



Administration Building
West Hearing Room
5334 S. Prince St.
Littleton, CO 80120
303-795-4630
Relay Colorado 711

Kathleen Conti, District 1
Nancy Sharpe, Chair, District 2
Jeff Baker, District 3
Nancy Jackson, District 4
Bill Holen, Chair Pro Tem, District 5

**Study Session
November 17, 2020**

The members of the Board of County Commissioners may attend study sessions virtually or in person, but due to social distancing requirements, presenters and the public may only attend virtually. The public may attend the study sessions (listening only) by calling 1-855-436-3656. The Board of County Commissioners may go into executive session during or at the conclusion of the study session as necessary to receive legal advice or discuss other confidential matters.

The Arapahoe County Board of County Commissioners typically holds weekly Study Sessions on Monday and Tuesday. Study Sessions (except for Executive Sessions) are open to the public and items for discussion are included on this agenda. Agendas (except for Executive Sessions agendas) are available through the Commissioners' Office or through the County's web site at www.arapahoegov.com. Please note that the Board may discuss any topic relevant to County business, whether or not the topic has been specifically noticed on this agenda. In particular, the Board typically schedules time each Monday under "Committee Updates" to discuss a wide range of topics. In addition, the Board may alter the times of the meetings throughout the day, or cancel or reschedule noticed meetings. Questions about this agenda? Contact the Commissioners' Office at 303-795-4630 or by e-mail at commissioners@arapahoegov.com

Study Session Topics

9:30 A.M. *Open Spaces Working Group Update

Update from Open Spaces staff on the status of the four Open Spaces Working Groups sponsored by the County Open Space program

Request: Information/Direction

Shannon Carter, Director, Open Spaces and Intergovernmental Relations

Todd Weaver, Director, Finance

Tiffanie Bleau, Senior Assistant County Attorney

Documents:

[BSR_SS_OPEN SPACES WORKING GROUP UPDATE 11_17_20.PDF](#)

10:30 A.M. *Drop In

Board of County Commissioners

1. CARES Act Funds For School Districts

Discussion of a request for approval of the form of the resolution for the consent agenda item that was approved on November 10 to adopt a resolution approving the allocation of CARES Act funds to school districts (Resolution # 200800), as the draft resolution for the consent agenda item was not attached to the Board Summary Report

Request: Information/Direction

Ron Carl, County Attorney

Documents:

[BSR CARES ACT - SCHOOL DISTRICT FUNDING RESO.PDF](#)

2. Hearing Options For 21755 East Smoky Hill Road

Discussion of a request from Planning Division staff for direction from the Board of County Commissioners on an appropriate hearing option for two cases at 21755 East Smoky Hill Road (PF20-001 and SDP20-002)

Request: Information/Direction

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

Documents:

[21755 E. SMOKY HILL RD - DROP-IN BSR.PDF](#)

Break

1:00 P.M. *Weed Ordinance Discussion

Discussion of a request for direction on moving forward with revising County Ordinance 2001-02, as well as a request for the proposed ordinance to be introduced as a general business item at the December 8 public hearing

Request: Information/Direction

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

Documents:

[WEED ORDINANCE STUDY SESSION BSR.PDF](#)
[2020 WEED ORDINANCE.PDF](#)

Break

3:00 P.M. Administrative Meeting - Position Follow-Up Discussion

Board of County Commissioners

***To Be Recorded As Required By Law**

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

Assisted listening devices are available. Ask any staff member and we will provide one for you.

If you need special accommodations, contact the Commissioners' Office at 303-795-4630 or Relay Colorado 711.

Please contact our office at least 3 days in advance to make arrangements.



Board Summary Report

Date: November 17, 2020

To: Board of County Commissioners

From: Shannon Carter, Open Spaces Department Director

Subject: Open Spaces Working Group Update

Direction/Information:

Open Spaces Staff will present information to update the Board on the status of the Open Spaces Working Groups.

Request and Recommendation:

This item is to inform the Board about the status of the four Working groups sponsored by the County Open Space program and to answer any questions related to the projects and work of the various groups.

Background:

The Open Spaces Program began in 2003 when County voters approved a .25% Sales and Use Tax based on a resolution adopted by the Board of County Commissioners, which defined the purpose, funding allocations and service provisions of the Program. Utilizing the Acquisition and Development portion of the sales tax revenue, the County has convened and sponsored the South Platte Working Group, the Cherry Creek Basin Working Group, the High Line Canal Working Group, and the East Metro Working Group. Working groups are made up of senior staff and elected officials from city/town and park districts in each of these areas. The groups meet to sponsor and apply for Joint Project Open Space Grants from the County's Open Space fund.

