

Meggan Herington, AICP, Executive Director
El Paso County Planning & Community Development
O: 719-520-6300
MegganHerington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners
FROM: Mindy Schulz, Strategic Services Manager, Planning & Community Development
DATE: November 9, 2023
RE: File No. APPCE232, Appeal of Executive Determination
PARCEL NO: 54074-04-009

Appeal Description

An appeal by the property owner, Nathan A. Baird, of a decision made by the Executive Director of the Planning and Community Development Department (PCD) to issue an executive determination authorizing the Office of the County Attorney (OCA) to proceed with litigation for violations of Ordinance No. 18-02: Prohibiting the Accumulation of Rubbish and Sections 5.2.2(I) Storage Buildings as Accessory Uses and 11.3.1 Unlawful Acts of the El Paso County Land Development Code.

A notice of violation (“notice”) was issued on June 29, 2022, to include accumulation of rubbish, parking and storage of inoperable vehicles, and a semi-trailer located in the RS-5000 (Residential Suburban) zoning district. The violations were not corrected within fourteen (14) days of the notice or within the additional time provided. On May 5, 2023, an executive determination was issued by the PCD Executive Director and a timely appeal was received on May 15, 2023.

Procedures

Pursuant to Section 11.3.2 of the Land Development Code and Section 7.3 of Ordinance No. 18-02, Staff shall first present the item and provide testimony and evidence. The appellant shall then be given an opportunity to address the Board and present any testimony and/or evidence. The Board, in considering the testimony and evidence presented by both staff and the appellant shall either move to deny the appeal, thus affirming the decision of the PCD Executive Director or move to approve the appeal, thus overturning the decision of the PCD Executive Director. If the appellant fails to appear at the appeal hearing, the appeal will be deemed a withdrawal and the executive determination shall be final.

Staff Recommendation

Staff recommends the Board deny the request for an appeal and affirm the decision of the PCD Executive Director to issue an executive determination to authorize the OCA to proceed with litigation.

Attachments

Notice of Violation dated June 29, 2022, Executive Determination dated May 5, 2023, Appeal Request dated May 15, 2023, Notice of Hearing dated September 20, 2023, Officer Report Log, and Pictures

Planning & Community Development

2880 International Circle, Suite 110
Colorado Springs, Colorado 80910
Main Line: 719-520-6300

Code Enforcement Officer

Gayla Berry
Direct Line: 719-520-6302
gaylaberry@elpasoco.com

NOTICE OF VIOLATION

Subject Property: 6725 Galley Rd. **Date of Notice of Violation:** June 29, 2022
Assessor's Parcel #(s): 5407404009 **File No.:** CE-22-454

Owner of Record: Nathan A. Baird
Mailing Address: 6725 Galley Rd., Colorado Springs, CO 80915-3841

You are hereby notified that the subject property is in violation of: **Ordinance No. 18-01 Requiring the Removal of Weeds and Brush, Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish, Land Development Code 5.2.2.(I) Accessory Use and Structure Standards, Land Development Code 5.2.42 (B)(1) Prohibited Vehicles, (2) Inoperable Vehicles and Vehicle Parts, and Land Development Code 11.3.1 Unlawful Acts.** Within **fourteen (14)** calendar days of the date of this notice, you must bring the subject property into compliance OR contact Code Enforcement Officer Gayla Berry at 719-520-6302 to request additional time to correct the violation. Failure to do so will result in referral of the matter to the Executive Director of the El Paso County Planning and Community Development Department who may issue an Executive Determination to authorize the Office of the County Attorney to pursue legal action in the El Paso County District Court.

Description of Violation: Weeds in excess of 9" in height must be removed

Accumulation of rubbish including vehicle tires, vehicle parts, scrap metal, landscaping materials (including piles of rock), building materials, plastic tubing, scrap lumber, wood pallets, tarps, construction or vehicle repair machinery, metal beams and posts, and industrial equipment must be removed.

Semi-trailers with attached running gear (i.e., axles, wheels) and mobile homes shall not be used as storage buildings after the effective date of this Code, except in the A-35 Zoning District

Vehicles with a gross vehicle weight rating of 13,001 lbs. or greater are not permitted on private property in residential zoning districts.

Outside storage of inoperable vehicles and vehicle parts is not permitted in residential zoning districts.

