



CITY OF LEADVILLE

800 HARRISON AVE.
LEADVILLE, CO 80461

REGULAR COUNCIL MEETING AGENDA

March 5, 2024

6:00 P.M.

Council Chambers & Zoom

<https://leadville-co.gov.zoom.us/j/83526944548?pwd=aEdjdGtpNlEyZmt5YVQ1bDBQbnN4dz09>

Meeting ID: 835 2694 4548

Passcode: 80461

Dial by your location

+1 719 359 4580 US

6:00 pm	1.	Call to order of regular meeting of the City Council
	2.	Roll Call
	3.	Optional Pledge of Allegiance or Moment of Silence
	4.	Approval of Agenda
	5.	Housekeeping Matters
	6.	Public Comments About Items Not on the Agenda
		Citizens wishing to speak to council on issues <u>not</u> on the agenda are requested to raise their hand in the participant's section of Zoom or in person. The Mayor will call on the public in order. Comments are limited to three (3) minutes (not including council questions). Action, if required, will be assigned to City staff. For matters <u>on the agenda</u> (which are not a public hearing) at the discretion of the Mayor, public input can be heard prior to a vote being taken on the matter.
6:05 pm	7.	Consent Agenda A. Minutes of January 16, 2024 B. Resolution No. 17, Series of 2024 - A Resolution Authorizing a Financial Contribution to Leadville Ski Joring
6:15 pm	8.	Presentations and Discussions: A. City Administrator's Report B. Pb Swims Presentation C. Broken Arrows Rodeo Committee Presentation
7:00 pm	9.	Action Items: A. TransRockies Run Temporary Use Permit B. 109 Oak St. Demolition Certificate of Appropriateness (Public Hearing) C. Board of Adjustment: 140 W. 7th St. Setback Variance Application (Public Hearing) D. Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City

* These items may not have briefs or may have additional briefs Tuesday before the Council meeting.



		<p>E. Resolution No. 19, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Appointing a Planning and Zoning Commission Member and Two Alternate Planning and Zoning Commission Members</p> <p>F. Ordinance No. 1, Series of 2024 - An Ordinance of the City Council of the City of Leadville Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City (first reading)</p>
8:30 pm	10.	Public Comments
	11.	Mayor's Report
	12.	Council Reports
	13.	Public Meetings Planner
9:00 pm	14.	Adjournment



REGULAR COUNCIL MEETING MINUTES

Tuesday,
January 16, 2024

6:00 P.M.

Council Chambers & Zoom

1. **Call to order** of regular council meeting at 6:01 p.m.
2. **Roll call:**
 - a. **Present:** Mayor Greene, CM Thomas, CM Edwards, CM Hill, CM Tharp, CM Luna-Leal, CM Best
 - b. **Absent:**
- Staff Members Present:** City Administrator Laurie Simonson, Deputy City Clerk Hannah Scheer, Administrative Assistant Lor Tye, Finance Director Kristol Hewlett, Planning Director Chapin LaChance, Judge Floyd
3. **Optional Pledge of Allegiance or Moment of Silence**
4. **Approval of the agenda:** CM Luna-Leal **moved** to approve the agenda, and CM Hill **seconded**. All present were in favor.
 - a. **Agenda Revisions:** None
5. **Housekeeping Matters:**
 - a. Leadville Lake County Regional Housing Authority has a venue change for their meeting. They will meet at Colorado Mountain College in room 121 in the New Discovery building.
6. **Public comments for items not on the agenda:**
 - a. Greg Labbe
 - i. This years snowfall has been excessive and difficult for the Street Department to keep up with. The snow plow drivers are CDL certified drivers and can legally only drive a certain number of hours per shift.
 - b. Steve Prestash
 - i. Commented on the Street Department and would like 1 to 2 more Street Department workers for times like these.
 - ii. Mentioned he would like the police department to be up to snuff
 - c. Stacey Kelly
 - i. Endorsed Shannon Grant for Ward 2b
 1. Noted her values, integrity, honesty, dedication to facts and data driven
 2. She is concerned that people who lack those values sometimes come to power

- d. Bruce Kelly
 - i. Endorsed Shannon Grant for Ward 2b
 - 1. Knows Shannon through the high school mountain bike team
 - 2. Agrees with his wife - they know Shannon as an individual and knows she will make informed decisions for the betterment of the community
- e. Jane Gowing
 - i. Asked city council to review the Leadville Lake County Animal Shelter intergovernmental agreement
 - ii. The animal shelter is important to the community but the building it is in is antiquated and small
 - iii. Noted that she thinks there are new partnerships that should be looked at
- f. Jane Harelson
 - i. Pb Swims is adding an initiative to the 2024 ballot for taxes to go toward renovating the pool
 - ii. Requested a work session with the council

7. Department Reports:

a. City Administrator's Report:

- i. This storm has been a long and intense one
 - 1. The Street Department only has 1 shift and not enough staff to do 2 shifts
 - 2. They will often be up at 2:00 am plowing
 - 3. Priority for plowing is:
 - a. Schools
 - b. Hospitals
 - c. Main roads
 - d. Alleys are the last to be done
 - 4. The City has been running ads in the paper for new Street Department team members. The department hasn't been fully staffed in a long time and need qualified applicants
- ii. Introduced Paige Vigil as the new Human Resources Director. Paige is a Leadville local and is currently working toward gaining her certification in human resources
- iii. The City of Leadville is working toward having better communication with its citizens and will start sending out a newsletter of the "what, where, when, why" of goings on in the City. Acknowledges routine matters are not always in the newspaper.
- iv. Staff is working with a third party company to design a new website for the City
- v. Interim Chief Breyer was appointed to the e911 board
- vi. Councilmember training 1/23/24 at 6:00 pm
- vii. Property taxes
 - 1. No time to analyze yet - reduce mills? shotgun approach to tax relief?
 - 2. Tax revenue dropped \$2.5 million
 - 3. More number crunching is needed
- viii. Intergovernmental agreement with the County involving the Animal Shelter - will involve the public in conversation

Departments gave their monthly reports.

8. Presentations and Discussions:**a. Ski Joring Presentation - Duffy Counsel**

- i. This is the 3rd year of the 3 year permit for sky joring - will have to reapply next year
- ii. Thanked Leadville for being a supportive community
- iii. Ski joring will take place March 2nd and 3rd
- iv. The events will be streaming on mtn-tv.com
- v. This is a dog-free event - signs with this noted have been requested by Mayor Greene

b. Colorado Trust Presentation - Brett Parsons (Director of Investment Services)

- i. Leadville is a prior client of these investment services
- ii. Colorado Trust is not a bank
- iii. 1900 local governments in Colorado participate in Colorado Trust
- iv. Founded in 1985
- v. Goals are: safety, liquidity, yield

c. Thelcrest Inc. Presentation Regarding 6-unit Community Housing at 220 E. 11th St.

- i. Working on a development agreement for deed restricted housing
- ii. Preservation of sunlight is important - thinking of split structures into 2 to achieve this
- iii. Originally a 4 unit development, there's a density issue - looking at 1.8 units per lot
- iv. Minimum square feet per dwelling = 450 square feet
- v. There will be two 2 bedrooms, two 1 bedrooms, and two studios - all with 1 bathroom each
- vi. 120% area median income
- vii. There will be a work session on 3/12

d. Discussion Regarding an Ordinance of the City Council of the City of Leadville, Colorado Regarding the Renting, Leasing, and Sale of Off-Highway Vehicles

- i. Idea is to put something more permanent in place
- ii. Easy transition to update the business license structure/put in code a cap for off-highway vehicles
- iii. Grandfather existing businesses or have the cap be higher than the existing number of businesses
- iv. Proposed separate business license structure and payment for off-highway vehicle retailers
- v. First reading of this ordinance will take place at the next city council meeting
- vi. The goal is to reduce stress on Leadville so it's not overrun with off-highway traffic
- vii. Safety, speed, impact and noise are main concerns
- viii. General consensus is a cap at 2 businesses
- ix. No caps are currently in place on other types of business licenses
- x. State legislature said we cannot regulate off-highway vehicles on a public street
- xi. Regulatory mechanisms on health and safety instead of a cap?
 1. Should there be a lower speed limit? That has the potential to frustrate locals and slow traffic
 2. Should there be curfews on off-highway vehicles?
 3. Should there be a noise ordinance?

- xii. At this time only guided tours are offered - vehicles have to be trailered to the sight of use

9. Action Items:

- a. **Resolution No. 6, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado, Filling the City Council Member Representing Ward 2b Vacancy by Appointment**

CM Tharp moved to approve **Resolution No. 6, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado, Filling the City Council Member Representing Ward 2b Vacancy by Appointment, Appointing Tim Best as the new representative of Ward 2b**; CM Luna-Leal seconded.

	YES	NO	Abstain	Absent
CM Tharp	x			
CM Luna-Leal	x			
Mayor Greene		x		
CM Edwards	x			
CM Ward 2b				
CM Thomas		x		
CM Hill	x			

- b. **Resolution No. 7, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Appointing the Mayor Pro Tem**

CM Thomas nominated Cisco Tharp

CM Luna-Leal moved to approve **Resolution No. 7, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Appointing the Mayor Pro Tem as Francisco Tharp**; CM Thomas seconded.

	YES	NO	Abstain	Absent
CM Tharp	x			
CM Luna-Leal	x			
Mayor Greene	x			

CM Edwards	x			
CM Best	x			
CM Thomas	x			
CM Hill	x			

c. Resolution No. 8, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Designating Authorized Signatories of the City’s Bank Accounts

CM Luna-Leal moved to approve **Resolution No. 8, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Designating Authorized Signatories of the City’s Bank Accounts**; CM Edwards seconded.

	YES	NO	Abstain	Absent
CM Tharp	x			
CM Luna-Leal	x			
Mayor Greene	x			
CM Edwards	x			
CM Best	x			
CM Thomas	x			
CM Hill	x			

d. Resolution No. 9, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Authorizing the City to Join with Other Local Governments as a Participant in the Colorado Local Government Liquid Asset Trust to Pool Funds for Investment

CM Hill moved to approve **Resolution No. 9, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Authorizing the City to Join with Other Local Governments as a Participant in the Colorado Local Government Liquid Asset Trust to Pool Funds for Investment**; CM Edwards seconded.

	YES	NO	Abstain	Absent
CM Tharp	x			
CM Luna-Leal	x			
Mayor Greene	x			
CM Edwards	x			
CM Best	x			
CM Thomas	x			
CM Hill	x			

10. Public Comments:

- a. Steve Prestash
 - i. Off-highway vehicles take a toll on the environment
 - ii. In favor of more regulations with a potential for heavy fines
 - iii. Off-highway vehicles are ripping up the terrain
- b. M. Matthison
 - i. Commented on the question of equity
 - ii. Equity means the inclusion of all disabilities
 - iii. Felt that the council should have given a better definition of equity when they where having the ward 2b candidates answer questions
 - iv. Outdoor Leadville doesn't provide assistant equipment for those with disabilities, he does
- c. Chris Floyd
 - i. On behalf of Planned Pethood Leadville she distributed a letter about the animal shelter using outside resources
 - ii. Questioned if the intergovernmental agreement has been violated by the animal shelter
 - iii. Planned Pethood Leadville is here to support locals and their pets

11. Mayor's Report:

- a. Rose Horning is representing the the USA in the Seoul Junior Olympics

12. Council Reports:

- a. CM Tharp
 - i. Thanked Mr. Matthison for his comments and stated he would like to do better for people with disabilities in Leadville
 - ii. Mentioned he is on the board of Bright Start and excitedto get started
- b. CM Luna-Leal
 - i. Would like more information about community members with disabilities and accessibility issues. Takes this issue seriously and wants to make this a priority.

Mentioned ramps adjacent to sidewalks need to be kept clear for accessibility. Change starts with education of the community.

- ii. The old Chinese restaurant is uninhabitable - residents are being evicted with no alternative housing
- iii. Leadville needs to be able to house those that are no longer able to work
- c. CM Thomas
 - i. CJK Mills has withdrawn permit application, will submit a new one
 - ii. Freight is having an open house - tour mill facility - impacts of operation and thoughts to the County

13. Public Meetings Planner:

- a. 1/23 - City Councilmember training at 6:00 pm
- b. 2/1 - Leadville Urban Renewal Authority meeting and electing officers for board at 6:00 pm
- c. 3/12 - Affordable housing work session with Thelcrest

Adjournment: 9:51 p.m.

APPROVED this 5th day of March, 2024 by a vote of [] in favor [] against, [] abstaining, and [] absent.

CITY OF LEADVILLE, COLORADO

ATTEST:

By

Deputy City Clerk

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 17
SERIES OF 2024**

**A RESOLUTION AUTHORIZING A FINANCIAL CONTRIBUTION TO
LEADVILLE SKI JORING**

WHEREAS, Leadville Ski Joring is an annual event where teams of riders, horses, and skiers compete on a snow-covered Harrison Avenue in the City of Leadville, Colorado (the “City”); and

WHEREAS, this is an iconic event that promotes business in the City and our cultural identity;
and

WHEREAS, Leadville Ski Joring is an important event for locals and visitors alike; and

WHEREAS, in 2024 the event will celebrate its 76th anniversary; and

WHEREAS, the City has supported this event with a financial contribution in the past; and

WHEREAS, the City wishes to support the 76th anniversary of Ski Joring in the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado, as follows:

The City Council hereby authorizes a financial contribution to Leadville Ski Joring in the amount of \$6,000 from the City’s contingency fund.

This Resolution shall be effective upon its adoption.

**ADOPTED this 5th day of March 2024 by a vote of ____ in favor, ____ against,
____ abstaining, and ____ absent.**

CITY OF LEADVILLE, COLORADO:

Dana Greene, Mayor

ATTEST:

Hannah Scheer, City Clerk

LEADVILLE CITY COUNCIL

March 5, 2024

Pool
Ballot Initiative
Discussion

Pb Swims is committed to renovating, operating, and maintaining an affordable public aquatic center. Our priorities are safety, sustainability, diversity, and accessibility as we provide education, recreation, and wellness for all.



WHERE ARE WE NOW?

- **\$24 million** is the most recent estimate to build a standalone aquatic center comparable to what we have now.
- **\$9.9 million** is the estimated cost for total audit-recommended aquatic and building improvements over the next 10 years as of May 2023.
- Taxpayers are funding a \$246,000 feasibility study steered by Lake County Government and the Lake County Economic Development Corporation for a new recreation center. The total feasibility study schedule is 37 weeks and results are expected by the beginning of September 2024.
- Pb Swims is open to findings and investment that result from this latest study however continues with its mission.
- The community supports renovating and accessing our existing facility now.

GOALS

Raise \$3.5 million to renovate and re-open the aquatic center and to safely do so, swimming pool replacement, ADA upgrades, and HVAC upgrades are required.

Gain institutional support from the City of Leadville and Lake County School District (LCSD) and work together toward a solution.

Put a dedicated tax initiative on the November 2024 General Election ballot. Ask voters to approve a sales tax with revenue going to renovate, operate, maintain, and eventually replace the aquatic center.

Propose an intergovernmental agreement (IGA) between LCSD (the property owner) and the City of Leadville (entity receiving the tax) to ensure tax revenue is used for the public purpose for which it is intended.

Propose a contract with LCSD that Pb Swims as a 501c3 non-profit public organization operate and maintain the aquatic center.

TIMELINE

January through December 2024-2034: Continually raise funds for capital renovation and upgrades.

February/March: Meet with City Council and LCSD to discuss all options and concerns.

March: Work to develop an agreement that LCSD and the City agree to cooperate to allow the pool to be maintained and used for the public using the dedicated tax if approved by voters. This is a new tax, not an increase of an existing one.

March/April: Public Engagement including but not limited to surveys, town hall meetings, and an open house.

April/May: Determine Sales Tax Percentage based on public feedback

April/May: Develop Ballot Language

May: Ask City to Refer Sales Tax to the Ballot

T I M E L I N E

May: Create and Circulate Petition absent a referral.

July 16: Contact Colorado Department of Revenue (DOR) for approval once ballot is developed

July-September: Publish tax proposal 4 times.

November 5: Election

November 15: Send DOR: sample ballot, election results, abstract of votes cast, proof of publication, finalized ordinance or resolution.

November 15: Return signed copy of MOU sent by DOR if implementing a new tax.

November 15: Notify City vendors of new tax change.

November 30: All requirements must be finalized with DOR for new tax.

January 1, 2025: Implement new tax.

CONCERNS

Too Narrow

Need an “out” if the capital campaign is unsuccessful or pool closes. Where does the money go?

Won't stand alone, run something on the ballot for \$9.9M capital costs.

Time needed to campaign and conduct town hall meetings. If a measure fails, it has a much harder time of passing later.

FCP, fair campaigns practice. Once on the ballot, elected officials cannot advocate for the issue.

IGA: what happens to tax if the school district doesn't work with the City?

If school district and local government will not cooperate in a solution, the City can be forced to act by citizen initiative. Procedures would have to be in place to administer tax.

TABOR standards for ballot and IGA language.

CALL TO ACTION

Please meet with Pb Swims to address concerns and find solutions.

Work with Pb Swims and LCSD in developing necessary agreements to implement a dedicated tax to renovate, operate, maintain, and eventually replace the aquatic center.

Add questions to Pb Swims' Ballot Survey.

Ask your constituents for input at a Town Hall Meeting.

Provide a letter of support for Pb Swims to use when applying for capital funding.

Request records and detailed information gathered by Pb Swims over the last three years supporting exactly why they're proposing a dedicated tax.

Thank you very much for your consideration.

BROKEN ARROWS Rodeo Committee

LEADVILLE, CO 80461

January 28, 2024

RE: Leadville Rodeo Sponsorship

To Whom It May Concern,

Ready for a rip-roaring time? We are! It is high time that the Lake County Rodeo comes back and we are working hard to make this happen. We are looking to schedule this event for Saturday, June 15th, 2024.

The idea for bringing this event back began so that our local 4-H youth have a place to show off their projects to our community. Currently these projects are only displayed at the Chaffee County Fair. In 2022 the 4-H club tried using the courthouse, but one of the projects was stolen. We saw a huge need to hold an actual event to allow these kids to shine. As this is a good organization with hard working youth, we feel that we should support and encourage them and hopefully engage more youth to join them.

We also see a need for our community to come together and celebrate our western heritage that also is a huge part of our town's history. We are planning this event to be in June as there are not currently any community events earlier in the summer. With our long winters, we feel that getting people out to enjoy our town together earlier in the summer will be beneficial to us all.

Our goal is to make this an annual event that is relatively self-sustaining, but rodeos are very expensive, so it may take time to achieve this goal. For this inaugural year, we plan to do a limited rodeo, a bull riding event, to help keep costs lower. However, if the remaining funds are not received we will at least do a fair and continue to try to raise the needed funds. For future events we hope to do a full rodeo with all of the events. In addition to the rodeo events we will have many fun fair activities for all to enjoy.

Many funds are still needed and in a very short time, to make things happen for this year. We still need to raise an additional \$28,000 this year. We are very thankful that so far we have received \$5000 from each Xcel energy, Lake County BOCC, and the Lake County Tourism grant. Remax has contributed \$2500. The 4-H club has also raised about \$2000 to go towards this event. If these kids can work hard to rally funds, can't we, as a community, step up and help get this event to happen? Please see the attached sponsorship opportunities. These are just suggested amounts, more is certainly helpful.

The Lake County Community Fund has graciously accepted our committee and so we qualify for their 501c3 tax break. Donations can be made through that fund, by putting funds into the Rodeo account at First Mountain Bank, or by reaching out to us directly. The sooner we can get commitments and donations, the more likely this event is going to happen this year.

Thank you for your consideration in sponsoring this event. We look forward to hearing from you.

Sincerely,

Anita Harvey & Hillary Homer
Broken Arrows Rodeo Committee
Leadvilleroдео@gmail.com

2024 Fair & Rodeo Sponsorship Opportunities

Bull Rider \$5000+

- ❖ Sponsor logo appears prominently on the outdoor banner which can be seen at the end of W. 6th Street.
- ❖ Sponsor may provide stand up logo banners to be displayed at the event.
- ❖ Sponsor logo appears on all fliers and newspaper ads promoting the event.
- ❖ Sponsor business featured in press releases.
- ❖ Sponsor name will be featured in social media posts promoting the event.
- ❖ Sponsor logo will be prominently featured at the entrance of the event.
- ❖ Sponsor may have a table and offer logo branded swag at the event.
- ❖ Sponsor will be announced several times during the show.
- ❖ 10 Complimentary tickets.

Bronc Rider \$2500+

- ❖ Sponsor logo appears on the outdoor banner which can be seen at the end of W. 6th Street.
- ❖ Sponsor logo appears on all fliers promoting the event.
- ❖ Sponsor name will be featured in social media posts promoting the event.
- ❖ Sponsor logo will be featured at the entrance of the event.
- ❖ Sponsor will be announced during the shows.
- ❖ 7 Complimentary tickets.

Roper \$500+

- ❖ Sponsor logo appears on all fliers promoting the event.
- ❖ Sponsor banner can be supplied to be displayed at the event.
- ❖ Sponsor will be announced during the shows.
- ❖ 4 Complimentary tickets.

Don't see a benefit that you would like? Please contact us to discuss!!

leadvilleroдео@gmail.com

***A commitment of 2024 sponsorship and your logo in high-resolution must be received by April 21st to be included on the 6th street banner, and by May 1st to be included on the fliers and newspaper ads.



AGENDA ITEM #9A

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 5th, 2024
SUBJECT: Temporary Use Permit for the Annual TransRockies Run
PRESENTED BY: Lori Tye

- ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Temporary Use Permit for TransRockies US LP to host the 17th Annual TransRockies Run, Wednesday, August 14th, 2024 from 6:00 am to 9:00 am.

Runners start Stage 3 in Leadville on Wednesday, August 14th, 2024 at 8:00 am on the 500 block of Harrison Ave in front of City on a Hill coffee shop. Runners would proceed north on Harrison Avenue, accompanied by a City of Leadville police escort the event is requesting, turn right on Mountain View Drive, and then proceed left on US 24 sidewalk. The event has hired the Colorado State Patrol for the day to cover the road crossings once they leave the city. Applicant would like to hire City of Leadville police officer from 6:00 am to 8:30 am.

Applicant is requesting the closure of Bike and Parking lanes on the east side of Harrison Avenue from 5th - 12th Street again this year.

Further, applicant is requesting a multiyear (3-year) permit.

- II. **BACKGROUND INFORMATION:** TransRockies is a 6-day trail running stage race from Buena Vista to Beaver Creek covering 120 miles. Participants have the option of camping at Leiter Field or upgrade to the hotel option. After finishing at Twin Lakes, participants are shuttled to Leadville for their overnight stay.

17.64.020 General requirements for a temporary use permit.

- E. *Approval Criteria. A temporary use permit may be issued to the applicant only upon a finding that all of the following criteria are met:*
- 1. The owner of the property on which the use is proposed consents in writing to the issuance of the permit; CDOT/City is the owner and gives consent upon approval by City Council.*
 - 2. The use is allowable in the zone district; "recreational and sporting events" use is allowed in all zoning districts.*
 - 3. The referring agencies have indicated no concerns or requested no conditions for approval, or the applicant has provided to the satisfaction of the planning official or city council, as the case may be, that all conditions for approval will be satisfied and the permit is issued subject to satisfaction of such conditions; Referring agencies have no concerns.*

4. *The use will not substantially impair the appropriate use of or adversely affect adjoining property or the neighborhood; **The event is held downtown in the Retail Core, which is an appropriate location for this activity, separated from the residential neighborhoods.***
5. *The use will not alter the essential character of the district in which the subject property is located; **The proposed recreational and sporting event use will not alter the character of downtown.***
6. *The use will not adversely affect public health, safety or welfare; **The proposed recreational and sporting event use will promote public health, safety and welfare.***
7. *The use will not result in an undue concentration of such temporary uses upon or near the subject property so as to adversely affect public health, safety or welfare, or alter the essential character of the district in which the subject property is located, or substantially impair the appropriate use of or adversely affect adjoining property or the neighborhood; **The proposed recreational and sporting event use will not.***
8. *The use is in compliance with the objectives, policies and other provisions of this title or other city regulations, ordinances or policies. **Recreational and sporting event use is an allowed temporary use in all zoning district for up to a two (2) week period, so the proposed temporary use is in compliance with the zoning regulations.***

17.64.010 - Allowed when

Temporary use permits may be issued for the following uses in the following zoning districts and for the following periods of time. No person, party or organization shall engage in such temporary uses prior to the issuance of a temporary use permit. The following uses shall be allowed in the following districts, not to exceed the following periods of time:...

TABLE 4

<i>E. Recreational and Sporting Events</i>	<i>All districts</i>	<i>2 weeks</i>
--	----------------------	----------------

Agency referrals:

All City agencies have responded/approved with NO CONCERNS

III. FISCAL IMPACTS: N/A

IV. LEAGAL ISSUES: N/A

V. STAFF RECOMMENDATION: Consider and review Temporary Use Permit Application for the Annual TransRockies Run on August 14th, 2024 from 6:00 am until 9:00 am. Staff recommends Approval based on the event meeting the Approval Criteria.

VI. COUNCIL OPTIONS: Approve, Approve with Conditions or Deny

VII. PROPOSED MOTION: I move to approve the Temporary Use Permit for the Annual TransRockies Run on August 14th, 2024 from 6:00 am until 9:00 am, with the attached Findings; said approval being good for three (3) years, or through 2026.

VIII. ATTACHMENTS:

- Complete Temporary Use Permit application, with venue map
- Agency approvals
- Findings



Sarah Dallas
City of Leadville
800 Harrison Avenue
Leadville, CO 80461

Dear Sarah,

By way of this letter, please accept our application for the 17th annual TransRockies Run to start on Harrison Avenue on **Wednesday, August 14, 2024**. Trail Runners from all over the world will commence their journey in Buena Vista on Monday, August 12, 2024 and finish in Beaver Creek on Saturday, August 17, 2024 covering over 120 miles.

It is our hope that the City of Leadville will once again allow us to start Stage 3 on the 500 Block of Harrison Avenue directly in front of City on the Hill Coffee House. As per last year, we would require one lane (east bound – closest to the sidewalk) of Harrison Avenue be closed from 6:00am to 8:30am – 9:00am to allow us sufficient time to set-up the start/finish structure and fencing. For the past 16 years, we closed one lane, which still allowed traffic to flow easily during a few hours in the morning.

The runners would proceed north on Harrison Avenue accompanied by a City of Leadville police escort. They would turn right on Mountain View Drive, and then proceed left on US 24 (sidewalk). Once again, we have hired the Colorado State Patrol for the day and will work again with the Lake County Sheriff Department and City of Leadville Police Department. In accordance to CDOT, we would like to hire a City of Leadville Police officer from 6:00am to 8:30am, Please see map for reference.

