



THE FARMERS RESERVOIR AND IRRIGATION COMPANY

80 South 27th Avenue • Brighton, Colorado 80601

Telephone: 303-659-7373 • FAX: 303-659-6077

August 22, 2019

The City of Commerce City
Attn: Mr. Patrick Buckley
7887 East 60th Avenue
Commerce City, Colorado 80022

RE: Proposed Changes to Commerce City Revised Municipal Code
Section 6-2012(b)(1) Weed and grass growth d.

Dear Mr. Buckley:

Burlington Ditch Reservoir and Land Company, Wellington Reservoir Company and The Farmers Reservoir and Irrigation Company (collectively called "FRICO") is in receipt of your notice dated July 19, 2019 regarding proposed changes to Commerce City's weed regulations for undeveloped large tracts greater than five (5) acres. While FRICO appreciates the desire to implement the proposed changes to the code for weed regulations for all undeveloped tracts within the City, FRICO hereby requests that FRICO property be exempt from those changes as the proposed changes would create an undue hardship for our operations. FRICO owns numerous tracts of land, including but not limited to rights-of-way and roads, within the city limits of Commerce City (City) for our operations to provide water for agricultural and municipal uses. These tracts of land will likely never be developed as they are a key piece of infrastructure to the FRICO system.

FRICO currently mows all vegetation within our system with a brush hog type mower pulled behind a tractor. This machine cuts the vegetation to approximately five inches in height. Our standard practice is to mow the vegetation approximately once per month during the growing season, this is somewhat variable depending on seasonal precipitation. While FRICO's primary focus is the transportation of water to our shareholders through our ditches and canals, if the City reduces the maximum allowable height of weeds lower than sixteen (16) inches, a significant portion of FRICO's focus and resources will be shifted to mowing weeds on a weekly basis in an attempt to follow the new code. If you grant FRICO's request for exemption from the proposed changes, please be assured that FRICO will continue to operate and maintain our property in the same manner as it has for more than 100 years.

If the City is unable to grant FRICO's request for exemption, FRICO hereby requests that the maximum allowable height of weeds remain at sixteen (16) inches.

FRICO reserves the right to comment further on this matter as more details of the proposed changes are better understood. Thank you for providing this forum for FRICO to make the City aware of our concerns surrounding the proposed changes. If you have any questions or would like to discuss further, please do not hesitate to reach out to me by phone or email.

Sincerely,
BURLINGTON DITCH RESERVOIR AND LAND COMPANY
WELLINGTON RESERVOIR COMPANY
THE FARMERS RESERVOIR AND IRRIGATION COMPANY



Scott Edgar
General Manager



OAKWOOD HOMES

A Berkshire Hathaway Company

September 18, 2019

City of Commerce City
Attn: Patrick Buckley
7887 East 60th Avenue
Commerce City, CO 80022

Dear Patrick,

This letter is serving as a response to a notice we received regarding considered changes to Commerce City's weed regulations for undeveloped large tracts greater than five acres.

Oakwood Homes has proudly been building homes in Commerce City for several years and has recently taken the role as the master developer of Reunion: a 2,500-acre master-planned community that is comprised of roughly 2,000 homes, over 152 acres of parks and lakes, and a 21,000-foot rec center. Enormous growth is planned for Reunion and the surrounding community. Oakwood has begun planning a 430-acre mixed-use development known as Reunion Center. This project will include a regional sports complex, retail space, and high-density housing options. Reunion Center is necessary in order to accommodate the growing community; and has a projected buildout of close to 10,000 homes.

Oakwood Homes will be acquiring land in large quantities from L.C. Fulenwider, Inc. to complete Reunion as promised by the prior master developer. We strive to maintain our properties (owned or under option) to meet all City standards. On June 6, 2016, Ordinance No. 2080 amended section 6-2012 of the Code of Ordinances to change the maximum height of grass and weeds for undeveloped properties 5 acres or larger to 16" on any portion of the property that is within twenty (20) feet of any adjacent developed property, tract, or parcel, or any adjacent road. I know from personal experience during the process, that the development community and large landowners were involved as stakeholders in Commerce City. The end result was a compromise that met the City goals of aesthetics and general maintenance without placing unnecessary burdens on large landowners.