It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

Ordinance/Land Development Code References: (Full texts are available at www.elpasoco.com)

Ordinance 18-01 Requiring the Removal of Weeds and Brush

Section 4: Definitions: Weeds and Brush: any plant which: a. ordinarily grows without cultivation; b. is not grown for the purpose of landscaping or food production; and c. attains a growth of nine inches (9") in or more in height or grows or accumulates so as to become a fire, traffic, pedestrian, or other public health or safety hazard. Weeds and Brush shall

EL PASO COUNTY



Planning & Community Development

2880 International Circle, Suite 110
Colorado Springs, Colorado 80910
Main Line: 719-520-6300

Code Enforcement Officer

Gayla Berry
Direct Line: 719-520-6302
gaylaberry@elpasoco.com

also include any vegetation that is growing in such locations that it obscures, obstructs, or otherwise impedes pedestrian or vehicular traffic along public access ways or that obscures, obstructs, or otherwise impedes sight vision along such public access ways, to the detriment of public health or safety

Section 5: Unlawful Acts. It shall be unlawful for any owner to allow the accumulation and/or outgrowth of weeds and brush on any residential lot, parcel, or tract of land of less than two and one-half (2.5) acres, except agricultural land currently in agricultural use as the term agricultural land is defined in Section 39-1-1 02(1.6) C.R.S., within the County under such owner's control, possession, or ownership, or upon any alley or sidewalk adjacent to such residential lot, parcel, or tract. Section 6: Notice of Violation and Executive Determination.

Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish

Section 4: Definitions: Rubbish: any trash, junk, garbage, litter, refuse, debris, outside storage of used tires (except as otherwise regulated pursuant to the Solid Wastes Disposal Sites and Facilities Act, part 1 of article 20 of title 30, C.R.S., and any rules and regulations promulgated thereunder), lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or packaging, remnant construction or demolition materials, vehicle parts, abandoned or junk equipment, used appliances or furniture, oil, carcasses of dead animals, any object likely to injure any person or create a traffic hazard, or any other object which has been discarded or abandoned.

Section 5: Unlawful Acts: It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk, adjacent to such lot, parcel, or tract of land.

Land Development Code 5.2.2. Accessory Use and Structure Standards, General

(I) Storage Buildings as Accessory Uses. Semi-trailers with attached running gear (i.e., axles, wheels) and mobile homes shall not be used as storage buildings after the effective date of this Code, except in the A-35 Zoning District

Land Development Code 5.2.42. (B)(1)(2) Inoperable Vehicles and Vehicle Parts

(1) Prohibited Vehicles. No vehicles with a gross vehicle weight rating of 13,001 lbs. or greater shall be kept, stored or parked on private property in a zoning district where a residential use exists, except in the A-35 zoning district. This shall include, but is not limited to, tractor trailers, over-the-road semi-trucks, road cleaners, motor graders and similar maintenance or construction equipment. This provision does not apply to recreational vehicles. Notwithstanding the above, one tractor trailer or over-the-road semi-truck may be parked in a fully enclosed building in association with a residential use on a lot or parcel greater than 2 ½ acres in area.

(2) The outdoor storage or parking of any inoperable vehicle or recreational vehicle and the outdoor storage of any vehicle's parts, shall be prohibited on any lot or parcel used for residential purposes or within a Residential or Agricultural Zoning District, except within the A-35 zoning district where a maximum of ten (10) inoperable non-agricultural vehicles shall be allowed as part of a rural home occupation pursuant to Chapter 5 of this Code.

Land Development Code 11.3.1 Unlawful Acts

It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

**Meggan Herington, Executive Director
El Paso County Planning & Community
Development**

O: 719-520-6300
Meggan.Herington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners

Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

May 5, 2023

Nathan A. Baird
6725 Galley Rd
Colorado Springs, CO 80915-3841

Re: File No. CE-22-454

Property Owner:

A notice of violation was issued to you by El Paso County Code Enforcement on June 29, 2022 for violation(s) of the El Paso County Land Development Code (LDC) and/or County Ordinances on the property located at 6725 Galley Road (the "subject property"). It has come to my attention that the violation(s) have not been corrected within fourteen (14) calendar days after the date of the notice of violation and an approved extension of time has not been granted. These violations continue to exist on the subject property. The violation(s) are as follows:

Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish

Section 5: Unlawful Acts: It shall be unlawful for any owner to allow the accumulation of rubbish on any lot, parcel, or tract of land in the County under such owner's control, possession, or ownership, or upon any alley or sidewalk, adjacent to such lot, parcel, or tract of land.

Land Development Code

5.2.2. Accessory Use and Structure Standards, General

(I) Storage Buildings as Accessory Uses: Semi-trailers with attached running gear (i.e., axles, wheels) and mobile homes shall not be used as storage buildings after the effective date of this Code, except in the A-35 Zoning District

11.3.1. Unlawful Acts: It is unlawful to use real property or improvements thereon; to develop real property, to erect, construct, reconstruct, remodel, restore or improve a building or structure, or to alter the use of any real property or improvements thereon in any way not in accordance with this Code or with the terms and conditions of any development application approval or development permit, or without first obtaining all development approvals and permits required by this Code.

