

DISTRICT COURT, WELD COUNTY, STATE OF COLORADO 901 9TH AVE GREELEY, CO 80631 PLAINTIFFS: TOGETHER COLORADO, WENDY HOMSTAD, CADEN GROSSHANS, EMILY SHANKS, and JANET E. CARLSON, v. DEFENDANTS: TOWN OF HUDSON, TOWN OF HUDSON TOWN COUNCIL, TOWN OF HUDSON PLANNING COMMISSION, and JENNIFER WOODS, in her official capacity as the Town of Hudson Planning Director. INTERVENOR-DEFENDANT: THE GEO GROUP, INC.	Δ COURT USE ONLY Δ
Attorneys for Plaintiffs: David H. Seligman, Atty Reg. # 49394 Rachel Dempsey, Atty Reg. # 57708 Alexander Hood, Atty Reg. # 42775 Caroline Parker, Atty Reg. #60358 Towards Justice PO Box 371680, PMB 44465 Denver, CO 80237-5680 Tel.: 720-239-2606 Email: david@towardsjustice.org alex@towardsjustice.org rachel@towardsjustice.org caroline@towardsjustice.org	Case Number: 2026CV30875 Ctrm/Div: 3
PLAINTIFFS' SECOND AMENDED COMPLAINT	

Plaintiffs file this Second Amended Complaint pursuant to C.R.C.P. 15(a) with the written consent of all other parties.

INTRODUCTION

1. This case is about the Town of Hudson's efforts to shield from public oversight a

planned 1,200-bed immigration detention center set to open within its borders. Since news of the planned detention center was first reported, Town officials have taken incorrect and inconsistent positions regarding the applicability of local zoning law, effectively misleading their constituents, the public, and potentially even Hudson’s own elected officials, about the Town’s authority to protect the community from the social, environmental, and economic harms that the detention center will bring.

2. When news of the planned detention center was first made public, Town officials repeatedly disclaimed knowledge of any plans and publicly disavowed all regulatory and enforcement authority over the property. Notwithstanding numerous requests, Town officials refused to hold a public hearing, render an official interpretation applying the zoning code, or respond to citizen complaints. In its sole public announcement to date, the Town stated its conclusion that the Town “does not have authority” over the anticipated use of the facility.

3. Internal documentation created and obtained after the commencement of this litigation, however, tells a different story. Contrary to their public representations, Town officials did, in fact, adjudicate at least one citizen complaint and conduct an analysis applying Hudson’s zoning code to the property. In so doing, Hudson’s Planning Director incorrectly concluded that the facility qualifies as either a “government building” or a “safety service facility,” which are permitted to operate in *any* zone and usually do not require a permit. The Planning Director’s unprincipled analysis defies the logic of Hudson’s cumulative zoning scheme and seems clearly designed to thwart both public and judicial oversight over its conclusion.

4. While its interpretive conclusion is incorrect, the Town’s private analysis confirms what Town officials repeatedly publicly denied: that the Town *does* have the authority and obligation to ensure that the facility does not operate in contravention of local law. Because the property at issue is not zoned for use as a detention center as of right, to develop and operate the facility lawfully, its private owner and operator must obtain approval through the public processes set forth in Hudson’s own Code—just as the facility’s prior operator did in 2008, when Hudson granted a conditional use permit approved by its own voters.

5. That is not what is happening here. Instead, U.S. Immigration and Customs Enforcement (“ICE”) and its private contractor, The GEO Group, Inc. (“GEO”), are proceeding as if Hudson’s laws simply do not apply to them. The facility they intend to open would confine over a thousand people—most of whom have never been convicted of any crime—at a remote site whose nearest fire station is two miles away and whose nearest hospital is twelve miles away. The facility would be run by a private operator whose existing Aurora detention facility is already near capacity and has been the subject of years of litigation and public concern. As alleged below, the operation of the facility would inflict precisely the systemic detention and family separation that Plaintiff Together Colorado and its member congregations work to prevent and repair, diverting the organization’s staff and resources from its existing mission; it would upend the quiet use and enjoyment of neighboring properties like Plaintiff Carlson’s; and it would strain Hudson’s water, wastewater, roads, and emergency services—all without a single public hearing.

6. ICE and GEO do not get to bully the Town of Hudson into ignoring its residents and neighbors or abandoning the rule of law. Plaintiffs bring this action to establish that Hudson must follow and enforce its own Code.

PARTIES, JURISDICTION, AND VENUE

7. Plaintiff Together Colorado is a nonprofit corporation and charitable organization that is incorporated and registered in the State of Colorado.

8. Plaintiffs Wendy Homstad and Caden Grosshans are individuals and residents of Hudson, Colorado.

9. Plaintiff Emily Shanks is an individual and resident of Hudson, Colorado.

10. Plaintiff Janet E. Carlson is an individual and resident of Weld County, Colorado.

11. Defendants (together “Hudson”) are a Colorado home rule municipal corporation located in Weld County and its Town Council, Planning Commission, and Planning Director Jennifer Woods, Hudson’s governing and land-use decision-making entities.

12. Intervenor-Defendant The GEO Group, Inc. (“GEO”) affirmatively intervened in this case.

13. Venue in this Court is proper pursuant to C.R.C.P. 98 because the acts or omissions giving rise to the claims occurred in this county.

14. This Court has jurisdiction over the parties and subject matter of this action pursuant to the Colorado Constitution.

FACTUAL BACKGROUND

The Town of Hudson and Facility History

15. The Town of Hudson is a home rule municipality in Weld County with a population of approximately 1,650 residents, according to the last census.

16. The Town of Hudson, like most of Weld County, is in the South Platte River Basin, which is in the middle of a historic drought and recently recorded its lowest snowpack peak on record.

17. The first ten months of the 2026 water year (October 2025 through July 2026) were the driest on record for Weld County.

18. Pursuant to its home rule authority under Colorado law, the Town of Hudson has adopted a comprehensive “Land Development Code” (hereafter the “Code”) that applies to all

property within the Town's boundaries. *See* Ch. 16, Hudson Mun. Code (recodified 2025 by Hudson Ord. No. 25-15).

19. Within the Town of Hudson is a property located at 3001 N. Juniper Street, which contains improvements commonly known as the Hudson Correctional Facility (the "Facility").

20. According to Hudson's official zoning map, the Facility is located in an "Industrial Three" or "I-3" zoning district.

21. A complete and specific list of the uses permitted—either by-right or after conditional use review—in I-3 zoning districts is set forth in the Code.

22. The Code does not list "immigration detention facility" or "correctional facility" as uses that are permitted in I-3 zoning districts and indicates "unlisted uses" are generally not allowed.

23. The Code sets forth detailed procedures by which a nonconforming or conditionally permitted use may be authorized, including by code amendment, rezoning, conditional use review, or variance.

24. The Code also provides that nonconforming uses that are terminated or abandoned lose their legal status and may not be resumed without new approvals.

25. The Facility was previously operated as a private prison for the Alaska Department of Corrections from approximately November 2009 through October 2013.

26. According to the Town's planning documents, the maximum prisoner population during that time was 871.

27. During its period of operation, the Facility operated pursuant to a conditional use permit for an "adult medium security correctional facility" that was issued in 2008 and approved by Hudson voters through a ballot measure.

28. The 2008 conditional use permit specifically stated that "[a]ny proposed change to the specified use of the facility must be brought back to Hudson for a revision to the Conditional Use."

29. Following its closure in or around 2013, the Facility ceased operations and has been nonoperational as a correctional facility ever since, for more than 12 years.

Planned Operation and Anticipated Impact

30. Despite the Facility's extended closure and expiration of the 2008 conditional permit, recent developments reflect imminent plans to reopen the Facility as a civil immigration detention center with approximately 1,200 beds.

