



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