Please let me know if you have any questions or concerns. My cell number is 403.483.9977.

Best Regards,

Kevin McDonald
VP, Operations
TransRockies US LP

TransRockies US LP
14405 West Colfax Ave., #158
Lakewood, CO 80401
USA

Phone: 403-483-9977
Fax: 403-206-7553
www.transrockies.com

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

Temporary Use Permit Application (Event)

A Temporary Use Permit is required for any organized activity involving the use of, or having impact upon, public property, public facilities, parks, sidewalks, paths, trails, streets or other public areas or the temporary use of private property in a manner that varies from its current land use, that lies within the boundaries of the City of Leadville. This application does not apply to nor will it be reviewed by any state or federal entity; this is the applicant's responsibility.

Impact is defined as: *Any closure, impedance, damage, destruction, abnormal wear and tear, interference or use of any public facility, property, roadway, trail, structure, ingress, egress or business function that causes extraordinary or unusual expense, or deters or detracts from other duties for any governmental agency within the City of Leadville, Colorado.*

All Event Permit applications are handled through the Director of Administrative Services office. After the applicant completes the Application and attaches any required documents, it is to be returned to the Director of Administrative Services. Applications are available on line at www.cityofleadville.com. They can be printed and faxed or emailed back to the City.

Reasons that your application may be denied are:

- Agencies may not have the resources to dedicate to your event,
- Your event may be deemed as too intrusive to the community,
- Your event may be deemed as inappropriate for the community or
- Your event may be deemed to be too destructive to the community.
- Other reasons may be expressed in the denial.

Acceptance of your application should in no way be construed as final approval or confirmation of your request. You will be notified if your event requires any additional information, permits, licenses or certificates. During the initial application screening process you will be given time to provide us with all pending documents (e.g. certificate of insurance, secondary permits, etc.). All documentation must be received before a Special Event Permit will be issued.

Permit applications must be received no later than thirty (30) days prior to the actual date of your event and may be submitted as early as one year before your event. **Information from your permit application is considered public information** and may be used in developing the calendar of community events or reviewed by the public under the Open Records Act.

Issuance of a Special Events Permit **does not create any liability** for the issuing entities outside of their normal responsibilities under Colorado Revised Statutes. **It does not create a contractual agreement** with you and the issuing entities to perform any duty, responsibility or to perform any function other than what is provided for under the permit. **The applicant will not have any fees returned after the permit has been issued due to weather, lack of participation or any other reason.**

The applicant is responsible to ensure appropriate porta-potties, trash receptacles, arrange for Fire, ambulance, or law enforcement to manage their event as needed. If the event is deemed by local officials that these needs have not been met and additional resources are called in, the event will pay for those costs.

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

APPLICATION

Event Title: TransRockies Run

Description: (Describe what your event is about, who and what will be involved, how it will work and any special information that you feel is important to help us understand the details of the event)

TransRockies is a 6 day trail running stage race from Buena Vista to Beaver Creek covering 120 miles. Participants have the option of camping at Leiter Field or upgrade to the hotel option. After finishing at Twin Lakes, we will shuttle the participants to Leadville for their overnight stay. We will start Stage 3 at 8:00am on Wednesday, August 14, 2024 on the 500 block of Harrison in front of the City on the Hill coffee shop. We require a one lane full road closure on the 500 block. Please see attached map.

At 8:00am on Wednesday, participants will depart Leadville with a City of Leadville Police escort heading north on US Highway 24. The runners turn right at Mountain View Drive, then proceed left on the sidewalk towards Nova Guides. We have hired the Colorado State Patrol to cover the road crossings once they leave the city.

Set up Date : August 14 Time: 6:00am Day of Week Wednesday

Event Starts Date : August 14 Time: 8:00am Day of Week: Wednesday

Event Ends Date: August 14 Time: 8:30am Day of Week: Wednesday

Dismantle Date : August 14 Time : 8:00am-8:30am Day of Week: Wednesday

Location(s) requested: 500 Block of Harrison Avenue between 6th Street and East 5th Street. Please see map attached.

Anticipated Attendance Total: 350 Per Day: 3500
(not including participants)

Anticipated Participants Total: 3500 Per Day: 400 Total:

Anticipated # of vehicles

CONTACTS

City of Leadville

**800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040**

Email: admins@leadville-co.gov www.cityofleadville.com

Host Organization: TransRockies US LP

Chief Officer of Host Organization : Aaron McConnell

Applicant (Contact) Name: Kevin McDonald

Address: 14405 West Colfax Avenue, #158 City: Lakewood State: CO Zip: 80401

Telephone Number: 403-483-9977 FAX Number _____

Pager/Cellular: 403-483-9977 _____ E-Mail Address: kevin@transrockies.com

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

APPLICATION, CONTINUED

If your event will impact city services please give description:

We will require the use of two officers and one marked car for the escort out of the city (30 minutes) Report at 0745 and finish at 0815

If your event involves alcohol, weapons, speed activities, high speed vehicles, pyrotechnics, loud noise of any kind or any unusual activity please describe:

We will apply for a participant only beer garden at Leiter Field.

If required, an original Certificate of Insurance must be received by the City of Leadville prior to the approval and issuance of your Special Event Permit.

The applicant will need commercial general liability insurance that names as Additional Insured, the "City of Leadville its officers, employees, and agents" and any other public entities impacted by your event to which this permit applies. Insurance coverage must be maintained for the duration of the event including setup and dismantle dates.

Name of Insurance Agency: Nicholas Hill Group _____

Address : 1586 S. 21st Suite 200 City: Colorado Springs, State: CO Zip: 80904

Telephone Number: 719.694.2595 Pager/Cellular _____

Contact Name: Andrea Slate

Policy Type: Please see attached insurance certificate _____

Policy Amount : 5,000,000 _____ Policy Number : _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: adminservices@leadville-co.gov www.cityofleadville.com

APPLICATION, CONTINUED

Please Provide an Event Map that includes the following information

If the item does not apply please write N/A in the box.

- Location of fencing, barriers and/or barricades. Indicate any removable fencing for emergency access.
 - Provision of minimum twenty foot (20') emergency access lanes throughout the event venue.
 - Location of first-aid facilities and ambulances.
 - Location of all stages, platforms, scaffolding, bleachers, grandstands, canopies, tents, portable toilets, booths, beer gardens, cooking areas, trash containers and dumpsters, and other temporary structures.
 - A detailed or close-up of the food booth and cooking area configuration including booth identification of all vendors cooking with flammable gases or barbecue grills.
 - Generator locations and/or source of electricity.
 - Placement of vehicles and/or trailers.
 - Exit locations for outdoor events that are fenced and/or locations within tents and tent structures.
 - Other related event components not listed above. _____
- _____
- _____

CERTIFICATION:

I/we certify that the information contained in the foregoing application is true and correct to the best of my/our knowledge and belief that I/we have read, understand and agree to abide by the requirements, rules and regulations governing the proposed Special Event Permit under the City of Leadville. I/we agree to comply with all other requirements of the City, County, State, Federal Government, and any other applicable entity which may pertain to the use of the Event venue and the conduct of the Event, I/we agree to pay all fees, taxes and the City shall not be liable for the payment of such taxes. I/we agree to abide by the requirements of the Special Events Permit, and further certify that I/we, on behalf of the Host Organization, am also authorized to commit that organization, and therefore agree to be financially responsible, in conjunction with the Host Organization, for any costs and fees that may be incurred by or on behalf of the Event to the City of Leadville.

Print Name Host Organization: TransRockies US LP _____

Print Name of Authorized Agent: Kevin McDonald _____

Title: VP, Operations _____

Signature  _____

Date Aug. 4 / 2023

Approved by: _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

MUST BE SIGNED BY THESE DEPARTMENTS BEFORE SUBMITTING APPLICATION

DEPARTMENT INPUT (to be attached to the permit file copy):

City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City Street Dept: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Police Department: CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Health Dept (food): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City of Leadville: (Council) CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____



June 2nd, 2021

TransRockies US LP
Attn: Kevin McDonald
14405 W Colfax Ave., #158
Lakewood, CO 80401

Dear Kevin,

This letter is to inform you that the Temporary Use Permit for the 2021 14th Annual TransRockies Run on Wednesday, August 4th, 2021 was approved by the Leadville City Council during their regular meeting on June 1st, 2021. City Council approved the event for a lane closure on the 500 block of Harrison Ave from 6:00am-8:30am. Further the event was granted a three-year permit, meaning it will be approved through year 2023 should there be no changes to the route or request. The application was approved based upon the information provided in the application.

The event was approved with the condition that you have full approval for maximum participation based on the Lake County Public Health guidelines and expectations for this event that meets all COVID protocols as applicable.

If you have further questions, comments, or concerns please contact me by email at adminassistant@leadville-co.gov or by phone at 719-486-2092.

Sincerely,

Lori Tye,
Administrative Assistant, City of Leadville

Harrison Ave

E 6th Street

W 6th Street

Start Arch

AUGUST 14, 2024

6:00 - 8:30am

**Single lane traffic
northbound Harrison
Ave from E 5th Street
to W 6th Street**

E 5th Street

Police
Officer



**STAGE 3
Leadville, CO
Traffic Management
START**



STAGE 3
Leadville, CO Traffic
Management
August 14, 2024



Controlled Start
1 Police Officer
Lead Out

Highway 24 Crossing
2 Police Officers





STAGE 3
Leadville, CO
Traffic Management
August 14, 2024

Highway 24 -
Tennessee Pass Road
Crossing
2 Police Officers

Hwy. 24

Tennessee Pass Road

Highway 24 -
Mitchell Creek
Crossing
2 Police Officers

Hwy. 24



City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

MUST BE SIGNED BY THESE DEPARTMENTS BEFORE SUBMITTING APPLICATION

DEPARTMENT INPUT (to be attached to the permit file copy):

City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE *Chayin LaChance* DATE 1/30/2024

City Street Dept: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Police Department: CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL
No concerns

SIGNATURE *Steph Boyle* DATE 01/29/2024

Health Dept (food): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City of Leadville: (Council) CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

MUST BE SIGNED BY THESE DEPARTMENTS BEFORE SUBMITTING APPLICATION

DEPARTMENT INPUT (to be attached to the permit file copy):

City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City Street Dept: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Police Department: CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

80 Concerns

SIGNATURE *Sergeant [Signature]* DATE *01/30/24*

Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Health Dept (food): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City of Leadville: (Council) CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____

City of Leadville

800 Harrison Avenue
Leadville, Colorado 80461
719-486-2092, Fax 719 486-1040

Email: admins@leadville-co.gov www.cityofleadville.com

MUST BE SIGNED BY THESE DEPARTMENTS BEFORE SUBMITTING APPLICATION

DEPARTMENT INPUT (to be attached to the permit file copy):

City of Leadville (Planning Official): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City Street Dept: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Police Department: CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

Fire Department: CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

No concerns
SIGNATURE *Steph Boyle* DATE *01/29/2024*

Health Dept (food): CONDITIONS / RESTRICTIONS/ COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

City of Leadville: (Council) CONDITIONS / RESTRICTIONS/COMMENTS/APPROVAL

SIGNATURE _____ DATE _____

To be filled out by the respective departments, if applicable: total costs to the City in labor hours and/or dollars.

Police Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____
Street Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____
Fire Dept.: _____ labor hrs; at \$ _____ per hr plus \$ _____ in fuel & supplies for a total \$ _____

Total Labor: _____ Total Fuel & Supplies: _____

CITY OF LEADVILLE
Temporary Use Permit for TransRockies Run, Wednesday August 14th, 2024

FINDINGS:

1. *The owner of the property on which the use is proposed consents in writing to the issuance of the permit; CDOT/City is the owner and gives consent upon approval by City Council.*
2. *The use is allowable in the zone district; “recreational and sporting events” use is allowed in all zoning districts.*
3. *The referring agencies have indicated no concerns or requested no conditions for approval, or the applicant has provided to the satisfaction of the planning official or city council, as the case may be, that all conditions for approval will be satisfied and the permit is issued subject to satisfaction of such conditions; Referring agencies have no concerns.*
4. *The use will not substantially impair the appropriate use of or adversely affect adjoining property or the neighborhood; The event is held downtown in the Retail Core, which is an appropriate location for this activity, separated from the residential neighborhoods.*
5. *The use will not alter the essential character of the district in which the subject property is located; The proposed recreational and sporting event use will not alter the character of downtown.*
6. *The use will not adversely affect public health, safety or welfare; The proposed recreational and sporting event use will promote public health, safety and welfare.*
7. *The use will not result in an undue concentration of such temporary uses upon or near the subject property so as to adversely affect public health, safety or welfare, or alter the essential character of the district in which the subject property is located, or substantially impair the appropriate use of or adversely affect adjoining property or the neighborhood; The proposed recreational and sporting event use will not.*
8. *The use is in compliance with the objectives, policies and other provisions of this title or other city regulations, ordinances or policies. Recreational and sporting event use is an allowed temporary use in all zoning district for up to a two (2) week period, so the proposed temporary use is in compliance with the zoning regulations.*



AGENDA ITEM #9B

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 5, 2024

SUBJECT: Certificate of Appropriateness for Demolition of Historic Structure; 109 Oak St.

PRESENTED BY: Chapin LaChance, Planning Director

- ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION
-

I. REQUEST OR ISSUE:

Applicant Catherine Wright has applied for a Certificate of Appropriateness to demolish a historic structure located at 109 Oak St. within the city National Historic Landmark (NHL) District.

II. BACKGROUND INFORMATION:

The two-story 40' x 30' (2,400 sq. ft.) structure proposed for demolition is located on Oak St. between 2nd and 3rd St., and was originally constructed sometime prior to 1883. At the time of its original construction, the nearby area served as the center of commerce in Leadville. The building was originally used for commercial use, and was used as a meat shop, the "Milwaukee Hotel" with restaurant, a boarding house, and a dwelling. The Historic Preservation Commission (HPC) held a public hearing to review the application on Tuesday, February 13, and continued the public hearing of the application to the meeting of Tuesday, February 27, 2024. The staff report for the HPC is attached, which evaluates the proposal's compliance with the applicable code criteria from Chapter 17.44 of the Leadville Municipal Code. The HPC found the proposal does not comply with the city's code criteria for demolition.

III. FISCAL IMPACTS:

None.

IV. LEGAL ISSUES:

None.

VI. RECOMMENDATION:

The Historic Preservation Commission recommends denial of the application, with the attached Denial Findings.

VII. COUNCIL OPTIONS:

1. Approve the Application.
2. Approve the Application with conditions.
3. Deny the Application.
4. Table consideration of the Application and provide direction to staff.

VIII. MOTION OPTIONS:

If the City Council finds the application complies with all of the code criteria, staff recommends the following motion:

Motion for approval: *"I move the Historic Preservation Commission recommended the City Council approve the Certificate of Appropriateness for the Demolition of a Historic Structure, PL-2024-006, located at 109 Oak St., along with the attached Approval Findings."*

If the City Council finds the application does not comply with all of the code criteria, staff recommends the following motion:

Motion for denial: *"I move the City Council deny the Certificate of Appropriateness for the Demolition of a Historic Structure, PL-2024-006, located at 109 Oak St., along with the attached Denial Findings."*

IX. ATTACHMENTS:

1. Staff report for the 2/27/2024 public hearing at HPC (includes photos, Sanborn maps, code evaluation, and guiding questions)
2. Denial Findings
3. Approval Findings and Conditions
4. Staff and HPC Advisory Member site visit photos
5. Application (form, narrative, Lake County Building Inspector inspection report, Lot Consolidation Plat, photos)



Historic Preservation Commission Staff Report

Subject: Demolition of Historic Structure at 109 Oak St. (Certificate of Appropriateness for Substantial Modification, Public Hearing)

Application #: PL-2024-006

Proposal: The applicant proposes to demolish the existing historic primary structure.

Legal Description: St. Louis Smelting and Refining Company's Addition, Block 7, New Lot 7

Address: 109 Oak St.

Date of Hearing: February 27, 2024 (*continued from February 13, 2024*)

Application Manager: Chapin LaChance, AICP - Comm. Dev. and Planning Director

Applicant: Catherine Wright

Property Owner: Catherine Wright

Lot size: 0.2214 acres (9,644 sq. ft.)

Zoning District: Transitional Commercial (TC)

Historic District: Yes

Site Conditions: New Lot 7 was consolidated in 2020 via the attached recorded Lot Consolidation Plat which consolidated Lots 7 and 8. The two-story historic structure proposed for demolition is located adjacent to the Oak St. ROW. The structure is approximately 40 ft. x 30 ft. in size, for a total of approximately 1,200 sq. ft. The entire site is fence, and all entries to the structure are boarded to prevent access.

Adjacent Uses: The adjacent uses are mostly single-family dwellings.

Site Photos



Image 1 (Above): Historic District boundary map excerpt, showing the property's location highlighted in red.

Image 2 (Below): Satellite image with the property's location highlighted in red.



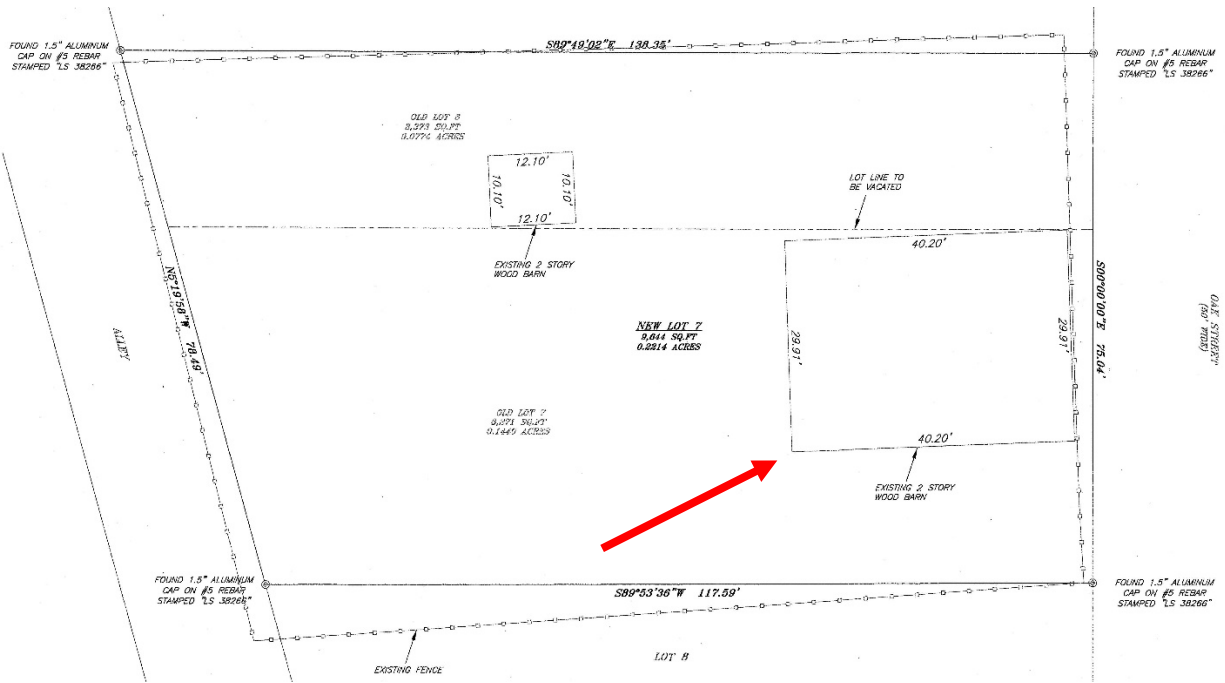


Image 3 (Above): 2020 Lot Consolidation Plat excerpt, showing the structure proposed for demolition.

Image 4 (Below): Looking west at the structure from Oak St.





Image 5 (Above): Looking northeast at the structure. Image 6 (Below): Looking southeast at the structure.



History

Image 6 (Below): 1883 Sanborn fire insurance map excerpt, with structure highlighted in red. The structure is labeled as 2-story frame structure in the front and 1-story frame structure in the rear with a wooden cornice, frame partition, and shingle roof. The north half of the building is shown as vacant, while the southern half is labeled as a meat shop. Note the other structures shown as adjacent and possibly physically attached to the building.

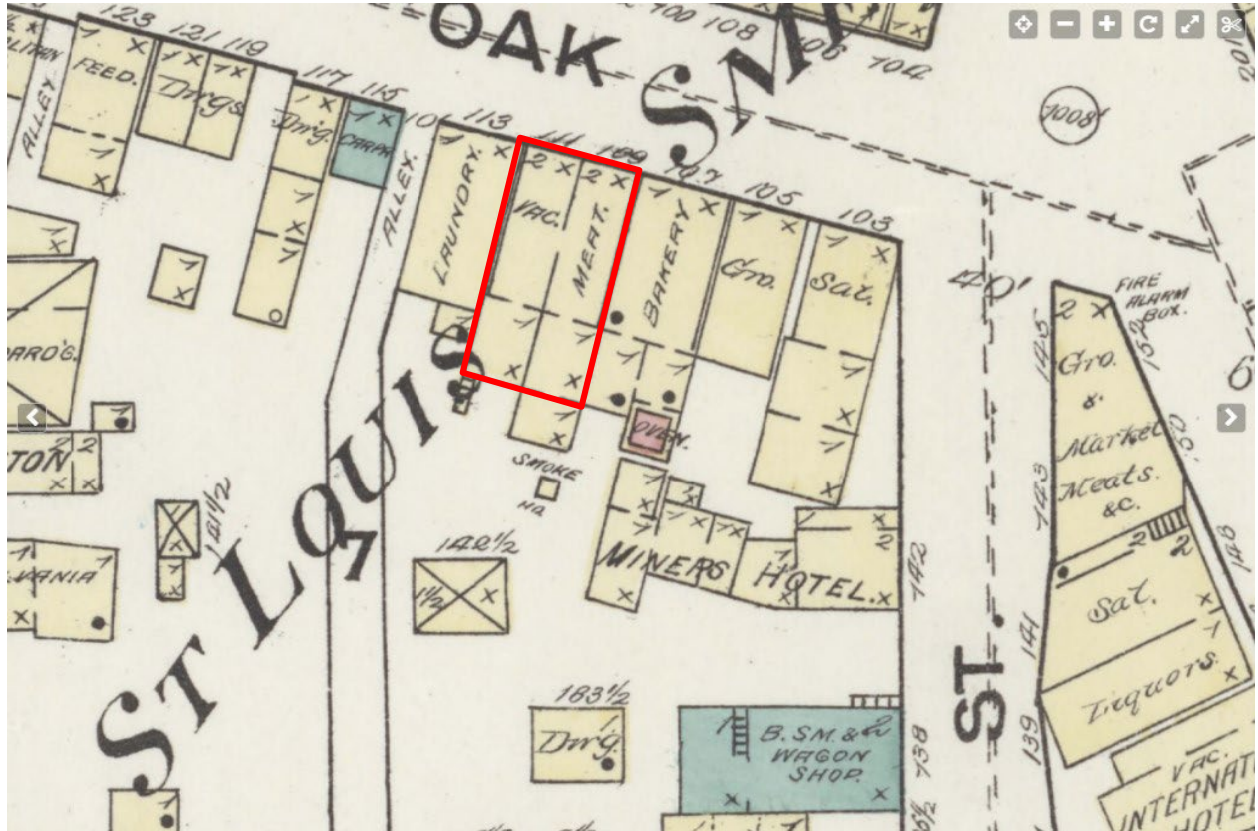


Image 7 (Below): 1886 Sanborn fire insurance map excerpt, with structure highlighted in red. The building is labeled as "Milwaukee Hotel" with additional labels for an office, restaurant, and kitchen.

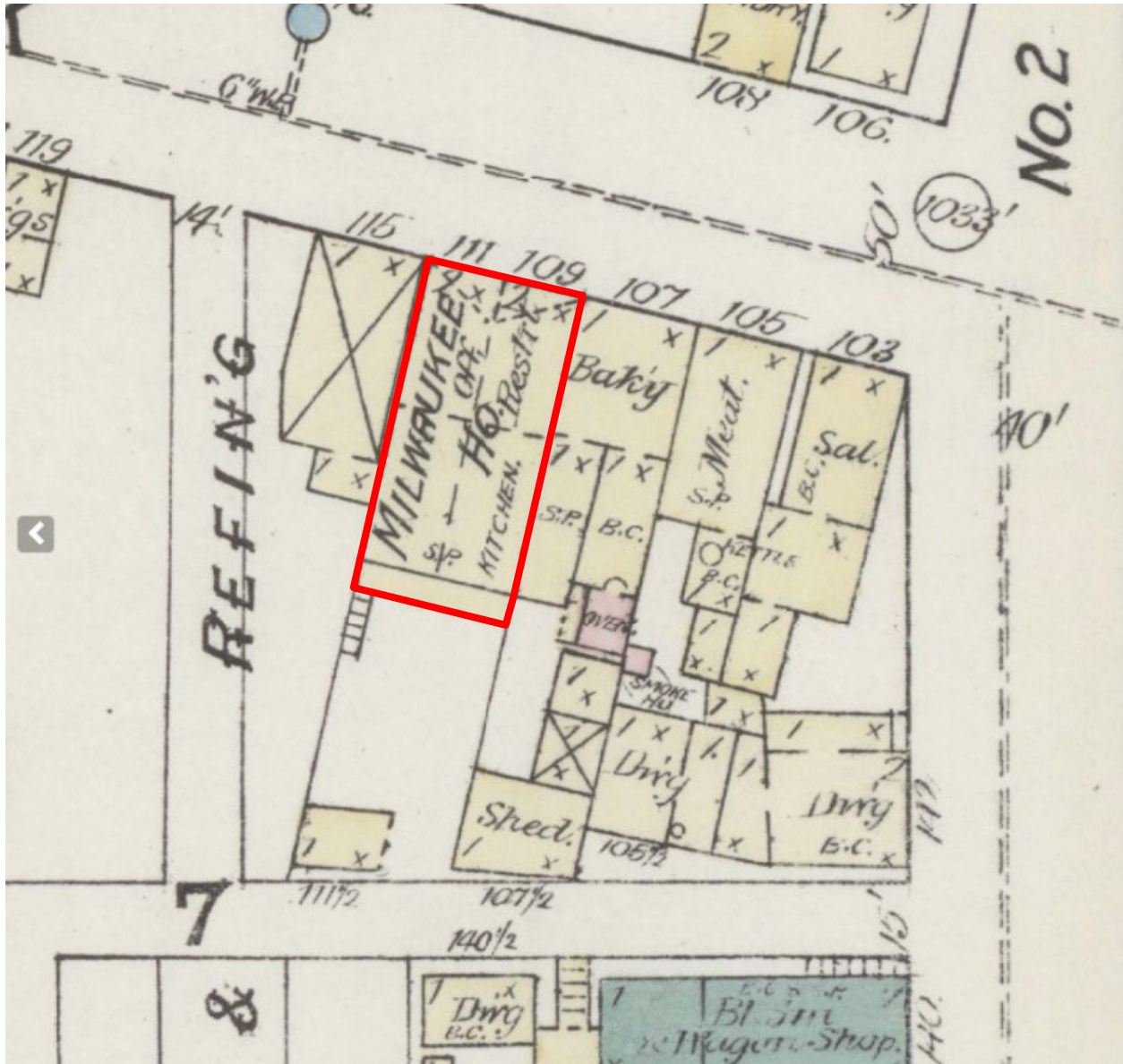


Image 8 (Below): 1889 Sanborn fire insurance map excerpt, with structure highlighted in red. The structure is labeled as a dwelling and meat shop.