31. In or around February 2025, the current owner of the Facility, Highlands REIT, submitted a bid to ICE to operate the Facility as a civil immigration detention center and stated that the Facility was “available immediately and could accept detainees in a matter of months.”

32. In the bid submitted to ICE, Highlands REIT indicated that the Facility was “expansion-ready” and that “the facility already received a conditional use permit for at 1,000 bed expansion” on site.

33. Thereafter, Highlands REIT awarded a contract to operate the Facility as a civil immigration detention center to a private contract operator, GEO.

34. ICE subsequently awarded a Letter Contract to GEO to operate the Facility as a civil immigration detention center referred to as the “Big Horn” facility.

35. The Letter Contract is dated December 1, 2025, and specifies a “Period of Performance” of “180 days from the date of the award or before completion of 40% of the work to be performed, whichever occurs first.”

36. On July 9, 2026, ICE awarded an additional “support services” contract to GEO to operate the Facility as a civil immigration detention center, with a capacity of 1,188 beds, for a term lasting five years. *See Allison Sherry, ICE Contractor GEO Group to Open New Immigrant Detention Center in Hudson, Colo. Pub. Radio* (July 13, 2026), <https://www.cpr.org/2026/07/13/ice-detention-center-hudson-confirmed/>.

37. According to federal securities filings, the Facility is owned by a subsidiary of Highlands REIT, and GEO has agreed to pay rent for the Facility of \$250,000 per month following an initial four-month base-rent abatement after the August 1, 2026 lease commencement, with that rent increasing to nearly \$1 million per month six months after commencement or as soon as the Facility is occupied, whichever occurs first. GEO has stated that the “Big Horn Facility” will generate approximately \$85 million in annual revenue in its first full year of operations.

38. GEO has indicated that it is prepared to begin operations at the Facility in a matter of months.

39. Operation of the Facility at full occupancy, with 1,188 beds plus staff, would nearly double the population of the town.

40. On information and belief, GEO or Highlands REIT have already begun work to prepare the Facility to begin operating, potentially including structural modifications, electrical and plumbing upgrades, remodeling, or restoration, without obtaining the requisite permits or approvals.

41. As detailed in two separate federal lawsuits filed against ICE after the initiation of this litigation, neither GEO nor ICE has conducted legally required analysis of the impact it will

have on the surrounding environment or local health and safety.¹

42. Operation of the Facility as planned will entail the large-scale detention of individuals for federal immigration purposes and will immediately and significantly intensify the use of the Facility and surrounding land, infrastructure, emergency services, and roads.

43. For example, a recent analysis of 911 calls from six rural detention centers found that the facilities generally generate double-digit calls per month, many of which are not compensated by the facility operator.

44. As for water, the Town's own 2025 Water Supply Plan indicates that "the reopening of the [Facility] will reintroduce demands [for water] that the Town has not anticipated for some time" and estimates that the Facility may require up to 230 acre-feet per year—approximately doubling the amount used by the entire town in 2023.

45. The Facility will also strain the Town's wastewater treatment infrastructure "trigger[ing] the need for a plant redesign and expansion."

46. Operation of the Facility as planned will also clearly violate the Code.

Defendants' Response and July 13, 2026 Announcement of Decision

47. Hudson is aware of GEO's contract with ICE and has considered or is considering whether to allow the Facility to operate as an immigration detention center notwithstanding noncompliance with the Code.

48. In doing so, Hudson has received input from numerous Hudson residents and other members of the public who have raised concerns that operation of the Facility as an immigration detention center will violate the Code, including provisions governing nonconforming uses, abandonment, and permissible uses within the applicable zoning district.

49. Hudson has also communicated directly with the Facility's owner, Highlands REIT, which asked whether the Facility would require "new permits . . . in order to accept detainees."

50. Hudson is aware of multiple ways that operating the Facility will strain local resources and municipal services, including water supply, wastewater treatment, roads, and emergency services.

51. For example, Hudson's Town Manager indicated in email correspondence that the reopening of the Facility would require the Town to make "substantial investments" in its wastewater infrastructure.

52. News of the Facility's imminent reopening has drawn large crowds of protesters to

¹ See *GreenLatinos v. Mullen*, 26-cv-4629 (D. Colo., filed Sept. 21, 2026); *State of Colorado v. U.S. Dept. Homeland Security* (D. Colo., filed Sept. 29, 2026).

the site, armed with signs, bullhorns, and loudspeakers, including at least two days with more than a hundred protesters and another two more than fifty.

53. Hudson has hired a public relations firm to help develop official messaging concerning Hudson's role in the planned operation.

54. On July 13, 2026, Hudson published an official decision (the "July 13 Decision") indicating that it does not intend to enforce or attempt to enforce the Code when GEO's operations at the Facility begin.

55. The July 13 Decision lists, as its sole rationale, that the "Town does not have authority" over the anticipated use.

56. The July 13 Decision further represents that the Town "does maintain responsibility for several local services that could be affected," including local roads and traffic management, water and wastewater service, emergency response coordination, fire and EMS services, protection of public infrastructure, and community safety within Town boundaries.

57. The July 13 Decision further acknowledged that numerous operational details remain unknown to the Town, including the confirmed operational timeline, number of detainees or facility staff, transportation patterns and traffic volumes, utility demand projections, and medical or emergency coordination needs, and stated that the Town is nonetheless "taking proactive steps to prepare for potential impacts."

58. Hudson's assertion that it lacks zoning authority over the Facility or GEO's operations at the Facility is contrary to Colorado law and applicable federal preemption principles.

59. Hudson's assertion is also contrary to the terms of ICE's own solicitation document for the Letter Contract, which states that the contractor "shall maintain current permits/businesses licenses" and "comply with all applicable federal, state, and local laws and regulations."

60. Hudson's acknowledgment of ongoing responsibility for the infrastructure, safety, and service impacts generated by the Facility's operation is inconsistent with, and undermines, its stated position that it lacks any zoning or land-use authority over the use generating those impacts.

61. Hudson's actions or inaction have the effect of permitting nonconforming operations at the Facility in violation of applicable zoning, permitting, and land use requirements.

Allegations Pertaining to Plaintiff Together Colorado

62. Plaintiff Together Colorado is a multi-faith non-profit organization comprised of more than 220 member congregations, faith leaders, and mobile home parks working to protect human dignity in Colorado, including by advocating for humane treatment in the immigration system and working to mitigate the negative impacts of civil detention, incarceration, and family separation.

63. Together Colorado provides services, including pastoral care, mutual aid, and logistical support to individuals detained inside Colorado’s existing detention facilities and their family members outside who are affected by the sudden absence of a loved one.

64. Together Colorado also provides training to local nonprofit organizations and volunteers, such as food bank volunteers, to help equip them to meet the needs of families affected by detention and family separation.

65. Together Colorado’s membership includes at least six congregations and/or faith leaders in Weld County, including one located less than 10 miles from Hudson, in Fort Lupton, Colorado.

66. Together Colorado employs approximately seven full-time staff and relies on the labor of member-volunteers.

67. News of the Facility’s imminent opening has caused concern among Together Colorado’s membership—particularly members located in and around Weld County—about an increased incidence of civil detention, family separation, and demand for Together Colorado’s services if a large detention facility is opened nearby.

68. Together Colorado’s staff and members have diverted substantial time, energy, and organizational resources in responding to member concerns about the Facility and preparing to meet the increased demand for logistical, spiritual, and material support.

69. If the Facility is reopened, Together Colorado expects that at least two of its full-time staff members will be diverted from their current work supporting immigrant communities in other parts of Colorado to meet increased and urgent demand in and around Weld County.

