AGENDA
OURAY CITY COUNCIL

Monday, November 6, 2023 - 6:00 PM

Ouray Community Center
320 6th Ave
Ouray, CO 81427

VIRTUAL OPTION - https://zoom.us/j/9349389230
Meeting ID: 934 938 9230 Passcode: 491878 Or dial: 408 638 0968 or 669 900 6833

Ouray City Council Regular Meeting

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Economic Development Committee, Beautification Committee, Tourism Advisory Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER
2. ROLL CALL
3. Consideration of a Request from Councilor Peggy Lindsey to Participate in this Meeting Remotely, per Resolution 4, Series 2022 - Remote Participation Policy for Council Members
4. PLEDGE OF ALLEGIANCE
5. CEREMONIAL/INFORMATIONAL - The Ouray Volunteer Fire Department will be holding their Recruitment Day on November 11th from noon to 4pm at the Fire Department. City Council and the public are invited to attend.
6. PUBLIC HEARING - Ordinance 13, Series 2023 - Adoption of Flood Insurance Study, Ouray County, Colorado and Incorporated Areas; Dated 1/11/2024
7. APPROVAL OF MINUTES - 10/16/2023
8. CITIZENS' COMMUNICATION
9. CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk
10. DEPARTMENT REPORTS
    a. City Administrator
    b. Police Chief
    c. Fire Chief
    d. Public Works Director
    e. City Resources Director
    f. Tourism and Destination Marketing Director
11. CONSENT AGENDA
    - Special Events Liquor Permit Application - Uncompahgre Watershed Partnership, 10th Anniversary Celebration. Nov. 16
    - Liquor License Renewal - Gold Belt Bar & Grill
    - Accept Resignation from TAC (Event Planning/Coordination Seat) - Brooke Easley
12. ACTION ITEMS
    a. Ordinance 13, Series 2023 - Adoption of Flood Insurance Study, Ouray County, Colorado and Incorporated Areas; Dated 1/11/2024 - Second Reading

   b. Ordinance 14, Series 2023 - Setting Utility Rates for 2024 and Modifying EQR Table - First Reading
13. DISCUSSION ITEMS
   a. Visitors Center Hours
   b. 2024 CML State Statute & Policy Proposal Discussion
   c. Future Agenda Items
14. ADJOURNMENT

Gmail

Silas Clarke <sclarke@cityofouray.com>

Remote participation

1 message

Peggy Lindsey <lindseyrealestate@gmail.com> Fri, Nov 3, 2023 at 7:36 PM
To: Silas Clarke <sclarke@cityofouray.com>, Ethan Funk <funke@cityofouray.com>

Hello Silas and Ethan,
May i participate in the meeting Monday via zoom? I appreciate your time.
Kind regards,
Peggy

ORDINANCE NO. 13 (SERIES 2023)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING SECTION 6-12-C OF THE OURAY MUNICIPAL CODE TO ADOPT A NEW FLOOD INSURANCE STUDY AND RATE MAP ISSUED FROM FEMA.

WHEREAS, on June 11, 2023, FEMA notified the City of Ouray that it had issued a new flood hazard determination for Ouray County and its incorporated areas and that a final Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM) effective January 11, 2024, must be adopted, if no appeal was filed.

WHEREAS there was no appeal of this determination.

WHEREAS the City Council finds that the adoption of the new FIS and FIRM is necessary preserve the public health, safety, and welfare.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

SECTION 1: REPEAL AND REPLACE

Section 6-12-C of the Ouray Municipal Code is repealed and replaced as follows:

C. Adoption of Maps and Studies

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Ouray County, Colorado and Incorporated Areas, dated January 11, 2024, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any future updates thereto are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the City of Ouray City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available at the City of Ouray administrative office for public inspection.

SECTION 2: EFFECTIVE DATE

The provisions of this Ordinance shall become effective January 11, 2024.

SECTION 3: SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by _____vote of the Ouray City Council this 16th day of October 2023.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by _____vote of the Ouray City Council this ____day of November 2024.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

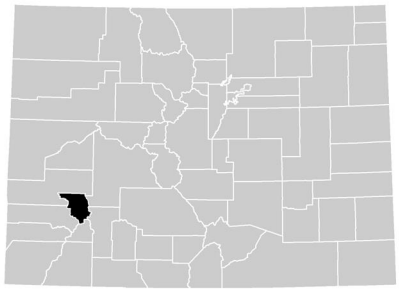
I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 13 (Series No. 2023), was introduced, read and passed by the Ouray City Council on first reading on October 16 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2023 and thereafter introduced, read and adopted by the Ouray City Council on _____, 2023 and thereafter published in the *Ouray County Plaindealer*, as required by law.