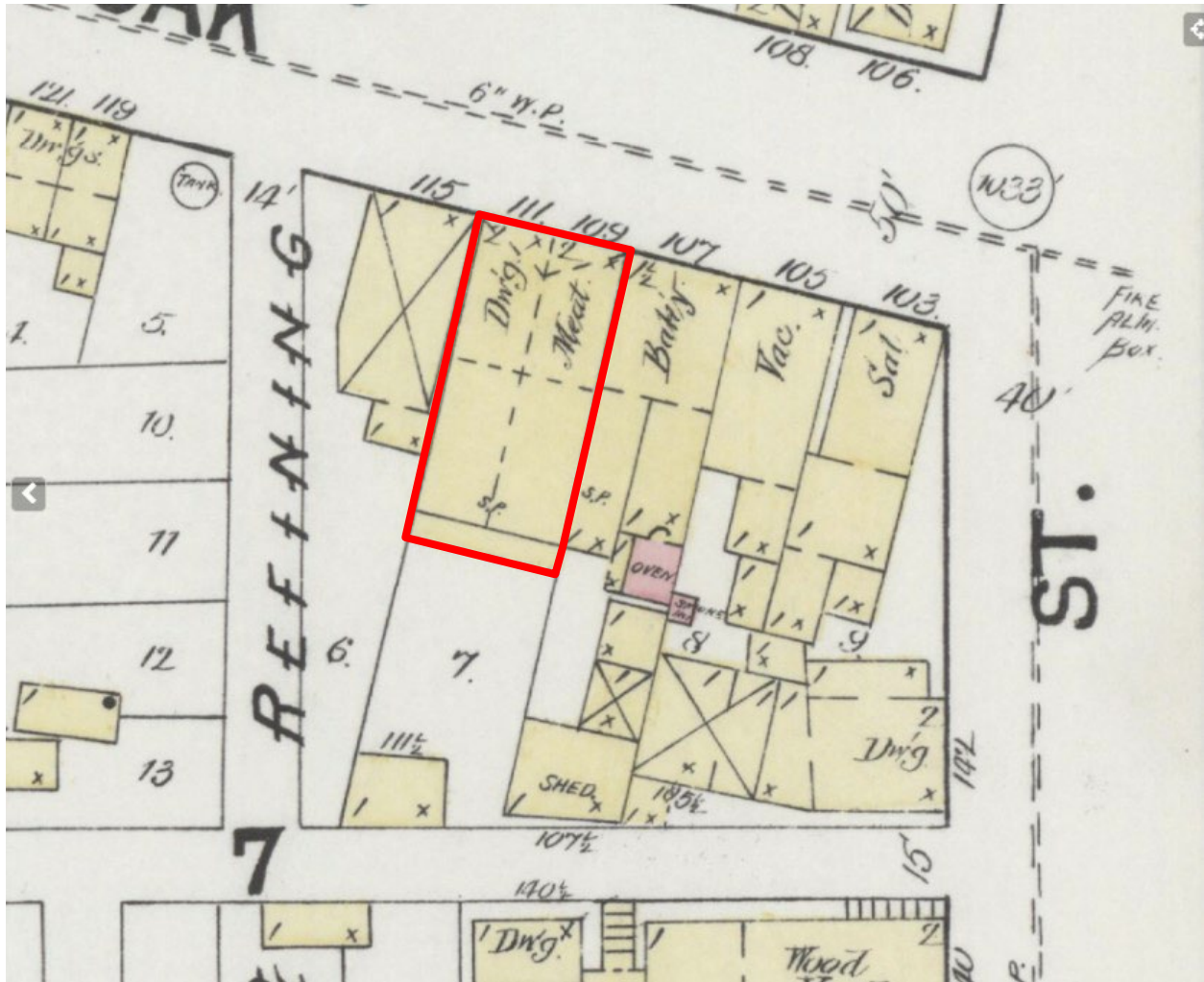


Image 9 (Below): 1895 Sanborn fire insurance map excerpt, with structure highlighted in red. Note that the former structure that was adjacent to the structure is not shown, and the structure adjacent to the south is shown in blue, indicating special framing.

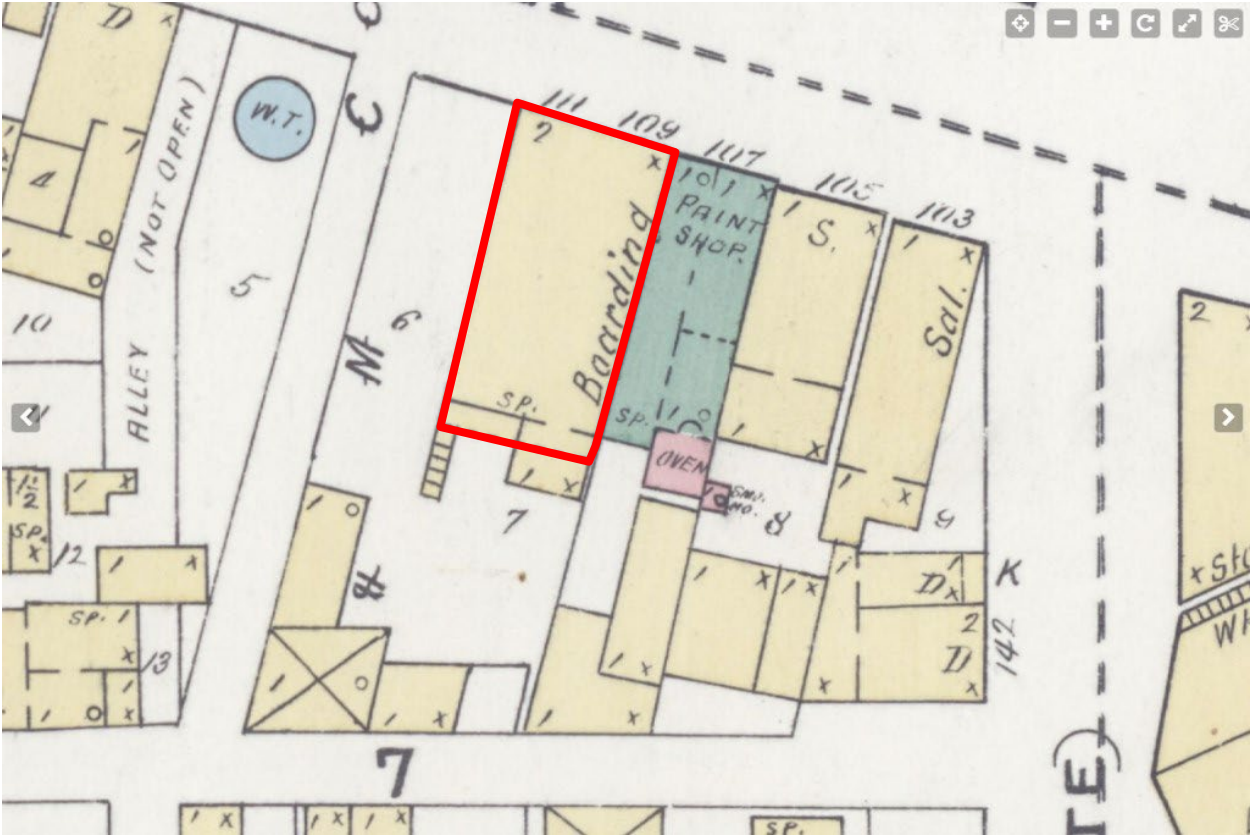


Image 10 (Below): 1937 Sanborn fire insurance map excerpt, with structure highlighted in red. Note that the structure is labeled as “D” for dwelling, and that both formerly adjacent structures are not shown.



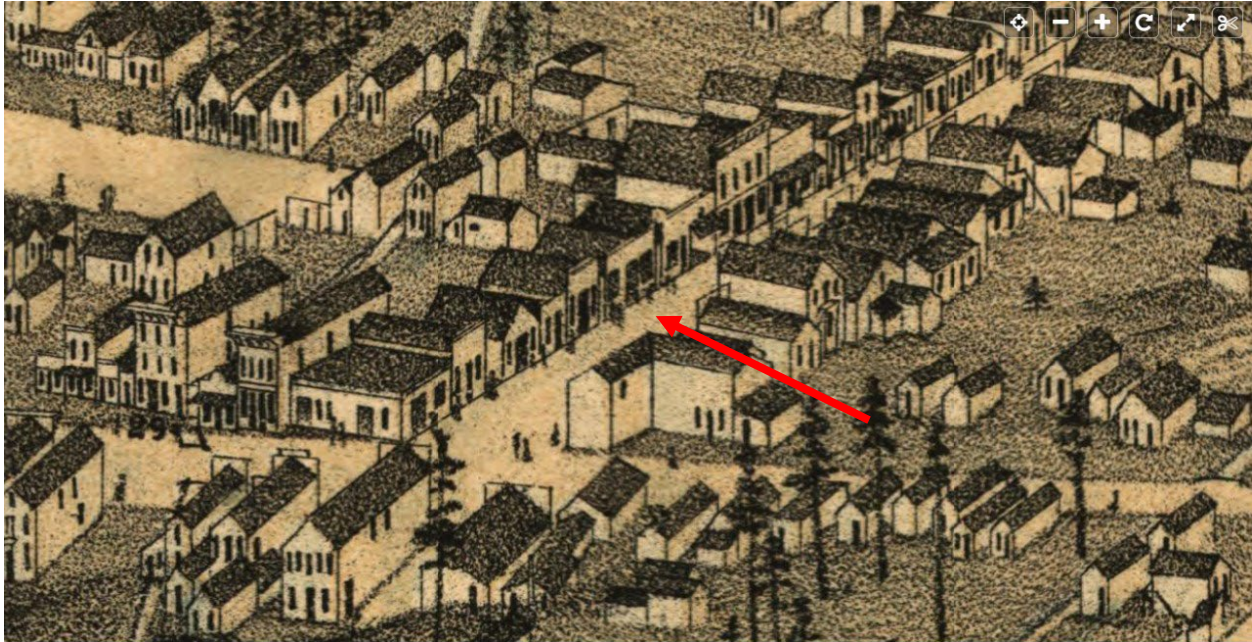


Image 11 (Above): 1879 lithograph bird's eye illustration excerpt.

Staff Comments

The HPC and City Council are required to review the application for compliance with the applicable criteria in Title 17, Chapter 14 - NHL District. The HPC's recommendation and the City Council decision for approval or denial should be based on findings of either compliance or non-compliance with the code criteria. Per 17.44.070, "*HPC recommendations to city council on COA applications following the public hearing shall be in writing and shall state the reasons for HPC's recommendation. The HPC will base its decision on the applicable guidelines, including the application approval criteria set forth in this section.... City council's decision must be in writing and shall state the reasons for approval, conditional approval, or denial.*" The city's decision must not be based on an applicant's race, color, gender, age, ability, sexual orientation, religion, nationality, parental status, financial capacity, social status, or other characteristics of the applicant themselves. The applicable code criteria for approval is provided below in *italics* text, with staff's comments regarding compliance provided in **bold** text.

17.44.070 - Procedures for issuing a certificate of appropriateness (COA) for the demolition of historic structures.

F. No demolition of a historic structure may occur except as provided in this subsection F. Applicants requesting a COA for demolition must provide evidence to clearly demonstrate that the request meets all of the following criteria:

a. Review Criteria for Total Demolition.

1. The structure proposed for demolition is not structurally sound;

The applicant submitted the attached inspection report from an International Code Council (ICC) qualified commercial building inspector and plan reviewer for the Lake County Building Dept. which evaluates the historic structure's structural integrity. The letter states "the entire structure is unsafe" and that the inspector observed "completely inadequate framing of structure from inadequate footings and foundation, including inadequate on-center spacings of structural components, inadequate structural member sizes and complete lack of connections of all members." The letter goes on to say that the inspector "sees no practical or safe way to immediately install any shoring or temporary support the existing structure to stabilize the existing structure to provide any level of safety to the area in and around this existing structure. Any such attempt would require a State of Colorado licensed Design Professional with experience in such conditions and methods plan and detailed step-by-step approach." Staff finds that the applicant has provided evidence to demonstrate that the structure is not structurally sound. **Complies.**

2. *The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;* In their report, the inspector states "the only way to rehab the existing structure back to its original glory would be to completely dismantle the building from the top down, and resurrect the façade and appearance onto a completely new framing skeleton".

The city's definition of "Rehabilitation" is "*the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*" Staff interprets "use" to be any proposed occupancy which would be allowed through a Certificate of Occupancy issued by the Lake County Building Dept. under the 2018 International Existing Building Code.

The inspector does state a process for the potential rehabilitation of the structure. However, the inspector states that rehabilitation could only be accomplished through complete dismantlement and reconstruction with completely new framing, which would require impractical and likely unsafe stabilization unless the stabilization is engineered. Staff finds that while the applicant has provided evidence to demonstrate that rehabilitation or reuse of the structure would be extremely difficult, the question of whether or not the extreme difficulty of rehabilitation is a *reasonable* alternative to demolition still remains. In order to guide the Commission towards evaluation of this code criteria, staff requests feedback from the Commission on the following questions:

- 1) Does the Commission find complete dismantlement and reconstruction is the only way for the structure to be compatibly used (rehabilitated)?
 - a. If so, does the Commission find that dismantlement and reconstruction is a reasonable alternative to demolition?

If the Commission finds that complete dismantlement and reconstruction is not the only way for the structure to be compatibly used, then staff would recommend the proposed demolition does not comply with this standard.

If the Commission finds that complete dismantlement and reconstruction is the only way for the structure to be compatibly used, but that complete dismantlement and reconstruction is not a reasonable alternative to demolition, then staff would recommend the proposed demolition complies with this standard.

COMPLIANCE TBD.

*3. The structure cannot be practically moved to another site in the City of Leadville; The letter submitted by the application from the inspector evaluating the structure implies that due to structural instability, relocating the structure would not be practical. Staff does not find there is any practicality in relocation of the existing structure as an alternative to demolition. If the structure has the structural integrity to be relocated, staff finds that using its structural integrity for rehabilitation in its current location and site setting would be more appropriate than relocation. Removing the building from its current site as a commercial building fronting Oak St. would compromise its integrity of historical setting. **Complies.***

4. The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:

*a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur, **If the structure were to be demolished, the visual character of the neighbor would be impacted. Due to the subjectivity of the visual character related to abandoned structures in disrepair, some community members might find that an abandoned structure in disrepair to be unsightly, and find demolition therefore improves the character. Other community members might find that the total loss of a historic structure, despite its condition, detracts from the ability of an informed observer to interpret the historic aspects of the neighborhood. If the latter is true, the applicant's proposal for demolition does not mitigate the loss of historic character. NUETRAL.***

*b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties, **Staff finds that there are not other structures on the property of historic importance which would be impacted by the proposed demolition, and that both formerly adjacent historic buildings are no longer present. COMPLIES.***

*c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties; **Same as above. COMPLIES.***

*5. In the case of archeological sites, whether archaeological information can be recovered as part of the demolition process. **N/A.***

Advisory Committee Comments Summary (updated from 2/13 meeting):

- Advisory member #1:
 - The structure has four (4) plumb [walls], within reason, which is a sign that the interior rot has not yet reach the corners, meaning the building is salvageable.
 - Analogy (Similar to / oversimplification of building a modern house): Atop a foundation, perimeter structural walls are built, then roof rafters are added atop the walls to complete the structure. The failing structure proposed for demolition is at the house building phase. Walls are up, but the structure needs roof rafters to close it in.
 - I was allowed inside 109 Oak and found the interior in better shape than the exterior.
 - On the first floor, all interior perimeter walls were in good condition. There were no open or missing sections of exterior walls on the interior.
 - There is ceiling damage in the south east room, clearly from compromised roof.
 - I was able to crawl underneath west side of building and assess foundation condition. Typical Leadville foundation with posts set vertically in ground supporting sill beam. [the sill beam is what the walls are built atop]. The sill beam that I could see was up off the ground and in good shape Condition of east and north foundation is unknown. Snow build up did not allow to view sill beam from exterior on the sides that I could not see from underneath. The foundation system certainly needs some resupporting but well within the parameters of repair.
 - Clearly the roof is compromised and allowing weather into the 2nd floor. Exterior walls appear to be not compromised by failing roof at this time. I was able to walk up steps to 2nd floor. I stopped at top of steps and took some pics. Home owner said he walked around most of 2nd floor last year.
 - Home owner has pop up camper stored in north east room on 1st floor.
 - Most walls on first floor have horizontal boards on interior side behind wall finishes, visible from the exterior, adding a lot of structural integrity to building.
 - Exterior in rough shape, with south facade being the worst with most siding missing. Exterior finish was the Leadville" standard " of 4.5 inch clapboards.
 - Interesting note that sawdust can be seen in the exterior walls, which acted as early insulation before modern insulation was developed.
 - My overall assessment of building is that it is totally salvageable and should be saved and not demolished.
- Advisory member #2: After observing the structure in question, completing a careful review of applicable city codes (17.44), and having no reason to question excerpts from the ICC qualified commercial building inspector report, the following observations are made:
 - The building appears to be historically significant and currently unique to this part of Leadville. It would be a loss to our historic inventory of structures if it were demolished.
 - The structure is not structurally sound per ICC Inspector.
 - The questions raised by staff regarding rehabilitation and reasonableness must be addressed by the Commission before a final determination can be made.
 - The structure cannot be practically relocated per staff and ICC Inspector.
 - Visual impact is difficult to determine. I however find the building special and unique with historical importance.

- There are no additional structures of historic importance on the property, nor is it attached or immediately adjacent to other structures.

Questions for the Commission

1. In regards to criteria #2, *The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property;*
 - a. Does the Commission find complete dismantlement and reconstruction is the only way for the structure to be compatibly used (rehabilitated)?
 - b. If so, does the Commission find that dismantlement and reconstruction is a reasonable alternative to demolition?

2. Does the Commission agree with the remainder of staff's analysis?

Recommendation

Staff has evaluated this application for compliance with Chapter 17.44 of the Leadville Municipal Code. Staff finds that of the seven (7) criteria, including sub-criteria, the application complies with four (4), one (1) is TBD, one (1) is neutral, and one (1) is not applicable. Staff's recommendation to the HPC is pending the Commission's responses to the questions above.

If the Commission finds the application complies with all of the code criteria, staff recommends the following motion:

Motion for approval: *"I move the Historic Preservation Commission recommended the City Council approve the Certificate of Appropriateness for the Demolition of a Historic Structure, PL-2024-006, located at 109 Oak St., along with the attached Approval Findings."*

If the Commission finds the application does not comply with all of the code criteria, staff recommends the following motion:

Motion for denial: *"I move the Historic Preservation Commission recommended the City Council deny the Certificate of Appropriateness for the Demolition of a Historic Structure, PL-2024-006, located at 109 Oak St., along with the attached Denial Findings."*

CITY OF LEADVILLE

**Demolition of Historic Structure
St. Louis Smelting and Refining Company's Addition, Block 7, New Lot 7
Certificate of Appropriateness
PL-2024-006**

DENIAL FINDINGS

1. The property which is the subject of the proposed Certificate of Appropriateness is located at 109 Oak St, also known as St. Louis Smelting and Refining Company's Addition, Block 7, New Lot 7.
2. Such property is located within the city's National Historic Landmark (NHL) Overlay District.
3. The city's regulations for the demolition of historic structures within the NHL Overlay District were adopted in Title 17, Chapter 44 of of the Leadville Municipal Code.
4. The application proposes demolition of a historic structure.
5. Failure to comply with the criteria for approval of demolition of a historic structure requires the denial of a Certificate of Appropriateness application.
6. The City Council finds the rezoning request fails to meet the following criteria for demolition:
 - a. The structure proposed for demolition is not structurally sound.
 - b. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.
 - c. The structure cannot be practically moved to another site in the City of Leadville.
 - d. The applicant has demonstrated that the proposal mitigates to the greatest extent practical the following:
 - i. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur,
 - ii. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties,
 - iii. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties;
7. The proposed demolition is therefore not in compliance with Title 17 of the Leadville Municipal Code.

DECISION

Due to the forgoing findings, the application is denied.

CITY OF LEADVILLE, a Colorado municipal corporation.

By _____
Mayor Dana Greene, City of Leadville
City's address:
800 Harrison Ave.
Leadville, CO 80461

CITY OF LEADVILLE

**Demolition of Historic Structure
St. Louis Smelting and Refining Company's Addition, Block 7, New Lot 7
Certificate of Appropriateness
PL-2024-006**

APPROVAL FINDINGS

1. The structure proposed for demolition is not structurally sound.
2. The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property.
3. The structure cannot be practically moved to another site in the City of Leadville.
4. The applicant has demonstrated that the proposal mitigates to the greatest extent practical the following:
 - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur,
 - b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties,
 - c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties;
5. This approval is based on the staff report dated **February 13, 2024** and findings made by the City Council with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
6. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the City of Leadville, and at the hearing on the project held on **February 13, 2024, February 27, and March 5, 2024** as to the nature of the project. In addition to meeting minutes, the audio of the meetings is recorded.

CONDITIONS OF APPROVAL

1. This permit does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the City of Leadville.
2. If the terms and conditions of the approval are violated, the City, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop work order requiring the cessation of work, revoke this permit, or require removal of any improvements made in reliance upon this permit. The payment of any costs incurred by the City related to enforcement actions related to violations of this permit shall be the sole responsibility of the applicant and shall constitute a lien on the property.
3. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the staff report and application.
4. **Prior to demolition of the structure, the applicant shall obtain any required Demolition Permit from the Lake County Building Dept.**

5. **Prior to demolition of the structure, the applicant shall obtain Planning Director approval of a Demolition Management Plan, which shall include, but is not limited to, site fencing, parking, dumpster, portable toilet, material storage, and erosion control.**

Applicant acceptance signature: _____

Date: _____



























THE CITY OF LEADVILLE

CERTIFICATE OF APPROPRIATENESS APPLICATION FORM

Application File No. PL-2024-006

1) ACTION REQUESTED

Insubstantial Modification
Substantial Modification

2) APPLICANT STATUS

Date of Application: 1/12/2024 (Date of complete submission)
Received by: Chapin Lachance
Application Fees Required: \$500.00 for Substantial Modification, \$75 for Insubstantial Modification
Date Fee Paid: \$500 paid 1/12/2024

Date(s) App. Acted On:	Action Taken:
_____	_____
_____	_____
_____	_____

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: Catherine WRIGHT
Property Address: 109 Oak St Leadville, CO 80461
Mailing Address of Applicant if other than property address: 110 Oak Street, Leadville, CO 80461
Telephone: 970-231-0496
Land Owner*: same
Address: "
Telephone: "

- List Landowner(s) individually if other than applicant

4) APPLICATION MATERIAL SUBMISSIONS (Items to be included with this application):

- Photographs:** All applications shall be accompanied by photographs reasonably and accurately depicting the current status of the building, structure or site, or that portion thereof, subject to the application.
- Dimensioned Site Plan:** Site plan showing street locations, existing structure and proposed new elements or structures.
- Dimensioned Floor Plan (s):** Floor plans showing existing structures and proposed new elements or structures.
- Dimensioned Roof Plan:** Roof plan showing proposed new roof elements in context of the existing roof.
- Dimensioned Exterior Elevations:** Exterior elevations showing appearance of proposed project with all materials and indicating finishes.
- Building Sections and Construction Details:** Sections and details as required adequately explaining and clarifying the project. Note all materials and finishes.

- g. **Specification of Materials:** Manufacturer's product literature and material samples. Product literature is required for replacement windows.
- h. **Bids:** If proposing to replace existing historic materials or features with replicas rather than repair or restore, firm bids must be provided for both restoration and replication.
- i. **Window Replacement:** If proposing to replace historic windows (aside from wooden replica sash replacement) justification shall be provided as outlined in National Park Service Preservation Brief #9. Submittal must include written assessment of condition of existing windows.
- j. **New Construction** shall include the following information:
 - I. **Block Site Plan.** A site plan or aerial photograph showing relationship of proposed structure to existing structures.
 - II. **Written Statement.** A written statement of the design philosophy and building program.
 - III. **Massing Model.** A massing model illustrating the relationship between the new structure(s) and existing building(s) on the project site and adjacent lots.
 - IV. **Photographs.** Photographs of the surrounding structures including both block faces and side streets.
- k. **Demolition or relocation** of a building, structure or site shall include the following:
 - I. A detailed description of the reasons supporting or justifying the proposed demolition or relocation, including a delineation and explanation of all economic data where economic hardship or other economic cause is given as a reason for the proposed demolition or relocation.
 - II. A detailed development or redevelopment plan for the demolition and/or receiving relocation site and a schedule for completion of the work.
 - III. Elevations, building sections, construction details, specifications and massing model of proposed replacement structure similar to those required for new construction.
 - IV. For landmark or contributing structures the applicant must submit a report prepared by an architect, appraiser, engineer or other qualified person experienced in the rehabilitation, renovation and/or restoration of historic buildings, structures or sites addressing:
 - 1. The structural soundness of the building, structure or site and its suitability for rehabilitation, renovation, restoration or relocation.
 - 2. The economic and structural/engineering feasibility of the rehabilitation, renovation and/or restoration of the building, structure or site at its current location.
 - 3. The economic and structural/engineering feasibility of relocating the building, structure or site.

Additional Pertinent Information: Applicant proposes demolition of historic structure.

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.44 and 17.52) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant: Cathy A. Wight Date: 1/10/2024

6) FINAL ACTION

Approved Conditionally Approved or Denied by the authorized Leadville permitting authority:

Name: _____ Signature: _____
 Title: _____ Date: _____

* Special Conditions of Approval: (List Separately)

109 Oak Demolition of Barn

From: [Cathy Wright <cwrightyoga@fastmail.fm>](mailto:cwrightyoga@fastmail.fm)
To: [Cathy Wright <cwrightyoga@fastmail.fm>](mailto:cwrightyoga@fastmail.fm)
Subject: 109 Oak Demolition of Barn
Date: Friday, January 05, 2024 10:48 AM
Size: 13 KB

Dear Historic Committee and City of Leadville,

My name is Cathy Wright and I own the barn property of 109 Oak St. Leadville, CO, 80461.
This property resides in the Historic District of Leadville.