Projects developed by the groups meet the guidelines of the County's Open Space Resolution and Open Space Master Plan, are regional in scope (i.e., has regional significance geographically, physically, or otherwise demonstrates connections between two or more jurisdictions); includes multiple funding partners; and is unique in what it has to offer the public.

Links to Align Arapahoe:

Service First

It provides education and outreach to build relationships and increase positive awareness of parks, trails, heritage areas, and open spaces.

Fiscal Responsibility

Identifies priorities for spending to better manage assets.

Quality of Life

Encourages physical and mental health well-being by providing opportunities to shape the future development of park, trail, and open space amenities.

Discussion:

The Study session will go over the current activities of each group, including a list of projects and the status of the financial pledge for each of the groups. We will provide a high-level overview of the following:

High Line Canal Collaborative (formerly High Line Canal Working Group)

- The Collaborative is working on a five-year capital plan to implement projects identified in the Plan for the High Line Canal
- **Current projects being designed:**
 - Laredo High Line Access and Awareness
 - Orchard Road At-Grade Crossing
- **Current projects under construction:**
 - Cherry Hills Village Bridge and Underpass at Hampden and Colorado Blvd.
 - Parker and Mississippi Underpass
 - Wayfinding Signage
 - Tree Canopy Health

South Platte Working Group

The group reviewed the South Platte Implementation Plan funded by the working group partners on September 24. Each agency is now reviewing the proposed capital projects to prioritize budget commitments to move toward its implementation. We will present a map of the proposed projects.

Cherry Creek Basin Working Group

The City of Centennial is working on the three phases of the Lone Tree Creek Trail from Broncos Parkway north into the Cherry Creek State Park.

We are working on several projects with our Public Works and Development Department and the City and County of Denver on recreation and trail improvements along Cherry Creek at Iliff Avenue.

East Metro Working Group

- High Plains Trail Bridge and Trailhead at Country Park
 - Bridge is installed
 - Design is underway for the trailhead.

Kiowa North Master Plan Project

- DHM is now under contract and has completed background research.

- The Master Planning process has been delayed due to the discovery of 3 large Oil and Gas Well Pads and pipeline easements granted prior to County ownership of the property. The easement has the potential to limit trail or roadway development. We are in the process of evaluating a conceptual design created by DHM with the hopes of modifying the surface use agreement.

Alternatives:

For information.

Fiscal Impact:

The Open Space Working groups are supported by Open Spaces Sales and Use Tax funds.

Attorney Comments:

None

Reviewed By:

Brett Collins, Grants and Acquisitions Manager



ARAPAHOE COUNTY
COLORADO'S FIRST

Board Summary Report

Date: November 12, 2020
To: Board of County Commissioners
From: Ron Carl, County Attorney
Subject: Resolution re: CARES Act Funds for School Districts

Request and Recommendation

On November 10, 2020, the Board of County Commissioners approved a consent agenda item to adopt a resolution approving the allocation of CARES Act funds to school districts (Consent Agenda Item # 6.c., Resolution # 200800). Inadvertently, the draft resolution for the consent agenda item was not attached to the Board Summary Report.

The purpose of this drop-in is to obtain Board approval of the form of the resolution for the consent agenda item that was approved on November 10th. Attached is a copy of the resolution.

Fiscal Impact

This requested action will have no additional fiscal impact.

Reviewed By

Michelle Halstead, Director of Communication and Administrative Services

RESOLUTION NO. 200800. It was moved by Commissioner Holen and duly seconded by

Commissioner Conti to adopt a resolution authorizing the allocation of a total of \$6,001,750.00 in CARES Act funds for local school districts for reimbursement of COVID-19 related expenses, to be paid to each local school district in the amount of \$50 per pupil as presented to the Board of County Commissioners on this date, with such allocation being presumed to be for eligible expenditures as allowed by the U.S. Department of Treasury pursuant to its response to question A.53. in its guidance document titled “Coronavirus Relief Fund, Frequently Asked Questions, Updated as of October 19, 2020,” and with such allocation being determined by the Board of County Commissioners to be a reasonably necessary expense due to the COVID-19 emergency.