Accordingly, pursuant to Section 6.4 of Ordinance No. 18-02, and Section 11.3.2 (A) of the Land Development Code, be advised I am issuing this executive determination to authorize the El Paso County Attorney's Office to pursue litigation in order to bring the subject property into compliance with Ordinance No. 18-02 and 5.2.2.(l) Storage Buildings as Accessory Uses, and 11.3.1 Unlawful Acts of the Land Development Code as provided by Colorado law. Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

In accord with Section 6.5 of Ordinance No. 18-02 and 11.3.2 (A) of the Land Development Code, you have the right to appeal my decision to the El Paso County Board of County Commissioners.

Requests for an appeal hearing before the El Paso County Board of County Commissioners must be received by my department, in writing, within ten (10) calendar days after the date of this executive determination. If a written appeal is not received by the El Paso County Planning and Community Development Department within ten (10) calendar days after the date of this executive determination, then this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s). Such remedies may include, but are not limited to, El Paso County seeking an administrative entry and seizure warrant to gain entry onto the subject property, abate the violations, and place a lien on the subject property for costs of abatement.

If you wish to appeal this executive determination, you can do so by either emailing or mailing an appeal request to the El Paso County Planning and Community Development Department to the email or address provided below. Please note that failure to appear to the scheduled appeal hearing will be deemed a withdrawal of the request for an appeal, in which this executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

Email: pcdappeals@elpasoco.com

Mailing Address: Planning and Community Development
Attn: Code Enforcement Supervisor
2880 International Circle, Ste. 110
Colorado Springs, CO 80910

If you have any questions, please contact Joe Letke, Code Enforcement Supervisor, at 719-520-6309 or at joeletke@elpasoco.com

Regards,


Meggan Herington

[Meggan Herington \(May 4, 2023 10:32 MDT\)](#)

Meggan Herington

Executive Director

Planning and Community Development Department

Joe Letke

From: PCDAppeals
Sent: Wednesday, May 17, 2023 1:31 PM
To: Nathan Baird; PCDAppeals; Mindy Madden
Subject: RE: CE-22-454 (6725 Galley Rd) Appeal

Good afternoon Nathan!

Thank you for the appeal request. I will be out of the office until the second week of June, and I will not be able to host the hearing on the June 20th Board of County Commissioners land use hearing. Would you be available July 18 for the Board of County Commissioners land use hearing?

It is my understanding that you might have the violations corrected before July? If so, the appeal hearing would be cancelled because we would close our case.

Thank you!

Joe Letke
Code Enforcement Supervisor
Planning & Community Development
El Paso County, Colorado
719.520.6309 (Office)
Hours Monday-Thursday 7am-5:30pm
<https://planningdevelopment.elpasoco.com/>

-----Original Message-----

From: Nathan Baird <nbaird@pcisys.net>
Sent: Monday, May 15, 2023 12:17 PM
To: PCDAppeals <PCDAppeals@elpasoco.com>
Subject: CE-22-454 (6725 Galley Rd) Appeal

CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.

Hello,

I am requesting an appeal for the CE-22-454 file executive determination for 6725 Galley Rd.

Thanks,

Nathan Baird

719-216-9809

EL PASO COUNTY
COLORADO

Meggan Herington, AICP, Executive Director
**El Paso County Planning & Community
Development**
O: 719-520-6300
Meggan.Herington@elpasoco.com
2880 International Circle, Suite 110
Colorado Springs, CO 80910

Board of County Commissioners
Holly Williams, District 1
Carrie Geitner, District 2
Stan VanderWerf, District 3
Longinos Gonzalez, Jr., District 4
Cami Bremer, District 5

October 23, 2023

Nathan A. Baird
6725 Galley Road
Colorado Springs, CO 80915-3841

Re: File Nos. CE22454 and APPCE232

Property Owner,

This letter confirms your request for a hearing before the Board of County Commissioners to appeal a decision by the Executive Director of the Planning and Community Development Department to issue an Executive Determination authorizing the Office of the County Attorney to proceed with litigation pursuant to Section 11.3.2 (A) of the El Paso County Land Development Code and Section 7 of Ordinance No. 18-02 Prohibiting the Accumulation of Rubbish.

The appeal hearing is scheduled for the November 9, 2023 Board of County Commissioners meeting. The meeting starts at 9:00 am at Centennial Hall which is located at 200 South Cascade Avenue, Suite 150. Please note that failure to appear to the scheduled appeal hearing will be deemed as a withdrawal of the request for an appeal in which case the executive determination shall be final and the County Attorney's Office may proceed with litigation to seek available legal remedies to abate the violation(s).