In response to the application of appropriateness,

4) Included are

- a. photographs of the barn property
- b. dimensioned site plan
- c. n/a
- d. n/a
- e. n/a
- f. n/a
- g. n/a
- h. n/a
- i. n/a
- j. n/a
- k. Demolition shall include:

1. The reason for demolition request is specifically economic, I can no longer afford the property taxes on the property and must sell it. When I purchased this property it was with the intent to leave the barn as is and build a small home behind it. I had no idea I was being taxed at the commercial rate and I also did not know how expensive it is to acquire permits to put in water, sewer, etc. Thus, I have a beautiful property with a beautiful historic piece of Leadville in the structure of the barn, but no funds to keep it. I have asked two reality companies to help with selling this and both refused until the barn was demolished. Apparently what we see as beauty, other people see as an obstacle.

I wish the historic committee had funds to buy the property and keep the barn as is. But I imagine this is not feasible.

My plea is in the form of a polite request to be granted a permit to legally demolish the barn.

11. Will have to hire professionals to take down the barn safely. There is not place or plan to relocate the barn.

111. n/a

1V. Attached is the report prepared by a qualified person, John Schweitzer, ICC International code council qualified building inspector. I was given his name by the two people at the County, Marla and Anne.

The report indicates 1) the building is not structurally sound and is not suitable for renovation.

2) the economic and structural feasibility of the barn is weak

3) the economic and structural feasibility of relocating the building has not been looked into....does

anyone reading this report want the barn on city property and can move it there????

Thank you for your consideration,
Cathy Wright



Chapin LaChance <planningdirector@leadville-co.gov>

HI, sending the response to the two questions not answered for 109 OAK Leadville

1 message

Cathy Wright <cwrightyoga@fastmail.fm>
To: Chapin LaChance <planningdirector@leadville-co.gov>

Sun, Jan 7, 2024 at 3:27 PM

Dear Chapin,

My apologies for not completing several aspects of the application for appropriateness.

For a complete application, the city will need the following per city code 17.44.070:

1) Application fee (payable online at <https://cityofleadville.colorado.gov/>). IS IT OK TO BRING YOU A CHECK?

2) Complete application form (need your signature in section 5). WILL STOP IN YOUR OFFICE WED. JANUARY 10TH late afternoon to sign and give you a check for \$500, if ok.

3) Statement of "the visual and economic consequences of such demolition on the surrounding neighborhood, the consequences to the city and the Leadville NHL district, and the economic hardships that would result if such demolition did not occur".

THE VISUAL CONSEQUENCES OF SUCH DEMOLITION WILL BE THAT A STRUCTURE THAT HAS STOOD IN THIS SPOT FOR MANY MANY YEARS, IS NOW GONE. THERE IS ONLY ONE NEIGHBOR ACROSS THE STREET WHO WOULD HAVE SEEN THIS BARN HIS ENTIRE LIFE, AS HE GREW UP IN THE HOUSE ACROSS THE STREET ON OAK STREET. THE REMAINING THREE NEIGHBORS HAVE ONLY RECENTLY MOVED INTO THEIR HOMES IN THE PAST 1-2 YEARS. THE STREET SELDOM GETS TOWN TRAFFIC EXECPT WHEN HARRISON IS CLOSED FOR A PARADE. I DON'T KNOW HOW MANY TOURISTS KNOW THIS BARN EXISTS. THE ECONOMIC HARDSHIP THAT WOULD RESULT IF DEMOLITION DOES NOT OCCUR IS STRICTLY FOR US, THE HOMEOWNERS, CATHY AND DAMIEN, WHO CAN NOT AFFORD TO PAY THE COMMERCIAL REAL ESTATE PROPERTY TAXES AS WELL AS CAN NOT AFFORD THE FEES TO BRING UTILITIES ONTO THE PROPERTY.

4) Evidence that you have "made a good faith effort to preserve the structure;"

THE ONLY EVIDENCE WE HAVE TO SHOW WE PRESERVE THE STRUCTURE IS WE INSTALLED A FENCE ALL THE WAY AROUND THE PROPERTY TO KEEP THE BARN SAFE FROM ANY ONE WALKING IN AND GETTING INJURED. WE HAVE NOT BEEN FINANCIALLY ABLE TO PUT ANY MONEY INTO THIS STRUCTURE. SEVERAL YEARS AGO WE ASKED TWO SEPARATE ROOFING COMPANIES FOR BIDS TO REPAIR THE ROOF, BUT BOTH COMPANIES REFUSED, SAID IT WAS NOT STRUCTURALLY SAFE FOR THEM TO PUT ROOF ON.

Thank you,
Cathy and Damien
109 OAK STREET
LEADVILLE, CO
970-231-0496

109 Oak St Leadville Unsafe Building report

From: [Anne Schneider <aschneider@lakecountyco.gov>](mailto:aschneider@lakecountyco.gov)
To: [cwrightyoga@fastmail.fm <cwrightyoga@fastmail.fm>](mailto:cwrightyoga@fastmail.fm),
[planningdirector <planningdirector@leadville-co.gov>](mailto:planningdirector@leadville-co.gov)
Cc: [Marla Bond <mbond@lakecountyco.gov>](mailto:mbond@lakecountyco.gov)
Subject: 109 Oak St Leadville Unsafe Building report
Date: Thursday, December 14, 2023 2:53 PM
Size: 641 KB

Dear Catherine,

This report has been prepared solely for my evaluation and as such has not been approved by the City of Leadville or reviewed by the HPC. I am forwarding it to Chapin LaChance, Planning Director, for their consideration.

Best regards,

Anne Schneider, Director

Community Planning & Development

505 HARRISON AVENUE • PO BOX 513 • LEADVILLE, CO 80461

Office: 719.486.2875; Cell: 719.293.1605

Website: www.lakecountyco.com



Protecting the Safety, Welfare, & Health of Lake County
By providing Respectful Professional Service.

From: John Schweitzer <john.schweitzer@shumscoda.com>
Sent: Wednesday, November 8, 2023 9:24 AM
To: Anne Schneider <aschneider@co.lake.co.us>
Cc: Steve Thomas <steve.thomas@shumscoda.com>; Teri Thomas <teri.thomas@shumscoda.com>
Subject: 109 Oak St Leadville Unsafe Building report

Hello Anne,

I was asked to review an existing building/structure at 109 Oak St Leadville, CO 80461, on October 26, 2023.

The property owner Catherine Wright, 970-231-0496, and met me on site and allowed me access to look inside and all around the property and structure.

The 2018 International Building Code (IBC) Section 116 Unsafe Structures and Equipment and Section 116.1 in my professional opinion clearly indicate the entire structure is unsafe and would best serve the community and immediate area if it was completely demised.

Conditions I observed include:

1. Completely inadequate framing of structure from inadequate footings and foundation, including inadequate on-center spacings of structural components, inadequate structural member sizes and complete lack of connections of all members.
2. The entire roof was missing any type of roofing material allowing all weather to enter the structure at all points.
3. The entire roof sheathing was missing or vastly unattached to structurally compromised or missing roof framing members. I see no way to safely shore up or provide any safe access into this structure to provide any temporary structural support.
4. The existing floors for the upper level and the at-grade level are completely failing or missing and most flooring is completely unsafe for human entry including fire personnel.
5. The existing stairway from grade to the upper level is completely failing and is not structurally supported in any way other than gravity. Thus, there is no means of access or egress to or from the upper floor level.
6. The exterior wall sheathing and siding is vastly missing or inadequately attached to any remaining framing or frame structure to adequately provide any level or shear bracing against any wind or other live loads it may experience.
7. The exterior cladding is not in any way keeping elements from entering the entire structure.
8. The entire property was fenced and the street side access into the building included locked doorways.

In my capacity as an International Code Council (ICC) qualified commercial building inspector and plan reviewer, I see no practical or safe way to immediately install any shoring or temporary support the existing structure to stabilize the existing structure to provide any level of safety to the area in and around this existing structure. Any such attempt would require a State of Colorado licensed Design Professional with experience in such conditions and methods plan and detailed step-by-step approach.

If any demolition permit is applied for to completely demise the entire structure, it must be done from the top down and using equipment that is not in danger of structure collapse, all the way to the grade.

Please follow-up as you see fit with the property owner, ASAP, so they can meet any Historic restrictions that may be, or come into, play.

Please do not hesitate to ask for any other information or observations as you may need.

Thank you,

John Schweitzer
Building Inspector/Plans Analysis



Shums Coda Associates

Colorado Division
 4610 S Ulster St, Ste: 150
 Denver, CO 80237
 Office: 303-400-6564
 Cell: 719-398-3998
 Email: john.schweitzer@shumscoda.com
www.shumscoda.com



109 Oak St 1.jpg 32 KB 109 Oak St 2.jpg 27 KB 109 Oak St 3.jpg 24 KB 109 Oak St 4.jpg 22 KB
 109 Oak St 5.jpg 22 KB 109 Oak St 6.jpg 29 KB 109 Oak St 7.jpg 25 KB 109 Oak St 8.jpg 33 KB
 109 Oak St 9.jpg 23 KB 109 Oak St 10.jpg 21 KB 109 Oak St 11.jpg 24 KB 109 Oak St 12.jpg 31 KB

From: [Chapin LaChance <planningdirector@leadville-co.gov>](mailto:planningdirector@leadville-co.gov)
To: [Cathy Wright <cwrightyoga@fastmail.fm>](mailto:cwrightyoga@fastmail.fm)
Subject: Re: 109 Oak St Leadville Unsafe Building report
Date: Thursday, December 14, 2023 4:31 PM
Size: 217 KB

Hi Cathy,

That sounds good. I will be around if you have any questions as you prepare your application.

While there are certainly differences in qualifications and expertise between inspectors/plans examiners and structural engineers, primarily State licensing, I think it is possible the letter could meet the submittal requirement of "other qualified person" stated in 17.44.070 - Procedures for issuing a certificate of appropriateness (COA) for the demolition of historic structures, and pasted below.

*5. For historic, landmark, or contributing structures that have not been declared unsafe by the fire marshal or building official, the applicant must submit a report prepared by an architect, appraiser, engineer, **or other qualified person** experienced in the rehabilitation, renovation, and/or restoration of historic structures addressing:*
a. The structural soundness of the building or structure and its suitability for rehabilitation, renovation, restoration, or relocation;
b. The economic and structural/engineering feasibility of the rehabilitation, renovation or restoration of the structure at its current location; and
c. The economic and structural/engineering feasibility of relocating the structure.

Happy New Year!

Chapin LaChance, AICP
Director of Community Development and Planning
City of Leadville
800 Harrison Avenue
Leadville, CO 80461

tel: 719-427-0517

email: planningdirector@leadville-co.gov



image001.png 104 KB image002.png 2 KB image003.png 2 KB Outlook-c1e2besh 14 KB

January 11, 2024

Hello Cathy,

1. I, John Schweitzer, authorize my original written statement, below:

Hello Anne,

I was asked to review an existing building/structure at 109 Oak St Leadville, CO 80461, on October 26, 2023.

The property owner Catherine Wright, 970-231-0496, and met me on site and allowed me access to look inside and all around the property and structure.

The 2018 International Building Code (IBC) Section 116 Unsafe Structures and Equipment and Section 116.1 in my professional opinion clearly indicate the entire structure is unsafe and would best serve the community and immediate area if it was completely demised.

Conditions I observed include:

1. Completely inadequate framing of structure from inadequate footings and foundation, including inadequate on-center spacings of structural components, inadequate structural member sizes and complete lack of connections of all members.
2. The entire roof was missing any type of roofing material allowing all weather to enter the structure at all points.
3. The entire roof sheathing was missing or vastly unattached to structurally compromised or missing roof framing members. I see no way to safely shore up or provide any safe access into this structure to provide any temporary structural support.
4. The existing floors for the upper level and the at-grade level are completely failing or missing and most flooring is completely unsafe for human entry including fire personnel.
5. The existing stairway from grade to the upper level is completely failing and is not structurally supported in any way other than gravity. Thus, there is no means of access or egress to or from the upper floor level.
6. The exterior wall sheathing and siding is vastly missing or inadequately attached to any remaining framing or frame structure to adequately provide any level or shear bracing against any wind or other live loads it may experience.
7. The exterior cladding is not in any way keeping elements from entering the entire structure.
8. The entire property was fenced and the street side access into the building included locked doorways.

In my capacity as an International Code Council (ICC) qualified commercial building inspector and plan reviewer, I see no practical or safe way to immediately install any shoring or temporary support the existing structure to stabilize the existing structure to provide any level of safety to the area in and around this existing structure. Any such attempt would require a State of

Colorado licensed Design Professional with experience in such conditions and methods plan and detailed step-by-step approach.

If any demolition permit is applied for to completely demise the entire structure, it must be done from the top down and using equipment that is not in danger of structure collapse, all the way to the grade.

Please follow-up as you see fit with the property owner, ASAP, so they can meet any Historic restrictions that may be, or come into, play.

Please do not hesitate to ask for any other information or observations as you may need.

Thank you,



John Schweitzer

Building Inspector/Plans Analysis

Shums Coda Associates

Colorado Division

4610 S Ulster St, Ste: 150

Denver, CO 80237

Office: 303-400-6564

Cell: 719-398-3998

Email: john.schweitzer@shumscoda.com

www.shumscoda.com



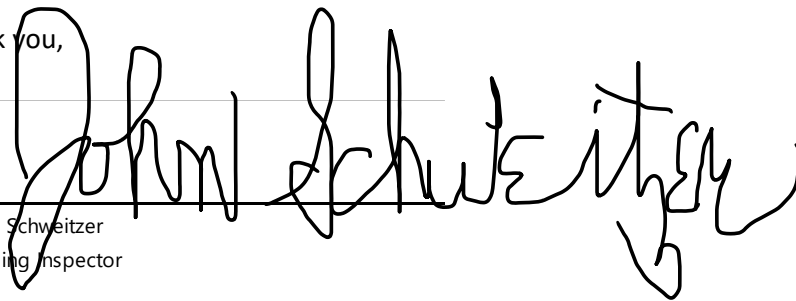
2. I, John Schweitzer, am experienced in the rehabilitation, renovation, and/or restoration of historic structures. I have been in the construction field continuously as a worker, business owner and subcontractor from 1975 – 2008. During those years I have worked on numerous projects involving all building types of construction, and varying ages of original construction. I have been involved in moving existing houses from one location to the other across town in Minneapolis, Minnesota. I have been

involved with numerous demolitions of existing buildings, additions to existing buildings and various engineered solutions to repair or preserve existing structures. My forte is in 1920's to 1960's structures. The wood and balloon framing used in those buildings is what I learned the carpentry and contractor fields with. I have repaired and rehabilitated numerous states of disrepair resulting from numerous causes.

My 15 years as a Building Inspector has also enriched my knowledge and eyes on experiences in hundreds of structures.

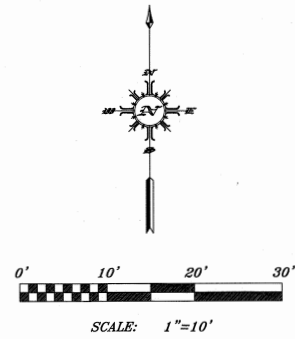
The structure at 109 Oak St in Leadville appears to me to be in the direst state of condition of all structures I've been involved with. The only question I can see for the existing building is will the building materials be salvaged for possible reuse or not. In my experience, the only way to rehab the existing structure back to its original glory would be to completely dismantle the building from the top down, and resurrect the façade and appearance onto a completely new framing skeleton. There would be no way I would expose any workers to shoring the existing as-is state and expect any professional engineer to provide any workable plans to stabilize and retrofit the existing building members and materials into a viable, habitable, or usable structure without a complete removal of all materials and start from a new foundation to provide a replica of the original structure.

Thank you,

X 

John Schweitzer
Building Inspector

LOT CONSOLIDATION PLAT
NEW LOT 7, BLOCK No. 7
THE ST. LOUIS SMELTING AND REFINING COMPANY'S
ADDITION TO THE CITY OF LEADVILLE
LAKE COUNTY, COLORADO



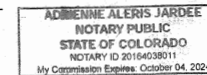
LEGAL DESCRIPTION:

LOTS 6 AND 17, BLOCK No. 7, THE ST. LOUIS SMELTING AND REFINING COMPANY'S ADDITION TO THE CITY OF LEADVILLE, LAKE COUNTY, COLORADO, ACCORDING TO THE RECORDED PLAT THEREOF, FILED IN THE OFFICE OF LAKE COUNTY CLERK AND RECORDER.

ACKNOWLEDGEMENT

STATE OF Colorado,
 COUNTY OF Lake ss.
 ACKNOWLEDGED BEFORE ME THIS 1st DAY OF October, 2020,
 BY CATHERINE WRIGHT. Catherine Wright
 WITNESS BY HAND AND OFFICIAL SEAL.
 MY COMMISSION EXPIRES: 10/04/2024.

Adrienne Aleris Jardee
 NOTARY PUBLIC



TITLE COMPANY CERTIFICATE OF OWNERSHIP:

TITLE INSURANCE COMPANY HEREBY CERTIFIES THAT TITLE TO THE ABOVE DESCRIBED PROPERTY IS VESTED IN THE OWNERS.

DATE _____

AUTHORIZED AGENT _____

CITY OF LEADVILLE PLANNING CERTIFICATE:

APPROVED BY THE CITY OF LEADVILLE PLANNING OFFICIAL AND APPROVED FOR RECORDATION WITH THE LAKE COUNTY CLERK AND RECORDER'S OFFICE PURSUANT TO THE LEADVILLE MUNICIPAL CODE THIS 15th DAY OF October, 2020.

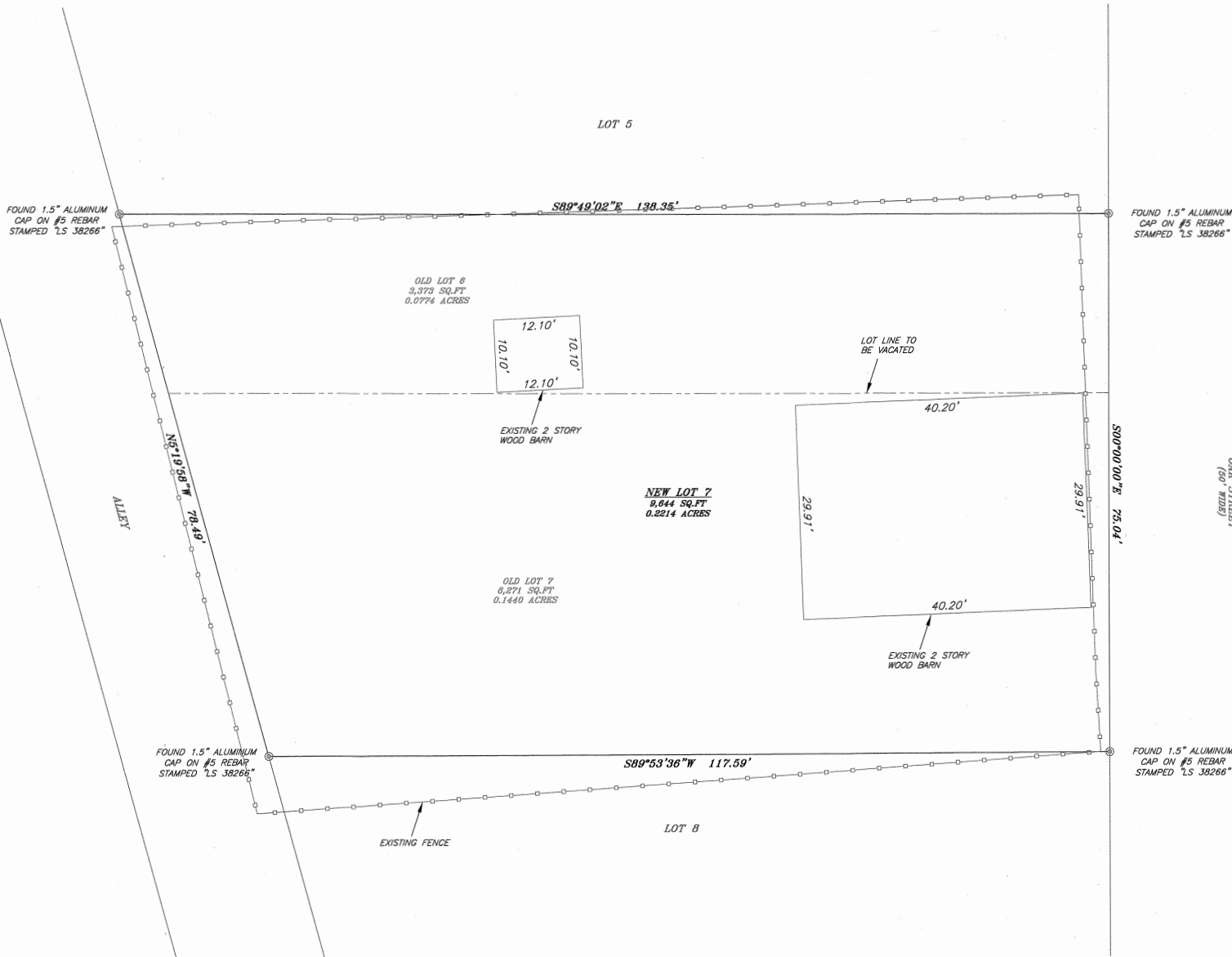
ATTEST:

Sarah Dallas
 SARAH DALLAS
 DIRECTOR OF ADMINISTRATIVE SERVICES

LAKE COUNTY CLERK AND RECORDER'S CERTIFICATE:

I HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE AT 11:16 AM O'CLOCK, October 1, 2020. RECEPTION No. 379256

BY: Patricia Berger
 COUNTY CLERK OR DEPUTY CLERK AND RECORDER



SURVEYORS CERTIFICATE:

I HEREBY CERTIFY THAT THE SURVEY AND PLAT OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON WERE MADE BY ME OR UNDER MY DIRECT SUPERVISION AND CHECKING, IN STRICT COMPLIANCE WITH COLORADO STATUTES, AND THAT BOTH SURVEY AND PLAT ARE TRUE ACCURATE AND COMPLETE. FOR THE PURPOSE OF TITLE AND EASEMENTS BASELINE SURVEYS RELIED UPON (NO TITLE COMMITMENT PROVIDED AND NO RESEARCH WAS PERFORMED)

George C. Moody
 GEORGE CHRISTIAN MOODY, P.L.S.
 COLORADO L.S. No. 38002
 FOR AND ON BEHALF OF BASELINE SURVEYS, LLC



George Christian Moody
 Digitally signed by George Christian Moody
 Date: 2020.09.28 11:49:45 -06'00'

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

379256

379256 10/1/2020 11:16 AM Patricia Berger
 1 of 1 PLT RS23.00 DS0.00 Lake County

Baseline Surveys Inc.

P.O. BOX 7678
 15841 COLLEBY RD
 BRECKENRIDGE, CO 80424
 (970) 453-7155

LOT CONSOLIDATION PLAT NEW LOT 7, BLOCK No. 7 THE ST. LOUIS SMELTING AND REFINING COMPANY'S ADDITION TO THE CITY OF LEADVILLE LAKE COUNTY, COLORADO			
Date	Revisions	Date: <u>9/28/2020</u>	Scale Horiz <u>1"= 20'</u>
		Drawn By: <u>R.D.G.</u>	Checked By: <u>G.C.M.</u>
		DWG File: <u>4227</u>	Job File: <u>4227 CONSOL</u>



AGENDA ITEM #9C

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 5, 2024

SUBJECT: Convening the Board of Adjustment (BOA) for 140 W. 7th St. Variance Request

PRESENTED BY: Chapin LaChance, Planning Director

- ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION
-

I. REQUEST OR ISSUE:

The Board of Adjustment must convene during the Tuesday, March 5 City Council meeting to hear and decide upon an application for a variance from the city's zoning code.

II. BACKGROUND INFORMATION:

Leadville Municipal Code, Title 17, Chapter 88 establishes the rules for the BOA, including its creation, organization, powers and duties. The codified purpose of the BOA is to provide for special exceptions to the zoning code if the purpose and intent of the zoning code are maintained. Other than the characteristics specified below for the BOA, the BOA functions administratively and procedurally in the same manner as City Council. Upon convening and as its first order of business on Tuesday March 5, 2024, **the BOA must elect a Chair**. After hearing and deciding upon the variance application and discussing any other BOA matters, the BOA must adjourn so that the City Council meeting may resume.

Creation and organization:

- Mayor appointment
- 5 of 7 City Council members
- 4-year term
- Election of Chair for 1 year term

Powers and duties:

- Appeals
- Interpretations
- Variances
- Review referrals from Commissions or Planning Official

Important code excerpts for a variance application:

17.88.020 (C):

C. *Where there are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of any of these zoning regulations, the board has the power to authorize a variance from such strict and literal application so that the spirit of these zoning regulations is observed, public safety and welfare secured and substantial justice done.* The board, however, shall not have the power to grant variances from the uses prohibited or permitted conditionally for the zoning district involved, except as allowed for under Section 17.44.080; (Emphasis added)

E. In reaching a decision on any appeal to the board requesting a variance, the board shall, among other considerations, take into account:

(1) how substantial the variance is in relation to the requirement;

(2) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created;

(3) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance; and

(4) whether, in consideration of all of the above factors, the purpose, intent, policies and other provisions of both this title and the Leadville Comprehensive Plan, as amended, will be served.

III. FISCAL IMPACTS:

None.

IV. LEGAL ISSUES:

None.

VI. PROPOSED MOTION:

See attached staff report for optional motions for the variance application.

VII. ATTACHMENTS: (All for 140 W. 7th St. setback variance request)

1. Staff report
2. Findings and Conditions of Approval
3. 10/25/2023 Notice of Encroachment
4. Applicant's application (form, narrative, survey, and site plan)
5. Redlines and comments from Lake County Building Dept.
6. Public comment letter #1



Board of Adjustment (BOA) Staff Report

Subject: 140 W. 7th St. Variance Request (Public Hearing)

Application #: PL-2024-007

Proposal: The applicant requests a variance from the 3 ft. side yard setback requirement for an existing non-permitted porch which is located 1 ft. from the eastern property line.

Legal Description: Stevens and Leiter Subdivision, Block 50, Lot 16

Address: 140 W. 7th St.