_____
Melissa M. Drake, City Clerk

FLOOD INSURANCE STUDY

FEDERAL EMERGENCY MANAGEMENT AGENCY

VOLUME 1 OF 1



OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

COMMUNITY NAME	COMMUNITY NUMBER
OURAY COUNTY, UNINCORPORATED AREAS	080136
OURAY, CITY OF	080137
RIDGWAY, TOWN OF	080138

FEMA

EFFECTIVE:

January 11, 2024

FLOOD INSURANCE STUDY NUMBER
08091CV000A
Version Number 2.6.4.6

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Volume 1

Exhibits

Flood Profiles	Panel
Cascade Creek	01-03 P
Cottonwood Creek	04-07 P
Portland Creek	08-10 P
Uncompahgre River	11-42 P

Published Separately

Flood Insurance Rate Map (FIRM)

FLOOD INSURANCE STUDY REPORT
OURAY COUNTY, COLORADO

SECTION 1.0 – INTRODUCTION

1.1 The National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a voluntary Federal program that enables property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

For decades, the national response to flood disasters was generally limited to constructing flood-control works such as dams, levees, sea-walls, and the like, and providing disaster relief to flood victims. This approach did not reduce losses nor did it discourage unwise development. In some instances, it may have actually encouraged additional development. To compound the problem, the public generally could not buy flood coverage from insurance companies, and building techniques to reduce flood damage were often overlooked.

In the face of mounting flood losses and escalating costs of disaster relief to the general taxpayers, the U.S. Congress created the NFIP. The intent was to reduce future flood damage through community floodplain management ordinances, and provide protection for property owners against potential losses through an insurance mechanism that requires a premium to be paid for the protection.

The U.S. Congress established the NFIP on August 1, 1968, with the passage of the National Flood Insurance Act of 1968. The NFIP was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004. The NFIP is administered by the Federal Emergency Management Agency (FEMA), which is a component of the Department of Homeland Security (DHS).

Participation in the NFIP is based on an agreement between local communities and the Federal Government. If a community adopts and enforces floodplain management regulations to reduce future flood risks to new construction and substantially improved structures in Special Flood Hazard Areas (SFHAs), the Federal Government will make flood insurance available within the community as a financial protection against flood losses. The community's floodplain management regulations must meet or exceed criteria established in accordance with Title 44 Code of Federal Regulations (CFR) Part 60, *Criteria for Land Management and Use*.

SFHAs are delineated on the community's Flood Insurance Rate Maps (FIRMs). Under the NFIP, buildings that were built before the flood hazard was identified on the community's FIRMs are generally referred to as "Pre-FIRM" buildings. When the NFIP was created, the U.S. Congress recognized that insurance for Pre-FIRM buildings would be prohibitively expensive if the premiums were not subsidized by the Federal Government. Congress also recognized that most of these floodprone buildings were built

by individuals who did not have sufficient knowledge of the flood hazard to make informed decisions. The NFIP requires that full actuarial rates reflecting the complete flood risk be charged on all buildings constructed or substantially improved on or after the effective date of the initial FIRM for the community or after December 31, 1974, whichever is later. These buildings are generally referred to as "Post-FIRM" buildings.

1.2 Purpose of this Flood Insurance Study Report

This Flood Insurance Study (FIS) Report **revises and updates** information on the existence and severity of flood hazards for the study area. The studies described in this report developed flood hazard data that will be used to establish actuarial flood insurance rates and to assist communities in efforts to implement sound floodplain management.

In some states or communities, floodplain management criteria or regulations may exist that are more restrictive than the minimum Federal requirements. Contact your State NFIP Coordinator to ensure that any higher State standards are included in the community's regulations.

1.3 Jurisdictions Included in the Flood Insurance Study Project

This FIS Report covers the entire geographic area of Ouray County, Colorado.

The jurisdictions that are included in this project area, along with the Community Identification Number (CID) for each community and the United States Geological Survey (USGS) 8-digit Hydrologic Unit Code (HUC-8) sub-basins affecting each, are shown in Table 1. The FIRM panel numbers that affect each community are listed. If the flood hazard data for the community is not included in this FIS Report, the location of that data is identified.