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.



BOARD SUMMARY REPORT

Date: November 5, 2020
To: Board of County Commissioners
Through: Jan Yeckes, Planning Division Manager
From: Kelsea Dombrowski, Planner II
Subject: Hearing Options for 21755 East Smoky Hill Road

Direction/Information

Planning Division staff are requesting direction from the Board of County Commissioners on an appropriate hearing option for two cases at 21755 East Smoky Hill Road (PF20-001 and SDP20-002).

Request and Recommendation

The purpose of this Study Session is to educate the Board of County Commissioners as to hearing options for two related cases at 21755 East Smoky Hill Road and to seek direction and the Board's advice on an option that is the most logical, respectful of the applicant's time, and considerate of citizen comment opportunities.

The hearing options and the general recommendations are included in the Discussion section.

Background

Two cases, a plat to divide the property (PF20-001) and a Specific Development Plan to set a general site plan (SDP20-002), are proposed at 21755 East Smoky Hill Road and are being processed by Public Works and Development. These cases have completed multiple rounds of review and are close to being ready for public hearing. There has been a fair amount of citizen and Home Owners' Association interest in the cases thus far, and there is potential for contentious hearings in regards to the access to, use of, and impact of the developed property.

Links to Align Arapahoe

Service First: The hearing options relate to citizens' ability to provide comment and the applicant's ability to have a reasonable hearing timeline. It is important for the selected hearing procedure to meet both of these needs.

Discussion

Under standard procedure, the plat would be heard only by the Board of County Commissioners, and the Specific Development Plan would be heard only by the Planning Commission; the Specific Development Plan is acting as the second step in a three-step planned unit development,

and under the LDC, the Planning Commission has authority to decide (as opposed to make a recommendation on) the application. However, under the LDC, the Board of County Commissioners has the option to call up the Specific Development Plan for a public hearing and decision by the Board of County Commissioners. The Board hearing, if called up, would still follow the Planning Commission's public hearing on the application. The decision on whether to call up an application can be made up to ten days after the Planning Commission hearing and decision, and can be made whether or not the Planning Commission's decision is appealed to the Board. In the event the BOCC decides to call up the SDP for hearing or, in the event of an appeal, decides to hear the case at the applicant's or neighbors' request, the Planning Commission *and* the Board of County Commissioners would issue an approve/deny decision, but the Board of County Commissioners' decision would be final.

Following the Planning Commission decision, either the applicant or a neighboring property owner who owns property within 200 feet of the proposed development's boundary can appeal the Planning Commission decision to the Board of County Commissioners for a *de novo* hearing and decision on the application.

The Planning Division recommends that the plat be heard first, by the Board of County Commissioners, followed by the Specific Development Plan being heard by the Planning Commission. There was a recent Planning case for which that order was reversed, and neighborhood concerns about the Planning Commission's prior approval of the SDP were raised by the public at the plat hearing before the Board. This resulted in the SDP concerns being conflated with the approval criteria for the plat and caused confusion as to the purpose of the hearing and the decision on the plat application for that development proposal.

Scheduling the plat hearing before the Specific Development Plan hearing would help to demarcate the subdivision process from the site plan, and would give the Board and the applicant a clear discussion on the topic of the subdivision. The Planning Division does not have a specific recommendation as to whether or not the Board of County Commissioners should call up the Specific Development Plan for a hearing at the Board of County Commissioners.

The possible hearing options are listed below. The Planning Division is requesting the Board of County Commissioners direct staff to the most appropriate option.

“Business as Usual” with No Appeal or Call-Up Resulting:

1. Plat heard at Board of County Commissioners
2. Specific Development Plan heard at Planning Commission and no appeal or call-up of the application

Pros: Two public hearings and a shorter timeline for the applicant; less use of staff time

Cons: Possible concerns raised at the Planning Commission hearing would not be decided by the Board of County Commissioners; two public hearings at which citizens could share comments rather than three

Note: The Planning Division recommends the plat be heard first, but these hearings may happen in either order.