Date of Hearing: March 5, 2024

Application Manager: Chapin LaChance, AICP - Comm. Dev. and Planning Director

Applicant: Doug and Alicia Brittian

Property Owner: Doug and Alicia Brittian

Lot size: 0.069 acres (3,000 sq. ft.)

Zoning District: Transitional Retail/Residential (TR)

Historic District: Yes

Site Conditions: The site contains an existing historic single-family dwelling. The existing house encroaches onto the neighboring Lot 17 to the west by approximately 1 ft., and the easternmost portions of the house are located approximately 3 ft. from the eastern property line. A fence is located upon the eastern property line between the subject property and Lot 15. In 2023, a non-permitted front entry porch was constructed which is located near the southeast corner of the house, and approximately 12" (1 ft.) from the eastern property line.

Adjacent Uses: Single-family residences are adjacent in all directions.

Site Photos



Image 1 (Above): Satellite image with the property's location highlighted in red.

Image 2 (Below): Zoning map excerpt, showing the property's location highlighted in red.

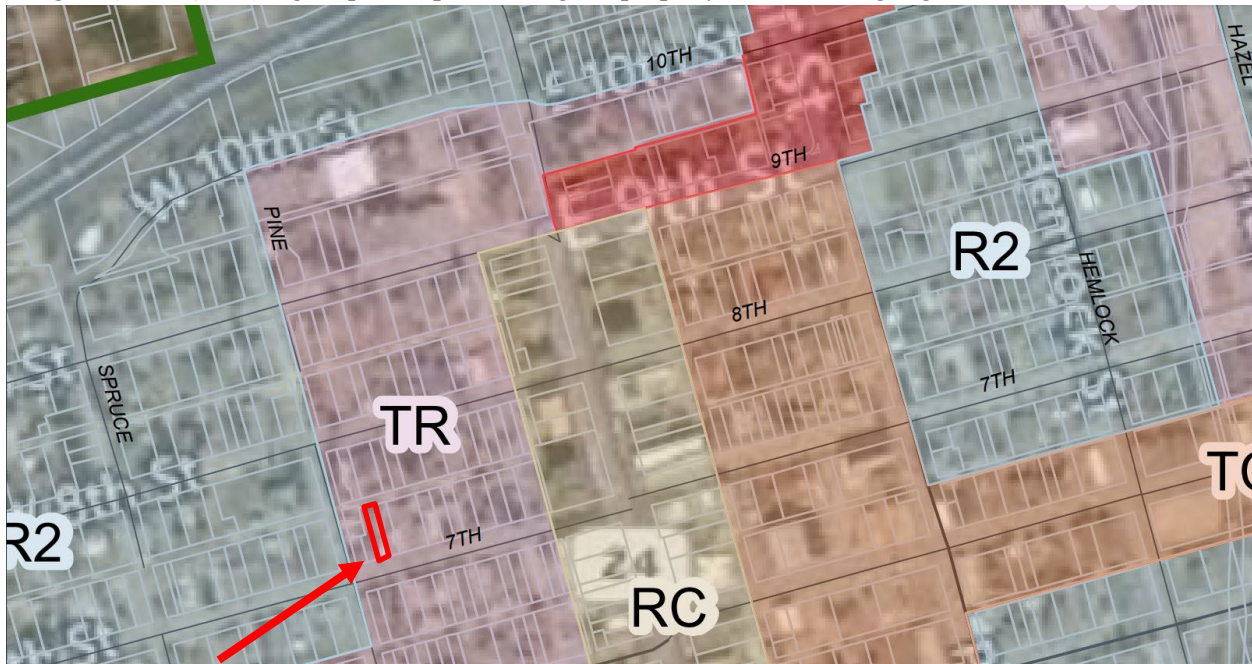




Image 3 (Above): Looking northwest at the property from W. 7th St.



Image 4 (Above, left): Staff photo looking north at the property from W. 7th St. in October 2023. Image 5 (Above, right): Staff photo from same location in February, 2024.

Image 6 (Below, left): Staff measurement of approximately 19” from the fence/property line to the porch post. Image 7 (Below, right): Staff measurement of approximately 7” from the porch post the edge of eave.

Porch eave distance from property line = 19” – 7” = 12” (1 ft.)



Background

Staff received a complaint in October 2024 that a porch was under construction at 140 W. 7th St. within the required 3 ft. side yard setback. Staff responded by contacting the property owners and providing the attached notice that the proper permitting had not been obtained, and that the porch encroached into the required 3 ft. side yard setback. All construction was directed to cease. Any covered porch construction requires a Certificate of Appropriateness (COA) and a Building Permit. A re-roof was also in progress at the time of staff's inspection, and the notice included a requirement for the property owners to obtain a COA and a Building Permit for the re-roof as well, which the property owners obtained immediately. Construction of the re-roof was permitted to resume.

The applicants stated the purpose of the porch is to provide for more safe and accessible ingress and egress to the home, and requested a variance from the required 3 ft. side yard setback. The Secretary of Interior Standards and Guidelines would support a small porch at a front entry, so it is likely that an administrative COA could be issued by staff if a setback variance was approved by the Board of Adjustment.

Staff Comments

The applicant has provided the attached narrative stating their justification for the requested variance, which is summarized below. Since the applicant's application submittal, staff referred the application to the Lake County Building Dept. and requested comments on building code compliance. The Chief Building Official for the Lake County Building Dept. provided the attached redlines and comments of the applicant's pre-application plans, which are also summarized below:

- Porch size:
 - Per applicant: The International Building Code (IBC) requires a minimum egress capacity of 7 sq. ft. per person for a deck with an outdoor assembly occupancy (habitable space). 7 sq. ft. x 6 Short Term Rental (STR) license guests = 42 sq. ft., which is the size of the covered porch.
 - Per Building Official: A porch is not considered a habitable space by the IBC or International Residential Code (IRC) unless it is enclosed.
- Accessibility:
 - Per applicant: The covered porch allows for future American Disabilities Act (ADA) accessibility with a wheelchair ramp and a 6 ft. landing.
 - Per Building Official: IRC section R311.3 requires a minimum of landing of 3 ft.
- Safety:
 - Per applicant: Snow shedding over a front entry is an atypical historic design and a safety hazard. Snow guards are proposed to limit resulting snow shedding near the eastern property line.
 - Per Building Official: Table R302.1 of the International Residential Code (IRC) prohibits projections within 2 ft. of the property line. Fire resistant construction is required within 5 ft. of the property line.
 - Staff comment: Staff is concerned that even if the requested zoning variance was approved by the BOA, the applicant may not be able to obtain a Building Permit from Lake County Building Dept. due to the above stated IRC requirement.

Chapter 17.08 - Definitions

"Setback" means the distance required by the provisions of this title between the face of a building and the lot line opposite that building face, measured perpendicular to the building...Setback distances shall be measured from the edge of the eaves of the structure..."

Chapter 17.24 - Transitional Retail/Residential (TR) District

*"Side setback: **3 feet**, except zero feet for single-family attached on the common wall provided there are no more than three (3) such single-family attached connected by common walls. (Emphasis added)*

Chapter 17.88 - Board of Adjustment

17.88.020 - Powers and duties of the board.

C. Where there are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of any of these zoning regulations, the board has the power to authorize a variance from such strict and literal application so that the spirit of these zoning regulations is observed, public safety and welfare secured and substantial justice done.

E. In reaching a decision on any appeal to the board requesting a variance, the board shall, among other considerations, take into account:

(1) how substantial the variance is in relation to the requirement;

Staff comment: The request is to allow the existing covered porch to encroach into the required 3 ft. side yard setback, which is approximately a 2 ft. encroachment, (66.6%), leaving a side yard setback of approximately 1 ft. (33.3% compliant) from the eastern property line to the porch's eave.

(2) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created;

Staff comment: The applicant's narrative demonstrates other front entry porches and comparable existing encroachments for covered entry porches in the neighborhood. The covered entry porch could be considered consistent with other covered entry porches nearby. The Board of Adjustment should also consider that some snow could shed from the subject porch across the neighbor's property line, although the applicant proposes to mitigate this with snow guards should the variance be approved and construction permitted to continue.

(3) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance; and

Staff comment: Relocation of the front door to the street-facing south elevation would require alteration of the character defining historic façade, which would require a Certificate of Appropriateness and not be permissible by the city’s historic preservation code. A slightly less wide porch of 4.8 ft. instead of 6.6 ft. could comply with the 3 ft. side yard setback and still protect the front entry door from snow shedding concerns. A less wide porch would not provide a 6 ft. landing or 42 sq. ft. of egress capacity as the applicant states is necessary for ADA accessibility and IBC compliance, but the Lake County Building Dept. has indicated in their comments that this is not a requirement.

(4) whether, in consideration of all of the above factors, the purpose, intent, policies and other provisions of both this title and the Leadville Comprehensive Plan, as amended, will be served.

Staff comment: The stated intent of the TR zoning district regulations is to “allow traditional residential occupation in association with commercial business uses so long as such mixed land usage does not produce significant or objectionable levels of traffic, noise, dust or other adverse side effects not compatible with residential occupation.” Staff finds that a covered entry porch for a residential use, which includes STR use per 17.48.010 (Table of Uses), is a traditional component of residential use, which is supported by the Secretary of Interior Standards and Guidelines.

Question for the BOA

1. Does the BOA find that there are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of the side setback requirement, that the proposed variance observes the spirit of the TR zoning district regulations, and secures public safety and welfare, and does substantial justice?

Recommendation

If the BOA answers “yes” to the question above, staff recommends the BOA approve the variance request using the motion provided below. Staff has included a Condition of Approval that prior to resuming construction of the porch, the applicant must obtain the required Certificate of Appropriateness and Building Permit.

Motion for approval: *“I move the City of Leadville Board of Adjustment approve the variance application, PL-2024-007, located at 140 W. 7th St., along with the attached Findings and Conditions of Approval.”*

If the BOA answers “no” to the question above, staff recommends the BOA deny the variance request with the attached Denial Findings. Staff would require the removal of the setback encroachment within 60 days, by Saturday, May 4, 2024.

Motion for denial: *“I move the City of Leadville Board of Adjustment deny the variance application, PL-2024-007, located at 140 W. 7th St., along with the attached Denial Findings.”*

CITY OF LEADVILLE

**140 W. 7th St. Variance Request
Stevens and Leiter Subdivision, Block 50, Lot 16
PL-2024-007**

APPROVAL FINDINGS

1. There are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of the side setback requirement.
2. The variance request is not substantial in relation to the requirement.
3. A substantial change will not be produced in the character of the neighborhood, and a substantial detriment to adjoining properties will not be created.
4. The difficulty cannot be obviated by some method, feasible for the applicant to pursue, other than a variance.
5. In consideration of all of the above factors, the purpose, intent, policies and other provisions of both this title and the Leadville Comprehensive Plan, as amended, will be served.
6. This approval is based on the staff report dated **March 5, 2024** and findings made by the Board of Adjustment with respect to the project. Your project was approved based on the proposed design of the project and your acceptance of these terms and conditions imposed.
7. The terms of approval include any representations made by you or your representatives in any writing or plans submitted to the City of Leadville, and at the hearing on the project held on **March 5, 2024** as to the nature of the project. In addition to meeting minutes, the audio of the meetings is recorded.

CONDITIONS OF APPROVAL

1. This variance does not become effective, and the project may not be commenced, unless and until the applicant accepts the preceding findings and following conditions in writing and transmits the acceptance to the City of Leadville.
2. If the terms and conditions of the approval are violated, the City, in addition to criminal and civil judicial proceedings, may, if appropriate, issue a stop work order requiring the cessation of work, revoke this permit, or require removal of any improvements made in reliance upon this permit. The payment of any costs incurred by the City related to enforcement actions related to violations of this permit shall be the sole responsibility of the applicant and shall constitute a lien on the property.
3. The terms and conditions of this permit are in compliance with the statements of the staff and applicant made on the staff report and application.
4. **Prior to any further construction of the porch, the applicant must obtain a Certificate of Appropriateness from the City of Leadville and any required permits from the Lake County Building Department.**

Applicant acceptance signature: _____

Date: _____

CITY OF LEADVILLE

**140 W. 7th St. Variance Request
Stevens and Leiter Subdivision, Block 50, Lot 16
PL-2024-007**

DENIAL FINDINGS

1. The property which is the subject of the variance request is located at 140 W. 7th St., also known as Stevens and Leiter Subdivision, Block 50, Lot 16.
2. Such property is located within the city's Transitional Retail/Residential (TR) zoning district.
3. The city's regulations for the physical distance of structures from side yard property lines (side setbacks) were adopted in Title 17, Chapter 24 of the Leadville Municipal Code.
4. The side setback requirement in the TR zoning district is three (3) ft.
5. The applicant constructed a porch into the required 3 ft. side yard setback without the required city authorization, and received a written notice of violation from the city dated October 25, 2023.
6. The applicant requests a variance from the side yard setback requirement of the TR zoning district.
7. The city's regulations for variances and the Board of Adjustment were adopted in Title 17, Chapter 88 of the Leadville Municipal Code.
8. The Board of Adjustment finds the variance request fails to meet the following considerations:
 - a. There are practical difficulties or unnecessary hardships in the manner of carrying out the strict application of the side setback requirement.
 - b. The variance request is not substantial in relation to the requirement.
 - c. A substantial change will not be produced in the character of the neighborhood, and a substantial detriment to adjoining properties will not be created.
 - d. The difficulty cannot be obviated by some method, feasible for the applicant to pursue, other than a variance.
 - e. In consideration of all of the above factors, the purpose, intent, policies and other provisions of both this title and the Leadville Comprehensive Plan, as amended, will be served.
9. The requested variance is therefore not in compliance with Title 17 of the Leadville Municipal Code.
- 10. The existing non-permitted porch encroachment shall be removed by Saturday, May 4, 2024.**

DECISION

Due to the forgoing findings, the application is denied.

CITY OF LEADVILLE, a Colorado municipal corporation.

By _____
Mayor Dana Greene, City of Leadville
800 Harrison Ave.
Leadville, CO 80461



October 25, 2023

Doug and Alicia Brittain

1410 Northwest Kearney St. #621

Portland, Oregon 97209

Dear owners of 140 W. 7th St.,

The City of Leadville has observed construction of a porch at your property at 140 W. 7th St. This scope of work requires a Building Permit from the Lake County Building Dept. and an Insubstantial Certificate of Appropriateness (COA) from the City of Leadville. The re-roofing of the home within the National Register Historic District also requires an Insubstantial Certificate of Appropriateness from the City of Leadville.

This property is located within the City TR zone district, which requires a 3 ft. side yard setback from the property line, measured from the edge of the porch roof. It appears the new porch structure has been constructed within the required 3 ft. side yard setback.

You are instructed to cease construction of all non-permitted work and to remove non-permitted structure which encroaches into the required side yard setback immediately. Once a COA for the re-roof has been approved by the City of Leadville, the work on re-roofing of the existing home, excluding the porch, may continue. I have attached a Building Permit application and a Certificate of Appropriateness application to this letter. Please contact me with any questions, and thank you in advance for your cooperation.

Chapin LaChance, AICP

Director of Community Development and Planning, City of Leadville

800 Harrison Avenue

Leadville, CO 80461

tel: 719-427-0517

email: planningdirector@leadville-co.gov



GENERAL APPLICATION FORM

Application File No. PL-2024-007

1) ACTION REQUESTED

- | | | | |
|----------------------------|--------------------------|------------------------------|-------------------------------------|
| Rezoning | <input type="checkbox"/> | Variance | <input checked="" type="checkbox"/> |
| Subdivision Approval | <input type="checkbox"/> | Sign Variance | <input type="checkbox"/> |
| Sketch Plan | <input type="checkbox"/> | Performance/Other Bond | <input type="checkbox"/> |
| Preliminary Plan | <input type="checkbox"/> | Temporary Use Permit | <input type="checkbox"/> |
| Final Plat | <input type="checkbox"/> | Petition for Time Extension | <input type="checkbox"/> |
| Plat Correction | <input type="checkbox"/> | Zoning Text Amendment | <input type="checkbox"/> |
| Plat Amendment | <input type="checkbox"/> | Comprehensive Plan Amendment | <input type="checkbox"/> |
| Plat Vacation | <input type="checkbox"/> | Conditional Use Permit(s) | <input type="checkbox"/> |
| Easement Vacation | <input type="checkbox"/> | CUP/Other | <input type="checkbox"/> |
| Subdivision Exemption | <input type="checkbox"/> | CUP/Travel Trailer Park | <input type="checkbox"/> |
| Certif. of Appropriateness | <input type="checkbox"/> | CUP/Mobile Home Park | <input type="checkbox"/> |
| Lot Consolidation | <input type="checkbox"/> | Lot Line Adjustment | <input type="checkbox"/> |
| Other Action(s) (specify) | <input type="checkbox"/> | | |

2) APPLICANT STATUS

Date of Application: 11/27/2023
 Received by: Chapin LaChance, Planning Director
 Application Fees Required: \$500.00
 Date Fee Paid: 11/27/2023

Date(s) App. Acted On:	Action Taken:

3) APPLICANT AND OWNER INFORMATION

Name of Applicant: Doug and Alicia Brittain
 Property Address: 140 W 7th St, Leadville, CO 80461

Mailing Address of Applicant if other than property address: (part-time) 2118 H St, Bellingham, WA 98225

Telephone: _____

Land Owner*: Type: Same as applicants

Address: 140 W 7th St, Leadville, CO 80461

Telephone: Doug: 602 373 0732 and Alicia: 971 270 8879

* List Landowner(s) individually if other than applicant

4) SUMMARY OF APPLICATION

Land Area Included Within the Scope
of This Application: _____
Location of Land: _____
Existing Zoning Districts: _____
Proposed New District(s): _____
Number of Existing Lots: _____
Number of Proposed Lots: _____
Number of Proposed Dwelling: _____
Proposed Average Lot Size: _____

If this is a Variance Request, Type and Cause of Non-conformance: _____
3 ft. side yard setback variance request due to non-permitted porch encroachment

Will the Proposed Development Require any State or Federal Permits No (Yes/No)
If yes, which Permits: _____

Additional Pertinent Information: see supporting justification provided by property owners
& additional quick reference to building codes here
Chapter 10, 1004.5, area without fixed seating and chapter 4, 404, maneuvering clearances on ramps and landings.

5) CERTIFICATION BY THE APPLICANT

I hereby state that this application is made with full knowledge of the design standards, procedures, disclaimers (see especially Titles 17.06 and 17.30.040) and other provisions of the Leadville Zoning Ordinance/Municipal Code pertaining to this application:

Signature of Applicant:  Date: 11/27/2023

6) FINAL ACTION

Approved Conditionally Approved or Denied by the authorized Leadville permitting authority:

Name: _____ Signature: _____
Title: _____ Date: _____

The existing home, 140 W 7th Street, is within Leadville's historic district and thus was built to the time with a very limited lot size (a record of 1883). Currently the home's ILC has the west side encroaching the property line of 142 W 7th St and the east side of the home encroaches the 3' setback of the property line, setting precedent and exemplary of the historic lot limitations.

The home is currently occupied by the owners and family part-time, 4-6mo / year, (homeowners frequently must travel for work), and otherwise short term rented with an occupancy of up to six visitors defined by and allowable per the short-term rental license. This means there can collectively be six individual guests gathering to enter or exit the home at one time and otherwise is common for the family of four individuals (and owner's visitors) to gather for entering or exiting the home at any given time.

The International Building Code (IBC) does not specify a square foot per person requirement for exterior decks/patios/porches, however, it does provide guidelines for minimum egress capacity, which gives reasonable guidelines for determining the amount of space needed per person on a deck.

According to the IBC, for purposes of calculating occupant load (number of people permitted in a space), a deck would typically be classified as an assembly occupancy or outdoor assembly occupancy, depending on its design and use.

For outdoor assembly occupancies, such as decks etc, used for gathering spaces or entries, the IBC typically requires a minimum of 7 square feet per person.

Furthermore, as per the home design, the roofline runs parallel to the home entrance which results in (winter season) immediate ice and snowfall onto persons and/or animals entering or exiting the home (as opposed to perpendicular where snow and ice do not have a fall line onto the home entrance or walkway).

This is a matter of personal and public safety. When considering W 7th Street alone (but also the historic district) single family homes, this design, though not uncommon, is not the majority. Most historic home rooflines run perpendicular to entrance into the home or have entrances from the front of the home (see supplement images) which prevents immediate snowfall and significant hazard.

Surveying the homes built similarly, with a roofline that would result in direct snowfall onto persons entering or exiting the home, all have coverage with many having larger coverage to prevent accident and injury. Otherwise, lot size doesn't limit the deck size and/or the home is oriented in a different direction, or homes were grandfathered into the setback, options not feasible based on setback requirements for 140 W 7th St (as well as lot size and home orientation and roofline direction).

Considering the limitations of the lot size based on the period of time the home was built, the existing roofline parallel to home entrance and the current occupancy range by homeowner, guests and visitors (e.g. postal worker, deliver worker, etc), a deck and roof covering that meets the 3' setback will result in continued safety and liability concerns.

The current size landing and roof covering is 42 sq ft which is based on and aligned with the IBC's recommendations for occupant load for use and people per sq foot (occupancy for the STR of 6 people and home of 4 individuals to safely enter the home without the hazard of snow or ice falling from the roof) or **7 sqft per person**.

Furthermore, the homeowners built this deck in anticipation of aging parents who in the future will require in-home care with ADA accommodations for their current physical limitations. One of the homeowners currently has two parents in their 80's with significant physical limitations from age and Vietnam service.

Precedent was set with variance approval of 301 E 8th St based on historic factors alone around lot size without safety being in question (or eventual need for ADA handicap accessible structure being put into place). The current size of the deck allows for wheelchair accessible ramp to be added in the future on a per need basis and allows for adhering to the ADA requirement of 6' landing to accommodate wheelchair and/or walker accessibility.

The current structure does not pose any additional risk for the neighbor's, 138 W 7th, safe entrance or exit of their home and snow piling concern will be mitigated by commercial grade snow guards to prevent snow piling (as per original

completion plan). Additionally, the current roofline of the adjacent neighbor's home has limited snow guard for prevention and neighbor's roofline angle results in piling of snow currently which extends the length of neighbor's home (see accompanying photos from Oct 2023 snow event). Additionally note in supplemental images, neighbor has no snow guards in place to prevent snowfall adjacent to 140 W 7th St porch cover.

The owners have been fully compliant with pausing completion of re-roofing and will take full measures to ensure fire safety, prevent snow piling into the adjacent yard, and meet any additional recommendations. As a result of the homeowner's requirement to pause construction, the homeowners could not install snow guards to ensure all preventative measures were taken to limit snowfall onto property line.

The front deck will be maintained as open structure to the back of the home as a reasonable measure for any fire safety concerns and access to the gas meter or electrical box. Additionally, the property has ease of access to the electrical box, gas meter and allows for safe exit through a back alley between W 7th and W 8th up to Pine and Harrison.

All example images below were taken from W 7th between Pine and Harrison unless otherwise specified (representative of historic area constraints including roofline direction and lot size limitations):

Example 1: Entrance into home runs perpendicular (opposes) roofline and home entrance is from front of house, sidewalk entrance, which is not possible for 140 W 7th. One of few examples of a home without coverage but does not pose substantial snow and ice fall risk based on design and front door orientation.



Example 2: Entrance into home is perpendicular to roofline and significant landing space is still included with a different orientation than 140 W 7th. These lot sizes are also allowable for large landings because of front door and home orientation.



Example 3: Entrance is under fall-line of the roof with entrance parallel to roofline but substantial coverage and protection built to prevent snowfall. Despite comparable entrance and roofline orientation, entrance is street facing with significant lot size, not allowable for 140 W 7th.



Example 4: Home from W 8th St between Pine and Harrison, home entrance runs parallel to the roofline but has full-length coverage. Note addition coverage left of porch to protect individuals going to the rear of the house and both homes (left and right) have structures into the setback. Take note that secondary coverage as protection to access rear of house is well within the setback. Comparable extended front porch coverage not possible for 140 W 7th as front door to terminus of house is 5'.



Example 5: Home from W 8th St between Pine and Harrison, home entrance runs parallel to the roofline but full-length coverage, and both homes (left and right) have structures into the setback. Comparable extended front porch coverage not possible for 140 W 7th as front door to terminus of house is 5'.



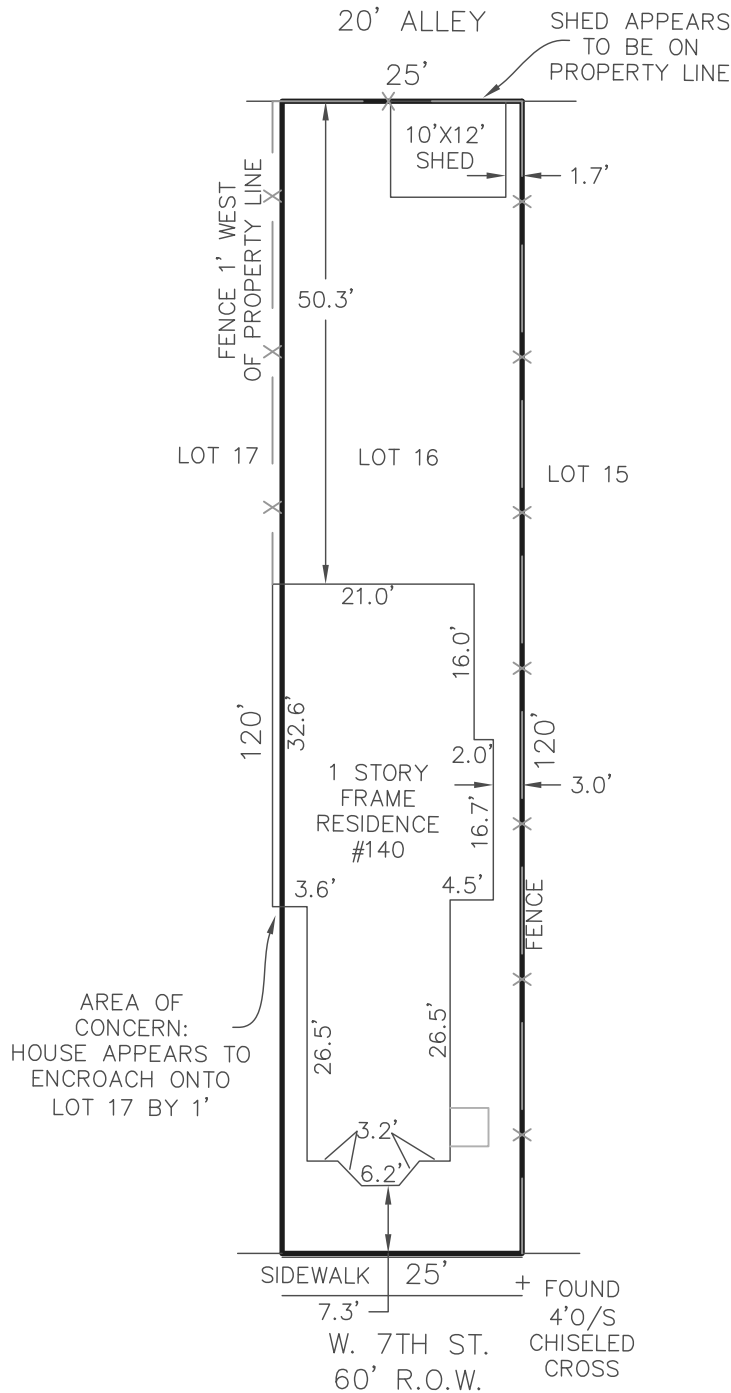
Three photos demonstrating no safety concerns for adjacent neighbor and demonstrating neighbor's roofline already results in substantial snow shedding and limited snow rakes and **no snow rakes across the entire area directly across from 140 W 7th porch covering**. Photos taken from Oct 2023 snow event of ~22 inches of snow.





