

MINUTES
City of Glenwood Springs Planning and Zoning Commission
Regular Meeting
April 28, 2026
City Hall Council Chambers
101 West 8th Street
6:00 PM

1. Roll Call

Present: Chairman Peter Waller, Alternate Kyle Jones, Patrick Corcoran, Amy Connerton, John Houghton, Connie Geiman

Also Present: Community Development Director Trent Hyatt, City Attorney Karl Hanlon, Chief of Public Safety Joseph Deras, and City Manger Steve Boyd.

Motion: Motion to seat Alternate Commissioner Kyle Jones was approved unanimously.

Conflicts of Interest

No conflicts of interest were declared.

2. Comments from citizens for items not appearing on the agenda

No public comments offered in person or online.

3. New Items

a. Planning File no. 22-03 (Special Use Permit no. 4-04), 100 Midland Avenue, Suite 110 and 210, Enforcement Action per Section 070.010.080(e)(2).

Presenter: Community Development Director Trent Hyatt

Community Development Director Trent Hyatt presented the procedures for violations and corrections of the code. He provided the following history related to the previously approved special use permit, noting:

- On May 27th, 2003, the Planning and Zoning Commission (Commission) unanimously approved the special use permit for the detention center.
- December 14th, 2004, a final building inspection and temporary certificate of occupancy was issued for group type B (business) and I-3 (detention and correctional facilities).
- Final building inspections are only conducted and approved when all fire and life safety matters have been addressed and verified by the Building Official and Fire Marshal.
- January 29th, 2026, a Colorado Open Records Request found a full Certificate of Occupancy was never issued.
- We assume that consideration of the final Certificate of Occupancy was transferred to the units while potential non safety related construction or construction outside of the unit continued.

- February 18th, 2026, the City contacted the operators of the facility.
- February 25th, 2026, Fire Marshal and Building Official performed an inspection of the facility and found:
 - Several maintenance issues typical for the age of the building include:
 - Repair or replacement of non-functioning exit/emergency lighting.
 - Removal of obstructions around electrical panels.
 - Drywall repair around heater in garage ceiling.
 - Evacuation plan prepared and documented for holding area.
 - Sprinkler heads certified by certified technician.
- March 6th, 2026, the City was informed via a Freedom of Information Act request that the 12-hour maximum hold time was met or exceeded 11 times in May and August of 2025.
- March 25th, 2026, the City sent a Notice of Violation to the property owners and tenants of the building.
- April 1st, 2026, the City was informed of 12 additional exceedances of the 12-hour hold time occurred in 2022, 2025, and 2026.
 - Media reports show exceedances dating back to 2012, not yet verified by staff.
 - April 9th, 2026, The Building Official and Fire Marshal reinspected the property and verified previous issues were corrected and a Certificate of Occupancy was issued.
- April 17th and 20th, 2026, notice of meeting was published in The Post Independent.
- Staff recommends the Commission require the applicant take corrective action to address the violation.

City Attorney Karl Hanlon reminded the Planning and Zoning Commission of the limitations of their decision.

City Attorney Karl Hanlon noted:

- In 2003 the special use permit that was applied for under 40 U.S.C. 3312 Section F which encourages cooperation with jurisdictions regarding building codes and zoning but does not require them to do so.
 - A Special Use permit is a zoning law.
- The City also lacks any authority to bring forth any actions or penalties against the federal government under 40 U.S.C. 3312 Section F.
- The City also has very limited ability to enforce that outcome against the federal government in court based on law.

Commission Questions & Discussion Included:

- **Commissioner Houghton:** What is the difference between deny and revoke in the alternate motions?
 - **Staff response:** The Commission should use the motion that says revoke if they choose.

