

Community Development Advisory Board

County Council Update
Tuesday, September 24th 2019

Six duties

1. Make recommendations to Council re: a) policies for enforcement, b) possible changes to code, and c) positive outreach activities.
2. Receive citizen input on how to improve.
3. Recommend ways to involve the community.
4. Receive all monthly reports and review as appropriate.
5. Report to Council as requested.
6. Anything else Council asks of us.
7. (Unstated) Review the current code.

To make recommendations about policies for enforcement (#1a) or changes to the code (#1b), we must receive public input (#2), review monthly reports (#4), understand nuances and unintended consequences of the the current code (#7), and synthesize that information into a coherent overview.

Recommendations on positive outreach activities (#1c) and ways to involve the community (#3) require #s 2, 4, and 7, but they also require staff and the board to have a clear and consistent understanding of the enforcement program. Because the program continues to change, that is a moving target.

What We've Done So Far:

- Reviewed the nuisance code and discussed each section individually.
- Identified 3 to 4 “problem areas” that were contentious between board members. These areas had differing opinions on how they should be addressed, and are topics for further public input.
- Performed several information gathering sessions at various farmer’s markets, and summer concerts.
- Outlined an approach to canvassing the entire county, by breaking it up in to ~21 “neighborhoods” to get responses in.
- Outlined an open house to gather public input regarding the problem areas identified.
- Researched nuisance codes in other communities in New Mexico and Arizona and have held discussions based on these results.
- Discussed mailers, utility bill inserts, and other methods to gain feedback / communicate information.

Priorities for review (Part 1)

Based on months of reviewing letters and NOVs, discussing code interpretation and enforcement practices with staff, closely reviewing the code itself, and hearing from the County Attorney's office and the Municipal Judge who hears code cases, among other efforts, CDAB has identified a number of areas that would benefit from clarity or decisions from Council, including:

- **Proactive vs complaint-driven system** – Council should set a clear policy direction. Understanding the type of program Council wants to see is essential for CDAB to make informed recommendations.
- **Selective enforcement and equal enforcement** – Staff concerns about “selective enforcement” shape and change enforcement efforts. Understanding Council's priorities will help CDAB make recommendations that support Council's vision for the code enforcement program.

Priorities for review (Part 2)

- **How to prioritize which code cases to open**—CDAB can solicit public comment on community priorities for which issues and what level of severity warrant county intervention and provide Council with a range of options.
- **How codes affect neighborhoods in different ways**—Council may need to determine to what extent it is desirable to create explicit or implicit exceptions for certain neighborhoods and/or enforce county-wide codes that will disproportionately impact certain neighborhoods. CDAB can solicit public input on this issue and provide Council with a range of options.
- **What is the ultimate goal of the code enforcement program?** To enforce health and safety standards or to enforce aesthetic standards? Where on that spectrum is our target? CDAB views this as a county-wide conversation and can solicit public input and provide that feedback to Council.

Priorities for review (Part 3)