70. Defendants’ actions have already deprived Together Colorado and its members of their legally protected rights to receive notice, testify at a public hearing, and appeal a final decision concerning the legality of the Facility.

71. The imminent operation of the Facility will further impact Together Colorado as an organization in ways that are concrete, immediate, significant, and distinct from the public at large, including:

- a. Increased demand for Together Colorado’s services and resources;
- b. Ongoing and additional diversion of staff and volunteer that is currently spent on other work related to the organization’s mission; and
- c. Impairment of Together Colorado’s ability to carry out its existing work including support for detainees and their families, in other parts of the state.

Allegations Pertaining to Plaintiffs Homstad and Grosshans

72. Plaintiffs Homstad and Grosshans are married and are the owners and sole residents of a residential property located in the Town of Hudson.

73. Plaintiffs Homstad and Grosshans grew up in Northern Colorado and have lived in Hudson since 2017.

74. Plaintiffs Homstad and Grosshans were drawn to Hudson because of its peaceful, quiet, and rural character.

75. Since moving to Hudson, Plaintiffs Homstad and Grosshans have been impacted by problems with the Town's water resources and infrastructure, including the imposition of a boil-water order in October 2023.

76. When Plaintiffs Homstad and Grosshans moved to Hudson, they were aware of an abandoned prison located in the Town and did not expect it would be reopened.

77. Plaintiffs Homstad and Grosshans learned that a private company was planning to reopen the Facility as an immigration detention center sometime in 2025 from a newspaper story.

78. Plaintiffs Homstad and Grosshans were surprised that they did not receive any official notice or communication from Defendants about the planned operation.

79. In 2026, Plaintiffs Homstad and Grosshans attended multiple Town Council meetings, seeking additional information about the impact the planned operation might have on the Town's population, water supply, traffic, infrastructure, fiscal resources, and ability to attract and retain other businesses.

80. After attending said meetings, Plaintiffs grew particularly concerned about the impact of the Facility on the Town's limited water supply, especially given the historic drought conditions in Weld County.

81. Additionally, after hearing about deaths and disease outbreaks in other detention centers, including a tuberculosis outbreak at the GEO-operated facility in Aurora, Plaintiffs Homstad and Grosshans have also grown concerned about the public health risks posed by the Facility, which could spread to the community through Facility staff and visitors, and the strain on the Town's limited emergency services infrastructure.

82. On July 15, 2026, Plaintiffs Homstad and Grosshans attended the Town Council meeting and gave testimony during the open comment period in opposition to the Facility.

83. Plaintiff Homstad's testimony addressed potential strain on the Town's water supply during a historic drought, and her fear that the Town will not reap any benefits hosting the Facility, especially if it lacks any authority to regulate it.

84. Plaintiff Grosshans's testimony addressed his concern that a detention center of the

size anticipated—which would roughly double the Town’s population—will dominate the Town’s economy, reputation, and culture, driving away people, businesses, and tourism.

85. Defendants’ actions have already deprived Plaintiffs Homstad and Grosshans of their legally protected rights to receive notice, participate in a public hearing and/or neighborhood meeting, and appeal a final decision concerning the legality of the Facility.

86. As Town residents and taxpayers, the imminent operation of the Facility will further injure Plaintiffs Homstad and Grosshans in ways that are concrete, immediate, significant, and distinct from the public at large, including:

- a. Increased costs for residents associated with the Facility’s demand for water, wastewater treatment, road maintenance, and emergency services;
- b. Decreased quality and/or responsiveness of local infrastructure and services, including fire, EMS, and police; and
- c. Adverse impacts on Plaintiffs’ quiet use and enjoyment of their property including increased traffic and decreased sense of peace and safety.

Allegations Pertaining to Plaintiff Shanks

87. Plaintiff Shanks grew up in rural Wisconsin, moved to Colorado in 2016, and has resided in Hudson since late 2021.

88. Plaintiff Shanks was drawn to Hudson in part because its affordability and small-town character reminded her of the rural community where she grew up.

89. Plaintiff Shanks first learned of the planned reopening of the Facility as an immigration detention center through social media, and was immediately concerned that a town as small as Hudson could not sustain the impact of a 1,200-bed detention facility.

90. Plaintiff Shanks walks her dog on Hudson’s streets most days, and the Town’s quiet, low-traffic streets are an important part of her daily life and one of her reasons for living in Hudson.

91. Only two roads provide access into and out of the Town of Hudson, and Plaintiff Shanks has observed that traffic on those roads, and on the streets she walks, is presently light; the Town has no grocery store and only a single restaurant.

92. Plaintiff Shanks is concerned that the Facility’s operation will introduce substantially increased vehicle traffic onto Hudson’s streets and roads, including from ICE personnel, GEO staff, and vendors, at higher speeds than the Town’s streets presently and typically experience, directly interfering with her routine use of those streets.

93. Plaintiff Shanks is also concerned that operation of the Facility will strain the Town's water and wastewater infrastructure, consistent with the Town's own Water Supply Plan described above, and its limited emergency medical and fire services, which she and other Hudson residents rely upon and which she understands cannot presently accommodate the anticipated increase in demand.

94. In January 2026, Plaintiff Shanks testified at a Town Council meeting in opposition to the Facility, despite her apprehension about speaking publicly on the subject.

95. In her testimony, Plaintiff Shanks explained her concerns about the Facility's impact on the Town, and further explained her view that the Facility would not provide the economic benefits sometimes associated with new development, including new jobs for the surrounding community.

96. Plaintiff Shanks did not receive any response from Hudson to her testimony, nor is she aware of Defendants taking any action in response to the concerns she and other Hudson residents raised.

97. Plaintiff Shanks continues to regularly attend Town Council meetings to monitor developments regarding the Facility, although she has largely stopped testifying given the limited opportunity for public comment and the Town's consistent unresponsiveness to resident concerns.

98. Plaintiff Shanks has observed numerous public statements asserting that Hudson has no authority or ability to act with respect to the Facility, which she believes are being used to foreclose further public discussion of or accountability for the Town's obligations under its own Code.

99. Defendants' actions have already deprived Plaintiff Shanks of her legally protected rights to receive notice, participate in a public hearing and/or neighborhood meeting, and appeal a final decision concerning the legality of the Facility.

100. As a Hudson resident and taxpayer who is a direct recipient of the Town's water, wastewater, road, and emergency services, the imminent operation of the Facility will injure Plaintiff Shanks in ways that are concrete, immediate, significant, and distinct from the experience of the public at large, including:

- a. Direct interference with Plaintiff Shanks's routine and personal use of Hudson's streets and roads;
- b. Increased costs and diminished quality of the water, wastewater, road, and emergency services on which Plaintiff Shanks depends; and
- c. Deprivation of the procedural protections to which Plaintiff Shanks is entitled as a Hudson resident under the Code, including notice, a hearing, and an opportunity to appeal.

Allegations Pertaining to Plaintiff Carlson

101. Plaintiff Carlson resides at real property located at 22811 County Road 16, in unincorporated Weld County, Colorado (the “Carlson Property”), in a home built by her late husband.

102. Plaintiff Carlson is the sole beneficiary of the Janet Carlson Trust, which owns the Carlson Property.

103. The Carlson Property directly abuts the Facility.

104. Plaintiff Carlson has lived at the Carlson Property for approximately fifty-six years, since 1970, at which time the Facility had not yet been constructed.

105. The primary entrance to the Facility is located at the end of a quiet, two-lane road that runs along the north and east edges of the Carlson Property, approximately 500 yards from Plaintiff’s house.

106. Plaintiff Carlson rents the southeastern portion of her property to a hay farmer and receives rental income from the arrangement.

