

RESOLUTION NO. 1998- 3

A RESOLUTION ADDRESSED TO THE BOARD OF COUNTY COMMISSIONERS OF CONEJOS COUNTY, COLORADO, REQUESTING AN INVESTIGATION OF POSSIBLE VIOLATIONS OF THE COUNTY'S LAND USE AND HEALTH REGULATIONS WITH RESPECT TO REAL PROPERTY SITUATE OUTSIDE OF, BUT IN CLOSE PROXIMITY TO, THE INCORPORATED LIMITS OF THE TOWN

WHEREAS, the Board of Trustees of the Town of La Jara is ever mindful of its duty and responsibility to promote the public health, safety, morals, and the general welfare of its residents, and that of any other out-of-town residents affected by the Town's exercise of its municipal services and powers, and

WHEREAS, the Board of Trustees is equally as concerned with the manner and extent to which activities occurring outside of its incorporated limits may impact adversely the public health, safety, and general welfare of its in-town residents with respect to matters and activities that lie and occur outside of the Town's jurisdictional limits, and,

WHEREAS, there lies outside of the incorporated limits of the Town of La Jara on its northern boundary line and east of U.S. Highway 285 in the vicinity of the Hy's Addition to the Town a tract of land in private ownership, the use of which is being put to multiple single-family dwellings, and what appears to be an auto salvage business, and

WHEREAS, it appears to the Board of Trustees that the density of the single-family residences located thereon may exceed the permissible limits as prescribed by the County's land use ordinances and regulations, and

WHEREAS, some, and if not all, of such single-family residences are being serviced by water and/or sewer services provided by the Town, and

WHEREAS, it has always been the policy of the Board of Trustees of the Town of La Jara that the extension of municipal services outside of the incorporated limits of the town must be to residences and business in compliance with other local rules and regulations, particularly those, but not necessarily limited to, land use and health regulations, and

WHEREAS, it has come to the attention of the Board of Trustees of the Town of La Jara that it appears that, in the course of conducting the auto salvage business as aforesaid, the operator thereof may be causing the contamination of the soil with chemicals and residues emanating from such salvage operations, possibly including, but not necessarily limited to, crankcase oil, gasoline, anti-freeze, broken glass, and matters of a similar nature, and

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WHEREAS, it has come to the attention of the Board of Trustees that within the recent past, there occurred on the site of said auto salvage business, during night-time hours, the burning of what could only be a large number of junk tires resulting in a large and highly-visible fireball producing for an extended period of time large quantities of dense, black smoke, the odor of which drifted into the surrounding neighborhood, the stench of which is an extremely undesirable smell, not to mention, possibly toxic, and

WHEREAS, if such burning of junk tires did, in fact, occur, it appears that under federal and state law, such activity is strictly prohibited, and

WHEREAS, it is doubtful that the operation of an auto salvage business on the site in question is permitted pursuant to the County's Land Use and Zoning Ordinances, Rules and Regulations, and even if so permitted, such activity constitutes an extremely unpleasant eye-sore, not the slightest bit aesthetically pleasing, which tends to diminish the quality of life of the surrounding neighborhood, and

WHEREAS, there is in plain view standing water on the surface of said auto salvage premises which is or stands a very high risk of being contaminated with the aforescribed pollutants, which, in turn will percolate into the subsurface, ultimately leading to a contamination of underground water aquifers from which the Town derives, through its municipal wells, its source of water for its residents, and

WHEREAS, the matter of the aforescribed concerns has been made known to the Board of County Commissioners in the course of conversations with one or more of its members from time-to-time, with a concomitant request that the Board of County Commissioners take whatever action is necessary and appropriate to eliminate those matters that have been the subject of complaints, and

WHEREAS, it appears to the Board of Trustees of the Town of La Jara that its requests have fallen on deaf ears in that nothing appears to being done by the County in the exercise of its police powers to investigate such matters, and if violations are found to exist, to alleviate and eliminate the impermissible activities of which the Board of Trustees now complains.

NOW, THEREFOR, BE IT RESOLVED by the Board of Trustees of the Town of La Jara, Colorado, as follows:

1. That the Board of County Commissioners of Conejos County be furnished with a written request, including a copy of this Resolution, setting forth the Board of Trustees' concerns regarding the aforementioned matters.

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2. That immediately upon receipt of such letter and Resolution, the Board of County Commissioners, in the exercise of its police powers, take immediate and aggressive action by and through its health officers, land use administrators, law enforcement personnel, and such other measurers and procedures they deem necessary and appropriate, to thoroughly investigate the matters of which the Board of Trustees now complains, and if violations are found to occur, to immediately and forthwith do whatever is necessary and appropriate to alleviate and eliminate the conditions of which the Board of Trustees complains, such to include, but not limited to, the issuance of cease and desist orders, including judicial intervention if necessary, referrals to appropriate state and local agencies, such as, but not necessarily limited to, the State Health Department, the federal Environmental Protection Agency, and such other governmental agencies having concurrent jurisdiction with respect thereto.

3. That the Board of County Commissioners respond in writing addressed to the Board of Trustees of the Town of La Jara, what actions, if any, they contemplate in taking in response to the complaints made to them by the Board of Trustees of the Town of La Jara.

4. That the Board of County Commissioners take whatever other actions and measures they deem necessary and appropriate in the premises.

INTRODUCED, PASSED, AND ADOPTED AND APPROVED this 12th day of March, 1988.

TOWN OF LA JARA



Larry Burr
Larry Burr, Mayor-pro-tem

Helen J. Hutchins
Helen J. Hutchins, Town Clerk