Board Waits to See if Planning Commission Decision is Appealed:

1. Plat heard at Board of County Commissioners
2. Specific Development Plan heard at Planning Commission
3. If a neighboring land owner (within 200 feet) or the applicant appeals the Planning Commission's decision (which must occur within ten days of the hearing), the Board decides if it will hear the case or if the Planning Commission's decision will stand

Pros: The Specific Development Plan can be heard by the Board if a neighbor or the applicant appeals the Planning Commission's decision; citizens may have three public hearings at which to share comments

Cons: Possible concerns raised at the Planning Commission hearing would not be decided by the Board of Commissioners if an eligible appellant does not contest the decision in time; the applicant will be delayed by noticing requirements if the additional hearing date is unknown until after the Planning Commission hearing; the applicant may have three public hearings to prepare for rather than two

Board Waits to See Whether to Call-up SDP following Planning Commission Hearing:

1. Plat heard at Board of County Commissioners
2. Specific Development Plan heard at Planning Commission
3. Board makes a decision, within ten days of the Planning Commission hearing, if they will call the Specific Development Plan up for a Board hearing given the level of concern at the Planning Commission hearing

Pros: The Board can decide whether to call up the Specific Development Plan with consideration of the proceedings that occurred at the Planning Commission Hearing; citizens may have three public hearings at which to share comments

Cons: The applicant will be delayed by noticing requirements if the additional hearing date is unknown until after the Planning Commission hearing; the applicant may have three public hearings to prepare for rather than two

Board Decides in Advance to Call Specific Development Plan up for Hearing and Board Final Decision:

1. Plat heard at Board of County Commissioners
2. Specific Development Plan heard at Planning Commission
3. Specific Development Plan heard at Board of County Commissioners public hearing; both bodies make a decision on the case with the Board's decision being final
4. **OR** the Board hears the plat and the Specific Development Plan after the Specific Development Plan is at the Planning Commission, putting the plat hearing and the Specific Development Plan hearing on the same day

Pros: The applicant will know the additional hearing date ahead of time, whether or not it is heard the same date as the plat, streamlining the noticing timeline; citizens would have three public hearings at which to share comments

Cons: The applicant will have three public hearings to prepare for rather than two; if the plat and Specific Development Plan hearings are held on the same day, with the Planning Commission hearing on the Specific Development Plan already being held, there may be confusion and unrelated comments that delay and disrupt the subdivision hearing. In the past, the Board of County Commissioners has opted to combine site plan and subdivision public hearings in order to allow comments on both cases at the same time.

There is the potential for disagreement and confusion at the hearings for the cases at 21755 East Smoky Hill Road. Selecting a hearing approach now will provide guidance to staff, the Board, the applicant, and citizens.

Alternatives

1. Direct the Planning Division to work with the applicant on one of the four hearing alternatives detailed above.
2. Do not provide direction to the Planning Division on a specific hearing alternative, effectively recommending the ‘Business as Usual’ hearing alternative.

Fiscal Impact

The fiscal cost will be greater if there are three hearings instead of two: staff will prepare reports, field citizen comments, and attend an additional hearing; Commissioners and staff from the Attorney’s Office may need to attend an additional hearing as well.

Concurrence

Robert Hill from the Attorney’s Office has been involved in the hearing option discussions.

The applicant would be affected by the recommendation: they may have three public hearings, rather than the traditional two, prior to a final decision on their project. Two of these hearings may be able to be noticed simultaneously, saving time and money on noticing requirements. Citizens with public comment would be affected by the recommendation: they would have either two or three public hearings at which to share comments.

Reviewed By:

- Kelsea Dombrowski, Planner II
- Jason Reynolds, Planning Program Manager
- Jan Yeckes, Planning Division Manager
- Bryan Weimer, Director of Public Works and Development
- Todd Weaver, Director of Finance Department
- Robert Hill, Senior Assistant County Attorney



BOARD SUMMARY REPORT

Date: November 6, 2020

To: Board of County Commissioners

Through: Jan Yeckes, Planning Division Manager

Through: Caitlyn Cahill, Zoning & Animal Services Manager

From: Russell Johnson, Weed Control Specialist

Subject: Update to the County's Weed Control Ordinance

Direction/Information

Request for direction on moving forward with revising County Ordinance 2001-02.

Request and Recommendation

It is requested to proceed with the process for the BoCC to adopt an updated County Weed Ordinance. It is further requested for the proposed ordinance to be introduced as a general business item at the BoCC December 8th public hearing where the Board can determine if it wishes to proceed by setting a future hearing date. Notice of the ordinance, written in full, would be published at least 10 days prior to the public hearing.