107. At present, Plaintiff Carlson estimates that no more than a handful of vehicles travel along the road each day.

108. Prior operation of the Facility as a prison impacted Plaintiff Carlson’s use and enjoyment of her home in significant ways. When the Facility began operating, traffic on the two-lane road bordering her property immediately increased approximately tenfold. The increased traffic was noisy and caused her dogs to bark and pace continuously. Carlson frequently heard people talking and yelling near her property. In the evenings and at night, the Facility’s bright exterior floodlights shone directly into her house and disrupted her sleep.

109. Prior operation of the Facility as a prison also interfered with Plaintiff Carlson’s privacy and sense of safety and security. Prison staff repeatedly trespassed onto her land, and she frequently found used cigarettes on her property, which she believed were left by guards using her yard during their breaks. To address these disruptions, Carlson expended significant time and resources reinforcing her fence line and protecting her privacy.

110. Sometime in the middle of 2025, Plaintiff Carlson heard a rumor that the Facility would be reopened as an immigration detention center.

111. Plaintiff Carlson did not receive any official information or communication about such a plan from the Town of Hudson, the owner of the Facility, or any other entity.

112. As detailed below, Plaintiff Carlson filed a formal complaint with Hudson, by way of Defendant Woods, on May 17, 2026. To date, Plaintiff Carlson has not received a response to—

or any communication regarding—her complaint from any official entity.

113. Defendants’ actions have already deprived Plaintiff Carlson of her legally protected rights to receive notice, participate in a public hearing and/or neighborhood meeting, and appeal a final decision concerning the legality of the Facility.

114. Given the proximity of the Carlson Property and residence, the imminent operation of the Facility will further injure Plaintiff Carlson in ways that are concrete, immediate, significant, and distinct from the public at large, including:

- a. Adverse impacts on Plaintiff Carlson’s quiet use and enjoyment of her property including but not limited to increased noise, traffic congestion, dust, light, and security needs as a direct result of the Facility’s daily operations;
- b. Further interference with Plaintiff Carlson’s quiet use and enjoyment from protest activity associated with the Facility’s reopening. Such activity has already involved amplified sound and physical intrusion onto her property. Protesters gathered with signs and megaphones at the Facility’s entrance, at the edge of her property, and at times stood or parked directly on her property. Another protest involved microphones and a loudspeaker, and protesters again trespassed onto her land and parked along her backyard fence line. Carlson expects the protest activity to only increase; and
- c. Adverse financial impacts on Plaintiff Carlson, including but not limited to diminishing her property value and rental income, and necessitating the installation of additional security measures such as privacy fencing, locks, and signage.

Plaintiff Carlson’s Code Complaint & Planning Director Determination

115. On May 17, 2026, Plaintiff Carlson filed a formal complaint with Hudson, by way of Defendant Woods, alleging that violations of the Code were occurring at the Facility and requesting both a verification of the alleged violations and a written interpretation of the Code as it applies to the Facility no later than June 1, 2026.

116. As of the filing of this Second Amended Complaint, Defendants have not provided a response or conveyed to Plaintiff Carlson any conclusions concerning her May 17 complaint.

117. On July 23, 2026, as modified July 30, 2026, Defendant Woods issued a “determination” on Carlson’s May 17 complaint (the “July 23 Determination”). The July 23 Determination applies the preexisting substance of the Code, including the requirements for evaluating “unlisted uses” set forth in Code § 16-61(d), to the facts presented in Plaintiff Carlson’s complaint. The determination concludes, *inter alia*, that even though the proposed detention center is an “unlisted use,” it is permitted by right because it is “so similar to” other uses that are permitted

and, separately, that the prior conditional use permit remains valid because it concerns “the same use as before.” A copy of the July 23 Determination is attached as **Exhibit A**.

118. In rendering the July 23 Determination, the Planning Director did not evaluate the scale, traffic impacts, stormwater impacts, utility demands, and environmental impacts on surrounding properties compared to similar uses allowed.

119. Hudson did not serve the July 23 Determination on Carlson or her counsel. Plaintiffs first learned of its existence and received a copy from a third-party source on September 10, 2026 after filing the First Amended Complaint; before then, Plaintiffs and their counsel had no actual notice of it.

120. In a telephone conferral, counsel for Hudson confirmed that Hudson did not serve a copy of the July 23 Determination because it believed it had no obligation to do so, and that Hudson considered that determination not administratively appealable under the Code.

121. The Town’s July 23 Determination acknowledges that the Code applies to the Facility. Its July 30 modification limits the determination to the proposal before Hudson on or before July 23 involving existing structures, and reserves new construction or expansion for separate analysis. Plaintiffs dispute the determination’s conclusions concerning use by right and the continued validity and scope of the prior permit.

Plaintiffs’ Additional Code Complaints and Notice of Appeal

122. On September 8, 2026, Plaintiffs Homstad, Grosshans, and Shanks each filed individual written complaints with Defendant Woods pursuant to Code § 16-32(c)(2), each requesting verification of the Code violations described above and a written interpretation of the Code’s application to the Facility. Each individually joined in the joint complaint attached as **Exhibit B**.

123. On September 8, 2026, all Plaintiffs jointly filed a Notice of Appeal with the Town pursuant to Code § 16-48(b)(1), appealing, in the alternative: (a) Hudson’s continued apparent failure and refusal to respond to Plaintiff Carlson’s May 17, 2026 complaint; (b) the July 13 Decision described above; and (c) Defendants’ August 18, 2026 Motion to Dismiss filed in this action, which restates and reaffirms Hudson’s position that it lacks authority or any duty to apply the Code to the Facility. The Notice of Appeal is attached as **Exhibit C**.

124. At the time the Notice of Appeal was filed, neither Plaintiffs nor their counsel were aware of the July 23 Determination.

125. Section VI of Plaintiffs’ Notice of Appeal further independently renews on behalf of all five Plaintiffs, in the alternative, Plaintiffs’ demand under Code § 16-32(c)(2) for verification of the alleged Code violations at the Facility and for a written interpretation of the Code’s application to the Facility.

126. As of the filing of this Second Amended Complaint, Plaintiffs and their counsel have not received any response to Plaintiffs' September 8 complaints or appeal and Defendants have not otherwise indicated that they will depart from their repeated, public position that they lack authority over the Facility's proposed use. On information and belief, Hudson has either not addressed those submissions or has failed to serve its decisions on Plaintiffs or their counsel.

127. Given Defendants' position that the July 23 Determination is not administratively appealable and Defendants' failure to respond to Plaintiffs' September 8 appeal, Plaintiffs contend that no further action is required to exhaust administrative remedies, as further review is unavailable.

128. However, in the alternative, Plaintiffs have invoked and continue to pursue administrative reviews and request an opportunity to complete any further review the Court determines is required.

129. To the extent further exhaustion of administrative remedies is or may be required, such exhaustion is futile, given Defendants' consistent and unequivocal public position that they lack any authority or duty to apply the Code to the Facility, and given the imminent and irreparable harm Plaintiffs will suffer from further delay in light of GEO's stated intent to begin operations within months.

Lack of Alternative Remedies

130. Since news of GEO's plans was reported in the media, Defendants have fielded concerns from, at minimum, dozens of individuals opposed to the Facility's reopening, and received numerous requests for a public hearing or other deliberative process.

131. In response, Defendants have continued to publicly state that the Town lacks authority to evaluate the proposed use and has provided no avenue to challenge or appeal that conclusion.

132. Defendants have also received multiple official complaints, including from Plaintiffs. Defendants did not serve the Planning Director's July 23 Determination on Plaintiff Carlson and has taken the position that it is not administratively appealable. Plaintiffs have received no response to their September 8 complaints or appeal.

133. By failing to provide notice of its July 23 Determination and denying that it is administratively appealable, Defendants have deprived Plaintiffs of a meaningful opportunity to seek review of that determination.

