



County of Los Alamos

1000 Central Avenue
Los Alamos, NM 87544

Agenda - Final

Community Development Advisory Board

*John Gustafson, Chair; Aaron D. Walker, Vice Chair; Robert
Day; Carol Kay Carr; Anna Dillane; and Allen McPherson,
Members*

Monday, October 18, 2021

5:30 PM

Council Chambers

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/85384020816>

Or One tap mobile :

*US: +12532158782,,85384020816# or
+13462487799,,85384020816#*

Or Telephone:

*Dial(for higher quality, dial a number based on your current
location):*

*US: +1 253 215 8782 or +1 346 248 7799 or +1 720 707 2699
or +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656*

Webinar ID: 853 8402 0816

International numbers available:

<https://us06web.zoom.us/j/85384020816>

I. ADMINISTRATIVE ACTIONS

A. Call to Order/Introductions

B. Approval of Today's Agenda

C. Review/Approval of Meeting Minutes

[15022-21](#) Minutes from the Community Department Advisory Board

Presenters: Community Development Advisory Board

Attachments: [A- CDAB Draft Minutes September](#)

D. Public Comment for Items Not on the Agenda

II. PRESENTATIONS AND DISCUSSION ITEMS (Action May be Taken on These Items)

A. Dekker/Perich/Sabatini Update

[15025-21](#) Dekker/Perich/Sabatini Update

Presenters: Community Development Advisory Board

Attachments: [DPS Presentation Update](#)

B. Review of Cases

C. Meeting Format

1.County guidance on masks

D. Working Group Reports

1. Communications and Public Outreach

a. Proposed policy on collection and response to citizen input

2. Consultant Communication

[15020-21](#) Proposed policy on collection and response to citizen input

Presenters: Community Development Advisory Board

Attachments: [DRAFT CDAB Policy for Responding to Citizen Input](#)

III. REPORTS AND UPDATES

A. Chair Report

B. Board Liaison Reports

C. Council Liaison Report

D. Staff Report

IV. PUBLIC COMMENT

V. NEXT MEETING(S)/FUTURE AGENDA ITEMS

VI. ADJOURN

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the County Human Resources Division at 505-662-8040 at least one week prior to the meeting or as soon as possible.

**Community Development Advisory Board Meeting
Draft Minutes September 20, 2021**

I. ADMINISTRATIVE ACTIONS

Members Present: Aaron Walker, Vice-Chair; John Gustafson, Chair; Anna Dillane, Allen McPherson, Robert Day Members.

Members Absent: Member Kay Carr Council Liaison Present: Sara Scott
Others Present: Adrienne Lovato, Staff Liaison; Katie Thwaites, Assistant County Attorney; Andrea Salazar, CDD; Paul Andrus, CDD Director, Bryce Ternet; Planning Manager, and Timothy Martinez; IT,

A. Call to Order

Meeting called to order at 5:37 pm by Chair Gustafson

B. Approval of Agenda

Member Day made a motion to approve the Agenda, Member Dillane seconded the motion. The agenda was approved by a vote of 4-0.

C. Approval of Minutes

Member Dillane made a motion to approve the minutes with amendments. Member Day seconded the motion. The minutes were approved with amendments by a vote of 4-0.

D. Public Comment for items Not on the Agenda

One member of the public was present but had no comments.

II. PRESENTATIONS AND DISCUSSION ITEMS (Action may be taken on these items.)

A. Review of Cases

Member Dillane did a quick overview on the cases reported which totaled at 73. 61 of the cases were for weeds, 7 obstructed walkways, 2 for outdoor

storage, 1 free stuff on the curb and 2 for sanitation.

B. Work Group Reports

1. Public Outreach and Communication

Members discussed the CDAB Facebook page that will be administered by County Public Information Office. Member Dillane noted the schedule and anticipated frequency of messaging. Members noted the need to stay aware of social media responses to CDAB posts. Councilor Scott asked about a timeline for evaluating the communication effort.

2. Consultant Communication Group

CDD staff member Bryce Ternet gave an update that the consultant DPS wants to hire an outside survey firm. More information will be available next month.

C. Discussion on work groups

CDD Attorney Thwaites explained the rolling quorum.

D. Discussion on citizen correspondence

Chair Gustafson suggested that the working group on communication and public outreach have a discussion and bring some ideas back to the next board meeting regarding how to respond to received citizen input.

III. Reports and Updates

A. Chair Report

Chair Gustafson will attend the Boards and Commission luncheon via zoom. He also reported there was an applicant for the unfilled CDAB position, but no decision had been made yet on the application.

B. Board Liaison Reports

Vice Chair Walker gave an update on the Planning and Zoning master plan. Environmental Sustainability is proposing a recommendation regarding

pesticides.

C. Council Liaison Report

Councilor Scott updated members that Julie Habiger has retired, and Leslie Bucklin is now acting Public Information Officer. Questions about barking dogs have come up by the public.

D. Staff Report

1. Business Public Email Address

Ms. Lovato gave the members an email address that was created for a public email for CDAB. Cdab.public@lacnm.us

Staff asked if the Board would like to meet via zoom instead of hybrid.

IV. Public Comment

No public comments.

V. Next Meeting (s) Future Agenda Items

Monday, October 18, 2021, at 5:30pm.