- **Commissioner Houghton:** Where does the reference in the staff report to subcontractor issues leading to the 12-hour violation come from?
 - **Staff response:** The explanation given is that the exceedances are associated with transportation contractor in getting detainees to the long term hold facility in Aurora, CO.
- **Commissioner Connerton:** If the Special Use Permit is not revoked but additional stipulations are imposed, is there more oversight of the facility?
 - **Staff response:** Only if the federal agency chooses to abide by them. Staff has to find pathways to greater transparency, but enforcement tools are limited.
- **Commissioner Connerton:** Was the March 2026 violation before or after the Notice of Violation?
 - **Staff response:** The violation occurred on or about March 5, 2026; the Notice of Violation was issued on March 25, 2026, after the violation occurred but before the City had Freedom of Information Act data confirming it.
 - The Department of Homeland Security/ICE issued a memo in June 2025 indicating that holds in temporary facilities of up to 72 hours would be acceptable, although these facilities are not designed for hold times of that length.
- **Chair Peter Waller:** The federal exemption appears to distinguish between leased and owned buildings, does that matter here?
 - **Staff response:** Case law shows that even on leased premises, the federal government has prevailed in arguing that compliance with local jurisdiction is not required where it would impair the federal mission. The relevant Code of Federal Regulations was repealed in December 2025 to further clarify leased and owned properties.
- **Commissioner Connerton:** Has the applicant responded to the Notice of Violation?
 - **Staff response:** No response has been received to date.
- **Commissioner Geiman:** Has staff received any documentation on the facility's operational procedures?
 - **Staff response:** We have not received any of their documentation and are only limited to what we have observed.
- **Commissioner Geiman:** Do we know the size of the holding cells?
 - **Staff response:** Only approximate sizes of 10 foot by 12 foot separated into male and female areas.
- **Commissioner Geiman:** The original application had minimum requirements on how many people can fit in a single cell. One of the Freedom of Information Act documents indicated as many as six people were in a single cell on a specific day. Do we know how these people were held?

- **Staff response:** Staff does not have documentation of how individuals were held internally, only that there are two cells. An assumption that all six were held in one cell cannot be confirmed.
- **Commissioner Connerton:** Would staff characterize the exceedances as isolated incidents or a recurring pattern?
 - **Staff response:** A mixture of both, a percentage of exceedances appears to occur every year going back to 2012. 2025 saw a substantially higher number of exceedances coinciding with a substantially higher number of detentions.
- **Commissioner Houghton:** Under City Code, is responsibility for violations with the permit holder or the property owner?
 - **Staff response:** Both the property owner and the applicant for the Special Use Permit. In this case, the actual federal tenant operates under a lease through the Federal Government. Case law also precludes circumventing the Supremacy Clause by enforcing solely against the property owner.
- **Commissioner Jones:** Even if the Special Use Permit were amended to require better conditions, can they simply ignore the amendment?
 - **Staff response:** Yes, the same Supremacy Clause limitations would apply.
- **Chair Waller:** Is the detention use currently allowed by right or by special review under the existing Commercial zoning?
 - **Staff response:** No, the use is not allowed by right or by special review today but was legally established as a Special Use at the time and allowed to continue as a legal nonconforming use.
- **Commissioner Jones:** How far back does the Freedom of Information Act data extend, are we able to obtain data from when the use began?
 - **Staff response:** That data might exist. Data the City relied upon dates from approximately 2022 forward. Media reporting has identified exceedances going back to 2012. Staff focused on the more recent and the most relevant data available.
- **Commissioner Geiman:** The original application referenced ICE working with local law enforcement. Is that still the case?
 - **Staff response:** Colorado state law has prohibited local law enforcement cooperation in immigration enforcement since approximately 2020. The Glenwood Springs Police Department does not engage in immigration enforcement.
- **Chair Waller:** Could the temporary certificate of occupancy situation in 2004 recur today?
 - **Staff response:** No, with our current permitting software we review temporary certificates of occupancy weekly.
- **Chair Waller:** Have the building-wide life safety issues identified in February been addressed?