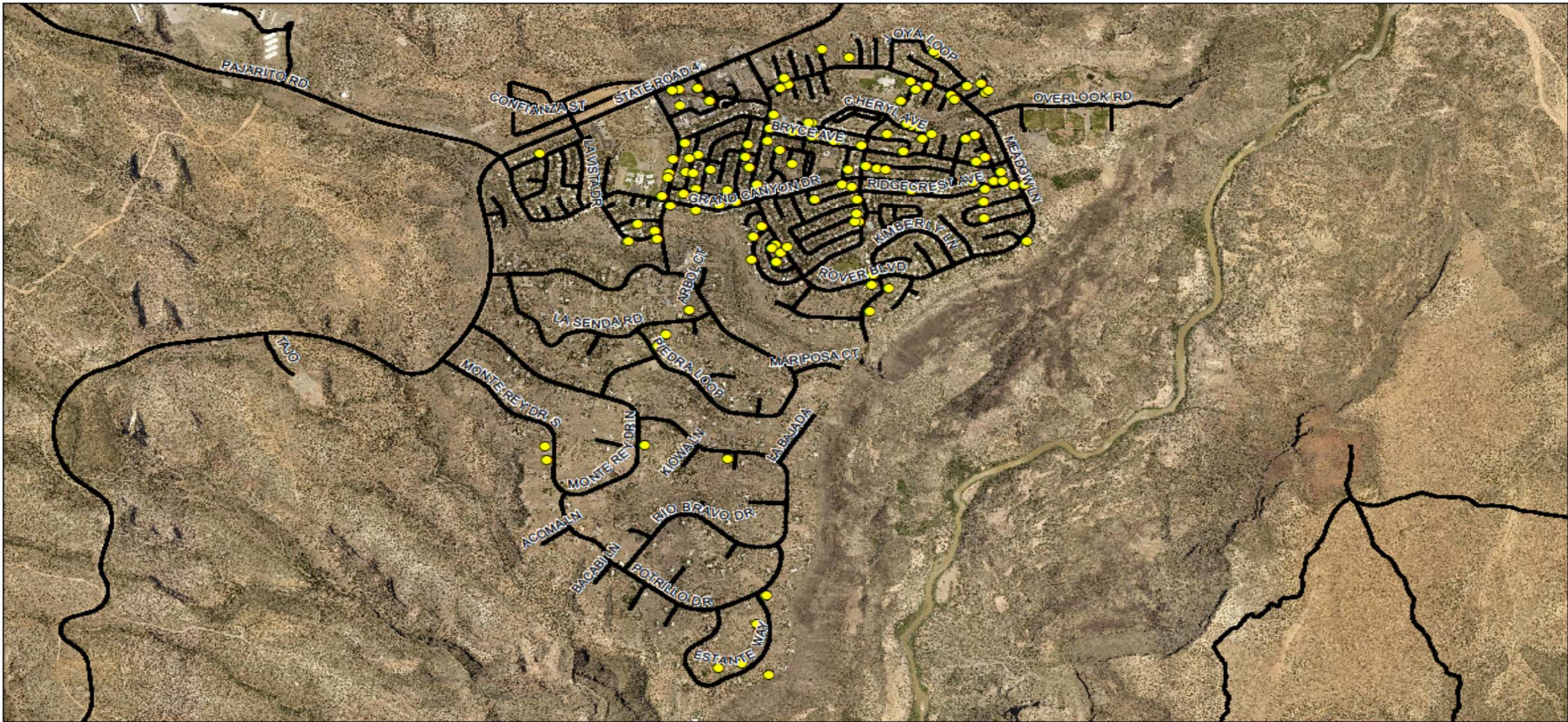
- **Specific code sections:** Weeds, brush piles, refuse, and rubbish (Sec. 18-42), Outdoor storage of furniture and materials (Sec. 18-43 and 18-44), Inoperable vehicles (Sec. 16-281)
 - Recommendations will likely range from simple changes to issues that would benefit from public input (for example, should we have a list of weeds, what is the best definition of outdoor furniture for our community, should inoperable vehicles be covered and with what, etc.)
- **Vague/subjective language, repetition, and/or conflict between sections.**
 - As Council considers larger changes, CDAB can make recommendations to resolve low-level but significant issues that make it difficult to understand and enforce the code.
 - For example: Sanitation (Sec. 18-41): "...shall maintain the property in a clean, safe, sanitary, **methodical, systematic, and orderly** condition."

Regarding neighborhoods and enforcement

- The weed ordinance that is strongly enforced in most of LAC is not meaningfully enforced in Pajarito Acres and La Senda neighborhoods.
- One possible solution is creating an exception for those areas, but while developing a long-term solution, Council may also consider:
 - Exempting PA/LS from ordinance 18-42 also exempts them from rules against brush piles, refuse, and rubbish. Exempting from just the weeds portion prevents staff from responding to complaints related to weeds.
 - The Responsibility ordinance (Sec. 18-33) impacts “natural landscaping” by prohibiting any intrusion on the right-of-way (street or sidewalk). If preserving natural landscaping is the goal of an exception, it may be appropriate to also exempt PA/LS from Sec. 18-33.
 - Creating an exception for weeds in PA/LS undermines two of the core arguments in favor of having and enforcing a weed ordinance in town: fire hazard and rodents.
 - The public may expect that Council will create exceptions for other neighborhoods when it is inconvenient or impractical for that neighborhood to conform to parts of a particular ordinance.
- Short term, Council might provide clear guidance to staff on how to enforce the current weed ordinance until long-term solutions are implemented.
- CDAB can collect public comment on these issues and provide that feedback to Council.

Identified Issues:

- Letters/NOVs had previously been issued for vehicles parked in the street. According to the CDD website, code enforcement did not intervene in parking matters, as they were under the jurisdiction of the police. This issue was brought up to staff at a CDAB meeting. **CORRECTIVE ACTION:** Code enforcement no longer issues letters/NOVs for parking issues, including complaints.
- Unbalanced approach to code enforcement issues relating to Pajarito Acres/La Senda. There has been a large discrepancy between the number of Letters/NOVs issued from Pajarito Acres/La Senda and the rest of White Rock proper. This issue has been repeatedly addressed at CDAB meetings. **CORRECTIVE ACTION:** We have seen a small uptick in the number of letters/NOVs coming out of that area since April 2019.