VI. Adjourn



LOS ALAMOS COUNTY CHAPTER 18 NUISANCE CODE UPDATE

CDAB Presentation 10.18.2021



AGENDA

- Technical Code Review Overview
 - Research overview
 - Key findings
 - Proposed code structure
- Survey Update
- Discussion
- Next steps

Code Review Document Overview



LOS ALAMOS COUNTY CHAPTER 18 NUISANCE CODE UPDATE

TECHNICAL CODE REVIEW OCTOBER 2021



DEKKER
PERICH
SABATINI

Contents

PART 1: Introduction.....	2
A. Purpose of Code Update	2
B. Update Scope	3
C. Update Process.....	3
D. Purpose of Technical Review	4
PART 2: Research & Best Practice	4
A. Precedent Community Research	4
B. Complaint vs Compliant Driven Code Enforcement Systems	12
C. Innovation Code Enforcement / Violation Tools	16
D. Common Property Violations and Stakeholder Concerns	17
PART 3: Technical CODE REVIEW	28
A. Division 1 Generally	28
B. Division 2 Regulation of Exterior Properties	29
C. Key Observations for Improvements	31
PART 4: Updated Code Structure	33
A. Article 1 Purpose	33
B. Article 2 Applicability	33
C. Article 3 Definitions	33
D. Article 4 General Requirements	33
E. Article 5 Exterior Property Areas	33
F. Article 6 Structural Maintenance	34
G. Article 7 Noise	34
H. Article 8 Smoking	34
I. Article 9 Administration and Enforcement	34

Research Section Overview

- Precedent communities
- 2021 International Property Maintenance Code
- Code enforcement data
 - Code enforcement interviews
 - Analyzed code violation data for past 5 years
- Complaint versus Compliance Driven Code Enforcement

Research Overview – Precedent Communities

- Alamogordo, NM: operates under NM State Statutes, similar size, chronic nuisance enforcement
- Globe, AZ: rural community with similar density
- Golden, CO: affluent community within state, similar size

Table 2-1: Precedent Community Overview				
Demographics	Los Alamos County, NM	Alamogordo, NM	Globe, AZ	Golden, CO
Population	19,369	31,3980	7,347	20,767
Population per square mile	164.4	1,418.5	414.2	1,901.2
Median Value of Owner-Occupied Housing Units	\$302,800	\$113,500	\$125,800	\$522,200
Median Household Income	\$121,324	\$42,204	\$49,954	\$72,349
Average age of Housing Stock	48 years	44 years	54 years	38 years

Research Overview – Precedent Communities

- Reviewed precedent nuisance codes based on topics relevant to Los Alamos

Table 2-2: Topics Addressed in Nuisance Regulations				
Topics	Globe, AZ	Alamogordo, NM	Golden, CO	Los Alamos County
General Property Maintenance	X		X	X
Unsanitary conditions	X	X	X	X
Weeds	X	x	X	X
Plant overgrowth obstructing sidewalks or roads		X	X	X
Brush piles				X
Unsecured or unmaintained pools	X		X	X
Graffiti	x	X		
Dangerous or substandard structures	X	X	X	X
Accessory structure deterioration			X	X
Construction related nuisances such as litter, noise, and dust		X	X	X
Inoperable vehicles parked on private property/ Abandoned or Junk vehicles	X	X	X	
Inappropriate storage of items such as interior furniture or appliances outdoors				X
Outdoor furniture				X
Refuse and rubbish/ Litter	X	X	X	X
Fences and walls in disrepair	X			X
Rodent harborage	X			X
Hazardous trees or limbs		X	X	X
Geologic Hazard aggravation			X	
Waterway Pollution			X	

Research Overview – Precedent Communities Key Findings

- Nuisances defined in terms of threats to health, safety, and welfare. Protection of property values is not included in definitions or goals.
- Communities distinguish between weeds and other vegetation by referring to a “weed list”. Weed lists create clear criteria for staff to determine what is considered a weed.
- Separate language to address overgrown vegetation and vegetation maintenance. These include limiting heights within certain areas (ie. Within the front setback)
- Inoperable vehicles should not be visible from public right-of-way
- Outdoor Storage regulated through robust definition of “junk” and requirement that junk not be visible from public right-of-way.

Research Overview – Complaint vs. Compliance Based Systems

- Complaint-based system: code enforcement cases result from citizen complaints.
 - Cheaper
 - Minimal perception of government intrusion
 - Difficult to focus resources
- Compliance-based system: staff actively patrol community, cases are staff-identified, focus on education.
 - Able to focus resources
 - Reduced fear of neighbor retaliation
 - Violations identified earlier
 - Increased perception of government intrusion

Table 2-4: Advantages and Disadvantages of Compliance vs Compliant Driven Code Enforcement Systems				
	Compliance-Based System		Complaint-Based System	
	Advantage	Disadvantage	Advantage	Disadvantage
Administration	Allows for a hierarchy of violations where staff can focus enforcement efforts on violations that pose immediate health and safety risks.	Requires more staff time and funding for community engagement and education efforts.	Generally cheaper to administer. Less staff time required since staff is not patrolling or initiating cases.	Difficult to focus resources. No hierarchy for major versus minor violations.
Resident Perceptions	Educational efforts inform residents of property maintenance requirements. Enforcement efforts set the standard for property maintenance and establish what nuisances will not be tolerated.	Fear of intrusion on fundamental property use rights. Residents may fear being unable to maintain their property to the required standards.	Minimizes perception of government intrusion.	Perception that nuisances are tolerated or acceptable.
Community Relationships	Reduces fear of neighborhood retaliation.	Interactions between property owners and officers may be more confrontational when cases are staff initiated. Staff-initiated cases may increase the perception of government intrusion and the fear of the County functioning like a homeowner's association.	Residents have a mechanism to address nuisances in their neighborhood outside of <u>neighbor to neighbor</u> coordination.	Fear of retaliation among neighbors. Residents may not file a complaint if the reporting system lacks anonymity.

