



CITY OF IDAHO SPRINGS
1711 Miner Street
P.O. Box 907
Idaho Springs, CO 80452-0907
Telephone (303) 567-4421
FAX (303) 567-4955

NOTICE AND AGENDA
Regular Meeting
Idaho Springs Planning Commission
1711 Miner Street, City Hall
Wednesday, August 7, 2024 – 6:00 p.m.

**PLANNING COMMISSION
REGULAR MEETING
Wednesday, August 7th, 2024
6:00 PM**

- ❖ Call to Order
- ❖ Roll Call
- ❖ Agenda Approval
- ❖ Approval of Minutes from June 5, 2024
- ❖ Conflict of Interest
- ❖ Public Comment (on non-agenda items)
- ❖ Staff Update
- ❖ New Business

- A) CUP for Construction Office Trailer at 100 E. Idaho Springs Rd
- B) Request for Recommendation: Ordinance amending Section 21-15 of the Idaho Springs Municipal Code to eliminate occupancy limits based on familial relationships as required by new state law (HB 24-1007)
- C) Public Hearing: Minor Subdivision of Cabins Property at 3303 Highway 103 to Create Five Lots
- D) Extended Stay Hotel and Motel Code Language / Ordinance Review

- ❖ Adjournment

**IN-PERSON AND REMOTE MEETING PUBLIC ATTENDANCE AND PARTICIPATION
INSTRUCTIONS**

The Public is able to view and hear this meeting remotely at the following address on the City's website:
<https://www.colorado.gov/pacific/idahosprings/city-council-live>

To provide public comment remotely please use the link below
<https://us02web.zoom.us/j/89171912558?pwd=cTNDR08rL0NhQzdVcG4wZlo5clY5dz09>

For in-person Unscheduled Public Comment, please sign-in at the entrance to the Council Chambers.

Each individual that is providing public comment is limited to three (3) minutes.



**PLANNING COMMISSION
MINUTES
June 5, 2024**

CALL TO ORDER

Chair Cindy Olson called the meeting to order at 6:00 p.m.

ROLL CALL

Commissioners present were Chair Cindy Olson, Vice Chair Ursula Cruzalegui, Chuck Howard, Caitie Maxwell, Jefferson Lich. Kent Slaymaker was absent. At the beginning of the meeting, Chair Cindy Olson shared that long-time commissioner Don Reimer unfortunately had passed away. Commissioners Maxwell and Lich served as regular members for the meeting. Staff present were Community Development Planner Dylan Graves and Assistant City Attorney Nick Klein.

AGENDA APPROVAL

Commissioner Cruzalegui moved to approve the agenda for June 5th, 2024. Commissioner Howard seconded followed by a unanimous voice vote for approval. Motion Carries.

APPROVAL OF MINUTES

Commissioner Howard moved to approve the minutes from May 1st, 2024. Commissioner Lich seconded. Commissioner Cruzalegui mentioned that in the May 1st minutes, first page under staff update, third line center is listed as cetner. The motion was carried by unanimous voice vote, motion carries.

CONFLICT OF INTEREST

There was no conflict.

PUBLIC COMMENT

Chair Olson asked the audience if there was any public comment regarding anything not on the agenda, and there was none.

STAFF UPDATE

Community Development Planner Dylan Graves went over his staff report with the commission to advise them of things currently being done or items that have been completed. Staff discussed the July meeting, which would be tentatively scheduled for July 3 and asked whether the Commission was in favor of moving the meeting or canceling the meeting to accommodate holiday schedules. The Commission was in favor of canceling the meeting but noted that a special meeting could be scheduled for later in July if anything pressing arose in the interim. The next tentative meeting will be August 7th, 2024. Mr. Graves next discussed Furlings Fest, which occurred on June 8th, 2024, in downtown Idaho Springs. Mr. Graves talked about the Clear Creek Center for Arts and Education, a local nonprofit leasing the City-owned building at 1856 Colorado Boulevard for educational programming from May until October. The discussion also included talk about putting together a procedure for alternates to the Commission to create a policy that could be used to ensure that future Commissions know which alternate should act when a regular member is absent; determine how the Commission recommends new members when a vacancy opens; and other policy items. Staff will work on putting this together for review at a future meeting.

NEW BUSINESS

1. An Ordinance accepting and recognizing the alignment of the 900 Block of Miner Street.

STAFF REPORT

Community Development Planner Dylan Graves stated that this purpose of the proposed ordinance is to accept and recognize the existing alignment of the 900 Block of Miner Street to clarify City Right-of-Way (ROW) and allow for improvements to Miner Street that are being performed by the adjacent developers of the Fieldhouse project as part of the public improvement's agreement associated with their project. The City's plat for the area does not perfectly align with the current alignment of ROW improvements in this area and the ordinance is meant to rectify that issue. An exhibit prepared by the City's surveyor was presented as part of the presentation to show the area in question.

Mr. Graves advised the commission that staff recommends approval.

PUBLIC COMMENT

There was no public comment associated with this business item.

COMMISSION QUESTIONS

Chair Olson asked whether there would be an impact on adjacent properties to the north of the City ROW. Staff mentioned that no improvements would occur north of City ROW and no existing improvements would be impacted.

COMMISSION DISCUSSION

Mr. Klein identified an error in the proposed ordinance. The ordinance contains several dates – when the Planning Commission reviewed the project, when it went to Council, etc. – which were incorrect in the ordinance included in the packet. Mr. Klein stated that if a motion is made, it should include the need to update the dates in the ordinance for accuracy.

MOTION-

Commissioner Maxwell made a motion to recommend approval of an Ordinance accepting and recognizing the alignment of the 900 Block of Miner Street with modifications to the proposed Ordinance to reflect accurate dates. Commissioner Lich seconded. Second followed by roll call, which was unanimously in favor, 5-0. Motion carried.

ADJOURMENT

Chair Olson adjourned the meeting at 6:25 pm.

IDAHO SPRINGS PLANNING COMMISSION STAFF REPORT

Meeting Date: Wednesday, August 7, 2024

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Item:

Conditional Use Permit for a Temporary Construction Trailer and Parking at 100 E. Idaho Springs Road

Presented by:
Dylan Graves
Community Development Planner

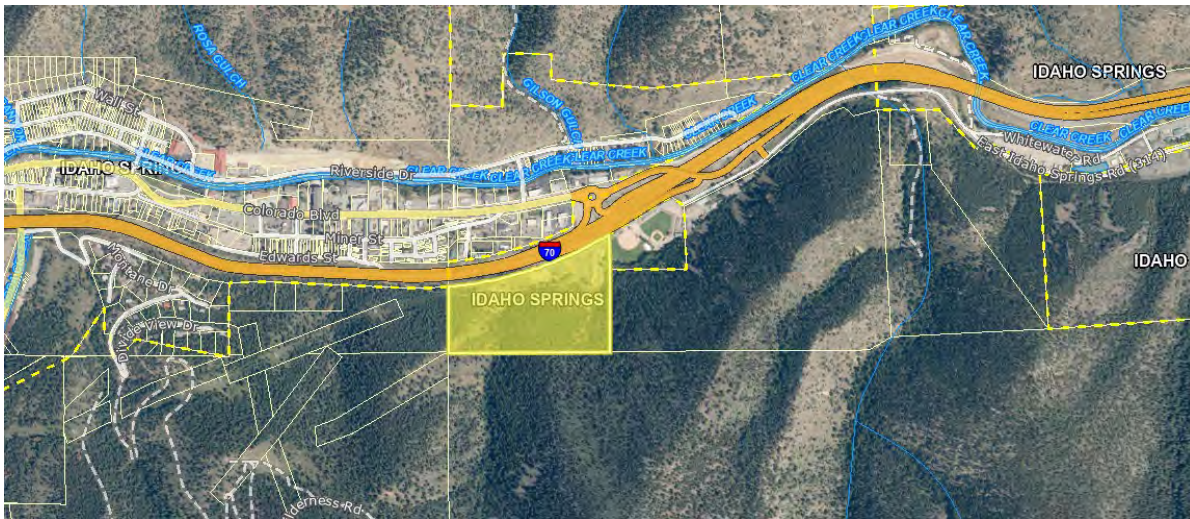
PROPOSAL:

This is a request for a Conditional Use Permit (CUP) to allow for construction of a temporary construction trailer at 100 E. Idaho Springs Road for use by Kraemer North America (Kraemer) for the duration of the CDOT Floyd Hill project. The property would be used for the duration of the project, which is anticipated to last until 2028. The applicant, Kraemer, has a lease agreement in place with the owner of the subject property for existing storage on-site as well as the construction trailer. The trailer will be connected to existing electrical services on-site. Building permits would be necessary if the application for conditional use is approved. Existing storage on-site is also being applied for as part of the CUP to formally permit the storage of construction and highway equipment (bollards, tools and vehicles, etc.) on-site.