If you have any questions, please contact me at 719-520-6304 or mindyschulz@elpasoco.com.

Thank you,



Mindy Schulz
El Paso County
Strategic Services Manager

Code Enforcement

Details

File Number CE22454
Ordinance Violations Accumulation of Rubbish;
Land Development Violations Inoperable Vehicle; Vehicle Repair;
Code Enforcement Officer Mindy Schulz (MindySchulz@elpasoco.com)
(719) 520-6304
Created 6/22/2022 8:22:25 AM

Property

Address 6725 GALLEY RD
COLORADO SPRINGS, CO 80915
Parcel 5407404009
Owner BAIRD NATHAN A
6725 GALLEY RD
COLORADO SPRINGS, CO 80915-3841
Zone RS-5000 CAD-O
Legal LOT 4 BLK 5 CIMARRON HILLS FIL 1

Inspections (67)

Status: Executive Determination Appealed

Followup: Due 10/30/2023

Date	Comment	User	Status
10/23/2023	Notice of hearing for the 11/9 BoCC meeting mailed.	M Schulz	
10/12/2023	Additional email correspondence with Nathan attached.	M Schulz	
10/12/2023	Email received from Nathan asking for information on the section of the Code for inoperable vehicles. My response is attached.	M Schulz	
10/9/2023	Email sent to Nathan with the information he requested as to when Section 5.2.2 (I) went into effect. I provided Nathan with a link to the Edarp project (LDC06001) where he can view the documents associated with the project.	M Schulz	
10/5/2023	Phone call had with CAO and Nathan. Discussion was had on the semi-trailer, the use of the trailer, and the rubbish violations. Nathan will consider allowing an onsite inspection as long as pictures are not taken.	M Schulz	
10/3/2023	Email sent to Nathan asking if he is available for a phone call at 3pm today to discuss this case with the CAO.	M Schulz	

10/2/2023	Email received from Nathan requesting information on when the section of the LDC came to be prohibiting the use of semi-trailers in certain zoning districts.	M Schulz
-----------	---	----------

10/2/2023	Email correspondence with Nathan attached. Nathan provided a Noncommercial Vehicle Affidavit. There is no indication that the affidavit has been submitted/accepted by the Colorado Department of Revenue/Motor Vehicle Division.	M Schulz
-----------	---	----------

Nathan also provided in his email C.R.S. and LDC definitions. He also stated that "because of the 1990s redesign with finished interior, electrical, raised flooring, doorways, added insulation, carpeting, etc, it is not possible to load pallets into it like a semitrailer. This type of trailer is not commonly used to transport/carry property as defined above. Semitrailers can be easily loaded/unloaded of their cargo by forklifts or pallet jacks. You could not get a forklift into this trailer and there isn't room for loaded pallets".

In his email, Nathan also claimed that the semi-trailer is not used for storage.

10/2/2023	Email correspondence with Nathan attached to discuss how he would like to have the pictures of this case delivered to him. Given the number of pictures and the file sizes, pictures on a thumb drive may be best. Nathan has yet to confirm he will come by the office to pick up.	M Schulz
-----------	---	----------

9/26/2023	Nathan requested the appeal hearing be moved to 10/26 due to a medical procedure he is having on 10/11. The 10/26 BoCC land use meeting has been cancelled so the appeal hearing has been rescheduled to 11/9/23.	M Schulz
-----------	---	----------

9/26/2023	Nathan requested the pictures attached to this case as well as an email under entry made on 9/27/22 between CEO Berry and the complainant. I looked at the email attached to 9/27/22 and it is email correspondence between CEO Berry and Nathan. No email correspondence from the complainant. In speaking with CEO Berry, she stated she has not received any emails from the complainant and the comment was entered in incorrectly (see attached email).	M Schulz
-----------	--	----------

Due to the number of pictures, I will need to mail the pictures to Nathan (pdfs) or he can pick up a flash drive from the office with the pictures on them.

Nathan also requested the meeting be moved to 10/26 and that he may be able to attend in person if moved. I will discuss with CAO on their availability.

See attached email correspondence.

9/25/2023	Email correspondence with Nathan attached. Nathan will appear at the hearing via phone. Due to the sensitive/medical document he emailed to me, I will not attach it to this case. I will find out the best way for him to provide his documentation to the Commissioners at the hearing.	M Schulz
-----------	---	----------

9/25/2023 Below email, also attached, received from Nathan. I replied to him that this would cover the rubbish violations, but not the semi-trailer. I told him the CAO determined the title did not provide any resolution. Nathan's email gives the impression that he is trying to correct the violations so I asked him to clarify that he intends to move forward with the appeal. M Schulz

Mindy,

I have an SI joint injection scheduled next Wednesday and then a follow-up with my WC doctor on 10/2.