We believe that changing the maximum weed height on large parcels will not have any effect on public safety, and as an unintended consequence, will cause more work for both landowners/businesses and Commerce City employees enforcing the regulation.

Reducing the maximum allowable height of weeds from 16" to 8" and increasing the perimeter mowing limits will greatly increase the frequency of required trimming, especially when it's wet in the Spring and Fall; and on a 2,500-acre development, these costs could be substantial and burdensome.

We believe that the current code is appropriate and that no amendment to the ordinance is necessary. At a minimum, we recommend you delay formal action until the various stakeholder input is fully considered. Please share this information with the City Council during their deliberations.

Thank you for your time and consideration on this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "James A. Hayes".

James A. Hayes, AICP
Director of Land Acquisition and Development
Clayton Properties Group II, Inc. dba Oakwood Homes
4908 Tower Road
Denver, CO 80249

Cc: Brian McBroom
Roger Tinklenberg
Paula Baker
L.C. Fulenwider, Inc.

Murray Farms Inc.

11010 Havana St.
Brighton, CO 80601
303-288-2998

The City of Commerce City
Attn.: Patrick Buckley
7887 East 60th Ave.
Commerce City, CO 80022

To Whom It May Concern,

This Letter is in response to the city's weed ordinance on large tracts of land five acres or more. The current ordinance is very inadequate and biased. It does not protect other property owners from the nuisance of weeds or weed seed from blowing onto their property, it does not address the potential of fires and it is unsightly and gives the city a bad image. Home and business owners are required by city ordinance to maintain their property and not adversely affect other property owners. These regulations should apply to all properties within the city.

There is a huge difference between developed and undeveloped property. Property with curb gutter and sidewalk with an adjacent building on it is not the same as undeveloped property. I believe the ordinance is focusing too much on plant height. The focus should be on the kind of vegetation growing, where as it will not leave ones property and adversely affect other property owners.

I see three choices for property owners:

1. Spray and or mow all vegetation such that it will not leave their property.
2. Have the property farmed and maintained by approved farming practices.
3. The city can maintain the property and charge fees to the owner. All property in the city is zoned. If farming is no longer done on the property the zoning is changed from agricultural to the proposed city zoning and the appropriate property taxes levied.

Sincerely,


Glen Murray, Murray Farms

**Buffalo Hills Ranch, LLC
DIA-FFP, LLC
DIBC 96th and Potomac, LLC**

1125 17th Street Suite 2500
Denver, CO 80202
303-295-3071

September 16, 2019

Mr. Patrick Buckley
Codes and Inspections Manager/Building Official
7887 E 60th Ave
Commerce City, CO 80022

Re: Owners of Large Tract Areas greater than 5 acres

Mr. Buckley,

We are in receipt of the notice from Commerce City of the Councils intention to study revisions to the Commerce City Revised Municipal Code Section 6-2012 – Weeds and Vegetation, (b) Prohibitions, (1) Weed and grass growth, d.

We strongly request the Council not consider or approve of any of these proposed revisions to this section of the code for large tract owners.

1. It would be impossible for actively farmed lands to maintain large assembly of acres to a 16" height.
2. It would be financially impossible to maintain lands to an 8" height and would require large tract owners to mow multiple times a week in order to comply.
3. Large tract owners find it difficult enough to just maintain the current 20 feet requirement along their miles of street frontage and adjacent developed neighbors.
4. Current code enforcement is already tough for the City to administer.
5. It will be a nightmare for the City code enforcement to administer any of these other requirements. It is tough enough now and very subjective as to how and when City enforces the current codes, all at cost to the landowners.

6. Will the City maintain their own right of ways (medians, golf course rough edges, etc.) to the same standards they currently place on large tract private sector lands?
7. Why penalize large tract owners who actively farm their lands. Farmers manage their own farming operations and land according to their normal crop rotations and operating conditions.
8. Also note, even during normal active farming of lands, there is typically years when the land is fallow (no active crop) per normal crop rotation procedures
9. Farming operations and production is very weather dependent and normal weed control procedures and conditions for farming operations could very drastically dependent on weather conditions.
10. What type of incentives is Council considering for large tract owners in order to avoid violations and penalties?

Thank you for your consideration in this matter. Please call should you have any questions regarding our comments.

Sincerely,



Mark Throckmorton
Vice President
L.C. Fulenwider, Inc., Manager