FIRST CLAIM FOR RELIEF **(C.R.C.P. 106(a)(2) – Mandamus – Against Defendants)**

134. Plaintiffs incorporate by reference all paragraphs above.

135. Hudson’s Planning Director has a clear and nondiscretionary legal duty under Code § 16-32(c)(2) to verify whether a Code violation has occurred upon receipt of a complaint.

136. The duty to undertake verification is distinct from discretion over the outcome and any enforcement measures.

137. In evaluating an alleged violation concerning an unlisted use, the Planning Director has a clear and nondiscretionary duty to consider the scale and impact of the proposed use compared to similar uses. Code § 16-61(d).

138. With respect to the July 23 Determination, Defendants failed to evaluate the unlisted use in the manner provided by the code.

139. With respect to the September 8 complaints, Defendants have either failed to perform the required verification or failed to serve their resulting decisions. Plaintiffs seek completion of any outstanding verification and written notice of the disposition to permit meaningful review.

140. Plaintiffs have received no response to the September 8 complaints, including the complaints independently renewed by all Plaintiffs in Section VI of their Notice of Appeal. The July 23 Determination does not resolve those later submissions concerning current activities and permits.

141. Plaintiffs have no adequate remedy other than to secure mandamus relief.

142. Unless Hudson performs its outstanding duties and provides notice of its decisions, Plaintiffs will remain unable to obtain meaningful review of the disposition of those complaints.

SECOND CLAIM FOR RELIEF

(C.R.C.P. 106(a)(4) – Certiorari Review of Quasi-Judicial Action – Against Defendants)

143. Plaintiffs incorporate by reference all paragraphs above.

144. Plaintiffs seek review of two different quasi-judicial actions pursuant to C.R.C.P. 106(a)(4): (1) the Planning Director’s July 23 Determination and (2) to the extent it remains independently operative, Defendants’ July 13 Decision that it “does not have authority to approve or deny federal use” of the Facility. In making both site-specific determinations, Hudson’s Town Council, Planning Commission, and/or Planning Director exercised a quasi-judicial function by applying Hudson’s Land Development Code and applicable law to the specific facts of the Facility and reaching a final determination regarding the applicability and application of the Code to the property.

145. The July 23 Determination constitutes a final decision affecting Plaintiffs’ legally protected interests, and Hudson has stated that no administrative appeal of it is available.

146. In the alternative, if further administrative review is required, Plaintiffs request relief permitting meaningful review following adequate notice of the July 23 Determination.

147. The Planning Director's July 23 Determination exceeds jurisdiction or constitutes an abuse of discretion because, among other things, it:

- a. Fails to apply the required impact comparison under Code § 16-61(d);
- b. Improperly treats the proposed detention operation as a correctional facility, government building, or safety service facility permitted by right;
- c. Improperly relies on a prior permit without adequately applying the Code's nonoperation and termination requirements or the permit's restriction on changes in use; and
- d. Violates article II, section 25 of the Colorado Constitution by denying Plaintiffs, including Plaintiff Carlson as the complainant, adequate notice and a meaningful opportunity to be heard and obtain review. Plaintiffs seek relief for this procedural due-process violation under C.R.C.P. 106(a)(4).

148. Plaintiffs filed their original complaint, including a Rule 106(a)(4) challenge to the July 13 Decision, on July 22, 2026. The July 23 Determination (and July 30 modification) followed that filing and was not disclosed to Plaintiffs until September 10, 2026, when it was sent to their counsel from a third-party source. Rule 106(b) cannot constitutionally extinguish review of that determination before adequate notice.

149. Hudson's July 13 Decision that it lacks authority over the Facility exceeds Hudson's jurisdiction or constitutes an abuse of discretion because, among other things, it:

- a. Is contrary to Colorado law and applicable federal preemption principles because the proposed use will be carried out at a privately owned property by a private contractor and does not involve federal ownership or direct federal operation of the Facility such that Hudson's zoning and land-use authority would be displaced;
- b. Is contrary to Hudson's own Land Development Code, which vests it with authority to determine whether a given use is permitted within its zoning districts; and
- c. Improperly defrays costs, and/or confers a financial incentive or benefit on private entities, related to the development and operation of the Facility as an immigration detention center, in violation of C.R.S. § 24-76.7-102(1)(c) and/or (e).

150. Plaintiffs have no plain, speedy, and adequate remedy other than review under

C.R.C.P. 106(a)(4).

151. Unless reviewed and set aside, Hudson's challenged determinations will result in the imminent and unlawful operation of the Facility without the review required by the Code, in violation of local zoning law, and will deprive Plaintiffs of their rights to notice, hearing, and appeal.

THIRD CLAIM FOR RELIEF

(Declaratory Judgment – C.R.C.P. 57 – Against Defendants and Intervenor-Defendant)

152. Plaintiffs incorporate by reference all paragraphs above.

153. This is an action for declaratory relief under C.R.C.P. 57 and § 13-51-101, et seq., C.R.S.

154. An actual, present, and justiciable controversy exists between Plaintiffs and Hudson regarding the applicability and enforceability of Hudson's Land Development Code to the Facility.

155. The controversy is ripe because Hudson has taken and/or is taking action to allow the Facility to reopen and operate as an immigration detention center without requiring compliance with applicable zoning and land use regulations.

156. Plaintiffs contend that:

- a. The prior correctional use of the Facility has been discontinued for a sufficient period such that any right to operate the Facility granted by the 2008 conditional use permit has been extinguished;
- b. Use of the Facility as an immigration detention center constitutes a new or materially different use requiring compliance with current zoning regulations;
- c. Use of the Facility as an immigration detention center is not permitted within the applicable zoning district absent an amendment to the Land Development Code and/or issuance of a new permit;
- d. Hudson is required to enforce its Land Development Code, including provisions governing abandonment and permissible uses;
- e. Federal law does not preempt Hudson's authority to apply and enforce its zoning and land use regulations to a privately operated detention facility; and
- f. Hudson's refusal to require compliance with its Land Development Code's review procedures defrays costs and/or confers a financial incentive or benefit on private entities in connection with the Facility's development and operation, in violation of C.R.S. § 24-76.7-102(1)(c) and/or (e).

157. Hudson contends, or is likely to contend, that:

- a. The Facility may operate by right and its prior conditional use permit remains valid; and/or
- b. The July 23 Determination was not administratively appealable and Hudson had no obligation to serve it; and/or
- c. Federal law preempts or limits Hudson's authority to regulate the proposed use; and/or
- d. Its non-enforcement of the Land Development Code does not defray any cost or confer any financial incentive or benefit within the meaning of C.R.S. § 24-76.7-102.

158. A judicial declaration is necessary to resolve the parties' rights and obligations and to prevent ongoing and future harm to Plaintiffs.