ATTACHMENTS:

1. Proposed Site Plan
2. Proposed Floor Plans
3. Applicant Cover Letter

BACKGROUND:



The subject property is located at 100 E. Idaho Springs Road, directly west of the Shelly/Quinn Ball Fields Park in the City of Idaho Springs, south Exit 241 of Interstate 70. It was annexed into the City as part of the Silver Spruce Annexation in 1974 and zoned to Planned Unit Development (PUD). However, the property was never developed, and the express terms of the PUD approval were not met. As such, the property does not have an approved

substantive zoning designation and must go through a rezoning process prior to any permanent proposed use or development of the site.

The Idaho Springs Municipal Code (ISMC) authorizes the granting of a Conditional Use in Sec. 21-105. Sec. 21-105 allows uses not specified as being by right in the various zoning districts to be approved and implemented by conditional use. This Section governs the application for and approval, administration, and enforcement of conditional uses. Conditional uses generally present special impacts upon adjacent properties which necessitate individualized review and consideration, and, in most instances, the approval of a conditional use requires the imposition of conditions or requirements designed to eliminate, reduce, or mitigate adverse impacts resulting from the proposed use.

The applicant, with the property owner's consent, has applied for a Conditional Use Permit (CUP) to allow for construction of a temporary construction trailer for use by Kraemer North America (Kraemer) for the duration of the CDOT Floyd Hill project. If approved, Staff recommends that an expiration date of December 31, 2028, be instituted to ensure that the construction trailer remains "temporary" in nature, as opposed to a permanent addition to the site. This would coincide with the estimated construction completion date of the Floyd Hill project. The applicant would need to re-apply to extend the expiration date should they need a construction trailer for a longer period.

The applicant proposes to connect to existing electrical on-site. No water or sewer connections are proposed as the construction trailer is not anticipated to be used all day. The applicant's narrative states that the trailer is to be used by no more than three (3) employees daily. Portable toilets will be located on-site for use by the office, which seems appropriate given the temporary and intermittent nature of the use.

The proposed use is on the same property as the Employee Campground approved previously for AVA Rafting employees. The present review is for the eastern portion of the property, between the approved camping use and the City's Shelly/Quinn Ball Fields Park.



PLANNING COMMISSION ROLE:

The ISMC requires every application to go before the Planning Commission for review and recommendation of either approval or denial to Council. The City Council must act on a request for a conditional use permit by ordinance after conducting its own public hearing after Planning Commission has moved to recommend either approval or denial.

CRITERIA FOR APPROVAL

For the Commission to recommend approval of a CUP for any application, the Commission shall determine that the application meets the following criteria in conformance with Sec. 21-105(F) of the ISMC:

- 1. The proposed use conforms to all requirements of this Article and all other applicable provisions and other development regulations, standards or requirements adopted by the City;**

The following items have been considered:

WATER AND WASTEWATER:

The provision of water and wastewater treatment on-site is something that must be considered and suitably handled. A City 2-inch water main serves the adjacent Ballfields property and the U.S. Forest Service Maintenance Facility but is more than 100' from the boundary of the subject parcel. However, there is no City sanitary sewer main serving these properties. Sec. 12-5 requires connection to public water and sewer except in cases where City facilities are more than one hundred (100) feet of the boundary of the parcel of property on which such improvements are located. Given that there is no sewer available near the parcel and the water line serving this area is likely not wide enough to sufficiently cover the use, we believe that connection to water or sewer would be unreasonably difficult to achieve. The applicant has proposed that as part of the Conditional Use permit, they provide on-site portable toilets that will serve to satisfy their water and wastewater requirements. Given that the construction trailer is not intended to be used full-time – instead being intermittently in use for meetings and paperwork, Staff believes that this is likely sufficient if conditions are in place that if the portable toilet is not serviced regularly, operations shall cease.

ACCESS:

E. Idaho Springs Road is suitably constructed to accommodate the proposed traffic intensity over the next few years, given that the proposed use is parking and approximately 3-5 employees occupying the office daily. The applicant states that aside from vehicles entering at the start of the workday and leaving at the end of the workday, only 3-5 vehicles are anticipated to use the road throughout the day. Given the temporary nature of the request, Staff believes that the use would not cause access-related issues and allowing the use would not cause public health, safety, or welfare concerns related to fire or emergency service access.

One other note on the proposed access is that the existing paved access road is considered public access and serves as a spur route for the Peaks to Plains Trail, which shall be maintained as public access across the parcel if the use is approved. The applicant cannot block access for non-motorized vehicles on the pathway. This is proposed as a condition of approval.

PARKING:

The proposal states that up to 20 cars could be parked on-site. This area is already used as parking and storage for Kraemer as they work on the Floyd Hill project but this CUP seeks to formalize approval of their existing parking/storage uses.

The applicant proposed a parking area on the lowest bench on the property, which is already well graded. No parking spaces are signed or painted but there is sufficient space on-site to accommodate more than 20 vehicles.

Sec. 21-126(A)(3) requires off-street parking to be surfaced with asphalt or concrete. As mentioned, the applicant has proposed parking on an existing graded gravel parking area. As such, this does not meet the standard included in the ISMC. It may be reasonable to allow the use temporarily without paved parking given that the proposed request is temporary until the end of the Floyd Hill project. Staff does not believe that allowing gravel parking temporarily before a permanent use is established would have adverse impacts on adjacent property owners or the City at-large. Staff requests direction on this topic. If paving is required, Staff recommends a condition of approval that paving of parking areas occurs prior to occupancy of the site.

NOISE:

No noise is anticipated from the use of the property for parking, storage, or for the construction trailer. There may be intermittent noise from the movement of vehicles and equipment on-site, but this is anticipated to be minimal.

SETBACKS AND HEIGHT:

The proposed construction trailer and parking meet the City's setback requirements as listed in Sec. 21-63 of the ISMC. The 35' height limit is not exceeded.

Staff believes that the proposed use generally meets Criterion 1. The current paved access to the site is slightly narrower than is required by City standards and the parking areas are proposed to be graveled rather than paved but the proposal appears to meet required life, health, and safety standards governing uses within the City.

2. The proposed use is in general conformance with the applicable provisions of the Comprehensive Plan, or that changed conditions occurring since the adoption of the Comprehensive Plan support approval of the proposed conditional use of the property.

The City's Comprehensive Plan in the Land Use Element identifies the subject parcel as "Mixed Use and/or Parks." A construction trailer, parking, and storage likely meet this designation. Given the temporary nature of the request, any future permanent uses on-site would also be subject to a Comprehensive Plan review through various Land Use processes, such as rezoning, the Planned Development (PD) process, or a Final Development Plan (FDP) review.

Kraemer's involvement with improvements to I-70 are also aligned with Comprehensive Plan goals, as they are working to improve access and transportation adjacent to and within City Limits. The construction office is beneficial to the efficient completion of the work, so Staff believes that the subject CUP to allow for construction of a construction office near the project site is in general compliance with the Comprehensive Plan.

3. The proposed use will not result in impacts to adjacent properties which are significantly different in nature, type, or extent than impacts caused by uses which are permitted by right in the zone district where the property is located.

Given that the requirements of the original PD zoning were not met, the property does not have defined allowed uses per the ISMC. With that in mind, it is difficult to determine how to compare the impacts of this proposed use to other uses that might be permitted in other zoning districts. The Comprehensive Plan identifies the site as mixed use or parks, which would allow for a variety of potential uses, including commercial and residential uses. The proposed use of the site for parking, storage, and a temporary construction office appears to be a relatively low-intensity use.

Staff does not believe that the proposed use would result in impacts to adjacent properties which are significantly different in nature, type, or extent than impacts caused by the above-mentioned uses that could potentially be developed on-site if the property was ultimately zoned properly. Given the Comprehensive Plan designation and the proximity to I-70, a commercial or industrial use may be appropriate long-term. The USFS uses a property to the East of this site for office uses, shop uses, and storage, which seems to align with this proposed use.

The primary adjacent properties that could be impacted by the use would be the Shelly/Quinn Ball Fields Park, directly east of the parcel, and the United States Forest Service (USFS) parcel located at 111 E. Idaho Springs Road. Access to the property is via County Road 314 (E. Idaho Springs Road) to the East, passing the park parcel. The primary impact anticipated would be vehicle trips to and from the property, though this is intended to be relatively low outside of the start and end of the workday when all cars parked on-site would enter and leave the site. Staff does not believe that the number of trips will exceed those that might occur with a permanent use on-site.