If all goes well it's possible my lifting restrictions may be eased enough to be able to move the granite countertops.

These are bulky, heavy, and fragile at the same time so I can't move them the same way as the steel beams.

I'm going to run some tests on the circuit board for the Hobart unit and then list it. Maybe someone can grab it before I get the trailer fixed.

After that the only thing left is to spread the rocks. They were supposed to be for drainage because of flooding in the back when we get heavy thunderstorms out here.

I think that about covers everything.

Have a great weekend,

Nathan

9/21/2023 Email received from Nathan with a picture of the title to the semi-trailer (attached). Nathan said he looked and it turns out his trailer plates are the same as all the other camper trailers in the neighborhood so it's titled as a regular trailer, not commercial. M Schulz

I replied to Nathan that the title only confirms the semi trailer is titled as a trailer and it does not resolve anything. I told him I would review with the CAO.

9/20/2023 Call received from Nathan. I told Nathan that that the appeal has been scheduled for 10/12/23 and asked if that date works for him and I asked if he has received my past emails. Nathan said he did see my emails and then asked if there was a way he could provide sensitive information at the hearing without it becoming public record. Nathan provided me with details on the situation at hand and that they intend to live in the trailer on a different property. I told Nathan that it is my understanding that any information provided to the Commissioners and/or during the hearing would be part of the public record.

M Schulz

In discussing the trailer, I explained that the options are to relocate the trailer from the property or have it titled/registered as a recreational trailer. Nathan explained that the trailer is not titled as a semi-trailer. He said he would need to get a weight slip on it in order to have it titled as a recreational vehicle. He also said that there is livestock fencing inside the trailer that he would have to remove before having it weighed. He also said that he has not driven since December 2022 and it would be costly to hire someone to take it to have it weighed. I explained that it may be classified as a mobile home (or modular) although it looks like a semi trailer. I asked Nathan to send me a copy of the title if he is able to locate it so I can see how it is classified.

I went over the complaints that we received on the property and Nathan requested a copy (report emailed to Nathan). I asked Nathan about the appliance in the front yard and he said that is a commercial dishwasher that he will be selling once he repairs the trailer. I explained to Nathan that this would be considered rubbish and that I would make a note that he intends to sell it and it may possibly be removed by the appeal hearing. I also asked Nathan about the vehicles and if they are operable. He said they are operable with the exception of the red camero (it looks operable). Nathan said he did disconnect the batteries in the vehicles so that the batteries are not drained.

Nathan had questions about the appeal hearing so I explained the process: Staff presents their evidence as to why the Executive Determination was issued, he will have an opportunity to present his evidence, members of the public may speak on the item, and the Board decides if the Executive Determination was issued correctly or in error. I explained that the Board is there to decide whether or not the Executive Determination was rightly issued.

Nathan asked if the appeal could be pushed back because he may be moving in December. I explained that I would be willing to discuss an extension, but he cannot have an extension in addition to an appeal. If he would like to pursue an extension, he would need to withdraw his appeal request. I told Nathan that a letter was sent today with the hearing information and to call me with any questions.

9/20/2023 Inspection conducted. Strategic Services Manager Schulz requested photos of the trailer of the 18 wheeler that is a violation. G Berry

9/20/2023 Voicemail received from Nathan. Call returned and voicemail left for Nathan to call me back. M Schulz

9/20/2023 Letter sent to Nathan that the appeal has been scheduled for the 10/12 BoCC hearing. M Schulz

9/19/2023 Voicemail left for Nathan to contact me regarding the date for the appeal hearing. M Schulz

9/18/2023 Inspection conducted. Weeds above 9" cover the yard. In the driveway is a white Ford sedan missing the passenger front corner. The tractor trailer is parked in the driveway. G Berry

8/28/2023 Email sent to Nathan that I spoke to the County Attorney about the semi-trailer. Until the semi-trailer is registered as a recreational vehicle, it is still a semi-trailer and needs to be removed. We still have an active appeal request on this case, so I am scheduling the appeal for the October 12, 2023 Board of County Commissioners hearing.

M Schulz

Email attached.

8/21/2023 Based on the attached email, an onsite inspection was to have occurred on 7/18. To my knowledge, the inspection never occurred.

M Schulz

Email sent to Nathan asking if he can do an onsite inspection this week with CEO Berry. I told him I am also checking with the CAO about whether or not the semi would be considered an RV based on the information he provided.

7/10/2023 Below email, also attached, received from Nathan. I replied to Nathan that Code Enforcement Supervisor Letke will contact him to discuss the appeal and next steps.