OTHER ALLEGATIONS

159. Plaintiffs' claims are good faith, non-frivolous claims filed for the express purpose of extending, limiting, modifying, or reversing existing precedent, law, or regulation; or for the express purpose of establishing the meaning, lawfulness, or constitutionality of a law, regulation, or United States or state constitutional right and the meaning, lawfulness, or constitutionality has not been determined by the Colorado Supreme Court, or for cases presenting questions under the United States constitution, to the Supreme Court of the United States. In particular, Plaintiffs bring claims, as a matter of first impression, to determine if federal law preempts local zoning laws in Colorado.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief, in the alternative and as appropriate:

1. Grant expedited review of this action and an expedited hearing schedule, pursuant to C.R.C.P. 57(l) and C.R.C.P. 106(a)(4), in light of the imminent and irreparable harm Plaintiffs will suffer absent prompt resolution;
2. Order Defendants, pursuant to C.R.C.P. 106(a)(2), to complete any outstanding verification and analysis required by Code § 16-32(c)(2) concerning the May 17 the September 8 complaints and provide Plaintiffs' counsel written notice of any decisions resolving those complaints;
3. Review and set aside, pursuant to C.R.C.P. 106(a)(4), Hudson's July 23 Determination and any independently operative July 13 Decision, on the grounds

that Hudson exceeded its jurisdiction and/or abused its discretion or violated article II, section 25 of the Colorado Constitution; and remand for lawful proceedings with adequate notice and a meaningful opportunity for review;

4. Enter a declaratory judgment that:
 - a. Any prior nonconforming-use status associated with the Facility has been extinguished;
 - b. The immigration detention use is subject to Hudson's Land Development Code;
 - c. The proposed use requires compliance with all applicable zoning, permitting, and land use requirements;
 - d. The proposed immigration detention use is not permitted to operate by right in any zone;
 - e. Federal law does not preempt Hudson's authority to enforce its zoning and land use regulations in this context;
 - f. Hudson must apply and enforce its Land Development Code with respect to the Facility; and
 - g. Hudson's refusal to require compliance with the Land Development Code's review procedures violates C.R.S. § 24-76.7-102(1)(c) and/or (e).
5. Award Plaintiffs costs as permitted by law;
6. All appropriate temporary, preliminary, and permanent injunctive relief against Defendants and Intervenor-Defendant; and
7. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted September 30, 2026.

s/ Alexander Hood

David H. Seligman, Atty. Reg. #49394

Rachel Dempsey, Atty. Reg. #57708

Alexander Hood, Atty. Reg. #42775

Caroline Parker, Atty. Reg. #60358

Towards Justice

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2026, I electronically filed a true and correct copy of the foregoing with the Clerk of the Court using the electronic filing system, which will send notification of such filing to all parties that have appeared.

s/Alexander Hood
Alexander Hood
Attorney for Plaintiffs



Town of Hudson
50 Beech Street
Hudson, CO 80642
<https://www.hudsonco.gov>

TO: Case 07-02 Sand Hills Conditional Use Permit (Hudson Correctional Facility)
FROM: Jennifer Woods, AICP, Planning Director
RE: Investigation of complaint; unlisted use determination
DATE: 07/23/26, as modified on 07/30/26.

Background

The subject property on which the Hudson Correctional Facility lies (the "Property") is zoned I-3. Ordinance 07-09, Series of 2009 . A Conditional Use Permit for a 1250-Inmate Medium Security Correctional Facility (the "CUP") was approved for the Property in 2008. Resolution 08-17, Series of 2008.

Recently, the owners of the Property, Highlands REIT, have leased the Property to a private security company, GEO Group, who intend to re-open the correctional facility as a federal immigrant detention center (the "ICE Facility") under the supervision of U.S. Immigration and Customs Enforcement, a federal law enforcement agency under the U.S. Department of Homeland Security.

The Town's Land Development Code, Hudson Municipal Code § 16-1, *et seq.* (the "LDC"), has been amended since the granting of the CUP in 2007, and was overhauled pursuant to Ordinance 25-15 in late 2025. The LDC applies to the Property.

Towards Justice Complaint

On May 17, 2026, and in response to this plan, a nonprofit group, Towards Justice, submitted a complaint on behalf of Janet E. Carlson, 22811 County Road 16, Weld County, CO 80642, generally requesting a review of the ICE Facility and its conformance with the LDC (the "Complaint"). The Complaint is attached hereto.

Planning Director Authority Under the LDC

When a complaint is made by a member of the public, the Planning Director must investigate it. LDC § 16-32(c)(2). If the Planning Director determines that a violation exists, it may engage with the property owner to correct the violation. LDC § 16-32(c)(4). If the Planning Director determines that no violation exists, no further action is required.

Determination

Definition of Correctional Facility

The LDC defines "correctional facility" as "any penal institution under the supervision of the Colorado Department of Corrections in which persons are or may be lawfully held in custody (detained, kept, or confined). This use includes prisons, jails, or detention centers, whether public or private." LDC § 16-24.

The ICE Facility is not run by the Colorado Department of Corrections. However, it is a detention center run by a private contractor for a public law enforcement agency where persons may be lawfully held in custody. Therefore, a liberal construction of this definition, which the LDC allows (*see* LDC § 16-20(b)), falls in favor of considering the ICE Facility a correctional facility for purposes of the LDC.

Unlisted Uses

Correctional facilities are not a listed use in the LDC. *See* LDC § 16-61, at Table 16-5.4. Section 16-61(d) of the LDC discusses unlisted uses:

- (1) When a proposed principal or accessory land use is not specifically identified as allowed in a zoning district in the permitted use table, the use is not permitted unless the planning director determines that it is included in the definition of a listed use or is so similar to a listed use that it shall be treated as the same use. In making this determination, the planning director shall consider the scale, traffic impacts, stormwater impacts, utility demands, and potential impacts of the proposed use such as noise, vibration, glare, and dust on surrounding properties compared to similar uses allowed in the permitted use table.

LDC § 16-61(d).

Determination re: Unlisted Use

The Property lies within I-3 zoning. I-3 zoning allows for, among other things, government buildings and safety service facilities as a use by right. LDC § 16-61, at Table 16-5.4. Neither of these terms are defined by the LDC. *See* LDC § 16-24.

Regardless, a correctional facility is so similar to a "government building" or "safety service facility" that it should be treated as the same use, and therefore is allowed as a use by right. The ICE Facility should be construed as correctional facility, as that term is defined by the LDC, even though it is not operated by the Colorado Department of Corrections. Even if it is not a correctional facility, it is a government building or a safety service facility and is therefore still allowed as a use by right in the I-3 zone district.

Therefore, the ICE Facility may operate on the Property as a use-by-right in the I-3 zone district.

Conditional Use Permit Considerations

The CUP was granted to Highlands REIT, the then- and still-owners of the Property, in 2008 for a 1250-bed medium security correctional facility. As discussed herein, the ICE Facility shares significant similarities to the LDC's definition of "correctional facility."

The ICE Facility is expected to house no more, and potentially significantly fewer, than 1250 individuals. Additionally, even though the Property was not in active use as a correctional facility for a period of years, it still used and paid its utilities and staffed and maintained the Property for that entire time. Therefore, there is no indication that Highlands REIT was doing anything other than looking for a similar correctional-type tenant for that period or otherwise intended to abandon its CUP.

Additionally, the CUP need only be "brought back to the Town" if there is a revision to the Conditional Use. CUP, at § 2.4. As discussed herein, this is the same use as before and therefore need not be returned to the Town.

Finally, discussion around the CUP, although merited for purposes of discussing the Property's history, is moot, because the CUP is no longer necessary for the Property's intended use as the ICE Facility. Unlike in 2008, government buildings, safety service facilities, and correctional facilities as a similar unlisted use pursuant to LDC § 16-61(d), are now allowed as a use-by-right for the Property under its I-3 zoning. The ICE Facility falls into at least one, if not all three, of those use types and is therefore a use-by-right on the Property.

Determination re: Complaint

The ICE Facility is allowed to operate by right in the I-3 zone district as either a correctional facility, a government building or a safety service facility. Additionally, the Property's CUP that was granted in 2008, which it no longer needs, is also still valid, only adding further evidence to the ability for the ICE Facility to open on the Property without additional Town approvals.

Therefore, no violation of the LDC has occurred on the Property and no further action will be taken on the Complaint.

UPDATE 7/30/26: Concerning Applicability of Investigation

Section 16-61(d) of the LDC requires the Planning Director, when analyzing an unlisted use in a particular zoning district, to consider "the scale, traffic impacts, stormwater impacts, utility demands, and potential impacts of the proposed use such as noise, vibration, glare, and dust on surrounding properties compared to similar uses allowed in the permitted use table."