REFERRALS

This application was referred to the Idaho Springs Police Department, the Clear Creek Fire Authority, and the Clear Creek Metropolitan Recreation District (“CCMRD”) for review and comment. No comments were received that required attention and no issues were brought up during the referral period.

STAFF ANALYSIS OF PROPOSAL:

Staff believes that the proposed Conditional Use is appropriate for the property and meets the criteria for approval of a Conditional Use permit. Life, health, and safety standards appear to be met and the proposed use appears to be well considered by the applicant. A temporary construction trailer, storage, and parking on-site can all be accommodated while meeting the City’s development standards and impacts on adjacent properties appears to be low.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the proposed Conditional Use permit with the following conditions:

- 1. Approval will expire upon the sooner of: (1) Notice from Kraemer that the permit is no longer needed; or (2) December 31, 2028.**

- 2. The provided portable toilet shall be serviced regularly and provide adequate sanitation for users of the site, as determined by the City. City personnel may access the site at all reasonable times to evaluate compliance with this condition.**
- 3. Public access across the north side of the property along the existing paved path shall be maintained and not blocked.**
- 4. The City Council may revoke this CUP at any time in accordance with the ISMC.**



Kraemer North America, LLC.
900 West Castleton Road, Ste 220
Castle Rock, CO 80109

July 10, 2024

City of Idaho Springs

Attn: Dylan Graves, Community Development Planner

Re: Temporary Construction Office Trailer at 100 Idaho Springs Road E

Dear Mr. Graves,

Kraemer North America, LLC. is requesting a Conditional Use Permit for a temporary construction office at 100 Idaho Springs Rd E. to support the I-70 Floyd Hill to Veterans Memorial Tunnels project. The temporary construction office is a 12' x 56' trailer, please see attached conceptual plan and drawing. Kraemer North America will use the temporary construction office as a planning office for site work and employee parking. It is estimated 3 employees will work out of this trailer per day with 2-3 trips in and out. Employee parking will consist of up to 20 vehicles per day with only 1 trip in at the beginning of a shift and 1 trip out after shift.

Alexis Huntsinger

Project Engineer

Kraemer North America, LLC.

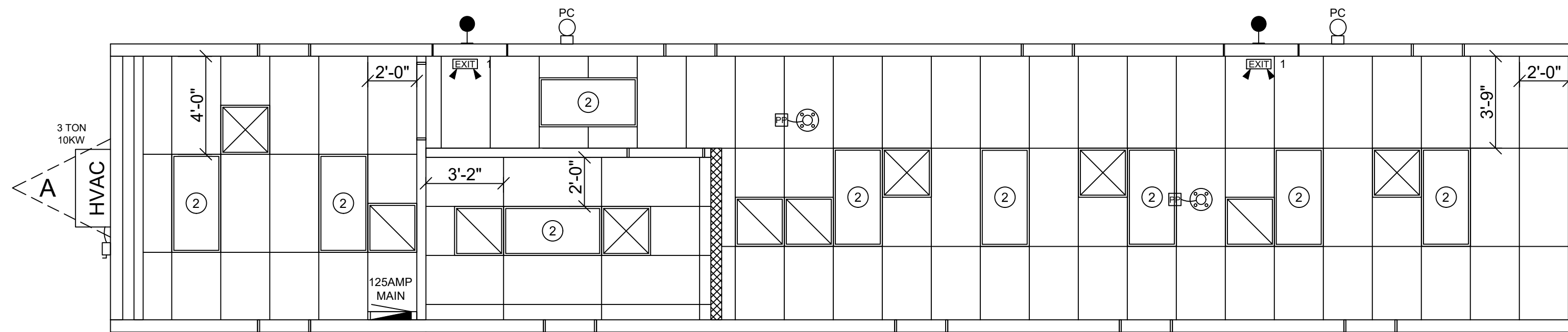


Impact Assessment

Kraemer North America, LLC. will utilize the property at 100 Idaho Springs Road E. as a temporary construction office. The temporary construction office is 12'x56' and is located on the northeast corner of the property. The office is powered by an existing overhead power line owned by Xcel Energy. The anticipated duration of use will be from the current date to project completion, anticipated in June of 2028.

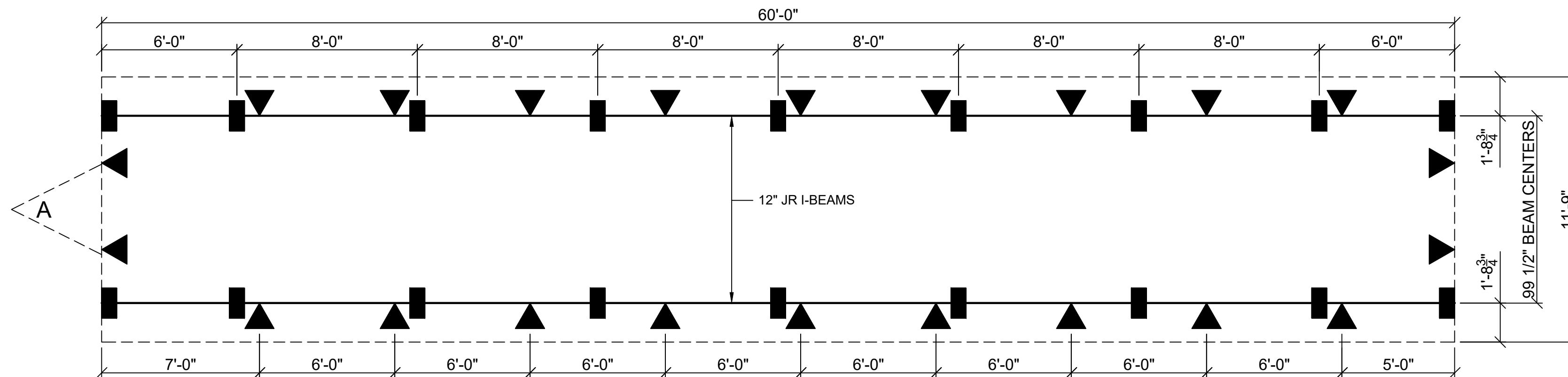
Traffic Impact

Traffic impacts on Idaho Springs Road E are anticipated to be minimal. Approximately 20 vehicles will be parked in the area shown on the site map attached. Approximately 3-5 vehicles will be using the road intermittently throughout working days (Monday – Friday from 6:00am to 6:00pm) to transport employees to and from the project and conduct project meetings at the temporary construction office. Night work and weekend work is anticipated throughout the duration of the project, the parking area will be utilized as necessary, but will not impact the travelling public.



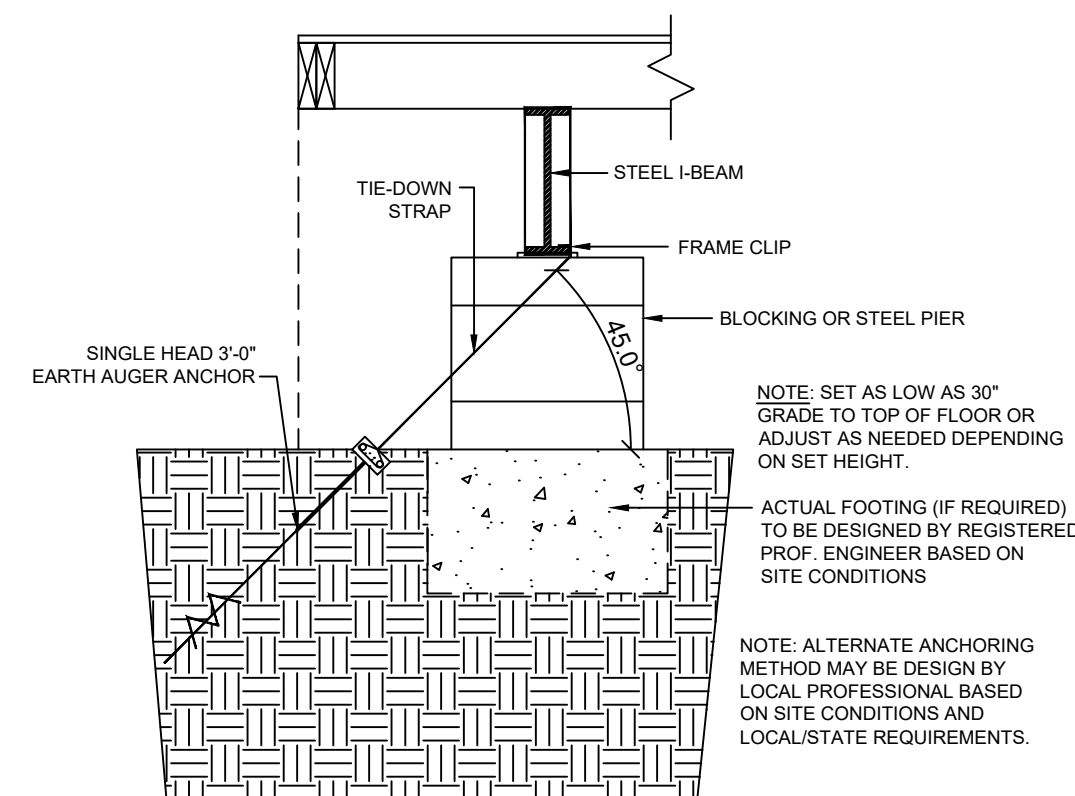
1 REFLECTED CEILING PLAN
1/4"=1'-0"