Research Overview – Complaint vs. Compliance Based Systems

- Hybrid approach used by precedent communities is recommended
- Reporting system for residents to file complaints and request inspections
- Code enforcement staff patrols community
- Focus on education to curb nuisances before they become violations
- Partnerships with community groups and resources to provide property maintenance resources, such as community cleanup days or free dump passes

Table 2-5: Precedent Communities Hybrid Approach Overview				
Strategy	Alamogordo, NM	Globe, AZ	Alamogordo, NM	Golden, CO
Citizen-reported nuisances	Complaints accepted online, by phone, or email.	Complaints may be written, by phone, email, in person, or via a reporting form online.	Complaints accepted via phone, in-person, or email.	Complaints accepted via email, phone, in-person, or online form.
Staff-identified nuisances and patrols	Regular Staff patrols	Regular Staff patrols	Regular Staff patrols	Regular Staff patrols
Education	Website includes a list of code enforcement responsibilities, a summary of the code enforcement process, and details regarding weed regulations. Informational brochure	Website includes a list of code enforcement responsibilities, what constitutes a violation, the inspection procedures, violation notification timeline, and summary of penalties. Article in local newspaper describing code enforcement processes and goals.	Website includes details on violations with references to applicable code sections. Publications released with Keep Alamogordo Beautiful regarding nuisance regulations and specific hazards associated with the nuisances.	Website includes list of areas of enforcement
Community Engagement, Partnerships, and Events	Clean Up Los Alamos litter pick up event with free disposal at waste transfer stations. 12 free loads to solid waste facility per year	Website includes a suggestion form. Dollar days at local landfills to relieve property maintenance costs.	Free graffiti removal in partnership with Keep Alamogordo Beautiful. My Yard Project recognizes properties that are well maintained and beautiful. Community Cleanup days hosted by Chamber of Commerce, Keep Alamogordo Beautiful, and New Mexico Department of Transportation	Curbside appliance recycling program will pick up washing machines, dryers, dishwashers, refrigerators, freezers, and stoves/ovens. Community Pride Days offers free disposal of non-hazardous junk such as mattresses & box springs, metal recycling, tree debris, yard waste, and electronics. Yard Waste Collection days twice a year. National Night Out with

Code Enforcement Interview Summary

Main issues

- Overgrown vegetation obstructing public right-of-way
- Weeds
- Inoperable vehicles
- Offensive outdoor storage

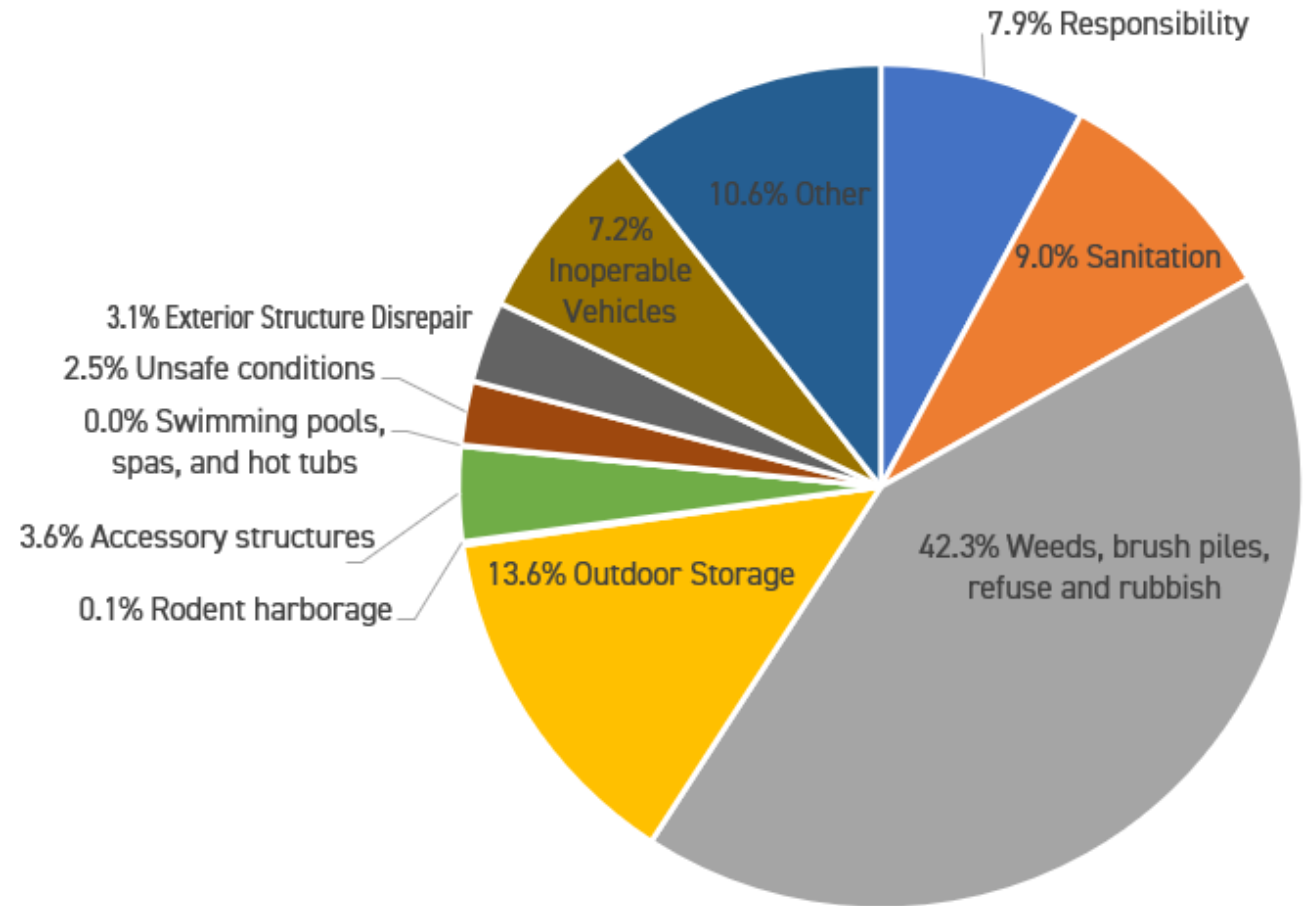
Other issues not currently address in code