- **Staff response:** Yes, we were allowed to inspect the facility and found the issues resolved.
- **Chair Waller:** What about the sprinkler system?
 - **Staff response:** A licensed contractor was hired by the property owners association to test a sample of sprinkler heads building-wide for operability; the test passed, and a full certificate of occupancy was issued.
- **Commissioner Geiman:** What about the evacuation plan?
 - **Staff response:** The evacuation plan was required by the Fire Marshal in 2004. An evacuation plan was provided to us when asked and posted in prominent locations within the space. These plans did include the evacuation of detained inmates.
- **Chair Waller:** How does the June 2025 federal memo extending acceptable hold times to 72 hours affect the Special Use Permit?
 - **Staff response:** From the City's standpoint, the memo does not alter the terms of the 2003 Special Use Permit, which limits hold times to 12 hours. The memo is an internal federal policy change.
- **Chair Waller:** What are the reasons they would exceed the 12-hour limit?
 - **Staff response:** Any assumptions we would make are purely speculative. The most likely issue is lack of transportation for transfer to other facilities.
- **Commissioner Geiman:** Should the revocation analysis consider conditions beyond the 12-hour exceedances such as seating, meals, monitoring, and officer staffing?
 - **Staff response:** The most defensible record evidence supporting any decision up to and including revocation is the federal agency's own Freedom of Information Act -released data documenting hold-time exceedances. On-site observations indicated food, water, and seating were available; staff cautioned against assumptions on items lacking direct evidence.
- **Commissioner Houghton:** Did staff observe more than five employees working at the facility, as referenced in the 2003 application?
 - **Staff response:** No staff observed fewer than five employees on each of two site visits, and no detainees were present at the time of the visits.
- **Commissioner Jones:** Is there a viable legal path for the City to enforce zoning against the federal agency?
 - **Staff response:** Likelihood of success on local zoning enforcement is very low given current case law and the plain language of the statute; most successful actions in this space have been constitutional claims brought by or on behalf of detainees.

Public Comment:

The applicant was not present, either in person or online. Chair Waller opened the public hearing. Public comments were limited to three minutes per speaker. Spanish-language interpretation services were provided.

The following individuals offered comment, the substance of which is summarized below. Unless otherwise noted, speakers urged the Commission to revoke the special use permit:

- **Claire Noone**, Glenwood Springs resident and local attorney, referenced a written legal analysis of the Special Use Permit submitted to the City Clerk that day for inclusion in the administrative record, addressed the burden of proof, and described the 12-hour hold threshold as the line between temporary processing space and a facility required to provide beds, attorney access, medical screening, and other detainee rights. She also raised life safety concerns within the Coal Seam Fire burn scar.
- **Ashley Stahl**, Glenwood Springs homeowner, addressed the historical context of the 2003 approval, pointing out that staff also made the oversight error of allowing the facility to operate without a Certificate of Occupancy. Pointing out that Carbondale did not approve the facility when they applied for their area. Pointing out the impacts the facility has on Glenwood Springs families, and urged revocation.
- **Erin Anderson**, a Glenwood Springs resident, urged the board to request technical documentation as needed. Sharing several accounts from families affected by arrests and deportations following routine police interactions. Anderson emphasized that these families are local community members and highlighted the emotional and practical harm experienced by parents and children during these incidents. They urged the board not to grant preferential treatment.
- **Sally Boughton**, Garfield County resident criticized City staff for providing incomplete information. Arguing that the proposed monitoring plan would not prevent continued violations of the facility's Special Use Permit and that the building remains out of compliance with I-3 detention code requirements, posing safety risks to detainees. Noting that the City issued a new certificate of occupancy without clear evidence of proper process and highlighted data showing repeated and increasing violations of detention limits. Expressing concerns about ICE's compliance and urged the commission to revoke the Special Use Permit rather than rely on conditions.
- **Alex Kelloff**, Garfield County resident, and a congressional candidate, urged the commission to pursue all possible steps to phase out the ICE detention facility and revoke its Special Use Permit. He cited repeated hold-time violations exceeding 12 hours and stated that such practices infringe on detainees' constitutional rights.
- **Katie Langenhuizen**, Glenwood Springs resident, emphasized that although the facility has operated for over two decades, significant changes and recent violations require action. Arguing that the building should meet I-3 detention standards, that increased facility use has heightened safety risks, and that continued violations

demonstrate an escalating pattern. Urging the commission to uphold zoning codes and revoke the Special Use Permit.