CEILING LEGEND	
	INDICATES T-GRID SUSPENDED CEILING INSTALLED @ FACTORY



2 SUGGESTED BLOCKING PLAN
1/4"=1'-0"

- INDICATES SUGGESTED MAXIMUM I-BEAM BLOCKING SPACING - PIERS AND FOOTINGS DESIGNED BY LOCAL PROFESSIONAL IN ACCORD. WITH ALL LOCAL AND STATE REQUIREMENTS BASED ON SITE CONDITIONS.
- INDICATES REQUIRED FRAME-TIE GROUND ANCHOR (MIN. 4725 LBS. HOLDING STRENGTH) LOCATION FOR ALL WIND LOADS - NOTE: ALTERNATE ANCHORING DESIGN MAY BE MADE BY REGISTERED PROFESSIONAL ENGINEER.



3 SUGGESTED ANCHORING METHOD
3/4"=1'-0"

THESE DRAWINGS
REMAIN THE PROPERTY OF
INDICOM BUILDINGS INC. AND
ARE NOT TO BE USED IN
ANYWAY WITHOUT WRITTEN
PERMISSION.

REV # / DATE:



R. MARK STEELE, P.E.
CORPORATE ENGINEER
SUNBELT MODULAR, INC
2432 W PEORIA AVE. #1246
PHOENIX, AZ. 85029
(602) 327-4769





TO: Idaho Springs Planning Commission
CC: City Administrator Andrew Marsh
FROM: Dylan Graves, Community Development Planner
SUBJECT: Ordinance amending Section 21-15 of the Idaho Springs Municipal Code to eliminate occupancy limits based on familial relationships as required by new state law (HB 24-1007)
ATTACHMENTS: Proposed Ordinance, HB 24-1007 Text
MEETING DATE: August 7, 2024

The scope of this work session item is to review and provide a recommendation in favor of or against an ordinance amending Section 21-15 of the Idaho Springs Municipal Code (ISMC) to eliminate occupancy limits based on familial relationships. This amendment is required in order to comply with HB 24-1007, which became law in June 2024.

BACKGROUND

The definition of a family in Sec. 21-15 of the ISMC currently states the following:

Family. Any number of persons related by blood, adoption or marriage, or an unrelated group of not more than five (5) persons living together in a dwelling unit.

This definition regulates residential occupancy by allowing any number of family members to occupancy a single dwelling unit but limiting the number of unrelated individuals who can live together in a single dwelling unit.

The Colorado Legislature recently adopted and the Governor subsequently signed HB 24-1007, which prohibits local governments from continuing to regulate occupancy by reference to familial relationships. As a result, the City's definition of a family in the ISMC needs to be amended to comply with the new state statute.

HB 24-1007 does allow the City to limit occupancy based on the number of individuals who are able to safely occupy a dwelling unit based on demonstrated health and safety standards. This includes Chapters 12, 18, and 19 of the ISMC, as well as International building and fire code standards, water and wastewater quality standards, and any applicable County and State health and environmental standards.

PROPOSED CODE AMENDMENT

The following definition is proposed to ensure that the ISMC remains compliant:

Family. ~~Any number~~ A group of persons related by blood, adoption or marriage, or an unrelated group of not more than five (5) persons living together as one housekeeping unit in a dwelling unit up to the maximum number that may safely occupy the dwelling unit based on demonstrated health and safety standards, including but not limited to Chapters 12, 18 and 19 of this Code, International building and fire code standards, water and wastewater quality standards, and applicable County and State health and environmental standards.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Code Amendment as written in the proposed ordinance included in this Staff Memo as Attachment #1.

RECOMMENDED MOTION

Motion to recommend approval of an ordinance amending Section 21-15 of the Idaho Springs Municipal Code (ISMC) to eliminate occupancy limits based on familial relationships as required by new state law (HB 24-1007).

ATTACHMENTS

1. Proposed Ordinance
2. HB 24-1007

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No. __, Series 2024

AN ORDINANCE AMENDING SECTION 21-15 OF THE IDAHO SPRINGS MUNICIPAL CODE TO ELIMINATE OCCUPANCY LIMITS BASED ON FAMILIAL RELATIONSHIPS AS REQUIRED BY NEW STATE LAW (HB 24-1007)

WHEREAS, the City of Idaho Springs, Colorado (the “City”), is a Colorado statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City, acting through its City Council (the “Council”), is authorized to adopt rules and regulations governing the planning, zoning and use of land within its territory, which the Council has previously adopted and codified as Chapter 21 of the Idaho Springs Municipal Code (“Code”); and

WHEREAS, as with most municipalities, said Chapter 21 of the Code regulates residential occupancy within the City by reference to the definition of “family,” permitting any number of family members to live within a dwelling unit while restricting the number of unrelated people who can live within a dwelling unit; and

WHEREAS, during the last legislative session, the Colorado Legislature adopted and the Governor subsequently signed House Bill 24-1007, prohibiting local governments from continuing to regulate occupancy by reference to familial relationships; and

WHEREAS, the Council therefore recognizes the need to amend the definition of “family” within Chapter 21 of the Code to comply with HB 24-1007.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF IDAHO SPRINGS, COLORADO, THAT:

Section 1. Section 21-15 of the Idaho Springs Municipal Code, concerning definitions related to Chapter 21, is hereby amended by amending the definition of “family” located therein, as follows:

Family. ~~Any number~~ A group of persons ~~related by blood, adoption or marriage, or an unrelated group of not more than five (5) persons~~ living together as one housekeeping unit in a dwelling unit up to the maximum number that may safely occupy the dwelling unit based on demonstrated health and safety standards, including but not limited to Chapters 12, 18 and 19 of this Code, International building and fire code standards, water and wastewater quality standards, and applicable County and State health and environmental standards.

Section 2. Should any one or more sections or provisions of this Ordinance or of any Code provision enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 3. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code provision or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

INTRODUCED, READ AND ORDERED PUBLISHED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

IDAHO SPRINGS PLANNING COMMISSION STAFF REPORT

Meeting Date: Wednesday, August 7, 2024

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Item:

Minor Subdivision of Cabins Property at 3303 Highway 103 to Create Five Lots

Presented by:
Dylan Graves
Community Development Planner

PROPOSAL:

This is a request for a Minor Subdivision to create five (5) lots at 3303 Highway 103 (known as the Cabins Property or Blackstone Rivers Ranch Cabins), in accordance with Article XI of the Idaho Springs Municipal Code (ISMC). If approved, the existing property would be subdivided into five properties. The zoning on-site is C-3: Commercial Interchange Development. This is not proposed to change. Existing uses on-site include eleven (11) cabins built in the early 1900's that are used for short-term, commercial lodging for guests to the property and those visiting Idaho Springs. Additional improvements on-site include a caretakers' unit, several small outbuildings, and a private road accessing the cabins. These cabins are owned and operated by the applicants, Rachel and Zuri Betz, who own and operate the Blackstone Rivers Ranch. The proposed plat showing the five proposed lots to be created is included as Attachment 1.

ATTACHMENTS:

1. Proposed Plat

VICINITY MAPS:

City Water
Treatment Plant





BACKGROUND:

The subject property is located at 3303 Highway 103. It was annexed into the City in 2020 via Ordinance No. 16, Series 2020 and zoned C-3 via Ordinance No. 17, Series 2020, and is considered “The Cabins Annexation Nos. 1, 2, and 3 to the City of Idaho Springs.”