- Tents
- Temporary storage containers

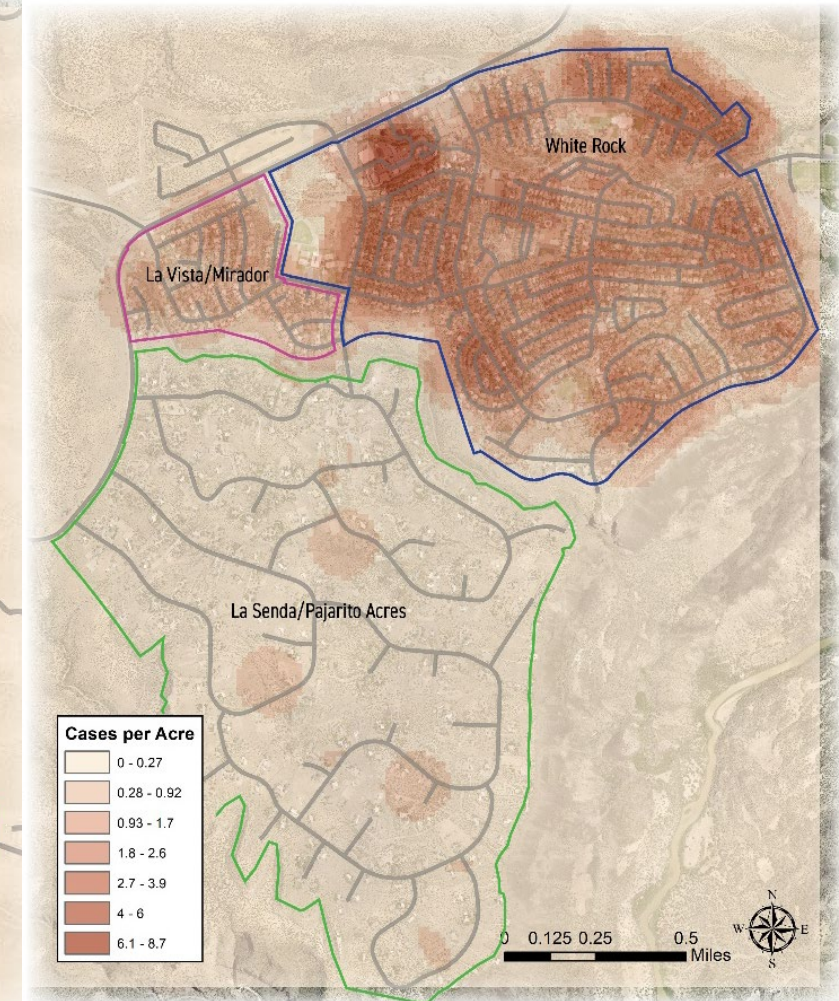
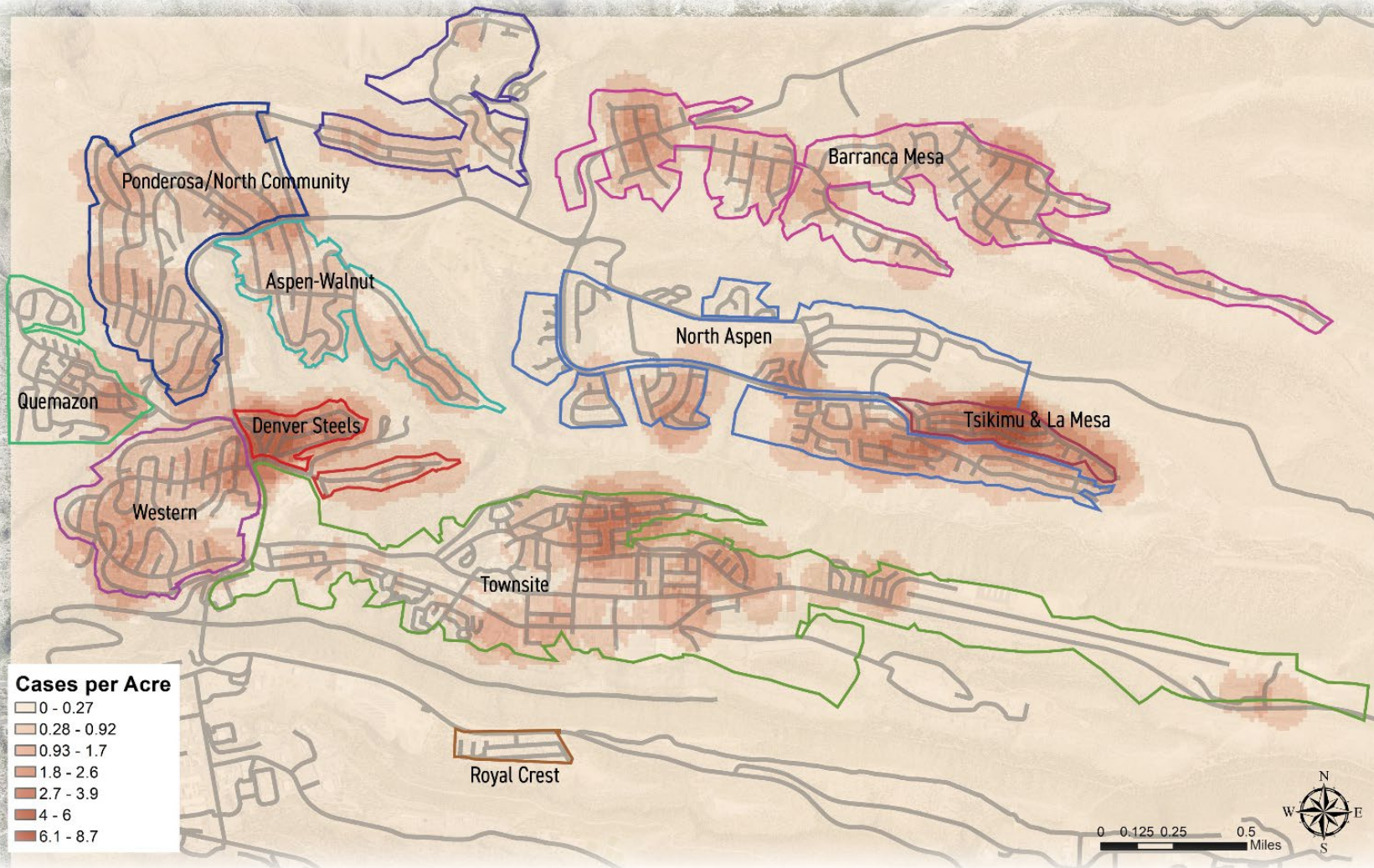