- **Mae Gray**, Garfield County resident, stated that the matter before the commission concerns civil rights and community well-being rather than political affiliation. Noting that representatives from the facility were not present to address concerns or respond to the community. Asserting that sufficient evidence exists to revoke the Special Use Permit, referencing the commission's legal counsel and prior documentation. Urging the commission to revoke the Special Use Permit in the interest of community safety, emphasizing the impact on local families and the importance of affirming the value of all residents.
- **Hannah Saggau**, Glenwood Springs resident, urged the commission to revoke the Special Use Permit, stating that it functions as a detention site and has repeatedly violated the 12-hour holding limit. Noting documented instances of people held for more than 20 hours in conditions not intended for extended detention and argued that intent does not negate violations. Expressing concern about staff recommendations to uphold the permit despite ongoing non-compliance and urged the commission to revoke the Special Use Permit without fear of federal repercussions.
- **The Raging Grannies**, offered a sung public comment in opposition to the facility.
- **Will Hodges**, Garfield County resident, urged the commission to revoke the Special Use Permit, stating that the facility has a long history of ordinance violations and held approximately 100 people in 2025. Noting that ICE has not responded to City concerns and that questions remain about the building's fire safety compliance. Referencing legal counsel's statement that the commission has grounds to revoke the permit and expresses concern that ICE is unlikely to comply with any new conditions.
- **Zodie Woolsey**, Glenwood Springs resident, presented a 3-D printed scale model of the holding cell layout and expressed concern about the facility's physical conditions, noting that the holding cells are located underground, lack windows, have limited ventilation, and provide only metal benches. Referencing building layout documents and stated that the facility was approved with these conditions in 2003. Criticizing the treatment of individuals held there and urged the commission to remove the facility from the community, emphasizing safety concerns and the impact on local families.
- **Molly Hamilton**, Glenwood Springs resident, expressed opposition to renewing the Special Use Permit. Stating that the permit's conditions are no longer being met, citing repeated violations of the 12-hour holding limit, leading to unresolved life-safety concerns. Arguing that the facility has never been properly evaluated under the appropriate I-3 building and fire code classification and does not meet those required safety standards. Bringing into question the staff recommendation to approve the permit, noting that the facility is not on federal property and that local governments retain authority to enforce safety codes.

- **Father Bert Chilson**, Garfield County resident and retired Catholic priest of St. Stephens Catholic Church, spoke in opposition to the facility's permit renewal, recounting the experience of a parishioner who was detained during a routine appointment and later deported, leaving her family separated for years. He emphasized that immigrant communities have long been integral to Glenwood Springs and that local institutions effectively support and monitor the community without ICE involvement. He urged the commission to consider the harmful impacts of detention on families and stated that the community does not need ICE to maintain safety or cohesion.
- **Sarah Klingelheber**, Garfield County resident, thanked the commission for holding the public hearing and expressed support for the concerns raised by previous speakers. Highlighting a 2003 GSA letter that downplayed the detention functions of the facility while still acknowledging a 12-hour limit for holding individuals during processing and transport. Referencing comments about federal jurisdiction and emphasizing that constitutional protections, including the prohibition on cruel and unusual punishment, apply to all individuals.
- **Michelle Coombs**, a Garfield County resident, spoke in opposition to the ICE facility. Expressing concern about racial profiling and the treatment of immigrants, noting that many affected individuals contribute significantly to the community but fear speaking publicly. Stating that ICE has demonstrated inhumane behavior and urged the commission to have the courage to take action and not grant additional authority to the agency.
- **Casey DeFrates**, Glenwood Springs resident, stated that substantial evidence shows ongoing and escalating violations at the facility. Expressing pride in the community's engagement and emphasized that accountability is essential. Urging the commission to revoke the Special Use Permit.
- **Julie Bombersbach**, Garfield County resident, stated that the facility has repeatedly violated its 2003 special use permit, including multiple 12-hour hold-time violations and continued noncompliance with required I-3 life-safety standards. Noting a lack of accountability from the building owners and tenants and expressed disappointment in the staff's recommendation to allow continued operations. Emphasizing that the facility is in leased, not federally owned, space and therefore remains subject to local safety and zoning laws. Arguing that monitoring or self-reporting would be insufficient.
- **Jonathan Godes**, former Councilor, Mayor and Glenwood Springs resident, urged the commission to focus on enforcing code requirements. Noting that while some violations in other contexts might be corrected through cooperative compliance, the facility has not demonstrated good-faith engagement, citing lack of response to City communications and absence from the hearing. Arguing that half-measures or conditional approvals would be ineffective and recommended revoking the Special Use Permit based on the City's legal authority and documented noncompliance.
- **Claire Graf**, Glenwood Springs resident, expressed concern about aspects of the City's report and the handling of code issues related to the facility. Stating that

explanations for 12-hour hold violations were irrelevant and instead highlighted the tenant's inability to manage operations within safety limits. Questioning the interpretation of federal regulations cited and noted that other applicable federal leasing and safety provisions were not addressed. Raising concerns about the property owner's practices and the facility's lack of compliance with I-3 life-safety requirements. Stating that comments about the facility being a "good neighbor" were not relevant to code compliance and concluded that the owner and tenant have shown a pattern of noncompliance and lack of transparency, making continued approval inappropriate.