The applicants do not intend to establish any additional uses on-site or construct any new improvements at present, though the applicants have stated that in the future they would like to construct additional cabins on some or all of the lots proposed to be created via subdivision. The stated purpose of the subdivision is to *“subdivide the property into 5 parcels, which will allow us more flexibility in our business and estate planning. It will allow us to separate the ownership into separate LLCs, which we desire to do. We would also be able to sell only a portion of the property, if we so choose. Due to increases in the cost, and changes in availability of property and flood insurance in our area (especially for commercial properties), we would like to have more flexibility in our insurance choices, which the minor subdivision would provide.”* Staff would like to note that because no changes to zoning are proposed, any future uses on any newly created lots would be required to comply with the C-3 zoning district, unless re-zoned as part of a future application.

CRITERIA FOR APPROVAL

For the Commission to recommend approval of a Minor Subdivision application, the Commission shall determine that the application meets the following criteria in conformance with Sec. 21-105(F) of the ISMC:

- (1) Is in substantial conformance with the approved preliminary plat, including any conditions imposed on the approval of the preliminary plat.
- (2) Is in conformance with all applicable requirements of these subdivision regulations.
- (3) Is in conformance with all applicable requirements of the zone districts in which the property described in the final plat is located.
- (4) Is in general conformance with the applicable goals and policies of the Comprehensive Plan.
- (5) Is in compliance with the City's regulations for areas or activities of state interest.

Each criterion will be discussed below.

1. The application is in substantial conformance with the approved preliminary plat, including any conditions imposed on the approval of the preliminary plat.

This criterion is not relevant to a minor subdivision application, as no preliminary plat is required for minor subdivisions.

2. The application is in conformance with all applicable requirements of these subdivision regulations.

Staff believes that this criterion is suitably met. The plat meets the requirements listed in Sec. 24-124 of Chapter 24 of the ISMC for plat contents. It also meets all requirements found in Article XI of Chapter 24 for minor subdivisions, including the requirement that the subdivision does not create more than five (5) lots and does not involve or require the construction of any additional public improvements.

All lots being created have frontage upon a street of standards as required in the ISMC. All cabins currently have access to a private driveway that is suitable to provide vehicular access. Neither the Fire Authority nor the City Engineer had issues with existing access to the cabins on-site. Access is thought to be suitable for all lots proposed as part of this minor subdivision.

All lots have adequate water and wastewater facilities to continue operating. The cabins will all need to eventually connect to City water and sewer in accordance with Sec. 12-5 of the ISMC, but this Chapter 12 Code Section is not a part of the minor subdivision review criteria and may be addressed separately in the future.

3. The application is in conformance with all applicable requirements of the zone districts in which the property described in the final plat is located.

The lots created because of this plat appear to meet all applicable requirements of the C-3 zoning district. The C-3 district does not have a minimum lot size. The lots being created would range in size from 0.65 acres to 3.32 acres.

The setbacks for the C-3 zone district are as follows:

Front: 10'

Rear: 10'

Side: 5'

All existing improvements conform with these setbacks so no structures will be made nonconforming as a result of this subdivision. The required open space percentage per lot in the C-3 district is 20%. All lots being created conform with this standard.

The uses on-site are not proposed to change because of this subdivision. All uses of the property are currently commercial in nature and all uses on newly created lots would continue to be commercial in nature. Proposed Lot 1 is the current location for property storage, equipment, landscaping and service supplies, along with a cabin, and several sheds. It is the staging area for all maintenance and care of the property. The proposed use of the lot is to stay the same as its current use. The applicant proposes to build additional cabins on Lot 4 to expand their commercial lodging use. This would include a garage/workshop and service area for laundry, storage, maintenance equipment, and 2-3 additional guest cabins/units. The applicants' plan is to proceed with those approvals in the next few years. All cabins have private/unshared bedrooms, bathrooms and kitchens/kitchenettes. A five-unit lodging building exists on proposed Lot 2 in addition to several lodging cabins. Proposed Lot 3 contains three lodging cabins. Lot 5 is currently vacant. No nonconforming uses will be created as a result of this application.

Any new uses proposed in the future would need to conform to the City's zoning regulations. These uses would be reviewed at the time a new application for development was submitted.

4. The application is in general conformance with the applicable goals and policies of the Comprehensive Plan.

The Comprehensive Plan identifies the property in question as "Transitional Mixed Use." Transitional Mixed Use would allow for a variety of uses, including residential or commercial uses. Lodging and event space would be appropriate with this designation. The Comprehensive Plan states the following about the Chicago Creek Area: *"Tourism oriented hospitality uses, including RV parks, motels and campgrounds, are appropriate in this area as long as they respect and maintain the appearance of the surrounding mountain residential character."*

The tourism-related uses have been long-established on this property. Subdividing the property into five lots allows for additional flexibility on the part of the owners to continue their tourism-related uses of the properties. The long-term goal is to expand the uses on-site to accommodate additional lodging and tourism services in the Chicago Creek Area.

It appears to meet the following objectives from the Comprehensive Plan:

Objective: Support tourism and special event activities.

The existing uses on-site are tourism related. Allowing additional flexibility for development in the area will continue to support tourism and provide opportunities for additional lodging within City Limits – a community need.

Objective: Actively pursue incentivizing economic development and supporting local businesses while protecting the Idaho Springs quality of life.

The applicants have stated that the allowance for a minor subdivision will improve their business by allowing additional lodging units to be built on-site and allow them to expand their operations. In addition, should they wish to sell a portion or all the property in the future, it would allow future owners the ability to redevelop the site (in accordance with the C-3 zoning district) or maintain the existing lodging and event uses on-site

Objective: Establish a pattern of future land uses that protects existing character, ensures compatibility with surrounding developments, and promotes the most efficient use of land.

This is an existing C-3 zoned property. This subdivision may allow additional commercial and tourism-related development on-site in an area that already has these uses established. This ensures compatibility and concentrates the lodging/commercial uses in this area.

Any future development of the lots would be required to meet Comprehensive Plan compliance and other City regulations. Staff believes that this criterion is suitably met.

5. Is in compliance with the City's regulations for areas or activities of state interest.

The application is in compliance with Chapter 25 of the ISMC for areas or activities of state interest. The purpose of Chapter 25 regulations, per Sec. 25-2, is to:

- (1) Regulate projects which would otherwise cause excessive noise, water and/or air pollution, or which would otherwise degrade or threaten the existing environmental quality within the City;

- (2) Promote efficient and economical use of public resources; and
- (3) Protect the public health, safety, welfare and the environment.

The minor subdivision application is not intended to cause excessive noise, water, or air pollution or degrade or threaten environmental quality within the City. It also does not require the use of public resources. The public health, safety, and welfare will be protected. Staff believes this criterion is suitably met.

In addition to the five criteria for approval identified in Article IX of the ISMC, Sec. 24-155 of the ISMC states that **“No minor subdivision shall cause or continue any nonconforming lot as defined for zoning purposes unless a variance therefor is first approved pursuant to the zoning regulations.”**

None of the proposed lots would be made nonconforming as a result of the minor subdivision application. Each will continue to meet zoning requirements for setbacks, height, open space, and access. Any future land use applications will be required to go through the relevant processes to review for compliance with City standards to ensure continued conformance with zoning regulations.

REFERRALS

This application was referred to Xcel Energy, the Idaho Springs Police Department, the Clear Creek Fire Authority, the City’s engineer, and the City’s Public Works Department for review and comment.

No comments were submitted that required revisions or require additions. Each department that reviewed the referral materials determined that it could be approved without issue from their agency.

PLANNING COMMISSION ROLE:

The ISMC requires every application to go before the Planning Commission for review and recommendation of either approval or denial to Council. The City Council must then act on the request for a minor subdivision, typically by resolution, after conducting its own public hearing after the Planning Commission has moved to recommend either approval or denial. The Commission shall first determine whether the application qualifies for processing under this Article and summarily deny any application which does not so qualify. Staff believes that the application meets the criteria for a minor subdivision.

PLANNING STAFF RECOMMENDATION:

Staff recommends approval of the proposed Minor Subdivision, with no conditions.

RECOMMENDED MOTION:

Motion to approve a request for a Minor Subdivision to subdivide the existing property to create five (5) lots at 3303 Highway 103, zoned C-3.