Code Enforcement Data Summary

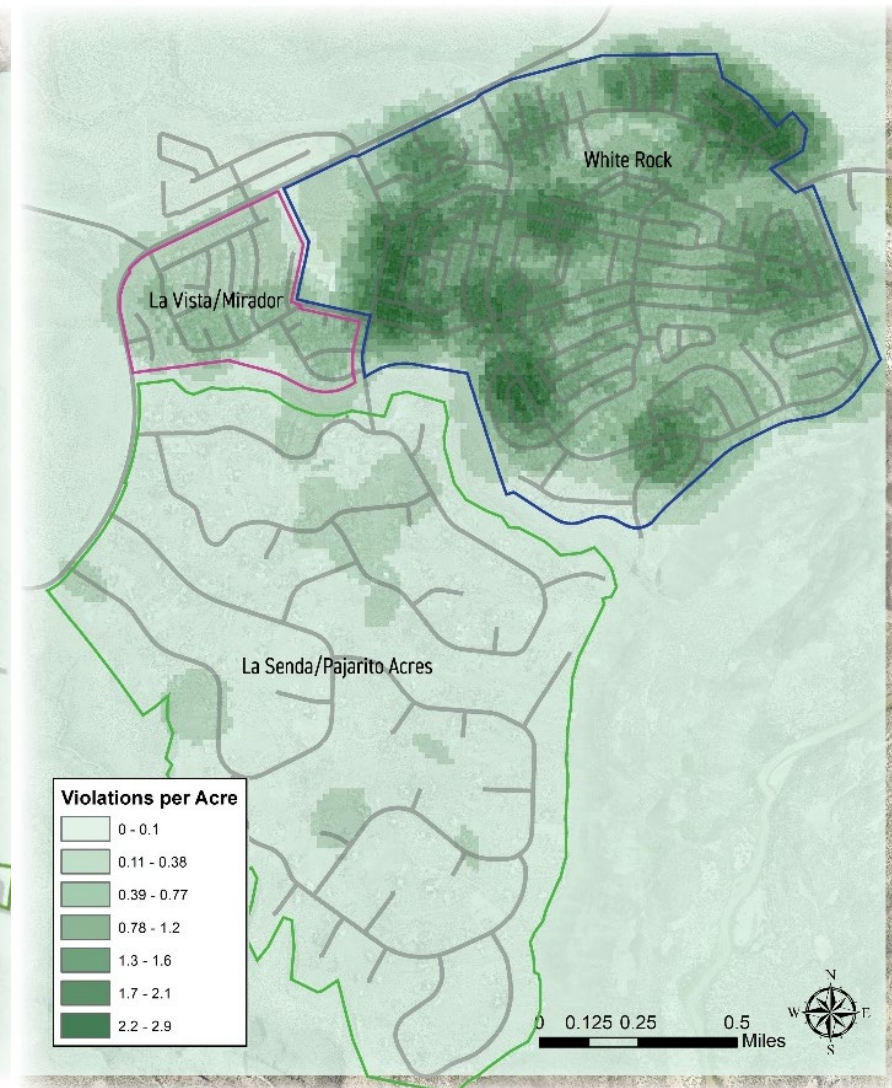
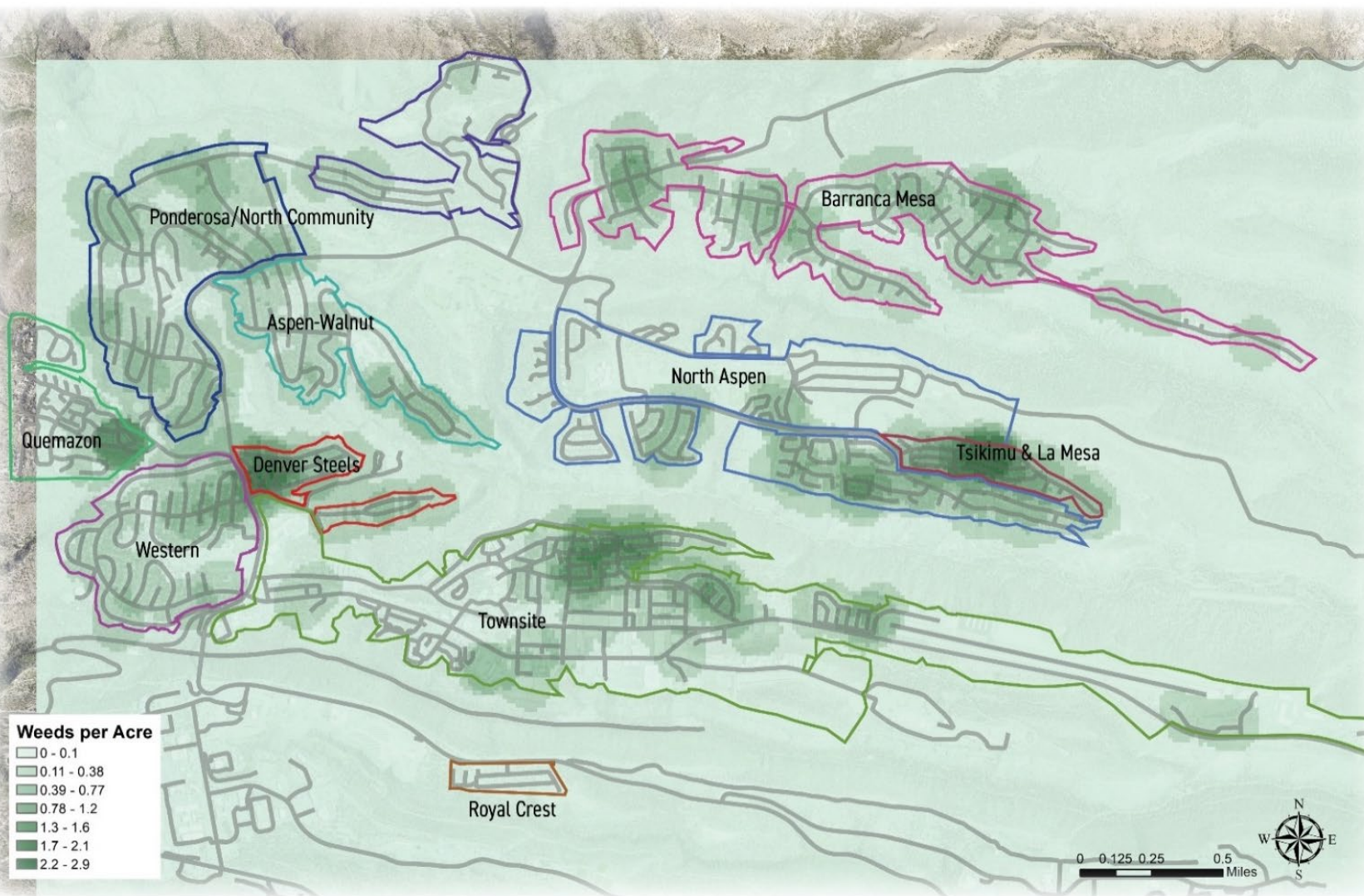
- 5,303 code enforcement cases from January 2016 to September 2021
- 5,136 nuisance cases
- 167 cases for unpermitted construction, unhitched trailers, etc.