Background

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. Since its adoption in 2001, numerous limitations have been identified that the proposed ordinance seeks to address. Residential and commercial lots up to 2 acres in size would now be governed by this ordinance.

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.

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.

BoCC Study Session Item, [November 17, 2020]

These parcels were either zoned commercial or in excess of 1 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, 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

1. Provide direction to staff to move forward with scheduling the ordinance for consideration of the Board of County Commissioners through the ordinance review and public hearing process. A General Business Item will be scheduled for December 8, 2020, for the purpose of introducing the ordinance and setting a public hearing date.
2. Provide direction for a different approach to updating the weed control ordinance.
3. Taking no action and leaving 2001-02 as the ordinance of record is an option. The ordinance would continue to apply only to residentially zoned properties up to one acre in size and would not apply to commercial or industrial lots.

Fiscal Impact

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

Attachment

Draft Weed Control Ordinance

Concurrence

The Planning Division is in favor of these changes to the ordinance.

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

ARAPAHOE COUNTY, COLORADO

ORDINANCE NO. 2020-xx

AN ORDINANCE SETTING FORTH ARAPAHOE COUNTY POLICIES AND PROCEDURES REGULATING THE ACCUMULATION OF WEEDS AND BRUSH ON COMMERCIAL AND RESIDENTIAL LOTS OF TWO ACRES OR LESS, PROVIDING FOR THE REMOVAL THEREOF; AND PROVIDING PENALTY PROVISIONS FOR VIOLATIONS AND ENFORCEMENT PERTAINING THERETO.

WHEREAS, pursuant to Section 30-15-401(1)(I.5), COLO. REV. STAT., the Board of County Commissioners of Arapahoe County ("Board") has the power to adopt ordinances to provide for and compel the removal of weeds and brush from lots and tracts of property and from alleys behind and sidewalk areas in front of such properties within the unincorporated territory of the County, including the authority to provide for and compel the removal of weeds and brush from residentially and commercially zoned lots of two acres or less; and

WHEREAS, the Board finds the accumulation of weeds on residential property and commercial lots of two acres or less is a public health hazard and/or a public nuisance; and

WHEREAS, the Board also finds that in order to preserve the public peace, health, safety, and welfare of the citizens of Arapahoe County, the following Ordinance should be adopted.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Arapahoe County as follows:

SECTION I. INTENT

The Board finds, determines, and declares that the accumulation of weeds on property is a public health hazard and a public nuisance in that such accumulations depreciate property values in the neighborhood, create a health and fire hazard, and encourage the proliferation of pests and rodents and that the regulation of weeds is necessary to protect the health, safety, and welfare of the residents of Arapahoe County.

SECTION II. DEFINITIONS

As used in this Ordinance, the following words are defined as follows:

- A. "*Board*" means the Board of County Commissioners of Arapahoe County, Colorado.
- B. "*Commercial Lot*" means any lot zoned for non-residential uses, including those zoned as Planned Unit Developments, regardless of actual land use, which is two acres or less in size and which is not agricultural land as defined in C.R.S. 39-1-102(1.6).
- C. "*Director*" means the Director of the Arapahoe County Department of Public Works and Development.

- D. "Lot" means a parcel of land occupied or designed to be occupied by a main building. A lot may or may not be shown as a lot on a duly recorded plat. A lot includes a tract or other area of property shown on a recorded plat, such as for drainage facilities or other public use purposes, or otherwise held as common interest property under Colorado law.
- E. "Property Owner" means the owner of records, as shown by the tax rolls of Arapahoe County and/or the records of the County Clerk and Recorder of Arapahoe County, of any real property to which this Ordinance applies.
- F. "Residential Lot" means any lot zoned for residential uses, including PUD zoned lots, regardless of actual land use, which is two acres or less in size.
- G. "Weeds" means any unsightly, useless, troublesome, or injurious plant, including grasses and/or all vegetation which has grown to maturity or to a height in excess of six (6) inches, including but not limited to, Field Bindweed, Leafy Spurge, Canada Thistle, Russian Knapweed, Perennial Sowthistle, Puncturevine, Silver-leaf Povertyweed, Mouseear Povertyweed, Fanweed, Mustards, Purple-flowered Groundcherry, Russian Thistle, Fireweed, Redroot Pigweed, Smooth Pigweed, Prostrate Pigweed, Sandbur, Hairy Stickseed, Buffaloburs, White Horsenettle and Carolina Horsenettle, Common Ragweed, cocklebur, and dandelion. This definition shall not include flower gardens, shrubberies, vegetable gardens, small grain plots, successional grasses utilized for erosion control, and pastures used for feed, fodder, or forage, provided the same are adequately weeded and maintained.
- H. "Zoning Administrator" means the Arapahoe County Zoning and Animal Services Manager or designated agent.