M Schulz

Mindy,

The bathroom area hasn't been framed in yet. We're planning on doing that when we install the potable water supply system.

The sleeping area was removed because of a leak in the roof, but another will be installed after the ceiling tiles in that area are replaced. The CSU radar lab drove the trailer under something a little too low and it gouged the metal roof. I've been hunting down the micro-cracks and sealing them after each rainstorm. There's still a small leak since the recent hailstorm we had but I just sealed what I could find yesterday. I can send photos of the sleeping area after this work is done.

I wanted to update you on my progress also since we spoke on the phone and you let me know what items were still on the list. I was confident it would be completed by now but unfortunately I suffered a knee injury and later a foot injury from my unstable leg. I'm going to physical therapy twice a week still and have another appointment with the spine specialists coming up.

The steel beams under the trailer have been removed.

The stairs for the trailer have been removed.

The landing for the trailer has been removed.

I have begun removing the C-Channel from the side of the trailer but it is much heavier than the steel beams and I have to rig a different system up to move them to stay in compliance with the doctor's restrictions.

It is unlikely that all of the remaining items will be completed by the 18th when the hearing is set.

Have I been set on the agenda for the upcoming land use hearing or would you be open to a continuance?

Hope you had a happy 4th!

Nathan

6/19/2023 Inspection conducted. I saw all of the rubbish underneath the semi trailer has been removed except for one large piece. The vehicles are all complied.

G Berry

6/19/2023	Two additional pictures received from Nathan via email. All the pictures show is the outside door of the semi trailer and right inside the door. Unable to confirm the overall use of the semi based on the pictures. I responded to Nathan asking for pictures of the bathroom/sleeping areas.	M Schulz	
6/15/2023	Attached email and pictures received from Nathan on 5/30 to show that the semi trailer has been converted to a RV. I cannot tell based on the pictures that this is the inside of the semi trailer. I asked Nathan to send additional picture or allow a CEO to inspect.	M Schulz	
6/6/2023	Follow up inspection completed. I saw rubbish underneath the tractor trailer and storage of items in the front yard (wood pallets, boxes containing marble countertops per Nathan, the industrial-type equipment loaded onto the trailer). There are multiple vehicles parked in the yard, and now partially on the sidewalk, but all appear operable.	G Berry	
6/6/2023	Inspection completed, see officer notes for photos.	G Berry	
5/23/2023	The owner has not sent in pictures of the inside of the semi- trailer as discussed in my last conversation with him. Email sent to Nathan stating pictures or an inspection is needed in order to consider the semi-trailer a recreational vehicle.	M Schulz	
5/17/2023	The property owner has requested to appeal the executive determination. See email chain regarding scheduling him before the BoCC.	J Letke	Executive Determination Appealed
5/15/2023	<p>Call received from Nathan. Nathan had questions about the violations and said he is ready to submit his appeal. I went thought the violations (semi trailer and rubbish) and told him he could email his appeal to us. I also explained the appeal process and how it differs from a request for an extension to correct the violations. I suggested to him that his file his appeal even if he is considering an extension instead so that he does not lose the opportunity to appeal.</p> <p>In discussing the semi, Nathan said it is being converted into an RV. I asked that he send me pictures of the inside and I will discuss this will the CAO to see if we would continue pursuing the semi trailer violation.</p>	M Schulz	
5/11/2023	I received a voicemail from Nathan 719 216 9809 on 05/09/23. I called and left Nathan a voicemail.	J Letke	
5/5/2023	Executive Determination issued.	J Letke	Executive Determination issued
4/18/2023	Inspection conducted. I observed the inoperable vehicles are all complied. The two trailers used for storage of items are still parked in the front yard along with the 2 piles of landscaping materials. There are steel beams still stored on the ground underneath the tractor trailer.	G Berry	
4/13/2023	On 4/13 I received an email from Nathan Baird updating the progress. He again states that he intends to work on the violations and that he moved the steel posts.	G Berry	
3/28/2023	<p>Inspection conducted. No progress observed at the property and no communication from the property owner despite many promises to get the rubbish removed .. The boxes of Marble countertops, the industrial equipment stored on the trailer and the steel beams and other rubbish are still near the large storage container.</p> <p>Executive Determination requested.</p>	G Berry	Executive Determination Requested

