible county services that ensure a positive customer experience.

Reviewed By:

Russell Johnson, Weed Control Specialist
Caitlyn Cahill, Zoning and Animal Services Manager
Jan Yeckes, Planning Division Manager
Robert Hill, Senior Assistant County Attorney
Bryan Weimer, Director of Public Works and Development
Todd Weaver, Director, Finance Department

Attachments:

Resolution (Draft) Adopting Ordinance 2021-01 including text of Ordinance
Draft Motions to assist the Board with recommended or alternative actions