Nuisance Cases by Community



Weeds, Brush Piles, Refuse, and Rubbish Cases by Community



Key Observations for Improvement

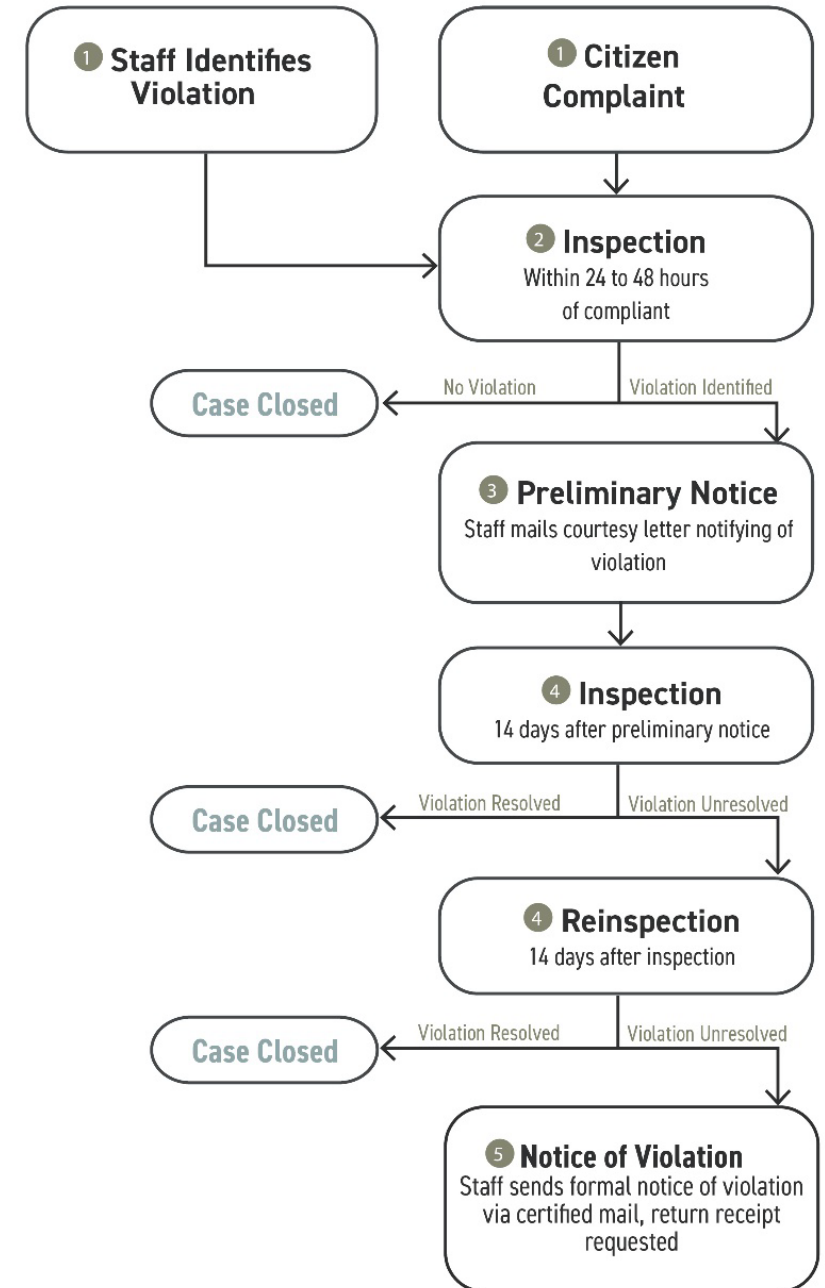
1. Clarify Code Enforcement Goals

- Establish whether enforcement procedures focus solely on threats to public health, safety, and welfare or if enforcement should include aesthetic concerns that may impact property values.