Therefore, this investigation only applies to the ICE Facility, as it was proposed to the Town on and prior to July 23, 2026, whereby it intended to utilize existing structures that were formerly part of the 1250-Inmate Medium Security Correctional Facility that previously operated on the Property.

The building of any new or expansion of any existing structure on the Property would require its own separate analysis regarding its allowed use, or not, under the LDC, the Hudson Municipal Code, and any other applicable law.



towardsjustice.org | 720-441-2236
303 E. 17th Street, Suite 400, Denver, CO 80203
1580 N Logan Street, Ste 660 PMB 44465, Denver, CO, 80203

September 8, 2026

Jennifer Woods
Planning Director
Town of Hudson
c/o Hilary M. Graham
Nathan T. Cash
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 825-6444
hmg@hpwclaw.com; ntc@hpwclaw.com

VIA EMAIL TO COUNSEL

***Re: Joint Formal Complaint and Request for Verification and Written Interpretation
3001 N. Juniper Street (Parcel No. 130726201002)***

Dear Director Woods:

This letter constitutes a joint formal complaint under the Town of Hudson Land Development Code (the “LDC” or “Code”) § 16-32(c)(2) on behalf of Wendy Homstad, Caden Grosshans, and Emily Shanks, each a resident of Hudson and each individually joining in this complaint and the requests below. We request that the Planning Director verify whether violations of the LDC have occurred or are occurring at 3001 N. Juniper Street (Parcel No. 130726201002) (the “Property”). In conducting that verification, please determine whether the LDC applies to the Property and whether its use as a privately operated civil immigration detention facility is permitted, conditionally permitted, otherwise authorized, or prohibited under the LDC.

If the Town contends that it cannot apply, administer, or enforce the LDC with respect to this Property or use because of federal preemption or any other federal-law theory, please state that conclusion in writing as part of the Director’s verification/determination under § 16-32(c), identify the legal basis for that conclusion, and state whether the Town is declining to verify or enforce any LDC violation on that basis.

I. Property and Use Description

The Property is identified by Weld County Assessor Parcel No. 130726201002 and is located at 3001 N. Juniper Street, Hudson, Colorado. It is currently designated on the Town’s Official Zoning Map as I-3.

It is our understanding that a privately operated immigration detention facility is proposed to be, or is in the process of being, established on the Property. The Town's July 13, 2026 public announcement states that the Town lacks authority over the anticipated use. We request a written determination of the Code's application to the Property and the proposed use.

II. Zoning Interpretation Request

Pursuant to LDC § 16-22, and in view of the Planning Director's code-interpretation responsibilities under § 16-30, my clients request your written interpretation of the applicability of the LDC to the Property as part of your verification and determination of this complaint.

In your interpretation, please address the following questions:

1. Is operation of a privately operated civil immigration detention facility at the Property a permitted use, a conditional use, or a use requiring special review under the LDC?
2. If the use is not permitted, is there any other basis under the LDC on which operation of an immigration detention facility would, or could, nonetheless be authorized?
3. If operation of an immigration detention facility is not authorized under the LDC, would it be subject to the Town's mandatory enforcement duty? *See* LDC § 16-32(a)(1).
4. Have any permits, approvals, or other authorizations been issued by the Town in connection with any proposed immigration detention facility at the Property?

III. Complaint and Request for Verification of Violation

Pursuant to LDC § 16-32(c)(2), my clients hereby jointly file this formal complaint concerning alleged ongoing and imminent violations of the Code at and around the Property. The alleged violations include, but are not limited to, (1) development, restoration, improvement, alteration, or use of the Property in a manner that does not comply with the Code and (2) failure to seek or obtain required permits and approvals before commencing work. *See* LDC § 16-32(b). Each complainant requests verification of whether these violations have occurred or are occurring.

We specifically request that you:

1. Investigate current operations at the Property to determine whether any violation of the LDC has occurred.
2. Issue a written determination as to whether the use and activity at the Property constitute a violation of the LDC;
3. If a violation is found to exist, issue a notice of violation and initiate such enforcement proceedings as the LDC authorizes, including without limitation cease-and-desist orders, stop-work orders, and referral for civil or criminal penalty proceedings as provided in Section 16-32; and

EXHIBIT B

4. Confirm in writing, pursuant to the undersigned's request, the outcome of this investigation and the enforcement action, if any, taken or to be taken by the Town.

Please provide the Planning Director's written verification, determination, and interpretation within 14 days after receipt of this complaint so that my clients may evaluate any available administrative appeal rights under LDC § 16-48(b)(1). If you decline to respond to any request, please state your reasons in writing. Please direct the response to the undersigned and identify the date and finality of the determination and any applicable appeal procedure and deadline.

Sincerely,



Alexander Hood
Towards Justice
1580 N. Logan St
Ste. 660 PMB 44465
Denver, CO 80203-1994
970-410-1161
alex@towardsjustice.org

On behalf of
Wendy Homstad
Caden Grosshans
Emily Shanks



towardsjustice.org | 720-441-2236
303 E. 17th Street, Suite 400, Denver, CO 80203
1580 N Logan Street, Ste 660 PMB 44465, Denver, CO, 80203

September 8, 2026

Jennifer Woods
Planning Director
Town of Hudson
For transmittal to the Board
of Adjustment
c/o Hilary M. Graham
Nathan T. Cash
Hoffmann, Parker, Wilson & Carberry, P.C.
511 16th Street, Suite 610
Denver, CO 80202
(303) 825-6444
hmg@hpwclaw.com; ntc@hpwclaw.com

VIA EMAIL TO COUNSEL

***Re: Joint Notice of Administrative Appeal
Request for a Stay and Alternative Renewed Complaint
3001 N. Juniper Street (Parcel No. 130726201002)***

Dear Director Woods:

Together Colorado, Wendy Homstad, Caden Grosshans, Emily Shanks, and Janet E. Carlson (collectively, “Appellants”), through undersigned counsel, appeal under Hudson Land Development Code (“Code”) § 16-48(b)(1) the Town’s determination that it lacks authority or any duty to apply the Code to the proposed privately operated civil immigration detention facility at the above Property. Appellants request reversal or modification of that interpretation, application of the Code, and recognition of the stay provided upon filing a complete appeal.

I. Decisions and conduct appealed

This appeal challenges, in the alternative: (a) the continuing failure and refusal to respond to Carlson’s May 17, 2026 complaint requesting verification of Code violations and an interpretation concerning the Property; (b) the Town’s July 13, 2026 public decision disclaiming authority over the proposed use; and (c) the administrative position restated and reaffirmed in Defendants’ August 18, 2026 motion to dismiss in the pending district court action brought by Appellants against the Town and its land-use officials and bodies.

The third ground seeks review of the Town’s underlying land-use interpretation to the extent the August 18 filing constitutes or communicates its adoption or reaffirmation by an administrative official. Appellants do not ask the Board to review a court ruling or adjudicate the

motion to dismiss. If any challenged action is not appealable, Appellants request consideration of the remaining grounds and the independent renewed complaint in Section 6 below.

II. Appellants and their interests

Carlson resides at 22811 County Road 16, Weld County, on property directly abutting the Facility. She is the sole beneficiary of the trust that owns that property. The prior prison operation interfered with her use and enjoyment through traffic, noise, floodlighting, and staff trespass. Reopening threatens renewed interference and adverse effects on the property's value and rental use. Her residence adjacent to the Facility independently supports review under § 16-30(c)(1)(ii) and her status as an aggrieved person under § 16-48(b)(1)(ii)(a).