Golden Egg Placer Minor Subdivision
Portions of The Golden Egg Placer M.S. No. 13335
Located in Section 9, Township 4 South, Range 73 West of the 6th Principal Meridian
City of Idaho Springs, County of Clear Creek, State of Colorado

DESCRIPTION:

The undersigned, being the owner of the following described property:

From the warranty deed recorded at Reception No. 289728;
The Golden Egg Placer Mining Claim U.S. Survey Lot No. 13335, as described by U.S. Mineral Patent recorded July 13, 1962 in Book 194 Page 309.

except that certain portion thereof described in and conveyed by deed recorded March 30, 1915 in Book 184 at rage 55; and

except those portions thereof deeded for highway purposes by instruments recorded July 2, 1931 in Book 212 at Page 144, January 17, 1957 in Book 253 at Page 563, and May 8, 1957 in Book 256 at Page 485 and 488; and

except that portion deeded to the City of Idaho Springs by instrument recorded November 3, 1989 in Book 316 at Page 360;

together with that portion of vacated roadway, as shown in road vacation case #96-RD-1 Land Survey Plat recorded April 4, 1986 in Book 535 at Page 733.

County of Clear Creek, State of Colorado.

Containing a calculated area of 407,268 square feet or 9.35 acres, has laid out, subdivided and platted the same into lots as herein shown under the name and style of Golden Egg Placer Minor Subdivision.

CONSTRUCTION COVENANT:

The undersigned owners, for themselves, their heirs, successors and assigns, covenant and agree with the City that no structure constructed on any portion of the platted land shown herein shall be occupied or used unless and until all public improvements, as defined by the Subdivision Regulations, are in place and accepted by the City or cash funds or other security for the improvements are escrowed with the City, and a Certificate of Occupancy has been issued by the City. Issuance of the Certificate of Occupancy shall be prima facie evidence that the foregoing conditions have been complied with.

Signed this ____ day of _____, 2024.

OWNER:

Cabins LLC, A Colorado Limited Liability Company

By: _____

Rachel Betz

State of Colorado

City of Idaho Springs

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Rachel Betz of Cabins LLC, A Colorado Limited Liability Company.

Witness my hand and official seal

My commission expires _____

Notary Public

MORTGAGE CONSENT:

The undersigned, Sam Beutler, as a beneficiary of a deed of trust which constitutes a lien upon the described property, recorded at Book 998, Page 716, Clear Creek County Clerk and Recorder, hereby consents to the dedication of land, as designated on this Plat, and hereby forever releases said lands from the lien created by said instrument.

By: Sam Beutler, Executive Vice President
Name and Title

By: _____ Date: _____
Signature

Address: 30770 Stage Boulevard
Evergreen, CO 80439

State of Colorado

City of Idaho Springs

The foregoing instrument was acknowledged before me this ____ day of _____, 2024, by Sam Beutler, Executive Vice President.

Witness my hand and official seal

My commission expires _____



VICINITY MAP
SCALE 1"=2000'

APPROVALS:

PLANNING COMMISSION APPROVAL CERTIFICATE:

Approved by the City of Idaho Springs Planning Commission this ____ day of _____, A.D., 2024.

Chairman

CITY COUNCIL APPROVAL CERTIFICATE:

The foregoing plat is approved for filing, and conveyance of the streets and avenues, alleys, parks and all other places designated for public use shown thereon is accepted by the City of Idaho Springs, Colorado, this ____ day of _____, A.D., 2024, subject to the condition that the City shall undertake maintenance of any such street or avenue, alley, park or other places designated for public use only after construction of said street and avenues, alleys, parks and other places designated for public use has been satisfactorily completed by the subdivider and accepted by the City of Idaho Springs.

Approved by the City of Idaho Springs City Council this ____ day of _____, A.D., 2024.

Mayor

Attest: _____
City Clerk

TITLE CERTIFICATE:

I, _____, as authorized agent for Land Title Guarantee Company, and having the power and authority to legally bind Land Title Guarantee Company with respect to the certification made herein, hereby certify that I have examined title to the above-described land dedication to the City of Idaho Springs, and that the parties executing the dedication have merchantable title to the above-described real property and are well seized of the property dedicated by this plat and have good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and have good right, full power and lawful authority to dedicate the same in manner and form as aforesaid, and that the same is free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature except those of record and acceptable to the City.

Signed this ____ day of _____, 2024.

NOTES:

1. Notice: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first 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.
2. Any person who knowingly removes, alters or defaces any public land survey monument or land boundary monument or accessory, commits a class two (2) misdemeanor pursuant to state statute 18-4-508, C.R.S.
3. All dimensions shown hereon are expressed in U.S. Survey feet and decimals thereof. A U.S. Survey foot is defined as exactly 1200/3937 meters. All bearings shown here on are degrees-minutes-seconds.
4. This survey does not constitute a title search by Clear Creek Surveying. To determine title or easements of record. Research for this survey was performed in accordance with C.R.S. 38-51-106 and the rules of procedure and board policy statements of the state board of licensure for architects, professional engineers and professional land surveyors. No title commitment was provided.
5. Basis of Bearings: Bearings are based on the 2-3 line of The Golden Egg Placer Mining Claim, U.S. Lot No. 13335, having an assumed bearings of N55°37'43"E being marked at corner No. 3 with a No. 5 rebar with 2" aluminum cap stamped PLS 20136 and at corner No. 2 with a No. 5 rebar with a 2" aluminum cap stamped: CCS PLS 38056.
6. Per Idaho Springs Municipal Code - Unzoned: Setbacks are - Ten (10) foot for front lines, Ten (10) foot for rear lines, Five (5) foot for for side lines.

SURVEYOR'S CERTIFICATION:

I, Weston D. Spears, a Professional Land Surveyor registered in the State of Colorado, hereby certify that the survey of Golden Egg Placer Minor Subdivision was made in accordance with applicable standards of practice, was prepared under my responsible charge and to the best of my professional knowledge, information and belief is an accurate representation said subdivision. This is not a guaranty or warranty, either expressed or implied.

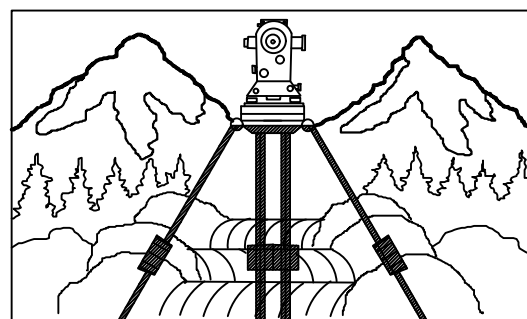


Weston D. Spears, Professional Land Surveyor
Colorado P.L.S. No. 38056
for and on behalf of Clear Creek Surveying

CLERK AND RECORDER'S CERTIFICATE:

Accepted for filing in the office of the Clerk and Recorder of the County of Clear Creek, State of Colorado this day of _____, A.D., 2024, at Book _____, Page _____, Reception No. _____.