Key Observations for Improvement

2. Align Code Enforcement Procedures with County Priorities for a Balanced Hybrid Compliance/Complaint Based System



Key Observations for Improvement

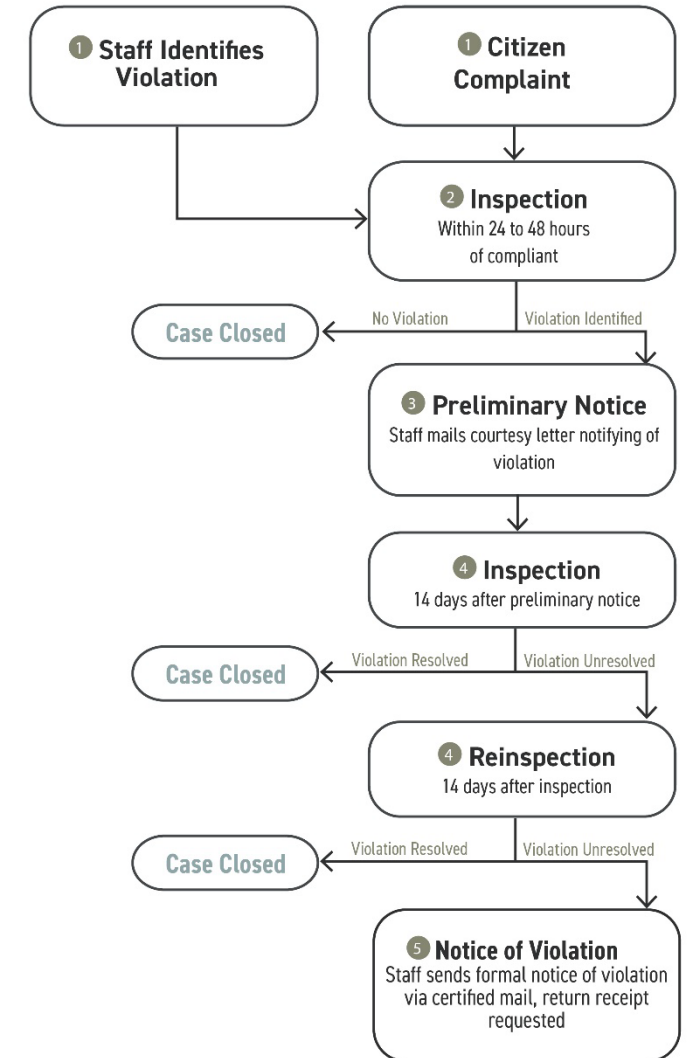
3. Prioritize and Classify Nuisances

- Classify based on urgency and threat to public health and safety, and threat to the environment.
- Priority I cases are top priority imminent health and safety hazards such as dangerous or unstable structures, inadequate barriers for swimming pools or spas, leaking sewage, live exposed electrical wires, and uninhabitable living conditions.
- Priority II cases are significant code violations such as abandoned properties, disturbances of environmental resources or historic sites, substandard housing conditions, and unpermitted grading.
- Priority III cases are other code violations or conditions adversely impacting the quality of life such as fence or wall violations, garages illegally converted to living space, landscaping, setback violations, unpermitted construction, and inoperable vehicles.

Key Observations for Improvement

4. Improve Overall Organization and Structure

- Consolidate and expand notice, complaint and injunction section
- Consolidate exterior structure regulations
- Move definitions into one section



Key Observations for Improvement

5. Add Nuisance Criteria where applicable

- Inoperable vehicles
 - Unregistered vehicles, inoperable vehicles, broken windows, and flat tires.
- Inappropriate outdoor storage
- Storage within carports
- Rodent haborage
- Weeds



Key Observations for Improvement

6. Clarify weed regulations

- Allow for natural landscapes, particularly in rural and agricultural areas
- Establish a “weed list” of noxious weeds that are prohibited
- Establish landscape overgrowth standards
- Options to provide for natural landscapes:
 - Provide species lists of unauthorized, i.e. noxious and/or invasive plants
 - Provide species list of plants that must be kept mowed below a specified height such as turf grasses, while allowing beneficial native plants to grow taller;
 - Inclusions of clearer definitions and/or criteria of cultivated vs overgrown vegetation;
 - Providing exceptions for environmentally beneficial landscapes such as those planted for erosion control, wildlife habitat, or educational purposes
 - Establishing required setback areas, generally within a portion of the front or perimeter lot lines in which vegetation above a certain height is not permitted. Vegetation behind the setback is unregulated.

Public Survey Update

- Survey to be conducted with Polco
- Anticipated release in mid-November



Discussion



Next Steps

- Finalize Technical Report
- Incorporate survey findings when available
- Begin Chapter 18 code revisions

Table 2-3: Weed Definitions

Municipality	Weed Definition	Weed Height
Los Alamos County	Weeds shall be defined as all grasses, annual <u>plants</u> and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	18 inches
Globe, AZ	Johnson grass, Bermuda grass, Rye grass, White horse nettle, any type of plant growth defined as a noxious weed by State law regardless of whether a particular property owner or occupant who is the subject of enforcement action under this Code regards the growth as desirable, and any other similar species or subspecies of weeds or grass of any kind.	10 inches
Alamogordo, NM	Weeds shall mean all rank, noxious, poisonous, harmful, unhealthful vegetation, or any growth whatsoever of an offensive or unsightly nature, or which is deleterious to health, and shall include but is not limited to the following named plants: <u>Pigweed (Amaranthus retroflexus)</u> , <u>Russian Thistle (Salsola pestifer)</u> , <u>Ragweeds (Ambrosia spp.)</u> , <u>Lambsquarter (Kenopodium spp.)</u> , and Kochia.	6 inches
Golden, CO	Weed means any undesirable plant or part thereof which has been declared a "noxious weed" by either the State of Colorado or the noxious weed local advisory board.	8 inches for turf grasses and weeds
Bullhead, AZ	Weeds means any vegetation, which is, or is liable to be, detrimental, <u>destructive</u> or unsightly and difficult to control or eradicate. Without limiting the foregoing, the term "weeds" include <u>any and all</u> weeds that have been determined to be a noxious weed in accordance with Arizona Revised Statute Section 3-2101 and the rules and regulations promulgated thereunder.	None
2021 IPMC	Weeds shall be defined as all grasses, annual <u>plants</u> and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.	Height limits to be established by jurisdictions