3/13/2023	<p>I received an email from Nathan updating the status.</p> <p>The doctor lifted the restrictions on my hand a week ago (still restricted to 30lb for my back and leg).</p> <p>Since then I moved all of the shorter I-beams and about half of the long ones out of the front.</p> <p>I think I can get the rest of them this week and then I can work on the steel posts and the other items.</p>	G Berry	
2/14/2023	<p>Case returned to Officer for additional time.</p>	J Letke	Under investigation
2/7/2023	<p>Exec. Determination not issued at this time. A County Attorney's Office letter has been issued to the property owners regarding intent to abate violations.</p> <p>Please reinspect for status of the violations. If the violations are not corrected please request an Exec. Determination.</p>	J Letke	Under investigation
2/6/2023	<p>I received an email from Nathan in response to my inquiry on 12-19-22.</p> <p>Nathan reports he has been undergoing physical therapy and is not able to do any lifting. He says parts will arrive to fix the Camaro this week and he is trying to find way to lift the heavier items to be able to remove them. He claims he will move all the "lighter" items from around the trailer this week.</p>	G Berry	
2/1/2023	<p>Inspection conducted. Steel beams and other rubbish is still beside the driveway and underneath the trailer. The camaro is still not covered or repaired. The industrial piece of equipment is still sitting on the flat bed trailer, the cardboard boxes containing building materials are in the front yard and the piles of landscaping rocks haven't moved. The semi-tractor trailer with axles is in the driveway.</p> <p>Original NOV mailed to property owner on 6/29/22 for the following violations:</p> <ul style="list-style-type: none"> Weeds and Brush Accumulation of Rubbish Accessory Use of semi tractor trailer Prohibited Vehicles Inoperable vehicle and vehicle parts <p>Supervisor Letter was mailed on 9/14.</p> <p>Nathan Baird has responded to all emails when I request updates from him. I only get updates after I inquire about the status. Even though some progress has been made, the existing violations have been there for months and it appears no attempt has been made to comply. Mr. Baird's emails state that he will work on the condition, but for a couple months I have seen no additional improvement. I agreed to work with Nathan as long as there was on-going progress. I cannot see any progress in removing rubbish or working on the violations that I pointed out to him a month ago.</p>	G Berry	Executive Determination Requested
1/24/2023	<p>Re-inspection conducted and photos added to case. No new progress visible.</p>	G Berry	

1/3/2023 Email response from Nathan regarding status.

G Berry

Hi Gayla,
Sorry I had problems making progress recently because of being out of town most of the time and I'm dealing with two injuries from work. I did make good progress around the trailer and the porch is clear. The doctor restricted my physical activity on Friday for two weeks that includes no lifting over 20lbs and I'll be going to physical therapy to get back 100%. I'll see if I can start working on the car while I figure out how to get the heavier things moved so we can get it closed out.
Happy new year,
Nathan

On 2022-12-19 15:56, Gayla Berry wrote:
Hi Nathan,

I hope things are going well for you.

I was by your property today and I haven't noticed any visible improvement in a while. As we discussed in the past, I am able to work with you as long as improvement continues but this has been going on now since June 2022. The end of the extensions I can give you is pretty near. The current violations as of today are:

Inoperable red sports car needs attention.

The industrial piece of equipment on the trailer needs to be removed.

The cardboard boxes containing building materials needs to be removed.

ALL the rubbish around and underneath the trailer on the driveway needs to be removed.

I will be out of the office from 12/21 until 1/3/23. If there isn't significant progress made, I will have to refer this case to the Executive Director for further legal action.

Please let me know what the status is, it's my hope the violations can become complied and this case can be closed out.

12/19/2022 Inspection conducted. No improvement observed since my last conversation with Nathan.

G Berry

I sent an email to Nathan requesting an update on the status of the violations.

12/7/2022	Nathan's email says he hopes to have a day off next week to address the remaining rubbish. (Thanks for the holiday wishes. I'm hoping to get another day off here soon probably next week. I will then work on getting the clutter removed around the trailer and porch. I'm trying to find a durable car cover online. The last one I had ripped really quickly from the wind.)	G Berry	
11/30/2022	Email to Nathan requesting status update.	G Berry	
11/28/2022	Investigation conducted. Rubbish, including the steel beams, the industrial appliance and the marble counters in boxes are still in the front yard.	G Berry	Under investigation
11/3/2022	I received an email from Nathan updating me on the progress . His email says: "I moved the server racks, tools, and moved all the metal beams that were over the property line to a pallet to get ready when I can move them. I also moved the iron press and pallet it was on to make room to spread the gray landscaping rock which I started on as well. I had a problem with my back and couldn't quite get the granite countertops moved yet and just got released from the ER Monday for a kidney problem but I will do so when my back recovers a little more."	G Berry	
10/18/2022	Inspection conducted to check on the status. Although the condition of the property has improved, there is still rubbish stored beside the driveway and the industrial piece of equipment in the middle of the yard. I will continue to monitor.	G Berry	
10/4/2022	Email from Nathan updating the status of the property.	G Berry	
9/27/2022	Email from complainant and my response.	G Berry	
9/27/2022	On 9/27/22 I added a comment referring to an email I received from the complainant in error. The comment should have read, I received an email from the property owner, Nathan Baird.	G Berry	
9/20/2022	I spoke to Stacy by phone who said the following: Nathan has gone to Salt Lake City for training for a job and should return in approximately a week. She has been working on cutting the grass and has removed some of the landscaping materials. She is physically not able to remove most of the large heavy items due to health issues. I told her to have Nathan email rme a schedule / plan when he returns home with a timeline for when he plans to accomplish removal of each item. I explained that I can give them some time as long as they communicate with me and I can see improvement in he condition of the yard.	G Berry	
9/14/2022	Supervisor Letter mailed to property owner by US Mail.	G Berry	