- **Jacob Richards**, Roaring Fork Valley resident, questioned the City's handling of the facility's past inspections and stated that the explanation of a clerical error was inadequate without a full investigation or audit. Expressing concern that the building has been evaluated under standards appropriate for retail use rather than detention and argued that this reflects a flawed process. Suggesting the City seek outside counsel, noting that those involved in past decisions should not oversee corrective actions. Stating that bringing the entire building up to the required detention-facility code would be cost-prohibitive, which he argues would force the landlord to revoke lease.
- **Christina**, Glenwood Springs area resident (by Zoom, with Spanish interpretation), expressed concern that the facility has repeatedly violated rules and may continue to disregard local requirements. Noting that even if litigation against the federal government would be difficult to win, pursuing it would still allow the community to be part of the broader conversation. Stating that only a small percentage of individuals detained at the facility have criminal records, questioning the justification for the facility's operations under claims of national security.
- **Marcella Shufflin**, former Western Slope resident and policy specialist, stated that the issue before the commission reflects a broader statewide question about whether local governments can enforce land-use regulations when federal operations violate them. Noting that the facility has repeatedly exceeded the 12-hour detention limit and continues to operate without a final certificate of occupancy, creating safety and legal concerns. Emphasizing that ongoing violations could expose the City to significant legal and financial liability for failing to enforce its own permit conditions.
- **George Ware**, Garfield County resident and former Glenwood Springs Planning and Zoning Commissioner, stated that, based on his prior experience on the commission, he knows how he would vote on this matter and urged the commission to revoke the Special Use Permit.

Chair Waller closed the public hearing.

Motion:

Commissioner Connerton moved to revoke **Special Use Permit no. 4-04**, 100 Midland Avenue, Suite 110 and 210 pursuant to **Section 70.10.80.E.2.c** of the Glenwood Springs Municipal Code, based on 11 documented occurrences of detentions exceeding the 12-

hour maximum hold time and potential non-compliance after the Notice of Violation. Commissioner Houghton seconded the motion.

Commissioner comments:

- Commissioner Connerton added that the use also does not align with the City’s Comprehensive Plan in protecting public health and safety but elected not to add that finding to the motion.
- Chair Waller observed that the 12-hour limitation was repeatedly stated by GSA throughout the 2003 application materials and was not a nuance that arose later. Commissioner Jones noted that revocation signals the City treats all applicants equally under its rules. Commissioner Geiman asked the Director to address fire safety and the I-3 inspection standard;
 - Director Hyatt confirmed that the building currently holds a certificate of occupancy for Groups B (business) and I-3 (detention) and that all inspections occurred in association with those uses.
- Commissioner Houghton, identifying himself as a building safety professional, stated that he had no reason to believe the certificate of occupancy was issued out of compliance with the applicable building code, which would have been the 1997 Uniform Building Code at the time of original construction.
- Chair Waller raised the difficulty of the 72-hour federal memo given the facility’s design and suggested a future discussion of follow-up procedures for special use permits with behavioral conditions.

Outcome:

Motion was approved by digital vote five in favor and one opposed (Commissioner Patrick Corcoran).

6. Commissioner Comments

Commissioners discussed a variety of community topics, including:

- Commissioner Jones acknowledged the likelihood of Supremacy Clause issues but expressed support for the decision.
- Commissioner Corcoran passed.
- Commissioner Connerton thanked staff for their work.
- Chair Waller thanked staff and the community for the showing and recognized the difficulty of the staff report.
- Commissioner Houghton stated staff has his support.
- Commissioner Geiman observed that it was good to see this level of community involvement and noted that turnout on more routine zoning matters is typically much lower.

7. Director Comments

Director Trent Hyatt expressed:

- Appreciation for the Commission’s dedication, thoughtfulness, and willingness to tackle complex policy topics.
- Recognition of Commissioner Gregory Cowan for his service.
- Notice of upcoming application reviews, possible appeals (including a tax-related short term rental case), and future code projects.
- Updates on anticipated water-use conditions, noting the contingencies and water reserves.

8. Adjournment

Meeting adjourned at 8:35PM.