Clerk and Recorder



Clear Creek Surveying
P.O. Box 3184, Idaho Springs, CO 80452
(303) 567-4755

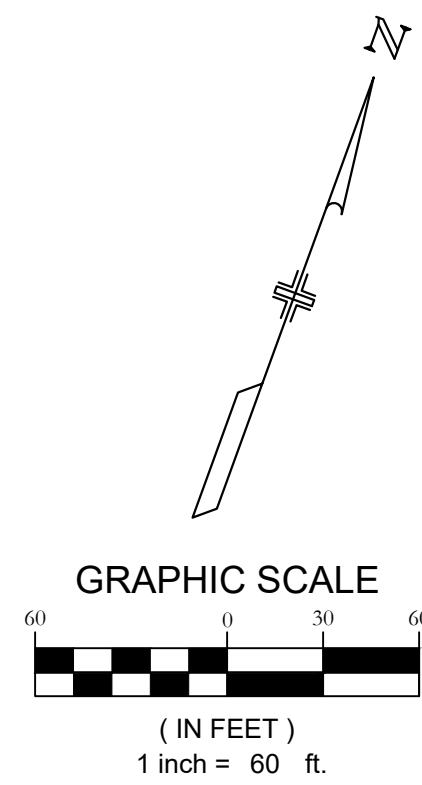
Minor Subdivision of
Golden Egg Placer

Client: Cabins LLC,
A Colorado Limited Liability Company

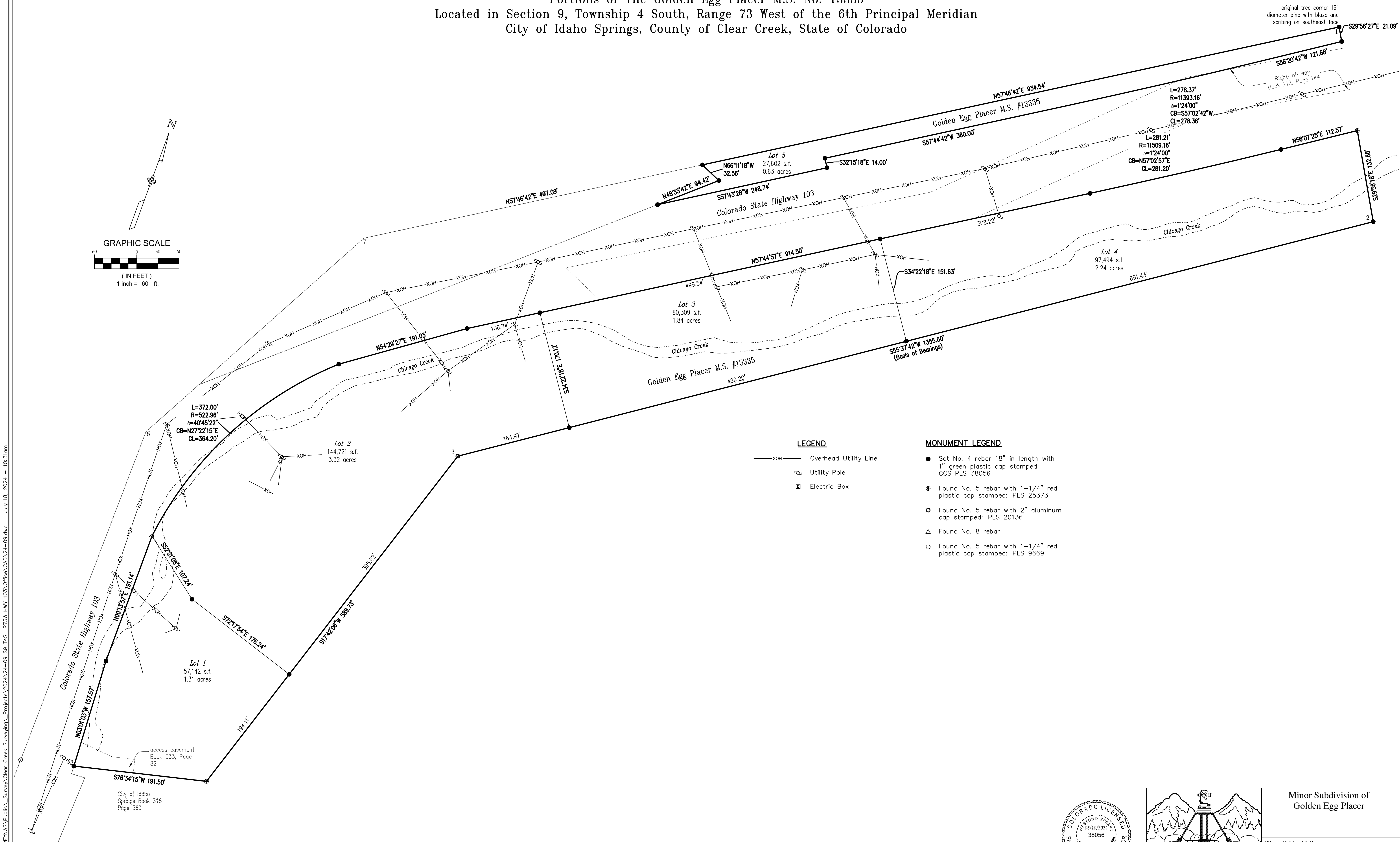
S9, T4S, R73W of the 6th P.M.	Sheet No.	No. of Sheets
Project No. 24-09	1	2

Golden Egg Placer Minor Subdivision

Portions of The Golden Egg Placer M.S. No. 13335
Located in Section 9, Township 4 South, Range 73 West of the 6th Principal Meridian
City of Idaho Springs, County of Clear Creek, State of Colorado



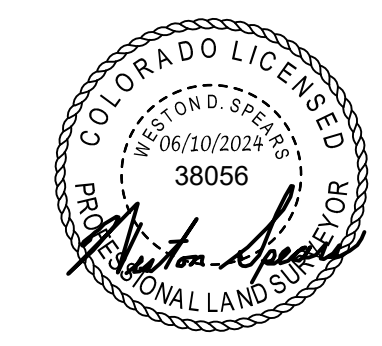
\\WESTONSURVEYING\Public\Survey\Clear Creek Surveying\Projects\2024\24-09 S9 T4S R73W HWY 103\Office\CAD\24-09.dwg July 18, 2024 - 10:31am



- LEGEND**

 - XOH Overhead Utility Line
 - Utility Pole
 - Electric Box
- MONUMENT LEGEND**

 - Set No. 4 rebar 18" in length with 1" green plastic cap stamped: CCS PLS 38056
 - ⊙ Found No. 5 rebar with 1-1/4" red plastic cap stamped: PLS 25373
 - Found No. 5 rebar with 2" aluminum cap stamped: PLS 20136
 - △ Found No. 8 rebar
 - Found No. 5 rebar with 1-1/4" red plastic cap stamped: PLS 9669



	Minor Subdivision of Golden Egg Placer		
	Client: Cabins LLC, A Colorado Limited Liability Company		
	Clear Creek Surveying P.O. Box 3184, Idaho Springs, CO 80452 (303) 567-4755	S9, T4S, R73W of the 6th P.M. Project No. 24-09	No. of Sheets 2



TO: Planning Commission
CC: City Administrator Andrew Marsh
FROM: Dylan Graves, Community Development Planner
SUBJECT: Extended Stay Hotels/Motels draft ordinance
ATTACHMENTS: N/A
MEETING DATE: August 7, 2024 Regular Meeting

The scope of this agenda item is to consider the draft ordinance prepared for extended stay hotels and motels within the City of Idaho Springs. The ordinance seeks to create operational requirements and a licensing system by which these requirements would be enforced. It would create a new section of the Idaho Springs Municipal Code (ISMC), Section 21-35. If the Planning Commission is ready to recommend approval of the ordinance, you may refer to the Staff suggested motion provided below. Staff would then bring the ordinance to City Council for discussion, review, and action. Any changes that the Planning Commission wishes to make can be incorporated into the motion.

BACKGROUND

The Planning Commission has met on several occasions to discuss this topic, including hotels and motels that are used for extended-term occupancy and dormitory style housing. This was most recently discussed at the June 5, 2024, Planning Commission work session. We discussed extended stay hotels and motels currently operating within City Limits and discussed other types of alternative housing, such as dormitories and shared amenity style housing. Ultimately, we decided to move forward with the extended stay hotel and motel ordinance while postponing action on shared amenity style housing to a later date.

The Idaho Springs Municipal Code (ISMC) currently only permits hotel and motel stays of up to 30 days. The definition of a hotel or motel in the ISMC is: “Any commercial building or buildings intended or designed to be used, rented, or hired out to be occupied for transient purposes, or which are occupied for sleeping purposes for guests, which may contain kitchen facilities for food preparation including but not limited to such facilities as refrigerators, stoves and ovens. Motel and hotels contain lobbies for guest check-in, and onsite maintenance and management.” In the City’s short term rental regulations, transient is defined as a period of less than 30 days. Per current standards, no hotels or motels are permitted to rent rooms for more than 30 days to an individual, but this requirement is difficult to monitor and enforce.

The Planning Commission in June mentioned support for moving forward with proposed language creating minimum standards for extended stays and for the establishment of a licensing program that requires hotel operators offering extended stays to submit minimum documentation to receive a license to allow extended stays within their hotel.

The following definition is proposed:

(A) **Definitions.**

(1) *Extend Stay Lodging* means the renting of a room, unit or other portion of a hotel or motel for a duration of stay greater than twenty-nine (29) consecutive days. The duration of stay shall be calculated based upon the number of nights of occupancy by a guest within the licensed premises as a whole rather than within one particular room, unit or defined area.

(2) *License* means an extended stay lodging license issued pursuant to this Section.

The proposed ordinance will require any lodging operators wishing to rent extended stay rooms to file a completed application form with the City Clerk’s office, which includes the business name and address; a floor plan of the establishment illustrating the specific rooms, units or areas to be used for extended stay lodging; individual floor plans of each extended stay room, unit, or area, including square footage calculations; and a detailed floor plan illustrating all amenities and features included as part of the extended stay operation. Licenses are proposed to require renewal annually. Staff is recommending that existing hotels and motels offering extended stay lodging file a license application by January 1, 2025.

Staff has not yet created a license application form for operators to complete, but will work on this ahead of Council review and approval so that by the time this ordinance is effective an application form and process is complete and ready to be distributed to eligible lodging operators.

