



May 14, 2020

Mr. Roger Tinklenberg
Deputy City Manager
7887 E 60th Ave
Commerce City, CO 80022

Mr. Tinklenberg,

We are in receipt of the May 7, 2020 notice from Commerce City of the City's intention to study revisions to the Commerce City Revised Municipal Code Sections 3-2304 and 6-2012 regarding the standards for the maintenance of weeds and grasses and increasing penalties for noncompliance.

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

1. It is difficult enough to just maintain the current 20 feet requirement.
2. Current code enforcement is already tough to administer. Reducing the allowable height from the current standard would increase the burden on City staff.
3. Will the City maintain their own right of ways (medians, tree lawns, etc.) to the same standards they currently place on private sector lands?
4. What is the period to cure after notice of a violation is given? There does not appear to be any period to cure after notice in the May 7 letter from the City. It does not seem equitable to not give landowners the opportunity to cure a violation before penalties are assessed.
5. 8" is only a few days of growth during wet periods, thus requirement will be costly to enforce to just meet the standard of compliance and will require maintenance multiple times a week. This frequent of maintenance is unfeasible for large tract owners, this is not someone's back yard, that is farmland.
6. 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.
7. Also note that even during normal active farming of lands, there is typically years when the land is fallow (no active crop) per normal crop rotation procedures.

8. 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.
9. On large tracts, there is no way to cut the weeds to 8" without cutting the native grasses or crops that could prevent the growth of weeds.
10. Frequent cutting of native grasses to less than 8" will kill the grasses and cause erosion, increasing the amount of dust coming off large tracts that will clog the City's storm drains.
11. The proposed changes will have the unintended consequence of increasing maintenance costs of the City's storm sewer system.

The current regulations are acceptable. The issue that has caused the public to complain is a lack of enforcement of the current regulations that were collectively struck by the City with cooperation with large tract owners and residents. If the City keeps the current regulations and steps up enforcement for frequent violators, and increases the fees for frequent violators, with an adequate period to cure after notice, the City will achieve the desired result of beautification of the problem areas.

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

Sincerely,



James Blake Fulenwider
Vice president
L.C. Fulenwider, Inc., Manager

Murray Farms Inc.

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

5-14-2020

**City Council
7887 E. 60th Ave.
Commerce City, CO 80022**

Dear City Council,

This letter is in regards to your proposed weed ordinance. I believe a little history about Murray Farms is pertinent here. My family has been an active farming and ranching operation on the same property for the past 103 years. We are the only farmer in the city. Commerce City did a forced annexation on us several years ago. There are many reasons that farms are not in cities and your proposed weed ordinance is one of them. We have never been forced to maintain the public right of way in the county or city until now. This is the responsibility and civic obligation of the city.

As a farmer I do not have the safety equipment required. I do not have signs, flagging, flagmen or equipment required for the job. In many cases the slope of the embankment is very steep and hazardous to drive on as well as walk on. I also do not have insurance that will cover me for an accident on the public right of way doing the city's job. This operation becomes a new business enterprise and requires different insurance. There is a big difference between developed property and undeveloped and how the property is zoned. A farm is different from a home owner or a business in that the public right of way there can be miles long. I understand the reason for a homeowner or business to keep the public right of way attractive in order to maintain property value as well as attracting clientele to the business but a farm is not the same. In most cases there is also no sidewalk on the public right of way. Have you considered the cost and liability you are asking farmers to accept?

I appreciate that the city is concerned with its image and trying to improve it. Referring to property owners such as land speculators and

developers as well as others; some of these are people who do very little or nothing to maintain their property. On what you consider large acreage (5 acres or more) the current policy is to mow 20 feet around the perimeter and do nothing with the rest of the property. This causes problems for adjacent property owners and can become a safety issue. People also look far beyond the 20 feet perimeter that is mowed. If you did not maintain your home and let it run down it would have a degrading impact on adjacent property and blight the neighborhood. The result is the same thing with neglected undeveloped property.

As a farmer I grow a number of different crops. The result is some crops are tall, some crops smell, some are dusty and the appearance is subjective. Also, some of the crops must be worked during the night time hours. I have been concerned about the city's position on all of these issues for some time.

The State of Colorado has laws regulating noxious weeds. These plants are very prolific and spread easily. Adams County is responsible for control of these plants and can assess fees on property taxes if the owner does not control these plants. An example is the acres of canadian thistle on the city property next to the dog park off of Havana Street which you may not be aware of.

Please take into account active farming and ranching operations.

Sincerely,

Glen Murray, Murray Farms Inc.



A Berkshire Hathaway Company

May 15, 2020

City of Commerce City
Mr. Roger Tinklenberg
Deputy City Manager
7887 East 60th Avenue
Commerce City, CO 80022

Dear Roger,

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. This letter is a follow-up to my correspondence to Mr. Patrick Buckley on September 18, 2019. In reviewing the latest draft ordinance, it appears the City is increasing the level of regulation even more than the proposal in 2019. Most notably, the 1 to 5 acre category is being removed and the new standards would apply to all parcels over 1 acre in size.

Oakwood Homes has proudly been building homes in Commerce City for several years and in 2017 assumed 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 453-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,

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.