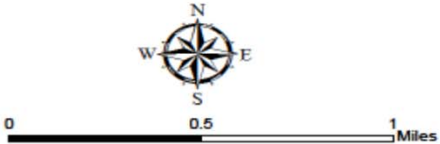


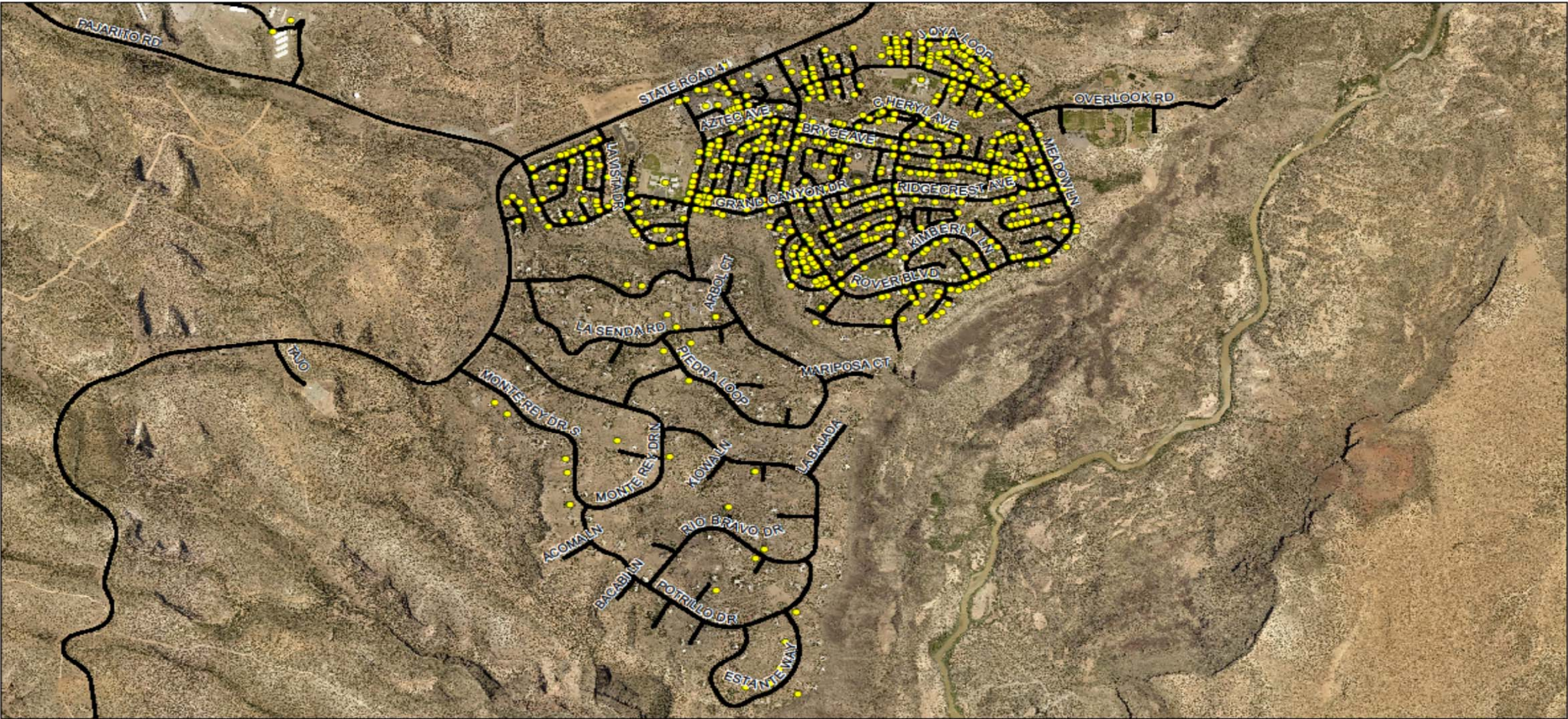
LOS ALAMOS
where discoveries are made

Mapping information is for reference only. Users are solely responsible to confirm data accuracy. Los Alamos County assumes no liability for errors associated with the data.

CODE COMPLIANCE | WHITE ROCK REPORTING APRIL - JUNE 2019

- Properties that received a Courtesy Letter or Notice of Violation
- Roads - centerlines





CODE COMPLIANCE | WHITE ROCK REPORTING MAY 2017- JULY 16, 2019

- Properties that received a Courtesy Letter or Notice of Violation*
- Roads - centerlines

* Points are represented once, per property only. This map does not depict multiple violations for a single property.

Mapping information is for reference only. Users are solely responsible to confirm data accuracy.
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Outreach efforts

- Farmer's Market and summer concert booths
- Open Forum questions planned
- One open house/town hall will be scheduled for in the upcoming months (hopefully October); we hope to schedule another town hall in White Rock, to assist in gathering input from harder to canvass areas such as Pajarito Acres/La Senda.
- Direct canvassing of neighborhoods (pilot program)
- Possible utility bill insert

Next steps:

- Extensive, proactive public outreach. This is critical to ensure we are balancing what the citizens of the county would like, and the goals of the county.
- Compile, synthesize, and provide overviews on our findings for Council and the public.
- Timeline: most recent guesstimate for recommendations was December or January. However, due to board member vacancies and schedule setbacks this will have to be revised to ensure a well-founded set of recommendations. We want to take this at the appropriate pace and get the right amount of data. Haste will only lead to rushed decisions, which is not ideal.

What we would like from Council

- Provide clarity on whether Council's goal is a proactive program or a complaint-driven enforcement system and clarity on Council's priorities regarding selective enforcement concerns.
- Tell us what types of recommendations you would like to see.
- What is the Council's vision for the nuisance code? What is the overall goal?
- Minor budgetary considerations for outreach / info gathering sessions

Questions?