9/13/2022	<p>Inspection conducted. The inoperable vehicle has been covered with a proper car cover. Some of the rubbish, vehicle tires and wood pallets and other miscellaneous items in the front yard have been removed. The unattached trailer now has a cover over it.</p> <p>Weeds above 9" are still growing. The scrap metal / beams and vehicle tires, wood pallets are still beside the driveway. The industrial oven is still in the front yard, along with the two piles of landscape rock. Most of the vehicles (except for one) are sitting in the same spot they were on my first inspection so I can find no evidence of vehicle repairs being done. One of the vehicles has been removed from the yard.</p> <p>I did not see any inoperable vehicles but I did see some type of vehicle monitors / testing equipment.</p>	G Berry	
8/28/2022	<p>COMPLAINANT: Ordinance Violations: Accumulation of Rubbish; Land Development Violations: Inoperable Vehicle; Vehicle Repair; Description: This yard and house are both a mess. Cars and trucks all over the yard. Trash everywhere in the yard and on the roof. Looks horrible! These people are running a vehicle repair shop out of this property. Need to clean this mess up! Reported by: ANONYMOUS</p>	SYSTEM	
8/25/2022	I spoke to Mrs. Nevarez (complainant) by phone and updated her on the status.	G Berry	
8/17/2022	Follow up inspection conducted to check on progress. Photos added.	G Berry	Under investigation
7/20/2022	Email reply to Nathan.	G Berry	
7/18/2022	Inspection conducted to check on progress so far.	G Berry	Under investigation
7/13/2022	Email response from resident.	G Berry	
7/11/2022	Email conversation with the property owner.	G Berry	
7/11/2022	This is an active case with an NOV mailed to the property owner on 6/29.	G Berry	
7/7/2022	<p>COMPLAINANT: Ordinance Violations: Accumulation of Rubbish; Land Development Violations: Inoperable Vehicle; Description: Numerous inoperable vehicles cover entire front yard in addition to old appliances, rubbish and a semi-trailer. No people are ever visible coming or going. Reported by: ANONYMOUS</p>	SYSTEM	
6/29/2022	<p>NOV mailed to property owner by US Mail.</p> <p>Weeds and Brush Accumulation of Rubbish Accessory Use of semi tractor trailer Prohibited Vehicles Inoperable vehicle and vehicle parts</p>	G Berry	Notice of Violation issued

6/28/2022	Inspection conducted. I saw weeds above 9" in height in the yard, piles of landscaping rock and an accumulation of rubbish including vehicle parts and vehicle tires, wood pallets, scrap metal, landscaping materials, building materials, plastic tubing, scrap lumber, construction or vehicle repair machinery, metal beams and posts in the yard and driveway. A semi-tractor trailer with tires and axles attached is parked on the driveway with a door with a door in the side and at least 6 vehicles are parked in the yard and driveway. An unattached trailer filled with rubbish and draped with tarps is also parked on the yard. One of the vehicles, a teal colored Ford 4 door sedan, appeared to have a rear driver's side tire that was flat. A red 2 door sports vehicle parked in the yard is missing the front grill and bumper.	G Berry	Under investigation
-----------	--	---------	---------------------

NOV will be mailed.

6/22/2022	COMPLAINANT: Ordinance Violations: Accumulation of Rubbish; Land Development Violations: Inoperable Vehicle; Description: Numerous inoperable vehicles parked all over the front yard in addition to old appliances, piles of wood, rock and debris litter the yard. This is a visual blight for our neighborhood and an attractive nuisance. Clearly visible on south side of 6700 block on Galley Rd. Potential fire hazard as well. Reported by: ANONYMOUS	SYSTEM	New investigation
-----------	---	--------	-------------------



4.18.2023 10:19



4.18.2023 10:19



6725

4.18.2023 10:20



4.18.2023 10:20