Weed Regulations for Natural Landscapes

Community	Regulation
Golden, CO	Turf grasses and other weeds are limited to 8 inches in height anywhere. Other grasses and herbaceous plants are prohibited to be over eight inches tall within ten feet of any building on an adjacent property.
Rochester, MN	Naturalistic landscape permit allows grasses that exceed 12 in in height
Minneapolis MN	Allows managed natural landscapes, provided they do not include noxious weeds and do not include unintended vegetation. Does not include turf-grass lawns left unattended for the purpose of returning to a natural state.
Highland Park, IL	<p>Distinguishes between nuisance weeds, lawn turf grasses, and native plants with species lists. Setbacks established for native plants. Native plant definition :</p> <p><i>Any plant, including nuisance weeds and lawn turf grasses, that is:</i></p> <ol style="list-style-type: none"><i>I. Designated in Plants of the Chicago Region, as native, original, or indigenous to the greater Chicagoland area; and</i><i>II. Grown and maintained to enhance the beneficial and natural functions that are lost through the cultivation of lawn turf grasses, trees, shrubs, ferns, bushes, flowers, or gardens.</i>

Separate Weed Regulations for Rural or Agricultural Areas

Community	Regulation
Hillsborough County, FL	Agricultural properties where the vegetative growth supports the agricultural use on the property and lands protected by local, state, or federal law are exempt from the requirement that any weeds, grass, or underbrush not exceed ten inches.
Richland, WA	Parcels larger than 1 acre may comply by establishing a 20 ft wide firebreak within which all weeds and vegetation, except established trees, shall not exceed 12 inches in height. Public parklands, natural areas, environmentally sensitive areas, agricultural lands and large undeveloped parcels of land not adjacent to developed areas are exempt from all weed and vegetation overgrowth standards.
Bullhead City, AZ	Weed regulations do not apply to undeveloped parcels, parcels maintained in their natural vegetative state, and parcels located more than 30 feet from any structure or development.

Nuisance Definitions

Community	Regulation
Golden, CO	Anything that endangers the health, safety and welfare of the community, anything that violates the City ordinances or state statutes, and anything that pollutes or contaminates waterways. While not included in the formal nuisance definition, Golden does have standards that prohibit the deterioration of a property so that the value of surrounding properties is impaired.
Globe, AZ	Property Maintenance and Public Nuisances section of the code focuses on unsafe conditions that threaten public health, safety, and welfare. The code also declares the following as nuisances: unsafe conditions, unsafe buildings, unsanitary conditions, dilapidated structures, abandoned or junk vehicles, and litter.
Alamogordo, NM	A public nuisance consists of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which is either: (1) Injurious to public health, safety, morals or welfare; or (2) Interferes with the exercise and enjoyment of public rights, including the right to use public or private property
2021 International Property Maintenance Doe	Does not include a formal definition of the word nuisance. The standards are intended to adequately protect public health safety and welfare without unnecessarily increasing construction costs nor giving preferential treatment to particular types or classes of material, products, or methods of construction.

Proposed CDAB Policy

For CDAB Collection of and Response to Citizen Input

Background

CDAB members may individually receive comments, questions, or other input from citizens. It is also the case that while our communication program is underway we will generate comments from citizens through social media or through CDAB's public email address.

In keeping with CDAB's Charter to "receive and provide citizen input to staff and county council on ways and means for improving the county's property maintenance and code enforcement program" it is important that we have a process for collecting and providing to appropriate parties the information and comments received.

It also is polite and appropriate for CDAB to acknowledge received citizen input and, consistent with our recommended communication and outreach effort approved by County Council to "educate and inform the community on property maintenance requirements and issues," to provide a formal CDAB response to some of the received communications.

This proposed policy intends to establish a process for managing these communications with and through CDAB.

Proposed Policy

1. Whenever a CDAB member individually receives information — whether through personal contact, email, or other messaging — from a citizen who wants to provide input to CDAB, the member should forward the received message to the entire CDAB membership as an "Information Only" communication.
 - a. The CDAB member who received the input can provide it to CDD staff (Adrienne/Andrea) with a request that it be forwarded to the entire Board. Alternatively, the member can send it directly to the other Board members specifying that the message is For Information Purposes Only and reminding members not to "reply all."
 - b. Communication threads that develop on social media will be collected and summarized for the Board by the Communications and Public Outreach Working Group at CDAB's monthly meeting.
2. The CDAB member who individually received the communication should limit any immediate response to an acknowledgement to the sender that the information was

received and a confirmation that the information was shared with the CDAB membership for awareness, discussion, and any appropriate action.

3. Additional response to any received communication will be led by the members of CDAB's Communication and Public Outreach Working Group, in consultation and discussion with the entire CDAB membership where appropriate.
 - a. Some received communications can be addressed by providing simple, factual information in response, for example by providing a link to the County Code or confirming the date of an upcoming public meeting.
 - b. Some received communications will be sufficiently complex that discussion with the entire Board will be appropriate before providing a complete response.
 - c. The Communications and Public Outreach Working Group will lead a synopsis and discussion of received inputs at each CDAB meeting as part of its monthly report.
4. If a CDAB member wishes to respond individually to any received communication outside of CDAB's formal response that member should make clear the response represents only his or her personal opinion and is not a statement from or position of CDAB.
5. The Communications and Public Outreach Working Group will lead the collection and collation of all received communications and forward the information to other parties as appropriate. Those parties can include, but may not be limited to, CDD staff, Council Liaison, and the contractor working on the rewrite of Chapter 18.