An operator would be able to designate their entire premise as extended stay lodging or could designate specific rooms, units, or areas as long as the proposal meets all required standards. Operators could also choose to not obtain a license at all, so long as their business offers stays that are not extended in nature.

Minimum standards are required for extended stay lodging, including:

- Extended stay lodging areas shall be designated on a building floor plan and no other areas may be offered or used for such purpose.
- Every room licensed for extended stay lodging shall prominently display on the inside of the main entrance door of the room a statement that such room is licensed pursuant to this Section.
- Guest personal possessions may not be stored on exterior balconies, interior corridors, or in a manner that prohibits adequate movement and ingress/egress within a unit and/or licensed premise.
- The following amenities shall be available to all extended stay lodging guests:
 - o Twenty-four hour desk staffing;
 - o Universal wireless internet included within rental rate;
 - o In-room or common area laundry facilities; and
 - o Secure storage (either in-unit or in a common area).
- Cooking facilities must be available on the premises, either in each individual room approved for extended stay lodging or in a shared, communal kitchen accessible at all times. Kitchen facilities shall include, at minimum:
 - o Cooktop, microwave, stove unit, or equivalent cooking appliance;
 - o Full-size refrigerator;
 - o Full-size kitchen sink; and
 - o Communal seating space.

REQUEST FOR DIRECTION

- Does the included ordinance sufficiently address the Planning Commission's goals for extended stay hotel and motel regulations? Are there any changes that the Planning Commission would like to see before recommending approval to City Council?

If the Planning Commission is ready to make a motion recommending approval of the attached ordinance, staff has included the below proposed motion, which can be updated to accommodate any discussed changes during the meeting.

PROPOSED MOTION:

Motion to recommend approval of Ordinance No. __, Series 2024 AN ORDINANCE ADOPTING EXTENDED STAY LODGING LICENSING AND OPERATIONAL REQUIREMENTS AS A NEW SECTION 21-35 OF THE IDAHO SPRINGS MUNICIPAL CODE

CITY OF IDAHO SPRINGS
Clear Creek County, Colorado

Ordinance No.17, Series 2024

**AN ORDINANCE ADOPTING EXTENDED STAY LODGING LICENSING AND
OPERATIONAL REQUIREMENTS AS A NEW SECTION 21-35 OF THE IDAHO SPRINGS
MUNICIPAL CODE**

WHEREAS, the City of Idaho Springs, Colorado (“City”) is a statutory city, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., the City possesses the authority to regulate the zoning and use of land within its jurisdiction; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City possesses the authority to regulate and license any commercial enterprise conducted within the City; and

WHEREAS, the City has recently experienced a proliferation of hotels and motels which provide lodging for guests outside of the traditional short-term transient lodging experience; and

WHEREAS, as more citizens continue to occupy hotels and motels for long-term residential purposes, the City Council desires to ensure City motels and hotels are safe and suitable for extended stays; and

WHEREAS, the Council desires to regulate those hotels and motels within the City that offer extended stay lodging in order to better ensure the welfare of people who reside in the same.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Idaho Springs, Colorado, as follows:

Section 1. Division I of Article III of Chapter 21 of the Idaho Springs Municipal Code is hereby amended by the addition of a new Section 21-35, to read in its entirety as follows:

Sec. 21-35. – Extended Stay Lodging.

(A) Definitions.

(1) *Extend Stay Lodging* means the renting of a room, unit or other portion of a hotel or motel for a duration of stay greater than twenty-nine (29) consecutive days. The duration of stay shall be calculated based upon the number of nights of occupancy by a guest within the licensed premises as a whole rather than within one particular room, unit or defined area.

(2) *License* means an extended stay lodging license issued pursuant to this Section.

- (B) Extended Stay Lodging License Required. It is unlawful for any person, either directly or indirectly, to conduct or provide extended stay lodging without first obtaining and maintaining a license except in circumstances where there is a written contract between the lodging provider and:
- (a) A governmental, charitable or insurance agency to house families in crisis; or
 - (b) A relocation service as part of a business relocation.
- (C) License application form; processing.
- (1) License applicants shall file a completed application with the City Clerk's office on a form provided by the City.
 - (2) A completed license application shall contain the following information:
 - (a) The business name and address of the applicant;
 - (b) A floor plan of the establishment illustrating the specific rooms, units or areas to be used for extended stay lodging;
 - (c) Individual floor plans for each proposed extended stay lodging room, unit or area, including square footage calculations; and
 - (d) A detailed floor plan illustrating all amenities and features required pursuant to subsection (D) below.
- (D) Minimum Standards for Operation.
- (1) Extended stay lodging areas shall be designated on a building floor plan and no other areas may be offered or used for such purpose.
 - (2) Every room licensed for extended stay lodging shall prominently display on the inside of the main entrance door of the room a statement that such room is licensed pursuant to this Section.
 - (3) Guest personal possessions may not be stored on exterior balconies, interior corridors, or in a manner that prohibits adequate movement and ingress/egress within a unit and/or licensed premise.
 - (4) The following amenities shall be available to all extended stay lodging guests:
 - (a) Twenty-four hour desk staffing;
 - (b) Universal wireless internet included within rental rate;
 - (c) In-room or common area laundry facilities; and
 - (d) Secure storage (either in-unit or in a common area).
 - (5) Cooking facilities must be available on the premises, either in each individual room approved for extended stay lodging or in a shared, communal kitchen accessible at all times. Kitchen facilities shall include, at minimum:
 - (a) Cooktop, microwave, stove unit, or equivalent cooking appliance;

- (b) Full-size refrigerator;
- (c) Full-size kitchen sink; and
- (d) Communal seating space.

(6) Each licensed premise shall otherwise remain compliant with all other requirements and standards of the City and of this Code.

(E) License Renewal and Inspection Requirements.

- (1) The City shall perform an inspection of the proposed licensed premises prior to the issuance of an extended stay lodging license.
- (2) Thereafter, the City shall perform annual compliance inspections of the licensed premises at time of license renewal.

(F) Implementation Schedule.

(1) It is the intention of the City that existing hotels and motels offering extended stay lodging be given sufficient time to make the operational and physical modifications and improvements necessary to satisfy the eligibility requirements of this section. Accordingly, the following implementation schedule for this section is adopted:

- (a) Existing hotels offering extended stay lodging shall have until January 1, 2025, to file a license application and until March 1, 2025 to obtain a license.

(G) Suspension and revocation; appeal

(1) Each license is subject to suspension and revocation proceedings as follows:

- (a) The City Administrator is authorized to suspend or revoke any license, upon at least seven (7) calendar days' written notice via United States Postal Service first class mail to the licensee stating specific date of the hearing, the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, upon a finding that:
 - 1. The licensee has failed to pay the annual license fee or any other applicable tax;
 - 2. The license application has been found to contain a falsehood or material misrepresentation or omission;
 - 3. The licensed premises are found to have been constructed, altered or operated in a manner contrary to the application or in violation of any term or condition of the license or in violation of this Section or of this Code;

4. The licensee has failed to furnish any information that is required to be provided to the City under this Section or this Code; or
 5. Any fact or condition exists which, if it had existed or had been known to exist at the time of the application for the license, would have warranted the refusal of the issuance of the license.
- (b) The City Administrator shall issue a written decision within ten (10) days of the date upon which the licensee is provided the opportunity to be heard, and shall provide the same to the licensee to the mailing address indicated on the license application or such other address or by such other means (such as electronic mail) as requested by the licensee.
- (c) A licensee may appeal a decision by the City Administrator to suspend or revoke his or her license by filing written notice of such appeal, including the specific reasons the Administrator's decision is in error, with the City Clerk within ten (10) days of the date of the Administrator's decision.
- (d) Any appeal timely filed under subsection (G)(iii) above shall be heard and decided by the Planning Commission at their next regularly scheduled meeting, applying the same procedural and substantive guidelines as the City Administrator under subsections (b) and (c) hereof. The Planning Commission's decision shall be the City's final decision on the matter.

Section 2. Any and all Ordinances or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or part thereof shall not revive any other section or part of any Ordinance heretofore repealed or superseded.

Section 3. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions are severable.

INTRODUCED, READ AND ORDERED PUBLISHED, at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the __ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk

PASSED, ADOPTED AND APPROVED, after public hearing at a Regular Meeting of the City Council of the City of Idaho Springs, Colorado, held on the ____ day of _____, 2024.

Chuck Harmon, Mayor

ATTESTED AND CERTIFIED:

Diane Breece, City Clerk