SECTION III. APPLICABILITY

This Ordinance shall apply to residential and commercial lots, as defined herein, within the unincorporated areas of Arapahoe County, and within any incorporated municipality in Arapahoe County that consents to the application of this Ordinance within the municipality, and to the alleys behind and the sidewalk areas in front of such properties. This Ordinance shall not apply to any property zoned as:

Obsolete Zoning Districts

RR-C (Rural Residential C)

Current Zoning Districts

A-E (Agricultural)
 A-1 (Agricultural)
 RR-A (Rural Residential A)
 RR-B (Rural Residential B)
 C (Cultural)
 O (Open)
 F (Floodplain)

Nor shall this Ordinance apply to land currently in agricultural use as is defined in Section 39-1-102(1.6), as amended.

SECTION IV. CUTTING AND REMOVAL OF WEEDS REQUIRED

Residential and commercial lot property owners shall cut, or cause to be cut, all weeds growing on their lots and remove or cause the removal of the cut weeds to a legal refuse disposal site. It shall be unlawful for any person to violate the provisions of this Section.

SECTION V. WEED REMOVAL PROCEDURES

A. Upon information received of a complaint by Arapahoe County staff, the Zoning Administrator shall investigate said complaint to insure compliance with this Ordinance. If the Zoning Administrator determines weeds exist in violation of this Ordinance, prior to initiating the procedures set forth in this Ordinance to bring such property into compliance, the Zoning Administrator shall cause to have posted for a period of ten (10) days upon such property a placard containing a Notice of Violation in substantially the following form:

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

(Property Description)

NOTICE IS HEREBY GIVEN THAT THERE EXISTS UPON THIS PROPERTY ACCUMULATIONS OF WEEDS WHICH MUST BE REMOVED AND DISPOSED OF IN ACCORDANCE WITH THE PROVISIONS OF ARAPAHOE COUNTY ORDINANCE NO. 2020-xx.

NOTICE IS FURTHER GIVEN THAT, UNLESS SUCH WEEDS ARE REMOVED AND DISPOSED OF WITHIN FIFTEEN DAYS FROM _____, THE BOARD OF COUNTY COMMISSIONERS SHALL CAUSE THE SAME TO BE REMOVED AND DISPOSED OF, IN WHICH EVENT THE OWNERS OF THIS PROPERTY SHALL BE LIABLE FOR THE COST OF REMOVAL THEREOF AS SET FORTH IN THE ABOVE ORDINANCE.

ARAPAHOE COUNTY, COLORADO

By: _____
Zoning Administrator of
Arapahoe County, Colorado

B. In addition to the posting of the placard on the subject property, the Zoning Administrator shall serve on the property owner, by registered or certified mail, return receipt requested, a copy of the Notice of Violation as set forth on the placard. This Notice shall be mailed to the property owner's address as shown on the tax rolls of Arapahoe County, and at the discretion of the Zoning Administrator, any additional address which the Zoning Administrator deems appropriate.

C. Failure to Receive Notice. A property owner's failure to receive any Notice of Violation provided for in this Ordinance shall not invalidate any proceedings under this Ordinance.

D. Extension of Time. The Zoning Administrator, at his or her discretion, may grant a reasonable extension of time to effect the removal of the weeds if the request for extension is received within the time period for removal set forth in the Notice of Violation. Any extension as may be granted herein shall not exceed an additional fourteen (14) day duration.

SECTION VI.

A. Failure to Comply with the Notices - County Action. If the weeds are not removed within the time specified in the aforementioned Notices or upon expiration of any extensions of time granted by the Zoning Administrator, the Zoning Administrator is authorized and empowered to request appropriate County personnel or an approved private contractor to enter upon the subject property and remove the weeds.