IMPROVEMENT LOCATION CERTIFICATE

140 W. 7TH ST., LEADVILLE, CO 80461
THIS IS NOT A LAND SURVEY PLAT



IMPROVEMENT LOCATION CERTIFICATE

I HEREBY CERTIFY THAT THIS IMPROVEMENT LOCATION CERTIFICATE WAS PREPARED FOR DOUG AND ALICIA BRITTAIN THAT IT IS NOT A LAND SURVEY PLAT OR IMPROVEMENT SURVEY PLAT, AND THAT IT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OF FENCE, BUILDING, OR OTHER FUTURE IMPROVEMENT LINES. THIS CERTIFICATE IS VALID ONLY FOR USE BY FIRST AMERICAN TITLE INSURANCE COMPANY AND DESCRIBES THE PARCEL'S APPEARANCE ON 8/18/20. I FURTHER CERTIFY THAT THE IMPROVEMENTS ON THE ABOVE DESCRIBED PARCEL ON THIS DATE, 8/19/20, EXCEPT UTILITY CONNECTIONS, ARE ENTIRELY WITHIN THE BOUNDARIES OF THE PARCEL, EXCEPT AS SHOWN, THAT THERE ARE NO ENCROACHMENTS UPON THE DESCRIBED PREMISES BY IMPROVEMENTS ON ANY ADJOINING PREMISES, EXCEPT AS INDICATED, AND THAT THERE IS NO APPARENT EVIDENCE OR SIGN OF ANY EASEMENT CROSSING OR BURDENING ANY PART OF SAID PARCEL, EXCEPT AS NOTED.

NOTES:

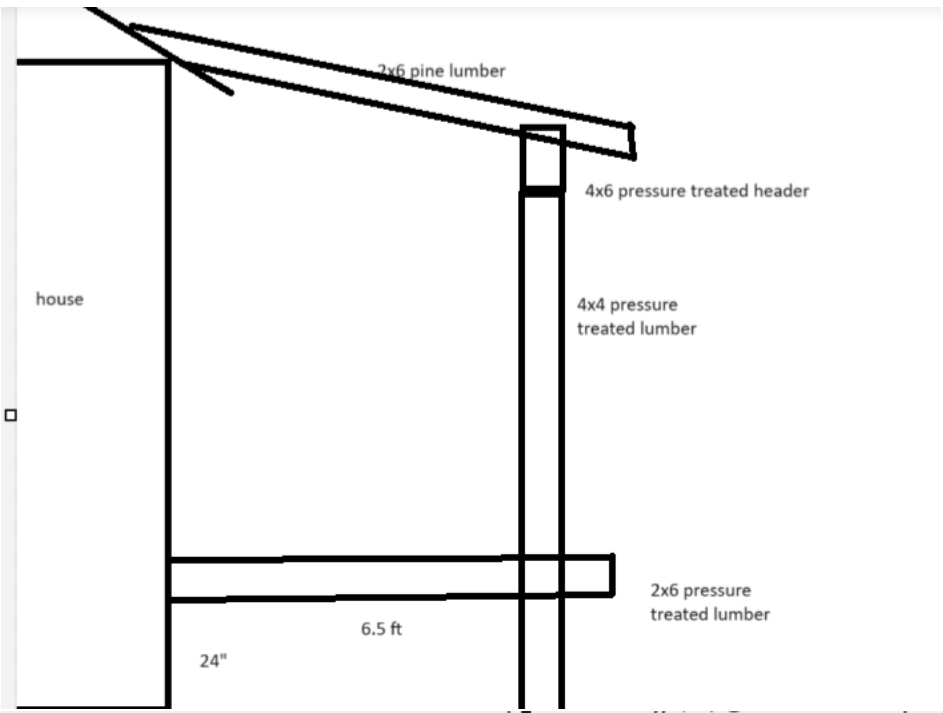
- 1) THIS CERTIFICATE DOES NOT CONSTITUTE A TITLE SEARCH BY COLORADO ILC SERVICES INC., TO DETERMINE OWNERSHIP, RIGHTS OF WAY, EASEMENTS OR ENCUMBRANCES NOT SHOWN BY THE PLAT THAT MAY AFFECT THIS TRACT OF LAND. THERE MAY BE EASEMENTS OF RIGHTS OF WAY OF THE PUBLIC RECORD THAT MAY AFFECT THIS TRACT OF LAND THAT ARE NOT SHOWN ON THIS CERTIFICATE. FIRST AMERICAN TITLE INSURANCE COMPANY TITLE COMMITMENT NUMBER 20-11794 WAS PROVIDED BY CLIENT.
- 2) NO SURVEY MONUMENTS WERE RECOVERED ON THE LOT (UNLESS NOTED HEREON) THEREFORE THIS CERTIFICATE IS BASED UPON PLATTED RIGHTS OF WAY AND OCCUPATION LINES IN THE AREA.
- 3) LOCATION AND OWNERSHIP OF FENCES WAS NOT DETERMINED BY THE SURVEYOR. A BOUNDARY SURVEY IS RECOMMENDED.

LEGAL:

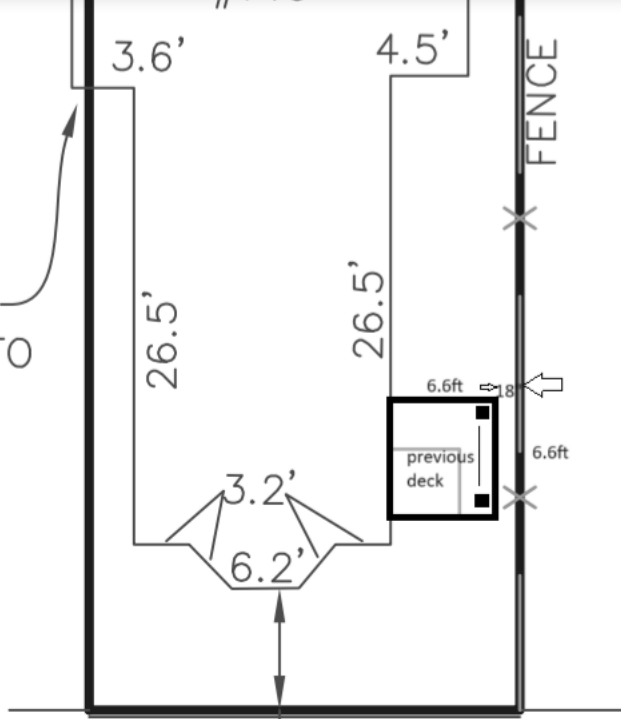
LOT 16, BLOCK 50, STEVEN AND LEITER'S SUBDIVISION OF US SURVEY NO. 271, CITY OF LEADVILLE, COUNTY OF LAKE AND STATE OF COLORADO



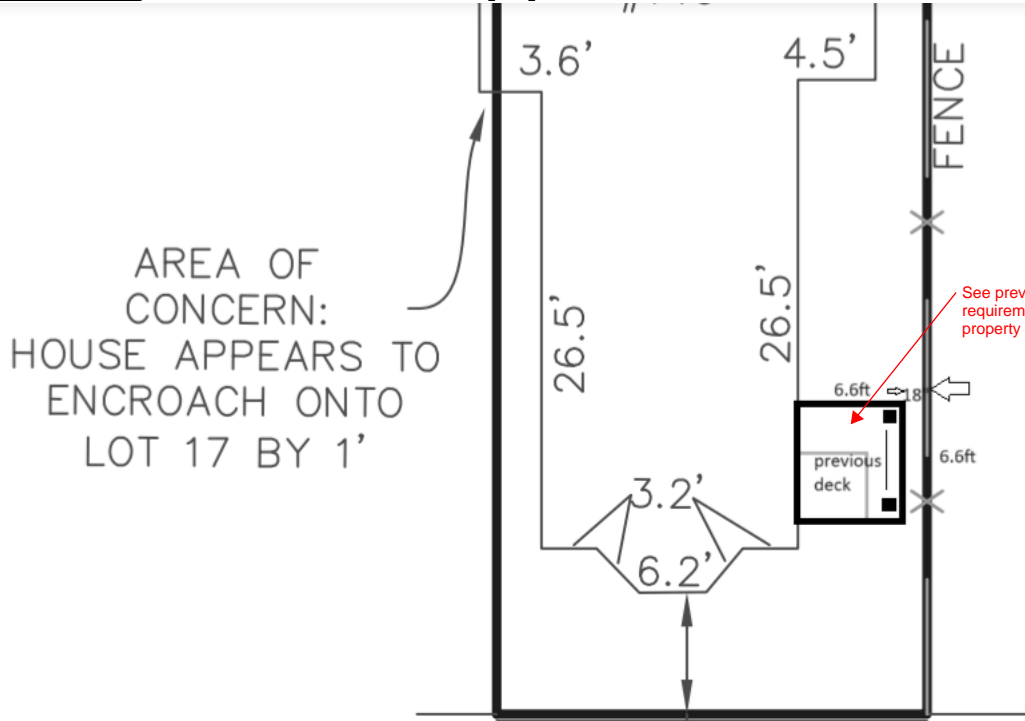
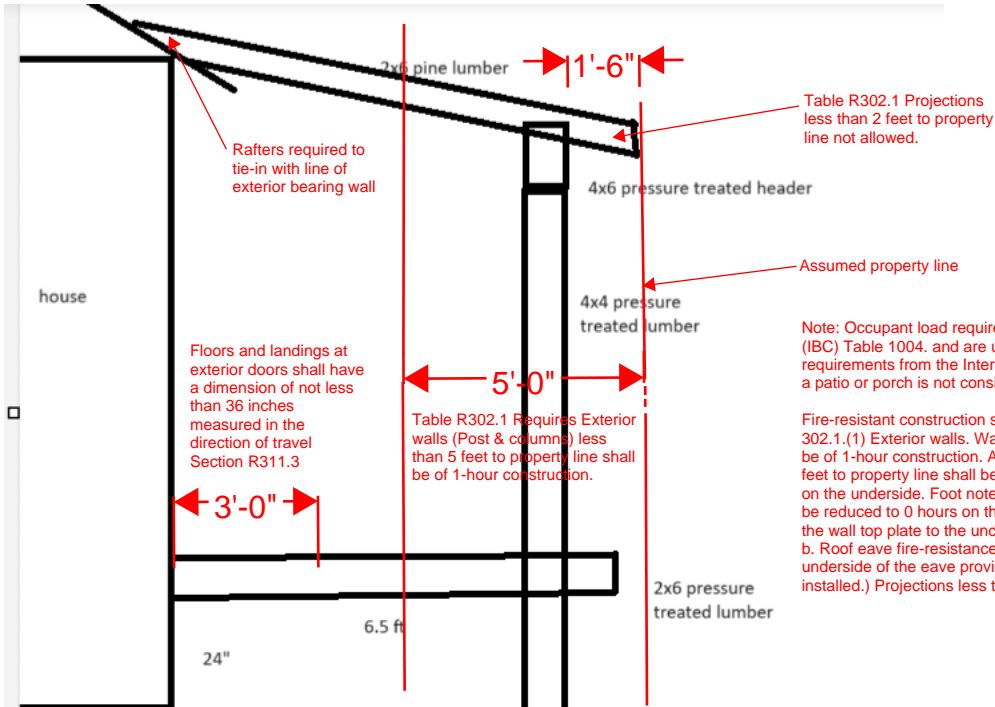
Colorado ilc LAND SURVEYING	JOB NUMBER
	20-8-676
DATE PREPARED: 8/19/20	3000 LAWRENCE ST. #111 DENVER, CO 80205 303.668.7540
DRAWN BY: A. SAMPSON, LSI	



AREA OF CONCERN:
HOUSE APPEARS TO
ENCROACH ONTO
LOT 17 BY 1'



LAKE COUNTY BUILDING DEPT. COMMENTS



PUBLIC COMMENT LETTER #1

- 140 W. 7th has been an Airbnb rental with extensive rental use history for 3-4 yrs. This property is a second home/investment property. As a full-time resident for the last 23 yrs, I've noticed that the current homeowners at 140 W. 7th St come to Leadville an average of once or twice a year and there is an extensive Airbnb rental history year round.
- Historically, the lack of space in front and to the sides of many properties in Leadville is not unique; many of the houses were built on long narrow lots. Many homeowners face the same issues and space constraints. This lack of space is not unique to the property of 140 W. 7th St. (See Photo 2)
- The approx. size of the new porch roof at 140 W. 7th St. is 100"x68". It is attached to the roof of the house, which is approx. 100"x76". This creates a roof slope that is 99 square ft. in total, where water and snow can fall towards the property at 138 W. 7th. (see Photo 1) The edge of the roof is inches (approx. 5") from the property line and fence at 138 W. 7th. St.
- The existing porch is approx. 2ft. too wide according to the setback requirement of 3ft. A matter of 2 ft is a lot of space in this area as most of the houses are between 12"-40" from the adjacent property line on the sides. (see Photo 3 & Photo 2)
- As the new porch roof is inches (approx. 5") from the property line, it could very likely cause flooding in summer during heavy rainstorms, which could impact the fence and foundation at 138 W. 7th. (see Photo 3).
- According to the FEMA website, during hazardous accidents, like fire, setbacks provide space for rescue operations to access all around the house. Setbacks also create defensible space around properties, which is very important when considering very old, wood Victorian homes. The last 5 homes on the end of 7th Street are extremely close together. (See photo 2) Some of these homes have older electrical systems. If a fire breaks out in one of these buildings, the new porch at 140 West 7th could very likely block firefighters path in between the buildings as well as reduce the defensible space around the two buildings.
- There are many very old, wood Victorian homes in Leadville. House fires in Leadville can be devastating when they occur, resulting in extensive damage. Also, Leadville and all of Colorado have experienced periods of persistent drought—which makes fires more likely.

PUBLIC COMMENT LETTER #1

- It's common knowledge that building codes and setbacks for new construction exist in all towns and cities & reduce safety risks. In Leadville, this is especially important where snow loads can create safety problems especially during high snow years. (See photo 4)
- Setbacks for new construction help to prevent owners from overcrowding their neighborhoods. On this block of 7th St, the space in front and between these homes is already extremely limited. Many of the houses are from 12"-40" from the property line in areas.
- Setbacks for new construction reduce the chance that there is a property damage and negative impacts for a neighboring homeowner. Larger porches can improve property value but shouldn't come at the expense of a neighboring homeowner.
- After being a full-time resident in Leadville for the last 23 yrs, I've seen a lot of property owners come and go, some take care of their properties, some don't. This can be frustrating. Roof materials age and have to be replaced. The new porch at 140 W. 7th St. is a permanent structure. If the current homeowners sell their property this year, there is no assurance from future homeowners at 140 W. 7th that the roof and property would be maintained now or in the future.
- A modified porch at 140 W. 7th St, built with the correct setback, will still be larger than many porches in the area. As a former caregiver, I had a frequent visitor to my home who was wheelchair bound and my porch is quite small. The porch and large door (door is 36"W) never limited his access to the space.
- The pictures submitted were taken on December 22, 23 after several snowstorms.
- According to the FEMA website, the height of the structure and snow load can affect setbacks in some areas of the country. According to the attached FEMA article, building codes and setbacks should be followed to reduce property damage and injury.

PUBLIC COMMENT LETTER #1

Photo 1

76"

68"

100"

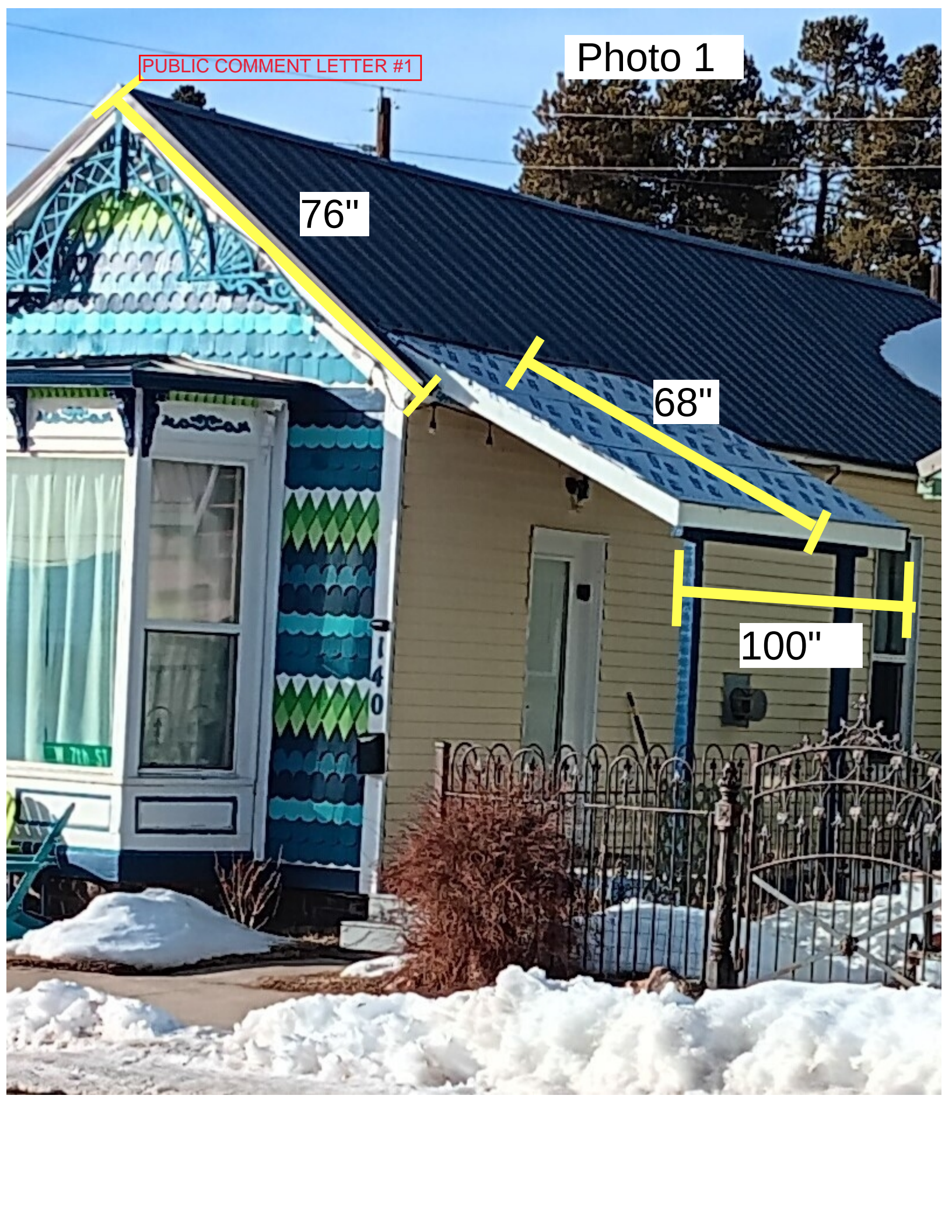


Photo 2
136-144 W. 7th St.



Photo 3 Facing North



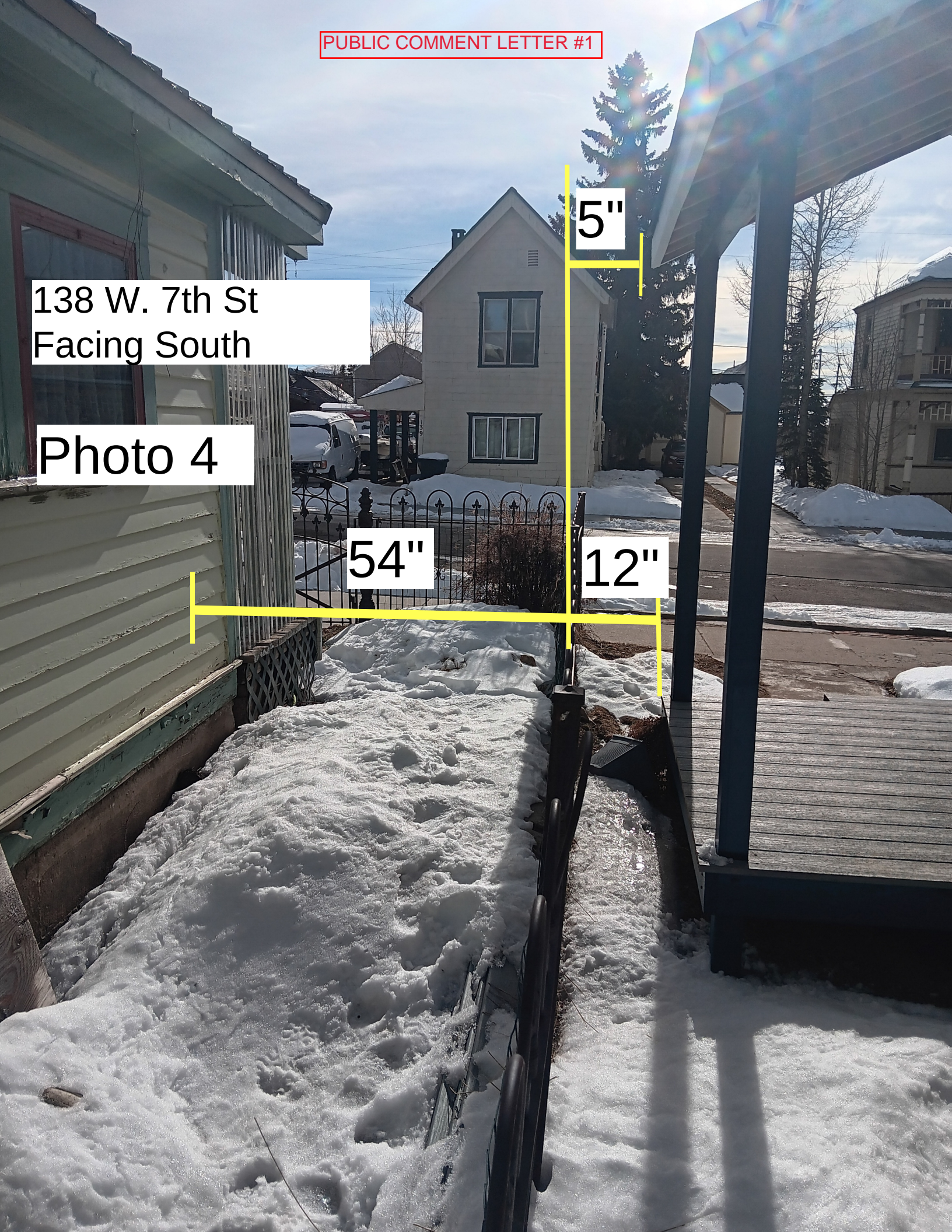
138 W. 7th St
Facing South

Photo 4

54"

5"

12"





AGENDA ITEM #9D

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 05, 2024

SUBJECT: Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City

PRESENTED BY: Laurie Simonson, City Administrator

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

Before the City Council for consideration is Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City.

II. BACKGROUND INFORMATION:

At its regular meeting held on February 20, 2024, the Council received a presentation on the draft proposed master fee schedule for 2024.

The following is a summary of the significant changes proposed for the 2024 fee schedule:

Zoning Fee Schedule:

1. The Planning Department proposed to increase the Zoning and Subdivision fees for major impact reviews, including Major Site Plans, Planned Unit Developments (PUD), Annexations, and Zoning Map Amendments due to anticipated staff and consultant review time. The proposed fees for major impact reviews are comparable to other similar municipalities.
2. The Planning Department also proposed to add new fees for matters encountered in 2023, to include Right-of-way Vacations, Work Sessions, and Cash Deposit Agreements.
3. Temporary Use Permit fees to increase and be proportional to the number of attendees at special events which correlates to the amount of staff time needed to coordinate City Hall services for the events.

Excavation Permitting:

1. The proposed increase is due to the weekly meetings on the projects that last the duration of excavation season and anything requiring five or more permits creates more administrative time to process.

Fire Department:

1. Section deleted as it was inadvertently added to last year's fee schedule. The Fire Department has never collected these fees.

Animal Shelter:

1. Impound fee revised to incentivize owners to pick up their animals on the first day. Other fees revised to standardize and to account for increased costs.

In addition to the recommended staff changes listed above, City Council recommended increasing the Fire Department short-term rental inspection fee from \$40.00 to \$50.00 as a more accurate reflection of the cost of the service. After consulting with the Fire Department, this recommended change is a more accurate reflection of the cost and so staff has made that additional change to the proposed 2024 fee schedule. (See Attachments 1 and 2.)

At the February 20, 2024 meeting, the Council heard from Tamira Jenlink representing Lifetime Fitness regarding the increased fees for temporary use permits. She indicated that Lifetime has already set its budget for 2024 based upon the 2023 fee schedule. She also indicated that the increase in fees from \$250.00 for the larger events to \$1,000 was significant. The Council and staff noted that, based upon past event attendance, Lifetime was likely to have one or two events that reach the highest level of attendees and thus would likely be in total possibly \$1,500 increase in fees for Lifetime. The City has not yet received any temporary use permits from Lifetime for its 2024 event schedule.

By way of background, municipalities regularly review charges and fees as a legislative or budgetary process. Responsible municipal fiscal management dictates reviewing the city's fees ideally on an annual basis. Fees are charges imposed for the purpose of defraying the cost of a particular government service. Fees and charges are designed to defer the cost of current services that benefit the recipient or off-set the burdens of regulation. (The Colorado Supreme Court has emphasized that the primary difference between a tax and a fee is that a tax is a general revenue raising measure while a fee defrays the cost of a particular government service.)

