



# Board Agenda Background

**Date:** 3/3/2026  
**To:** Board of County Commissioners  
**Through:** Colton Rohloff, County Manager  
**From:** David Danielson, Chief Building Official  
**Subject:** Consideration of Resolution #R-26-24, Declaring a Structure Located on the California Lode Mining Claim, U.S.M.S. #1559, in the Dumont Area and Owned by Fox Gulch LLC, to be Unsafe and Ordering the Removal of the Structure by Clear Creek County

---

## RECOMMENDATION

Staff recommends that the Board of County Commissioners approve Resolution #R-26-24, which declares the structure on the California Lode Mining Claim U.S.M.S. #1559 to be unsafe and orders its removal by the County, for the reasons set forth below.

## BACKGROUND

The subject property is the California Lode Mining Claim, U.S.M.S. #1559, owned by Fox Gulch LLC (the "Property"). The current enforcement efforts related to the Property, assigned Code Enforcement Case No. COD-25-007, have been ongoing since July of 2025. Initially, enforcement efforts related to the illegal storage of a large amount of junk. Staff sent a Notice of Violation related to the junk violations in October of 2025.

Since that time, the owner has performed some of the cleanup necessary to abate the violation related to junk. However, he stopped communicating with County staff in late November. Then, at a site visit on December 16, 2025, Staff observed that a structure recently had been constructed on the site without permits. However, in early February, a citizen contacted staff to inform them that there was wood smoke coming out of the chimney on the structure and that there was a generator running outside the structure. During a follow-up visit on February 12, 2026, it was apparent that construction had continued and that the structure was being occupied.

Upon a thorough review of the structure and general conditions within the County, both of which are discussed in further detail below, the Chief Building Official (CBO) determined that the structure qualifies as an "unsafe structure" under Appendix E of the County's adopted Building Code. Appendix E provides for the expedited removal of nuisance unsafe structures that are dangerous to human life when necessary to protect against hazards to safety, health, and public welfare.

The CBO has taken each of the preliminary steps required by Appendix E to give appropriate notice to the owner that the structure is unsafe and to provide the owner with the opportunity to abate the violation. The owner has not responded to the County and the structure has not yet been removed. This hearing, for the Board to consider declaring the structure as unsafe and ordering its removal, is the next step in the enforcement process set forth in Appendix E.

## ANALYSIS

Appendix E of the County's adopted building code provides a special process for the removal of unsafe structures when certain requirements are met. An overview of Appendix E, and the conditions on the



# Board Agenda Background

Property that the CBO has found to meet the requirements for removal in Appendix E are discussed in further detail below.

## Unsafe Structure Determination

When the County becomes aware of this sort of code violation, the CBO must first determine whether a structure or its use is unsafe. Section E101 defines unsafe structures, and the unsafe use of structures, as follows:

All buildings or structures regulated by this code, which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use.

In the present case, and as discussed in more detail below, the inspections of the structure on December 16, 2025 and February 12, 2026 revealed that the structure fell squarely within the definitions of an unsafe structure and use set forth in Section E101.

## Public Nuisance Determination

Section 102 states:

All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures specified in this chapter. As an alternative, the building official may institute any other appropriate action to prevent, restrain, correct or abate the violation, at the expense of the owner.

Once a structure or its use has been designated as unsafe, Section E102 deems such unsafe buildings and structures to be a public nuisance which shall be abated. In this case, should this Board find the structure and its use to be unsafe, the structure is also a public nuisance by operation of Section 102.

## Notice to Owner

Once the CBO designates a structure or its use as unsafe, notice must be provided to the owner. Section E102.2.1 governs these notices. It provides in pertinent part:

The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this section, the building official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portion thereof, and all such work shall be completed within 90 days from the date of notice unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure or portion thereof to be vacated forthwith and not re-occupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.