B. Administrative Search Warrants. If the Zoning Administrator is denied access to a property which has an accumulation of weeds prohibited under this Ordinance, application for an administrative entry and seizure warrant for the removal of such weeds may be made with the Arapahoe County Court or the Arapahoe County District Court. The Arapahoe County Attorney's Office shall provide representation of the County in such matter. The application for administrative entry and seizure warrant shall include a sworn affidavit stating the factual basis for such warrant, evidence that the property owner has received notice of the weed violation and has failed to remove the weeds within fifteen (15) days of the date of such notice, a general description of the location of the property in question, and the proposed disposal of such weeds. The administrative entry and seizure warrant shall be executed by the Zoning Administrator within ten (10) days of the date of issuance. A copy of such warrant shall be provided or mailed to the property owner, and proof of the execution of such warrant shall be filed with the court.

C. Employment of Private Contractors. The Zoning Administrator is authorized to employ private contractors with the approval of the Director to remove the weeds. The cost of removal by a private contractor shall be paid by the County upon receipt of an invoice approved by the Zoning Administrator and countersigned by the Director.

D. Statement and Notice of Costs. Whenever any costs are incurred by Arapahoe County in causing the removal of any weeds, the Zoning Administrator shall cause a statement to be prepared showing the total costs of the removal, including an additional ten (10) percent for inspection and other incidental costs in connection with their removal. The Zoning Administrator shall serve the statement on the property owner by registered or certified mail, return receipt requested, at the property owner's address as shown by the Arapahoe County tax rolls, and at the discretion of the Zoning Administrator, any additional address which he or she deems appropriate. The statement shall notify the property owner that weed removal work has been performed pursuant to this Ordinance, state the date the work was performed, the nature of the work performed, and instruct the property owner to pay the statement in full within thirty (30) days of the date set forth therein.

E. Appeals from the Zoning Administrator's Actions - Assessment of Costs. The aforementioned statement in subsection D above shall also notify the property owner that any complaints or objections relating to the statement of costs shall be made in writing by the property owners to the Director with a copy submitted to the Zoning Administrator within fifteen (15) days from the date set forth in the statement of costs. Said statement shall reflect that any appeal, if taken, will be heard and determined by the Director at a hearing prior to the adoption of any resolution by the Board assessing the cost of such work. All property owners filing timely written requests for a hearing shall be advised of the time and place of their hearing before the Director at least ten (10) days in advance of said hearing.

At the hearing, the Director shall consider all complaints and objections relating to the statement of costs, may make such modifications as may be deemed equitable and just, or may confirm the statement of costs. The Director's decision and findings shall be transmitted to the Board of County Commissioners. The Board shall thereupon, by resolution, assess the cost of the

work against the real property from which weeds have been removed. The property owner shall be given thirty (30) days to pay the costs after the assessment resolution is adopted. If the assessment is not paid within such time, the Clerk to the Board of County Commissioners shall certify the amount of assessment due to the Arapahoe County Treasurer.

In the event an appeal is not filed by a property owner and payment of the assessment has not been received, the Zoning Administrator shall submit to the Board of County Commissioners the statement of costs after thirty (30) days have elapsed from the initial billing date. The Board shall thereupon by resolution assess the cost of work against the real property from which weeds have been removed.

SECTION VII. COLLECTION OF THE ASSESSMENT - LIEN ON PROPERTY

A. Collection of Assessment. Following adoption of the assessment resolution, the Clerk to the Board of County Commissioners shall certify the same to the County Treasurer who shall collect the assessment, together with an additional ten (10) percent penalty for the cost of the collection, in the same manner as other taxes are collected. The laws of this State for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of the assessments.

B. Assessment Deemed Lien - Priority. Any assessment made pursuant to this Ordinance shall constitute, from the effective date of the assessment resolution, a lien in the several amounts assessed against the real property on which the weeds were removed until paid and shall have priority over all other liens except general taxes and prior special assessments.

SECTION VIII. PENALTY FOR VIOLATIONS

Any person who violates this Ordinance commits a Class 2 Petty Offense and upon conviction thereof shall be punished by a fine of five hundred dollars (\$500.00) for the first offense, seven hundred and fifty dollars (\$750.00) for the second offense, and one thousand dollars (\$1,000.00) for a third and any subsequent offense. The penalty assessment procedures set out in § 16-2-201, C.R.S., may be followed in enforcing this Ordinance. In addition to the penalties prescribed above, persons convicted of a violation of this Ordinance shall be subject to a surcharge of ten dollars (\$10) that shall be paid to the clerk of the court by the defendant as provided by § 30-15-402(2)(a), C.R.S.