Common types of municipal fees are inspection fees; licensing fees; permitting fees and servicing fees. While the fee must be reasonably related to the overall cost of the service, mathematical exactitude is not required; in fact, user fees rarely cover the entire cost of the service provided. Rather, the fee is charged to ensure that at least some portion of the cost of providing the service is borne by the recipient of the service rather than the taxpayers at large. As with other kinds of fees, however, the amount of revenue generated by user fees cannot exceed the overall direct and indirect costs of the services provided.

III. FISCAL IMPACTS:

The fiscal impact of the Resolution is dependent on the number of applications and requests for

services that the City receives in any given year. As indicated above, the fees are revenue to the City but cannot exceed the actual costs of providing the services so the net result is that the City will not receive a gain for the fees collected.

V. LEGAL ISSUES:

Fees adopted by the City must be reasonably related to the actual costs of the City in administering permits, licenses, or providing services.

VI. STAFF RECOMMENDATION:

Staff recommends that the City Council approve Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City.

VII. COUNCIL OPTIONS:

1. Approve the Resolution.
2. Deny the Resolution.
3. Table consideration of the Resolution and provide direction to staff.

VIII. PROPOSED MOTION:

“I move to approve Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City.”

IX. ATTACHMENTS:

Exhibit 1 - City of Leadville 2024 Master Fee Schedule – redlined version

Exhibit 2 - City of Leadville 2024 Master Fee Schedule – final version

Exhibit 3 - Resolution No. 18, Series of 2024 - A Resolution of the City Council of the City of Leadville, Colorado Adopting a Fee Schedule for the City

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 18
SERIES OF 2024**

**A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF LEADVILLE, COLORADO
ADOPTING A FEE SCHEDULE FOR THE CITY**

WHEREAS, the City of Leadville (“City”) is authorized under Article 15 of Title 31 of the Colorado Revised Statutes to exercise its general police and financial powers; and

WHEREAS, such powers include but are not limited to the ability to impose and collect fees for the processing of licenses and applications, the performance of other administrative services, and collection of fines and fees for violations of the Leadville Municipal Code; and

WHEREAS, the Leadville Municipal Code authorizes certain fees to be adopted by resolution of the City Council; and

WHEREAS, the Leadville City Council hereby determines that the fees established by this Resolution and set forth in the City’s Fee Schedule, attached as Exhibit 1, are reasonable and are below or directly proportional to the actual and necessary expenses incurred by the City in processing the specified liquor license applications, marijuana licensing applications, administrative and zoning applications, police department services, short-term rental license applications, business license applications, excavation permit applications, encroachment license applications, records requests services, fire department services, and animal shelter services and are consistent with state law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO AS FOLLOWS:

Section 1. **Comprehensive Fee Schedule Adopted.** The City Council hereby: (a) adopts the City of Leadville Fee Schedule (“Fee Schedule”), attached as Exhibit 1; and (b) directs City staff to cause a copy of the Fee Schedule to be uploaded to the City’s website and make a copy available for public inspection in the office of the Deputy City Clerk.

Section 2. **Severability.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

**ADOPTED this 5th day of March 2024 by a vote of ___ in favor, ___ against,
___ abstaining, ___ absent.**

CITY OF LEADVILLE, COLORADO:

By: _____
Dana Greene, Mayor

ATTEST:

Hannah Scheer, City Clerk

EXHIBIT 1
FEE SCHEDULE

(see attached)

CITY OF LEADVILLE, COLORADO
2024 FEE SCHEDULE

EXHIBIT A
LIQUOR LICENSE FEES

<u>Application Fees</u>	<u>Local Fee</u>
New License (DR 8404, DR 8403)	\$1000.00
New License with Concurrent Review (DR 8404, DR 8403)	\$1000.00
Transfer of Ownership (DR 8404, DR 8403)	\$750.00
Additional Liquor-Licensed Drugstore (DR 8001)	\$1000.00
Additional Liquor-Licensed Drugstore with Concurrent Review (DR 8001)	\$1000.00
Late Renewal (DR 8408) (There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration)	\$500.00
Reissue (DR 8407) (There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration.)	\$500.00
Annual Renewal Application (DR 8400)	\$100.00
Late Annual Renewal Application (DR 8400)	\$50.00
Annual Art Gallery Application Fee (DR 8443)	\$100.00
<u>Retail License Fees (DR 8404, DR 8400, DR 8403)</u>	<u>Local Fee</u>
Art	\$41.25
Beer and Wine	\$48.75
Brew Pub	\$75.00
Club	\$41.25
Distillery Pub	\$75.00
Hotel and Restaurant	\$75.00
Hotel Restaurant with one Optional Premises	\$75.00
Each Additional OP License	\$75.00
Resort Complex	\$75.00
Campus Liquor Complex	\$75.00
Related Facility – Resort Complex	\$15.00
Related Facility – Campus Liquor Complex	\$15.00
Liquor – Licensed Drugstore	\$22.50
Lodging and Entertainment	\$75.00
Optional Premises (sidewalk service areas / modifications) (DR 8442)	\$75.00
Racetrack	\$75.00
Retail Gaming Tavern	\$75.00
Retail Liquor Store	\$22.50
Tavern	\$75.00
Vintner’s Restaurant	\$75.00
Fermented Malt Beverage On Premises	\$3.75
Fermented Malt Beverage Off Premises	\$3.75
Fermented Malt Beverage On/Off Premises	\$3.75

<u>Permit Fees</u>	<u>Local Fee</u>
Alcohol Beverage Festival Permit Application (DR 8420) (\$100 per event; nine total events allowed in 12 months)	\$100.00
Art Gallery Permit (DR 8443)	\$3.75
Bed and Breakfast Permit (DR 8447)	\$3.75
Delivery Permit Application and Renewal for Off-Premises Retailers (DR 8497)	\$11.00
Each Resort-Complex-Related Facility Permit	\$15.00
Special Event Permit (DR 8439) (Malt, Vinous and Spirituous Liquor and Fermented Malt Beverage)	\$100.00
Temporary Permit for a License Transfer Approved by the Local Liquor Licensing Authority	\$100.00
 <u>Additional Fees</u>	 <u>Local Fee</u>
Change of Location (DR 8442)	\$750.00
Common Consumption Promotional Association Application	\$100.00
Corporate/LLC Change (per person) (DR 8177)	\$100.00
Manager Registration (Hotel and Restaurant; Tavern; Lodging and Entertainment; Campus Liquor Complex)	\$75.00

**EXHIBIT B
MEDICAL AND RETAIL MARIJUANA FEE SCHEDULE**

<u>Application Fees</u>	Local Fee
New Marijuana Dispensary	\$2500.00
New Marijuana Cultivation Facility	\$2500.00
New Marijuana Products Manufacturer	\$2500.00
New Marijuana Testing Facility	\$2500.00
New Marijuana Research and Development	\$2500.00
New Marijuana Hospitality and Sales Business	\$2500.00
Annual Renewal Application (for all types of licenses)	\$1500.00
<u>License Fees</u>	
(In addition to application fees and other related fees and permits)	
New Marijuana Dispensary	\$2500.00
Marijuana Cultivation Facility	\$2500.00
Marijuana Products Manufacturer	\$2500.00
Marijuana Testing Facility	\$2500.00
Marijuana Research and Development	\$2500.00
Duplicate license	\$100.00
<u>Related Fees and Permits</u>	
(In addition to application fees and other related fees and permits)	
Annual Operations Fee	\$2000.00
Transfer of ownership to new entity	\$1000.00
Change of location	\$1000.00
Change of trade name	\$200.00
Inspection Fee	\$500.00
(Inspections by building department; fee assessed for each inspection completed for issuance of new or renewed license)	
Modification of premises	\$250.00
Change of ownership/Revisions of Current License	\$1000.00
Manager registration	\$75.00
Late Renewal Fee	\$250.00

**EXHIBIT C
ZONING FEE SCHEDULE**

(Fees authorized by provisions of Title 17 of the Leadville Municipal Code, including
Section 17.96.020)

Application Type	Local Fee
Major Impact Reviews	
Major Site Plan	\$1,250.00 1500.00
Planned Unit Development (PUD)	\$1,250.00 3000.00
Annexation	\$1,250.00 3000.00
Zoning Map Amendment	\$500.00 1000.00
Right-of-Way Vacation	\$1000.00
Limited Impact Reviews	
Conditional Use*	\$500.00
Minor Site Plan	\$500.00
Certificate of Appropriateness (Substantial Modification)	\$500.00
Designation/Revocation of Designation of Historic Structure	\$500.00
Zoning Text Amendment	\$500.00
Zoning Map Amendment	\$500.00 ¶
Variance	\$500.00
Board of Adjustment (BOA) Appeal	\$500.00
Administrative Reviews	
Administrative Site Plan*	\$250.00
Temporary Use Permit (201 attendees or more)	\$250.00
Minor Administrative Review	
Site Plan Administrative Appeal	\$125.00
Temporary Use Permit (51-200 attendees)	\$125.00 ¶
Temporary Use Permit (501-1000 attendees)	\$500.00 ¶
Temporary Use Permit (1001 attendees or more)	\$1000.00 ¶
Certificate of Appropriateness (Insubstantial Modification)	\$75.00
Temporary Use Permit (50 attendees or less)	\$50.00
Sign	\$50.00
Temporary Sign	\$25.00
Cash Deposit Agreement	\$75.00
Temporary Use Permits	
Temporary Use Permit (50 or less attendees)	\$50.00
Temporary Use Permit (51-200 attendees)	\$125.00
Temporary Use Permit (201-500 attendees)	\$250.00
Temporary Use Permit (501 - 1000 attendees)	\$500.00
Temporary Use Permit (1001 attendees or more)	\$1000.00
Zoning (Ex: Conditional Use, Site Plan) Consultant Review Fee Deposit**	\$1000.00
Work Session with Commission or City Council	\$250.001000.00

(Can be applied towards future application fees within 90 days)

*Telecommunications Facility Applications: In addition to application fee, applicant pays actual cost of application review per Sec. 17.72.070.

**For applications requiring review by city consultants, including legal, planning, and engineering, applicant pays the actual cost of review in addition to all applicable application and filing fees.

EXHIBIT D
SUBDIVISION FEE SCHEDULE
(Pursuant to Chapter 16.04 of the Leadville Municipal Code)

Application Type	Local Fee
Major Impact Reviews:	
Major Subdivision	\$1,250.00 + \$50/lot \$1500 + \$75/lot
Limited Impact Reviews:	
Minor Subdivision	\$500.00 + \$50/lot
Plat Amendment	\$500.00
Plat Vacation	\$500.00
Administrative Reviews:	
Lot Consolidation	\$250.00
Lot Line Adjustment	\$250.00
Townhouse, Condominium and Building Footprint Lot	\$250.00
Administrative Interpretation/Decision Appeal	
\$125.00 Fees-in-lieu of land dedication (16.40.040):	
Single Family Dwelling Unit:	[.0151]acre/\$[1032.36] per unit
Multi-Family Dwelling Unit:	[.0025] acre/\$[1032.36] per unit
Mobile Home Park:	[.0151] acre/\$[636.68] per space
Consultant Review Fee Deposit	\$2000.00

EXHIBIT E
POLICE DEPARTMENT FEE SCHEDULE

Fees	Local Fee
Certified VIN Inspection	\$50.00
Fingerprinting	\$30.00
Sex Offender Registration	\$75.00
Sex Offender Re-Registration	\$20.00
Sex Offender updates	No Charge
Copies/Per Page (Records Requests)	\$0.25
Research/Retrieval/Redaction Fee (Records Request)	\$33.58/hour
Video Redactions (Records Request) Actual Cost Audio/Video Fee/Per CD/DVD/USB (Records Request)	\$15.00

*Pursuant to the City's CORA policy, a 50% advance deposit must be paid before the City begins processing a records request that is estimated to cost in excess of \$100.00 to complete. A cost estimate showing the City's estimated costs related to the records request will be provided to the requester in such cases. Persons requesting records must pay 100% of the applicable costs, if any, before the City will produce records pursuant to a records request.

EXHIBIT F
SHORT-TERM RENTAL LICENSING FEE SCHEDULE

License Application Fees	Local Fee
Application Fee for Class 1 license	\$325.00
Application Fee for Class 2 license	\$325.00
Fire Safety Inspection (every 2 years)	\$40.00

EXHIBIT G
BUSINESS LICENSING FEE SCHEDULE

<u>License Application Fees</u>	<u>Local Fee</u>
Annual Application Fee (new or renewing businesses)	\$50.00
Application Fee (four-day event business license)	\$10.00
Transfer of ownership	\$50.00
Late Fee after January 31 st	\$20.00

EXHIBIT H
EXCAVATION PERMITTING FEE SCHEDULE

Permit Fees	Local Fee
Application Fee for Excavation Permit (per block)	\$250.00
Application Fee for Right of Way/Alley Excavation (per block)	\$100.00
Application Fee for Sidewalk/Driveway	\$50.00
Application Fee for Projects lasting the duration of Excavation Season OR Projects requiring five (5) or more Permits per block	\$400.00

EXHIBIT I
ENCROACHMENT ~~PERMIT~~-LICENSE FEE
SCHEDULE

<u>Application Fee</u>	<u>Local Fee</u>
Application Fee	\$150.00

**EXHIBIT J
RECORDS REQUEST FEES***

(Applies to requests for public records that are not criminal justice records)

Fees	Local Fee
Hard copies of records	\$0.25/page
Staff research, retrieval and redaction time	\$33.58/hour (after the first hour)
CD, DVD or USB of electronic records	\$15.00 each (to be consistent with Exhibit E)

**EXHIBIT K
LEADVILLE LAKE COUNTY FIRE AND RESCUE**

Fees	Local Fee
Residential (Single and two family residence plan review fee)	\$50.00
Commercial (R-1,R-2,R-3,R-4)	\$500.00 (5,000 sq. ft. or more)
	\$250.00 (4,999 sq. ft. or less)
Residential Solar Array Plan Review	\$25.00
Short-Term Rental Inspections (City)	\$4050.00
Fire Alarm System Plans with Battery Calculations and Product Info.	\$400.00
Device Test During Inspection	\$2.00/each
Sprinkler System Test and Acceptance	\$400.00
Sprinkler Head Test	\$2.00/head
Suppression System (Standpipe System/Building Final)	\$200.00
Suppression System (Each Additional Riser)	\$100.00
Suppression System (Fire Pump)	\$200.00
Flow Test on all New Hydrants	\$100.00
Special Events (When Site Inspection is required/otherwise no cost)	\$100.00
Commercial Kitchen Hood System (New)	\$200.00
False Alarms	Per Current Resolution/Ordinance
Re-Inspections if Occupant Fails to Comply with Safety Regulations	\$200.00
Building Department (Building Department Project Valuation Greater Than \$50,000)	
"Total" Fee x .065	

Base Response Fee by Type of Incident

Structure Fire	\$1500.00
Wildland Fire	\$1500/property
Vehicle Fire	\$250.00
Emergency Medical Services (Extra-Jurisdictional)	\$200.00
Fire or Environmental Alarm	\$150.00
Service Call	\$150.00
Hazardous Materials Response (Extra-Jurisdictional)	\$250.00

Response Apparatus and Command/Staff Fees

Type I Engine	\$250.00/hr.
Type III Engine	\$220.00/hr.
Type VI Engine	\$165.00/hr.
Heavy Rescue/Hazmat	\$220.00/hr.
Water Tender	\$190.00/hr.
Aerial Truck	\$280.00/hr.
Command/Staff Vehicles	\$60.00/hr.

**EXHIBIT L
ANIMAL SHELTER FEE SCHEDULE**

Fees	Local Fee
Impoundment Fee (May be reduced or waived at discretion of animal shelter manager)	
\$20.00/day after the first day. No charge if the animal is picked up on the first day before the Shelter closes and if the animal is licensed.)	
	+ \$20.00 Admin. Fee
License Fees for Spayed/Neutered Animals	
1-Year License	\$15.00
3-Year License	\$40.00
License Fees for Animals Not Spayed/Neutered	
1-Year License	\$40.00
3-Year License	\$100.00
Adoption Fees (not including vet fees)	
Small Dogs and Puppies	\$300.00
Adult Dogs	\$50.00-\$200.00
Purebred	\$300.00
Spay/Neuter Deposit (in addition to adoption fee)	\$100.00 - 200.00
Surrender Fees (may be reduced or waived at discretion of animal shelter manager)	
Spayed/Neutered, Vaccinated	\$25.00
Spayed/Neutered, Not Vaccinated	\$50.00
Not Spayed/Neutered, Vaccinated	\$100.00
Not Spayed/Neutered, Not Vaccinated	\$150.00
Microchips	
Public	\$20.00
Return to Owner	\$10.00 15.00
Shelter Staff	\$5.00 10.00

**CITY OF LEADVILLE, COLORADO
2024 FEE SCHEDULE**

**EXHIBIT A
LIQUOR LICENSE FEES**

<u>Application Fees</u>	<u>Local Fee</u>
New License (DR 8404, DR 8403)	\$1000.00
New License with Concurrent Review (DR 8404, DR 8403)	\$1000.00
Transfer of Ownership (DR 8404, DR 8403)	\$750.00
Additional Liquor-Licensed Drugstore (DR 8001)	\$1000.00
Additional Liquor-Licensed Drugstore with Concurrent Review (DR 8001)	\$1000.00
Late Renewal (DR 8408) (There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration)	\$500.00
Reissue (DR 8407) (There is a mandatory fine of \$500.00 plus \$25/day for each day after the 90th day of expiration.)	\$500.00
Annual Renewal Application (DR 8400)	\$100.00
Late Annual Renewal Application (DR 8400)	\$50.00
Annual Art Gallery Application Fee (DR 8443)	\$100.00
<u>Retail License Fees (DR 8404, DR 8400, DR 8403)</u>	<u>Local Fee</u>
Art	\$41.25
Beer and Wine	\$48.75
Brew Pub	\$75.00
Club	\$41.25
Distillery Pub	\$75.00
Hotel and Restaurant	\$75.00
Hotel Restaurant with one Optional Premises	\$75.00
Each Additional OP License	\$75.00
Resort Complex	\$75.00
Campus Liquor Complex	\$75.00
Related Facility – Resort Complex	\$15.00
Related Facility – Campus Liquor Complex	\$15.00
Liquor – Licensed Drugstore	\$22.50
Lodging and Entertainment	\$75.00
Optional Premises (sidewalk service areas / modifications) (DR 8442)	\$75.00
Racetrack	\$75.00
Retail Gaming Tavern	\$75.00
Retail Liquor Store	\$22.50
Tavern	\$75.00
Vintner’s Restaurant	\$75.00
Fermented Malt Beverage On Premises	\$3.75
Fermented Malt Beverage Off Premises	\$3.75
Fermented Malt Beverage On/Off Premises	\$3.75

Permit Fees	Local Fee
Alcohol Beverage Festival Permit Application (DR 8420) (\$100 per event; nine total events allowed in 12 months)	\$100.00
Art Gallery Permit (DR 8443)	\$3.75
Bed and Breakfast Permit (DR 8447)	\$3.75
Delivery Permit Application and Renewal for Off-Premises Retailers (DR 8497)	\$11.00
Each Resort-Complex-Related Facility Permit	\$15.00
Special Event Permit (DR 8439) (Malt, Vinous and Spirituous Liquor and Fermented Malt Beverage)	\$100.00
Temporary Permit for a License Transfer Approved by the Local Liquor Licensing Authority	\$100.00

Additional Fees	Local Fee
Change of Location (DR 8442)	\$750.00
Common Consumption Promotional Association Application	\$100.00
Corporate/LLC Change (per person) (DR 8177)	\$100.00
Manager Registration (Hotel and Restaurant; Tavern; Lodging and Entertainment; Campus Liquor Complex)	\$75.00

**EXHIBIT B
MEDICAL AND RETAIL MARIJUANA FEE SCHEDULE**

<u>Application Fees</u>	<u>Local Fee</u>
New Marijuana Dispensary	\$2500.00
New Marijuana Cultivation Facility	\$2500.00
New Marijuana Products Manufacturer	\$2500.00
New Marijuana Testing Facility	\$2500.00
New Marijuana Research and Development	\$2500.00
New Marijuana Hospitality and Sales Business	\$2500.00
Annual Renewal Application (for all types of licenses)	\$1500.00
<u>License Fees</u>	
(In addition to application fees and other related fees and permits)	
New Marijuana Dispensary	\$2500.00
Marijuana Cultivation Facility	\$2500.00
Marijuana Products Manufacturer	\$2500.00
Marijuana Testing Facility	\$2500.00
Marijuana Research and Development	\$2500.00
Duplicate license	\$100.00
<u>Related Fees and Permits</u>	
(In addition to application fees and other related fees and permits)	
Annual Operations Fee	\$2000.00
Transfer of ownership to new entity	\$1000.00
Change of location	\$1000.00
Change of trade name	\$200.00
Inspection Fee	\$500.00
(Inspections by building department; fee assessed for each inspection completed for issuance of new or renewed license)	
Modification of premises	\$250.00
Change of ownership/Revisions of Current License	\$1000.00
Manager registration	\$75.00
Late Renewal Fee	\$250.00

**EXHIBIT C
ZONING FEE SCHEDULE**

(Fees authorized by provisions of Title 17 of the Leadville Municipal Code, including
Section 17.96.020)

Application Type	Local Fee
Major Impact Reviews	
Major Site Plan	\$ 1500.00
Planned Unit Development (PUD)	\$ 3000.00
Annexation	\$ 3000.00
Zoning Map Amendment	\$ 1000.00
Right-of-Way Vacation	\$1000.00
Limited Impact Reviews	
Conditional Use*	\$500.00
Minor Site Plan	\$500.00
Certificate of Appropriateness (Substantial Modification)	\$500.00
Designation/Revocation of Designation of Historic Structure	\$500.00
Zoning Text Amendment	\$500.00
Variance	\$500.00
Board of Adjustment (BOA) Appeal	\$500.00
Administrative Reviews	
Administrative Site Plan*	\$250.00
Minor Administrative Review	
Site Plan Administrative Appeal	\$125.00
Certificate of Appropriateness (Insubstantial Modification)	\$75.00
Temporary Use Permit (50 attendees or less)	\$50.00
Sign	\$50.00
Temporary Sign	\$25.00
Cash Deposit Agreement	\$75.00
Temporary Use Permits	
Temporary Use Permit (50 or less attendees)	\$50.00
Temporary Use Permit (51-200 attendees)	\$125.00
Temporary Use Permit (201-500 attendees)	\$250.00
Temporary Use Permit (501 – 1000 attendees)	\$500.00
Temporary Use Permit (1001 attendees or more)	\$1000.00
Zoning (Ex: Conditional Use, Site Plan) Consultant Review Fee Deposit**	\$1000.00
Work Session with Commission or City Council	\$250.00

(Can be applied towards future application fees within 90 days)

*Telecommunications Facility Applications: In addition to application fee, applicant pays actual cost of application review per Sec. 17.72.070.

**For applications requiring review by city consultants, including legal, planning, and engineering, applicant pays the actual cost of review in addition to all applicable application and filing fees.

EXHIBIT D
SUBDIVISION FEE SCHEDULE
(Pursuant to Chapter 16.04 of the Leadville Municipal Code)

Application Type	Local Fee
Major Impact Reviews:	
Major Subdivision	\$1500 + \$75/lot
Limited Impact Reviews:	
Minor Subdivision	\$500.00 + \$50/lot
Plat Amendment	\$500.00
Plat Vacation	\$500.00
Administrative Reviews:	
Lot Consolidation	\$250.00
Lot Line Adjustment	\$250.00
Townhouse, Condominium and Building Footprint Lot	\$250.00
Administrative Interpretation/Decision Appeal	
\$125.00 Fees-in-lieu of land dedication (16.40.040):	
Single Family Dwelling Unit:	[.0151]acre/\$[1032.36] per unit
Multi-Family Dwelling Unit:	[.0025] acre/\$[1032.36] per unit
Mobile Home Park:	[.0151] acre/\$[636.68] per space
Consultant Review Fee Deposit	\$2000.00

EXHIBIT E
POLICE DEPARTMENT FEE SCHEDULE

Fees	Local Fee
Certified VIN Inspection	\$50.00
Fingerprinting	\$30.00
Sex Offender Registration	\$75.00
Sex Offender Re-Registration	\$20.00
Sex Offender updates	No Charge
Copies/Per Page (Records Requests)	\$0.25
Research/Retrieval/Redaction Fee (Records Request)	\$33.58/hour
Video Redactions (Records Request) Actual Cost Audio/Video Fee/Per CD/DVD/USB (Records Request)	\$15.00

*Pursuant to the City's CORA policy, a 50% advance deposit must be paid before the City begins processing a records request that is estimated to cost in excess of \$100.00 to complete. A cost estimate showing the City's estimated costs related to the records request will be provided to the requester in such cases. Persons requesting records must pay 100% of the applicable costs, if any, before the City will produce records pursuant to a records request.