# Board Agenda Background

Here, the CBO examined the structure, including its use, and designated it as unsafe. The CBO therefore provided a written Notice of Violation and Notice of Hearing to the property owner. The Notice specified the defects of the building or structure as follows:

“The structure is unsafe under Appendix E because it was not built to code, is dilapidated, is structurally unsound, is unsafe for use as a dwelling, and constitutes an immediate and significant fire hazard. The structure is structurally unsafe in that it was built with miscellaneous building materials not graded or tested to appropriate standards and without any building plans, which also has resulted in nonprescriptive construction methods being used without engineering or other supporting documentation demonstrating compliance with the code. It is unclear what electrical components it may have inside, but the occupant is using a generator to power them. In addition, there is an indoor fireplace that does not meet county regulations, and the chimney attached to the building appears to risk melting the tarp covering the roof. Moreover, the structure also does not have a source of potable water or an onsite wastewater treatment system for the disposal of effluent. These issues constitute a significant hazard to safety, health, and public welfare and constitute a violation of [...]Appendix E to the County’s adopted 2021 Building Codes[.]”

The Notice also specified that the structure should be vacated immediately and not reoccupied. It also notified the owner that abatement of the violation required a demolition permit and removal of the structure. In addition, because of high fire danger and recent red flag conditions, the CBO required this work to be completed within 10 days of receipt of the Notice.

In addition, the letter gave notice of the date, time, and place of this hearing, should the owner fail to remove the structure within the 10-day window. The Notice was served upon the owner on February 21, 2026, 10 days prior to this hearing, in accordance with the requirements of Appendix E.

## Posting of Signs

When the CBO designates a structure as unsafe, Section E102.2.2 requires certain signage:

The building official shall cause to be posted at each entrance of such building a notice to read: "DANGER, KEEP OUT. THIS STRUCTURE IS UNSAFE FOR OCCUPANCY." Such notice shall remain posted until the required repairs, demolition or removals are completed. Such notice shall not be removed without permission of the building official, and no person shall enter the building except for the purpose of making the required repairs or demolishing the building.

On February 18, 2026, staff posted the appropriate notice on the structure. At the time of posting, it was unclear as to where the entrance to the structure was. However, it was posted in a conspicuous location.

## Right to Demolish

Once the steps discussed above have been completed, the next step in the enforcement process is for the Board of County Commissioners to hold a hearing on the matter. Section E102.2.3 states:

In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the Board of County



# Board Agenda Background

Commissioners may order the owner of the building prosecuted as a violator of the provisions of the code and may order the building official to proceed with the work specified in such notice. A statement of the cost of such work will be transmitted to the County Commissioners who shall cause the same to be paid and levied against the property.

The owner here has failed to comply with the notice to demolish and remove the unsafe structure. Therefore, the CBO requested this hearing for the Board to consider whether to declare the structure unsafe and order its removal by Clear Creek County.

Typically, the County enforces its regulations via the courts. However, in this case, the timing for removal was critical due to the recent lack of snow in the County as well as recent red flag days where Clear Creek County has imposed fire restrictions. Staff believed this process before the Board would expedite abatement, and that doing so is necessary to protect the health, safety, and welfare of the citizens of Clear Creek County.

County staff anticipate that the work may be completed within two business days of notice to proceed contingent on acceptable road and weather conditions. The work is likely to require approximately 30 hours of staff time, 30 hours of various equipment time, and disposal fees amounting to a total anticipated cost between \$5,000 and \$6,000. When the work is complete, the County will put together a statement of costs and request the Board to levy it against the property.

## **CONCLUSION**

Staff recommends that the Board of County Commissioners approve Resolution R-26-24.

## **ATTACHMENTS:**

1. Resolution R-26-24
2. California Mine Unsafe Structure Hearing Memo Attachments:
  - Deed for California Lode Mining Claim U.S.M.S. 1559
  - October 27, 2025 Notice of Violation (junk)
  - Case Report for COD-25-007
  - Inspection Photos
  - February 18, 2026 NOV (includes Appendix E of the Building Code)
  - February 21, 2026 Return of Service
3. Presentation