Homstad, Grosshans, and Shanks reside in Hudson and use the Town's water, wastewater, roads, and emergency services. They have participated in Town meetings concerning the Facility. Its proposed scale threatens their use of those services and their opportunities to participate in the Code's review processes. Together Colorado works with congregations and affected families and alleges diversion of staff and resources to address the Facility's anticipated detention and family-separation impacts. Each joins as an aggrieved person to the extent permitted by § 16-48(b)(1).

Appellants request a separate determination of each appellant's eligibility if disputed. Any disagreement concerning one appellant's standing should not prevent review at Carlson's request. Appellants preserve their positions concerning the scope of the Code's appeal provisions and their judicial standing.

III. Appealability and timeliness

Section 16-48(b)(1)(ii)(a)(4) requires filing with the Director within 30 days of the written interpretation or notice of decision. As of the date of this Notice, August 18 is within 30 days, but July 13 is not. Appellants invoke the August 18 ground to the extent it represents an independently appealable administrative interpretation or decision.

As to Carlson's complaint, Appellants contend that the absence of a written determination has left the requested verification and interpretation unresolved. They appeal any administrative refusal embodied in the Town's subsequent written statements; alternatively, they demand the written determination required to resolve the complaint.

The July 13 ground is preserved to the extent the Town treats that announcement as the operative appealable interpretation. If the Town asserts untimeliness, Appellants request a written ruling identifying the operative decision, its author and authority, the date of the written interpretation or notice, and the basis for rejecting review. If the Town maintains that no appealable administrative decision exists, it should process the renewed complaint and issue a written determination from which any available appeal may be taken.

IV. Code provisions incorrectly interpreted or applied

Under § 16-48(b)(1)(ii)(a)(5), Appellants identify the following errors. They seek reversal or modification under § 16-48(b)(1)(iii) because the challenged interpretation is inconsistent with these Code standards.

A. Territorial application and compliance — §§ 16-4(a), 16-6, and 16-22(a). The Property lies within Hudson and is privately owned; the proposed operator, GEO, is a private contractor. Appellants contend that a federal detention contract does not itself exempt those private parties or the Property from generally applicable zoning requirements. The Town must identify and apply the relevant Code provisions rather than categorically disclaim authority. If a particular federal law precludes a particular requirement, the Town should identify that law, the requirement displaced, and the basis for preemption, instead of treating the entire Code as inapplicable.

B. Verification and interpretation — §§ 16-32(c)(2), 16-22(a)(1), and 16-30(d)(1)(i)(d). Carlson's complaint invokes the Director's duty to verify whether a violation has occurred. That threshold duty is distinct from the selection of an enforcement remedy. Declining to investigate on the premise that the Town lacks all authority fails to apply the verification requirement and leaves the Property's lawful use unresolved. Appellants request a written interpretation as part of that determination.

C. Permitted and unlisted uses — § 16-61(b) and (d), and Table 16-5.4. The Property is zoned I-3. Appellants contend that the proposed civil immigration detention facility is not authorized by a listed use in that district. Section 16-61(d)(1) requires a Code-based determination before an unlisted use may be treated as a listed use, considering its scale and impacts. The Town has not identified such a determination to Appellants. It must identify the asserted use classification, supporting definition, required approvals, and impact analysis; federal involvement is not a substitute for that analysis.

D. Nonconforming use and prior approval — § 16-12(b)(2), (3), and (4). The Facility ceased operating as a prison in approximately 2013 and remained nonoperational for more than 12 years. Appellants contend that any prior nonconforming-use right has terminated and cannot authorize the proposed use. The Director must address the Code's one-year nonoperation standard, including its requirement concerning reasons within the owner's or occupant's control, rather than presume that former prison operations establish an enduring entitlement. The Director must also determine whether the proposed use is an impermissible alteration or substitution.

The 2008 conditional use approval authorized an adult medium-security correctional facility and required a proposed change in its specified use to return to the Town for revision. Appellants contend that civil immigration detention at the proposed scale requires renewed review. They request findings on the approval's continued validity, the authorized use, and any required revision, including consideration of § 16-48(c)(2) governing conditional use review. They do not seek a variance permitting an otherwise prohibited use.

V. Record transmittal hearing and stay

Please promptly transmit the complete administrative record to the Board under § 16-48(b)(1)(ii)(a)(6), including Carlson's complaint and proof of receipt; the July 13 announcement and supporting materials; the August 18 motion and any administrative direction or determination it communicates; the 2008 approval and amendments; relevant zoning records; communications with the owner or operator; and any interpretation, permit, inspection, verification, or enforcement record concerning the proposed use. Appellants request access to that record and an opportunity to supplement their submissions and present evidence.

Please acknowledge receipt, identify any required application form, fee, or other deficiency promptly, and make the completeness determination under § 16-41(c). Appellants request the public hearing within 45 days after a determination of completeness under § 16-48(b)(1)(ii)(a)(9), with applicable notice, and written notice of the Board's decision within five days under subsection (11). Appellants do not consent to an extension by submitting this Notice.

Upon filing a complete request for appeal, Appellants invoke the stay of proceedings in furtherance of the appealed decision under § 16-48(b)(1)(ii)(a)(7). Please confirm the Town proceedings affected and refrain from taking further steps in reliance on the challenged exemption interpretation while the stay applies. Appellants request a copy of any certification asserting imminent peril to life or property and the facts supporting it. If such a certification is issued, Appellants request an opportunity to seek a restraining order from the Board or district court. This request does not assume that the Code's stay independently enjoins every private activity at the Property.

VI. Alternative renewed complaint and demand

Independently of the appeal, each Appellant hereby makes or renews a complaint under § 16-32(c)(2). Appellants allege that development, restoration, improvement, alteration, or use of the Property for the proposed detention operation may be occurring without required permits or approvals and contrary to the use and nonconformity provisions identified above. They request investigation and verification of whether violations have occurred or are occurring, a written determination of the Code's application, and identification of any permits or approvals issued or required.

If violations are verified, Appellants request the notice and corrective process prescribed by § 16-32(c)(4) and appropriate authorized enforcement. If the Town declines any request because of federal law or another asserted limitation, please state the specific factual and legal grounds in writing. Please respond within 14 days of receipt or identify promptly the steps and anticipated time needed to complete verification. These demands arise from this Notice itself and do not depend on submission of any other complaint.

VII. Relief requested and reservation of rights

Appellants request that the Board:

1. Accept and decide each appealable ground, and issue a reasoned written ruling on any disputed question of jurisdiction, eligibility, or timeliness;
2. Reverse or modify the determination that Hudson categorically lacks authority or any duty to apply its Code to the Property and proposed privately operated detention use;
3. Direct further administrative proceedings consistent with the Code, including verification of alleged violations, a written use interpretation, assessment of the prior approval and nonconforming-use status, and any required permitting or review;

4. Recognize and apply the Code's stay when its conditions are satisfied, provide the administrative record, and hold the required public hearing; and
5. Provide a written final decision with findings, reasons, and notice of any available further review.

If the Board concludes that it cannot hear all or part of the appeal, Appellants request a written decision stating why and prompt processing of the independent renewed complaint by the Director. No adverse determination concerning appellate jurisdiction should be treated as disposing of that complaint without the verification and determination it requests.

Appellants pursue this process in the alternative to, and without withdrawing, their pending judicial claims. They preserve their positions that further administrative exhaustion may be unavailable, unnecessary, or futile. This Notice does not concede the validity or finality of any challenged action, waive any preserved objection or remedy, or represent that administrative proceedings toll a judicial deadline.

Please direct all communications, notices, and decisions to undersigned counsel.

Respectfully submitted,



Alexander Hood
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1580 N. Logan St
Ste. 660 PMB 44465
Denver, CO 80203-1994
970-410-1161
alex@towardsjustice.org

Counsel for Appellants