EXHIBIT F
SHORT-TERM RENTAL LICENSING FEE SCHEDULE

License Application Fees	Local Fee
Application Fee for Class 1 license	\$325.00
Application Fee for Class 2 license	\$325.00
Fire Safety Inspection (every 2 years)	\$40.00

EXHIBIT G
BUSINESS LICENSING FEE SCHEDULE

<u>License Application Fees</u>	<u>Local Fee</u>
Annual Application Fee (new or renewing businesses)	\$50.00
Application Fee (four-day event business license)	\$10.00
Transfer of ownership	\$50.00
Late Fee after January 31 st	\$20.00

**EXHIBIT H
EXCAVATION PERMITTING FEE SCHEDULE**

<u>Permit Fees</u>	<u>Local Fee</u>
Application Fee for Excavation Permit (per block)	\$250.00
Application Fee for Right of Way/Alley Excavation (per block)	\$100.00
Application Fee for Sidewalk/Driveway	\$50.00
Application Fee for Projects lasting the duration of Excavation Season OR Projects requiring five (5) or more Permits per block	\$400.00

**EXHIBIT I
ENCROACHMENT LICENSE FEE
SCHEDULE**

Application Fee	Local Fee
Application Fee	\$150.00

**EXHIBIT J
RECORDS REQUEST FEES***

(Applies to requests for public records that are not criminal justice records)

Fees	Local Fee
Hard copies of records	\$0.25/page
Staff research, retrieval and redaction time	\$33.58/hour (after the first hour)
CD, DVD or USB of electronic records	\$15.00 each (to be consistent with Exhibit E)

EXHIBIT K
LEADVILLE LAKE COUNTY FIRE AND RESCUE

Fees	Local Fee
Residential (Single and two family residence plan review fee)	\$50.00
Commercial (R-1,R-2,R-3,R-4)	\$500.00 (5,000 sq. ft. or more) \$250.00 (4,999 sq. ft. or less)
Residential Solar Array Plan Review	\$25.00
Short-Term Rental Inspections (City)	\$50.00
Fire Alarm System Plans with Battery Calculations and Product Info.	\$400.00
Device Test During Inspection	\$2.00/each
Sprinkler System Test and Acceptance	\$400.00
Sprinkler Head Test	\$2.00/head
Suppression System (Standpipe System/Building Final)	\$200.00
Suppression System (Each Additional Riser)	\$100.00
Suppression System (Fire Pump)	\$200.00
Flow Test on all New Hydrants	\$100.00
Special Events (When Site Inspection is required/otherwise no cost)	\$100.00
Commercial Kitchen Hood System (New)	\$200.00
False Alarms	Per Current Resolution/Ordinance
Re-Inspections if Occupant Fails to Comply with Safety Regulations	\$200.00
Building Department (Building Department Project Valuation Greater Than \$50,000)	
"Total" Fee x .065	

EXHIBIT L
ANIMAL SHELTER FEE SCHEDULE

Fees	Local Fee
Impoundment Fee (May be reduced or waived at discretion of animal shelter manager) \$20.00/day after the first day. No charge if the animal is picked up on the first day before the Shelter closes and if the animal is licensed.)	+ \$20.00 Admin. Fee
License Fees for Spayed/Neutered Animals	
1-Year License	\$15.00
3-Year License	\$40.00
License Fees for Animals Not Spayed/Neutered	
1-Year License	\$40.00
3-Year License	\$100.00
Adoption Fees	
Small Dogs and Puppies	\$300.00
Adult Dogs	\$50.00- 200.00
Purebred	\$300.00
Spay/Neuter Deposit (in addition to adoption fee)	\$100.00 – 200.00
Surrender Fees (may be reduced or waived at discretion of animal shelter manager)	
Spayed/Neutered, Vaccinated	\$25.00
Spayed/Neutered, Not Vaccinated	\$50.00
Not Spayed/Neutered, Vaccinated	\$100.00
Not Spayed/Neutered, Not Vaccinated	\$150.00
Microchips	
Public	\$20.00
Return to Owner	\$ 15.00
Shelter Staff	\$ 10.00



AGENDA ITEM #9E

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 5, 2024

SUBJECT: Resolution No. 19, Series of 2024: A Resolution Appointing a Planning and Zoning Commission Member and Two Alternate Planning and Zoning Commission Members

PRESENTED BY: Chapin LaChance, AICP – Planning Director

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

Staff requests that our Honorable Mayor Greene, with consent of the City Council, appoint a Planning and Zoning Commission Member and two Alternate Planning and Zoning Commission Members for six-year terms expiring 3/5/2030.

II. BACKGROUND INFORMATION:

Former Planning and Zoning (P&Z) Commissioner Joey Edwards was recently elected to the City Council and subsequently resigned from the P&Z. In addition to the resulting vacancy of a Commission Member seat, there are two vacancies for Alternate P&Z Commission Member seats.

Advertisements for the available P&Z positions were posted in the *Leadville Herald* on February 8 and February 15, 2024. Three applicants have applied, which are Mayor Emeritus Greg Labbe, Tracey Lauritzen, and Steven Prestash.

In the absence of a Commissioner at a P&Z meeting, quasi-judicial or legislative public hearing, the Alternate Members may cast votes as regular Commission Members. At the time of the

memo, staff has confirmed with two of the three applicants that they would be interested in serving as Alternate Members should they not be appointed as a Commission Member.

Applicable excerpt from Leadville Municipal Code [Chapter 2.36 - PLANNING AND ZONING COMMISSION](#): *“The six remaining voting members and two alternates shall be appointed by the mayor, with the consent of council, and their terms shall be for six years, staggered so that one new member is appointed each year. In the event a member resigns before the expiration of their term, the senior alternate shall be accepted to fill that position without any action by the city council...Vacancies shall be filled for an unexpired term in the same manner as in the case of original appointments with priority consideration given to alternate members.”*

III. **FISCAL IMPACTS:** None.

IV. **LEGAL ISSUES:** None.

VI. **COUNCIL OPTIONS:**

1. Adopt the Resolution.
2. Do not adopt the Resolution.
3. Table consideration of the Resolution and provide direction to staff.

VII. **PROPOSED MOTION:**

“I move that the City Council adopt Resolution No. 19, Series of 2024, a Resolution of the City Council of the City of Leadville, Colorado, Appointing a Planning and Zoning Commission Member and Two Alternate Planning and Zoning Commission Members.”

VIII. **ATTACHMENTS:**

- Letter of interest from Mayor Emeritus Greg Labbe
- Letter of interest from Tracey Lauritzen
- Letter of interest from Steven Prestash
- Resolution No. 19, Series of 2024

**CITY OF LEADVILLE, COLORADO
RESOLUTION NO. 19
SERIES OF 2024**

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LEADVILLE, COLORADO
APPOINTING A PLANNING AND ZONING COMMISSION MEMBER AND TWO
ALTERNATE PLANNING AND ZONING COMMISSION MEMBERS**

WHEREAS, pursuant to the City of Leadville (“City”) Municipal Code (“Code”), Section 2.36.010, a planning and zoning commission (“Commission”) for the City is created pursuant to Title 31, Article 23, Parts 2 and 3, Colorado Revised Statutes (“C.R.S.”) 1973, as amended;

WHEREAS, pursuant to Section 2.36.020 of the Code, six voting members and two alternates on the Commission shall be appointed by the mayor, with the consent of council, and their terms shall be for six years, staggered so that one new member is appointed each year;

WHEREAS, due to resignations, there currently exists one vacancy for a Planning Commission member and two vacancies for alternate Planning Commission members;

WHEREAS, on February 8, 2024 and February 15, 2024 the City advertised these vacancies in the *Leadville Herald*;

WHEREAS, the City received three applications in response to the advertisement;

WHEREAS, the applicants are all qualified to serve on the City’s Planning Commission (being bone fide residents of the City pursuant to Section 2.36.030 of the Code).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Leadville, Colorado, as follows:

_____ is hereby appointed a City of Leadville Planning Commissioner and

_____ and _____ are hereby appointed City of Leadville Alternate Planning Commissioners.

This Resolution shall be effective upon its adoption.

ADOPTED this 5th day of March, 2024 by a vote of ___ in favor, ___ against, ___ abstaining, and ___ absent.

CITY OF LEADVILLE, COLORADO

Dana Greene, Mayor

ATTEST:

Hannah Scheer, City Clerk

Greg Labbe

labbeg1@gmail.com

130 St Louis Ave., Leadville, CO 80461

(303) 641-1128

February 22, 2024

Re: Planning & Zoning Board position

Dear Planning & Zoning Board,

I first joined the P&Z Board in 2013 and have continuously served until my mayoral term was up on January 9, 2024. I have understood during all this time that the work of Planning & Zoning is critical to the future vision and functional health of our community. I bring with me institutional knowledge and a caring for our City that I hope can continue to help us work to update and improve our chapter 17 codes and polish our table of uses.

Thank you for your consideration.

Respectfully,

Greg Labbe



Chapin LaChance <planningdirector@leadville-co.gov>

Planning and Zoning Vacancy

Tracey Lauritzen <tlauritzen5@gmail.com>
To: planningdirector@leadville-co.gov

Sun, Feb 11, 2024 at 3:24 PM


Hi Chapin,

I would like to formally apply for the vacancy on the City Planning & Zoning Commission. I have lived in Leadville for approximately 18 years, and most recently served on City Council for 4 years.

I have attached my resume for more information.

Thank you for your consideration.

Tracey

 **tl_resume_genl.doc**
35K

Tracey Lauritzen

719-293-1592
tlauritzen5@gmail.com

609 E. 7th Street
Leadville, CO 80461

Education

Bachelors of Science Civil Engineering, University of Illinois at Chicago, Chicago, IL
Masters of Science in Civil Engineering, University of Illinois at Chicago, Chicago, IL
Ph.D. Student in Civil Engineering (ABD), University of California at Davis, Davis, CA

Experience

Expert in demand forecasting and discrete choice modeling, using real world data to develop original models. Real world experience in mathematics, statistics, computer programming, survey design, and data analysis. Expert in data mining, data analysis and distilling critical information for management.

2023 – Present

Clerk & Recorder, Lake County, Colorado

2020 – 2024

City Council Member, City of Leadville

2012 – 2017

Specialist, Pricing & Revenue Management, Spirit Airlines, Miramar, FL

Accomplishments: Created new dynamic reporting using Infare data to maximize pricing structure based on OA fares. Created historical booking curves, elasticity measures, and ad hoc reporting.

2010-2012

Project Manager, Forecasting & Operations Research, Frontier Airlines, Denver, CO

Accomplishments: Updated seasonal indices and facilitated integration of Midwest Airlines and Frontier Airlines databases. Implemented NRPS price optimization, analyzed results and created new fare structure. Created Revenue Opportunity Model to track actual vs. forecasted RM.

2009-2010

Analyst, Revenue Management, Frontier Airlines, Denver CO

Accomplishments: Managed markets and created seasonal indices for use in PROs 5.2.

2006 – 2009

Owner & General Manager, Leadville Inn, Leadville, CO

Accomplishments: Managed all aspects of 9-room bed and breakfast in mountain community including marketing, revenue management and website.

2008

Adjunct Mathematics Faculty, Colorado Mountain College, Leadville, CO

Accomplishments: Taught college-level algebra.

1999 – 2006

Consultant, Parsons Brinckerhoff, Albuquerque, NM

Accomplishments: Estimation of behavior choice models for GBNRTC, NYMTC, OKICOG. Calibration and application of behavior choice models for LAMTA, the City of Albuquerque and the Inland Empire MPO. Airport visitor choice model for Oregon DOT. Estimation of annual household transition rates and household allocation models for use in land-use/transportation model for Oregon DOT. Development of sampling plan and survey instrument design for tour-based statewide Michigan DOT Household Travel Survey. Estimation of tour-based micro-simulation travel-demand models for TRPA.

1996 – 1999

Ph.D. Student & Teaching Assistant, University of California at Davis, Davis, CA

Accomplishments: Auto ownership model for Phoenix MPO. Research into the use of neural networks in travel demand modeling. Completed all coursework for Ph.D. Program.

Software Familiarity

SAS, SPSS, Fortran, C, C++, Java, Alogit, Limdep, Matlab, Arcview, MapInfo, Microsoft Office, MSSQL Server, R

Papers/Presentations

Lauritzen, T., Skluzacek, M., “A Practical Approach to Fare Elasticities”, Agifors 53rd Annual Symposium, Amsterdam, The Netherlands, 2013.

Willison, C., Frazier, C., Lauritzen, T., Norberg, K., “Development of an Activity-Based Model in the Lake Tahoe Region”, Presented at 11th TRB National Transportation Planning Applications Conference, Orlando FL, 2007.

Griesenbeck, B. And Quintin (Lauritzen), T., “Capturing Income Effects on Transit Mode Choice and Assignment”, Presented at the 7th TRB Conference on the Application of Transportation Planning Methods, Boston, MA, 1999.

February 28th 2024 Wednesday: hereby I Steven R. Prestash
residing at 131 East 3rd Street (mailing address is PO Box 1871
Leadville Co 80461) Leadville since 1996, do apply for
both positions of Leadville Planning and Zoning Commission
or Alternate. I moved to Leadville (from Pennsylvania)

January 1980 and have lived here full time since then,
with the exception of 1984 to 1989 where I resided
at University of Colorado at Boulder. Yet I maintained
a residence in Leadville for the first 5 of these 6 years.

I have experience working as a laborer in Leadville,
so have worked on and within buildings and properties, e.g.
digging foundations or water lines. I also worked the
length of the sidewalk renewal project on Harrison Avenue,
and both phases of the Airport expansion as a
laborer.

As a English literature major at CU Boulder, I have experience researching issues and topics. My experience also includes working with the Colorado Revised Statutes (I usually have a set from the prior year), and have utilized them in various defensive litigation I've filed in our District Court.

As I am not a professional property manager, relator, or developer, it is readily apparent to the public that I do not have a direct or indirect financial gain from effecting city wide zoning and thus appointing me significantly avoids any public perception that there exists an appearance of impropriety.

Best



Steven R. Prestash

(2)



AGENDA ITEM #9F

CITY COUNCIL COMMUNICATION FORM

MEETING DATE: March 5, 2024

SUBJECT: Ordinance No. 1, Series of 2024: An Ordinance of the City Council of the City of Leadville Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City (first reading)

PRESENTED BY: Laurie Simonson, City Administrator

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

I. **REQUEST OR ISSUE:**

Before the City Council for consideration, on first reading, is Ordinance No. 1, Series of 2024 (“Ordinance”), which would amend Chapter 5.04 of Title 5 of the Leadville Municipal Code (“Code”), Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles (OHVs”) in the City of Leadville (“City”).

II. **BACKGROUND INFORMATION:**

On February 6, 2024 at its regular meeting, the City Council held a first reading regarding Ordinance No. 1, Series of 2024 which would Amend Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Rental, Leasing, or Guiding of OHVs within the City. At that meeting, the Council received a staff summary of the Ordinance and then discussed the Ordinance as drafted.

The Council recommended the following changes: (1) that the Ordinance be modified to include snowmobiles; (2) that the Ordinance be modified to prohibit the rental and leasing of OHV’s and snowmobiles; and (3) the number of licenses for guiding OHVs and snowmobiles be limited to three (3) total.

Ordinance No. 1, Series of 2024 which would amend Chapter 5.04 of Title 5 of the Code, regulating the business of guiding snowmobiles and OHVs in the City incorporates these

changes. This Ordinance also balances the need for the existing OHV businesses while reducing the impact of OHVs in our community by capping the number of business licenses for this purpose at three licenses. Through this Ordinance, the City desires to limit the further impact of OHV noise and traffic in the community to promote the health, safety and welfare of its citizens.

III. FISCAL IMPACTS:

N/A

V. LEGAL ISSUES:

The City's City Attorney recommended that this Ordinance come back to the Council for consideration on another first reading due to the number of changes suggested by the Council at the initial first reading on February 6, 2024. Therefore, the Council has the revised Ordinance before it for consideration now as another first reading rather than seeing it for a second reading on March 19, 2024 as was initially planned. The second reading will now occur on April 2, 2024 and there will be no second reading on March 19, 2024.

The City Council is authorized pursuant to Colorado Revised Statutes ("C.R.S.") § 31-15-501 to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms and manner of issuing and revoking licenses issued therefor. Title 5, section 5.04.010 of the Leadville Municipal Code ("Code") requires that "every person, firm, partnership, corporation or other business entity must obtain a business license from the city before operating, conducting or carrying on any for-profit retail trade, profession or business within the city." The City Council possesses the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of Leadville.

VI. STAFF RECOMMENDATION:

Staff recommends adopting Ordinance No. 1, Series of 2024 - Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City of Leadville on first reading and schedule a second reading for a date certain.

VII. COUNCIL OPTIONS:

Council may take one of the following actions:

1. Adopt the Ordinance.
2. Adopt the Ordinance with amendments.
3. Table the Ordinance for further discussion and consideration.

VIII. PROPOSED MOTION:

"I move to adopt Ordinance No. 1, Series of 2024 - Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City of Leadville on first reading. I further move to schedule second reading for City Council's regular meeting on April 2, 2024."

IX. ATTACHMENTS:

1. Ordinance No. 1, Series of 2024 - Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City of Leadville – redlined version;

2. Ordinance No. 1, Series of 2024 - Amending Chapter 5.04 of Title 5 of the Leadville Municipal Code, Regulating the Business of Guiding Snowmobiles and Off-Highway Vehicles in the City of Leadville – clean version.

CITY OF LEADVILLE, COLORADO
ORDINANCE NO. ___
SERIES OF 2024

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEADVILLE
AMENDING CHAPTER 5.04 OF TITLE 5 OF THE LEADVILLE MUNICIPAL CODE,
REGULATING THE RENTAL, LEASING OR BUSINESS OF GUIDING OF
SNOWMOBILES AND OFF-HIGHWAY VEHICLES IN THE CITY**

WHEREAS, C.R.S. § 33-14-101, et seq., addresses snowmobile regulations in this state;

WHEREAS, C.R.S. § 33-14.5-101, *et seq.*, addresses off-highway vehicle ("OHV") regulations in this state;

WHEREAS, pursuant to C.R.S. §§§ 33-14-118 and 33-14.5-110, the City Council of the City of Leadville ("City Council") is authorized to regulate snowmobiles and OHVs on public lands, water and property under its jurisdiction and on streets and highways within its boundaries by appropriate ordinance if such regulations are not inconsistent with state law;

WHEREAS, City Council is authorized to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor, pursuant to C.R.S. § 31-15-501;

WHEREAS, by Ordinance No. 1, Series of 2023, adopted on final reading February 7, 2023, the City imposed a moratorium on the City's issuance of new business licenses for the guiding, rental, or leasing of OHVs as a temporary measure until the City could replace the moratorium by a subsequent legislative enactment; and

WHEREAS, to promote the public health, safety and welfare, the City is prepared to enact the following limitationslimitation on the number of businesses ~~renting, leasing, or guiding of off-highway vehicles within~~permitted to offer guided tours using snowmobiles and OHVs in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Section 5.~~040.020~~04.020 within Chapter 5.~~1404~~ of Title 5 of the Leadville Municipal Code is hereby amended by the addition of a new subsection (H) to read as follows:

5.04.020 - Application and license requirements.

* * *

H. OHV and snowmobile license limitation. As part of the City's regulation of businesses with the City and in order to protect the public health, safety and welfare, no more than two (2) businesses may be licensed for the purpose of ~~renting, leasing, or guiding of~~snowmobiles and off-highway vehicles within the City. Renting or leasing snowmobiles or OHVs to individuals for unguided use within or through the City is prohibited.

1. For purposes of this limitation, the following terms have the following meanings:

a. "Guiding" means the provision of guided ~~OHV tours.~~ snowmobile or OHV tours during which participants are accompanied by and under the control and direction of an employee or agent of the business licensed under this Section. "Guiding" does not include renting or leasing.

b. "Off-highway vehicle" or "OHV" means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes, as defined in C.R.S. § 33-14.5.101(3), as amended, currently defined as *including* surplus military vehicles as defined in C.R.S. § 42-6-102, and currently defined as *excluding* all-terrain vehicles, as defined in C.R.S. § 42-6-102, vehicles designed and used primarily for travel on, over, or in the water, snowmobiles, golf carts, vehicles designed and used to carry individuals with disabilities, vehicles designed and used specifically for agricultural, logging, or mining purposes, vehicles registered pursuant to Article 3 of Title 42, C.R.S., or a surplus military vehicle, as defined in C.R.S. § 42-6-102(20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in C.R.S. § 32-1-103(7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

c. "Renting" or "leasing" means entering into an agreement, written or otherwise, between a customer and a business to allow the customer temporary use of the business' OHV in exchange for some form of consideration.

d. "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

2. This business license limitation shall not be construed to ~~prohibit~~regulate the lawful operation of properly registered snowmobiles or off-highway vehicles that are not rented, leased or guided by a business in the City.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this ____ day of _____, 2024.

CITY OF LEADVILLE, COLORADO

Dana Greene, Mayor

ATTEST:

Hannah Scheer, Deputy City Clerk

PUBLISHED in full in The Herald Democrat a newspaper of general circulation in the City of Leadville, Colorado, on this ____ day of _____, 2024.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this ____ day of _____, 2024.

CITY OF LEADVILLE, COLORADO

Dana Greene, Mayor

ATTEST:

Hannah Scheer, Deputy City Clerk

PUBLISHED BY TITLE ONLY in The Herald Democrat a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this ____ day of _____, 2024.

**CITY OF LEADVILLE, COLORADO
ORDINANCE NO. 1
SERIES OF 2024**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEADVILLE
AMENDING CHAPTER 5.04 OF TITLE 5 OF THE LEADVILLE MUNICIPAL CODE,
REGULATING THE BUSINESS OF GUIDING SNOWMOBILES AND OFF-HIGHWAY
VEHICLES IN THE CITY**

WHEREAS, C.R.S. § 33-14-101, *et seq.*, addresses snowmobile regulations in this state;

WHEREAS, C.R.S. § 33-14.5-101, *et seq.*, addresses off-highway vehicle ("OHV") regulations in this state;

WHEREAS, pursuant to C.R.S. §§ 33-14-118 and 33-14.5-110, the City Council of the City of Leadville ("City Council") is authorized to regulate snowmobiles and OHVs on public lands, water and property under its jurisdiction and on streets and highways within its boundaries by appropriate ordinance if such regulations are not inconsistent with state law;

WHEREAS, City Council is authorized to license and regulate any lawful occupation, business place, amusement, or place of amusement and to fix the amount, terms, and manner of issuing and revoking licenses issued therefor, pursuant to C.R.S. § 31-15-501;

WHEREAS, by Ordinance No. 1, Series of 2023, adopted on final reading February 7, 2023, the City imposed a moratorium on the City's issuance of new business licenses for the guiding, rental, or leasing of OHVs as a temporary measure until the City could replace the moratorium by a subsequent legislative enactment; and

WHEREAS, to promote the public health, safety and welfare, the City is prepared to enact the following limitation on the number of businesses permitted to offer guided tours using snowmobiles and OHVs in the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEADVILLE, COLORADO, AS FOLLOWS:

Section 1. Section 5.04.020 within Chapter 5.04 of Title 5 of the Leadville Municipal Code is hereby amended by the addition of a new subsection (H) to read as follows:

5.04.020 - Application and license requirements.

* * *

H. **OHV and snowmobile license limitation.** As part of the City's regulation of businesses with the City and in order to protect the public health, safety and welfare, no more than three (3) businesses may be licensed for the purpose of guiding snowmobiles and off-highway vehicles within the City. Renting or leasing snowmobiles or OHVs to individuals for unguided use within or through the City is prohibited.

1. For purposes of this limitation, the following terms have the following meanings:

a. "Guiding" means the provision of guided snowmobile or OHV tours during which participants are accompanied by and under the control and direction of an employee or agent of the business licensed under this Section. "Guiding" does not include renting or leasing.

b. "Off-highway vehicle" or "OHV" means any self-propelled vehicle that is designed to travel on wheels or tracks in contact with the ground, designed primarily for use off of the public highways, and generally and commonly used to transport persons for recreational purposes, as defined in C.R.S. § 33-14.5.101(3), as amended, currently defined as *including* surplus military vehicles as defined in C.R.S. § 42-6-102, and currently defined as *excluding* all-terrain vehicles, as defined in C.R.S. § 42-6-102, vehicles designed and used primarily for travel on, over, or in the water, snowmobiles, golf carts, vehicles designed and used to carry individuals with disabilities, vehicles designed and used specifically for agricultural, logging, or mining purposes, vehicles registered pursuant to Article 3 of Title 42, C.R.S., or a surplus military vehicle, as defined in C.R.S. § 42-6-102(20.5), that is owned or leased by a municipality, county, or fire protection district, as defined in C.R.S. § 32-1-103(7), for the purpose of assisting with firefighting efforts, including mitigating the risk of wildfires.

c. "Renting" or "leasing" means entering into an agreement, written or otherwise, between a customer and a business to allow the customer temporary use of the business' OHV in exchange for some form of consideration.

d. "Snowmobile" means a self-propelled vehicle primarily designed or altered for travel on snow or ice when supported in part by skis, belts, or cleats. "Snowmobile" does not include machinery used strictly for the grooming of snowmobile trails or ski slopes.

2. This business license limitation shall not be construed to regulate the lawful operation of properly registered snowmobiles or off-highway vehicles that are not rented, leased or guided by a business in the City.

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED in full on first reading this 5th day of March, 2024.

CITY OF LEADVILLE, COLORADO

Dana Greene, Mayor

ATTEST:

Hannah Scheer, Deputy City Clerk

PUBLISHED in full in The Herald Democrat a newspaper of general circulation in the City of Leadville, Colorado, on this ___ day of _____, 2024.

PASSED AND ADOPTED ON FINAL READING AND ORDERED PUBLISHED, with any amendments, this ___ day of _____, 2024.

CITY OF LEADVILLE, COLORADO

Dana Greene, Mayor

ATTEST:

Hannah Scheer, Deputy City Clerk

PUBLISHED BY TITLE ONLY in The Herald Democrat a newspaper of general circulation in the City of Leadville, Colorado, following final reading on this ___ day of _____, 2024.

MARCH 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
25	26	27	28	29	1	2
		4pm - HPC - Regular Mtg	6:45pm - 2024 Ski Joring 6pm - P&Z Meeting @		4am - Ski Joring Set up 6pm - Nordic Knockout	6:15pm - Mineral Belt
3	4	5	6	7	8	9
8am - 2024 Ski Joring		11am - BOCC@505 6pm - Regular CC Mtg		6pm - LURA Board		
10	11	12	13	14	15	16
		4pm - HPC Meeting @ 6pm - City Council Work	5pm - Sanitation @ 6pm - P&Z Meeting @	5:15pm - Parkville Water	9am - Fire Management	
17	18	19	20	21	22	23
12pm - St Patrick's Day		8:30am - Tourism Panel 11am - BOCC@500 6pm - Regular CC Mtg @	1pm - Leadville Municipal			
24	25	26	27	28	29	30
		4pm - HPC - Regular Mtg 6pm - City Council Work	6pm - P&Z Meeting @			
31	1	2	3	4	5	6
		11am - BOCC@505 6pm - Regular CC Mtg		6pm - LURA Board		

APRIL 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
31	1	2 11am - BOCC@505 6pm - Regular CC Mtg	3	4 6pm - LURA Board	5	6
7	8	9 4pm - HPC Meeting @	10 5pm - Sanitation @ 6pm - P&Z Meeting @	11 5:15pm - Parkville Water	12	13
14	15 8:30am - Tourism Panel 11am - BOCC@500 6pm - Regular CC Mtg @	16 1pm - Leadville Municipal	17	18	19 9am - Fire Management	20
21	22 4pm - HPC - Regular Mtg	23 6pm - P&Z Meeting @	24	25	26	27
28	29	30	1	2 6pm - LURA Board	3	4

MAY 2024

Sun	Mon	Tue	Wed	Thu	Fri	Sat
28	29	30	1	2	3	4
				6pm - LURA Board		
5	6	7	8	9	10	11
		11am - BOCC@505 6pm - Regular CC Mtg	5pm - Sanitation @ 6pm - P&Z Meeting @	5:15pm - Parkville Water		
12	13	14	15	16	17	18
		4pm - HPC Meeting @	1pm - Leadville Municipal		9am - Fire Management	
19	20	21	22	23	24	25
		8:30am - Tourism Panel 11am - BOCC@500 6pm - Regular CC Mtg @	6pm - P&Z Meeting @			
26	27	28	29	30	31	1
		4pm - HPC - Regular Mtg				