Table 1: Listing of NFIP Jurisdictions

Community	CID	HUC-8 Sub-Basin(s)	Located on FIRM Panel(s)	If Not Included, Location of Flood Hazard Data
Ouray County, Unincorporated Areas	080136	14020002 14020006 14030003 14080104	08091C0025E[1] 08091C0050E[1] 08091C0075E[1] 08091C0085E 08091C0095E 08091C0100E[1] 08091C0125E[1] 08091C0150E[1] 08091C0175E[1] 08091C0200E[1] 08091C0205E[1] 08091C0210E	

Community	CID	HUC-8 Sub-Basin(s)	Located on FIRM Panel(s)	If Not Included, Location of Flood Hazard Data
Ouray County, Unincorporated Areas (continued)	080136	14020002 14020006 14030003 14080104	08091C0215E 08091C0217E 08091C0219E 08091C0220E 08091C0230E 08091C0236E 08091C0238E 08091C0240E[1] 08091C0250E 08091C0275E[1] 08091C0300E[1] 08091C0325E[1] 08091C0326E 08091C0327E 08091C0328E 08091C0329E 08091C0335E[1] 08091C0337E 08091C0339E[1] 08091C0340E[1] 08091C0341E 08091C0343E 08091C0345E[1] 08091C0375E[1] 08091C0400E[1] 08091C0425E[1] 08091C0450E[1]	
Ouray, City of	080137	14020006	08091C0341E 08091C0343E	
Ridgway, Town of	080138	14020006	08091C0217E 08091C0219E 08091C0236E 08091C0238E	

[1] Panel Not Printed

1.4 Considerations for using this Flood Insurance Study Report

The NFIP encourages State and local governments to implement sound floodplain management programs. To assist in this endeavor, each FIS Report provides floodplain data, which may include a combination of the following: 10-, 4-, 2-, 1-, and 0.2-percent annual chance flood elevations (the 1-percent-annual-chance flood elevation is also referred to as the Base Flood Elevation (BFE)); delineations of the 1-percent-annual-chance and 0.2-percent-annual-chance floodplains; and 1-percent-annual-chance floodway. This information is presented on the FIRM and/or in many components of the FIS Report, including Flood Profiles, Floodway Data tables, Summary of Non-Coastal Stillwater

Elevations tables, and Coastal Transect Parameters tables (not all components may be provided for a specific FIS).

This section presents important considerations for using the information contained in this FIS Report and the FIRM, including changes in format and content. Figures 1, 2, and 3 present information that applies to using the FIRM with the FIS Report.

- Part or all of this FIS Report may be revised and republished at any time. In addition, part of this FIS Report may be revised by a Letter of Map Revision (LOMR), which does not involve republication or redistribution of the FIS Report. Refer to Section 6.5 of this FIS Report for information about the process to revise the FIS Report and/or FIRM.

  It is, therefore, the responsibility of the user to consult with community officials by contacting the community repository to obtain the most current FIS Report components. Communities participating in the NFIP have established repositories of flood hazard data for floodplain management and flood insurance purposes. Community map repository addresses are provided in Table 30, "Map Repositories," within this FIS Report.

- New FIS Reports are frequently developed for multiple communities, such as entire counties. A countywide FIS Report incorporates previous FIS Reports for individual communities and the unincorporated area of the county (if not jurisdictional) into a single document and supersedes those documents for the purposes of the NFIP.

  The initial Countywide FIS Report for Ouray County became effective on **January 11, 2024**. Refer to Table 27 for information about subsequent revisions to the FIRMs.

- Selected FIRM panels for the community may contain information (such as floodways and cross sections) that was previously shown separately on the corresponding Flood Boundary and Floodway Map (FBFM) panels. In addition, former flood hazard zone designations have been changed as follows:

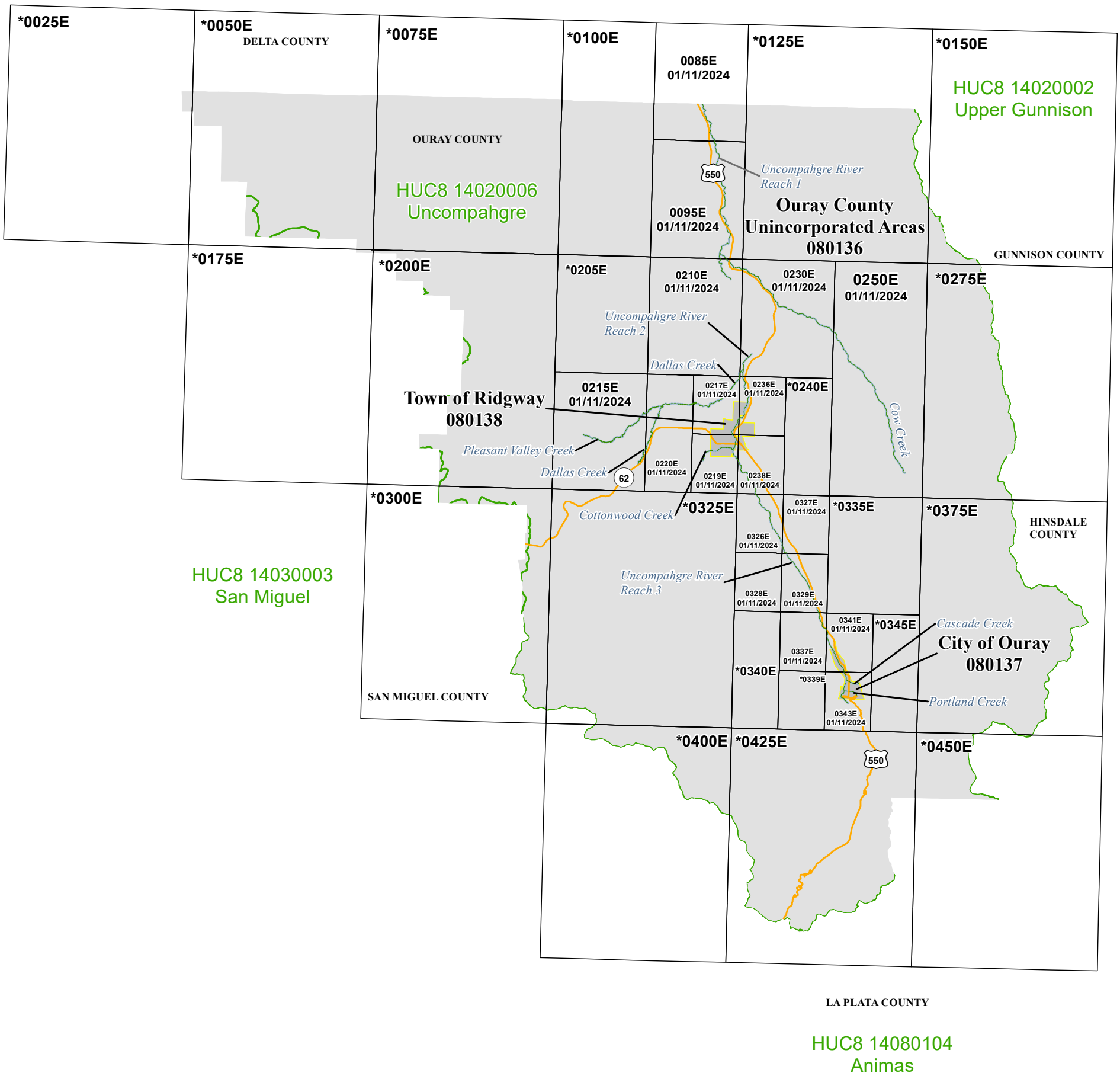
Old Zone	New Zone
A1 through A30	AE
V1 through V30	VE
B	X (shaded)
C	X (unshaded)

  The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Visit the FEMA Web site at www.fema.gov/flood-insurance/rules-legislation/community-rating-system or contact your appropriate FEMA Regional Office for more information about this program.

- FEMA has developed a *Guide to Flood Maps* (FEMA 258) and online tutorials to assist users in accessing the information contained on the FIRM. These include how to read panels and step-by-step instructions to obtain specific information. To obtain this guide and other assistance in using the FIRM, visit the FEMA Web site at www.fema.gov/flood-maps/tutorials.

The FIRM Index in Figure 1 shows the overall FIRM panel layout within Ouray County, and also displays the panel number and effective date for each FIRM panel in the county. Other information shown on the FIRM Index includes community boundaries, watershed boundaries, and USGS HUC-8 codes.

Figure 1: FIRM Index



N

1 inch = 22,083 feet 1:265,000

Miles
0 1 2 4 6 8

Map Projection:
State Plane Colorado South Zone FIPS 0503 Feet;
North American Datum 1983

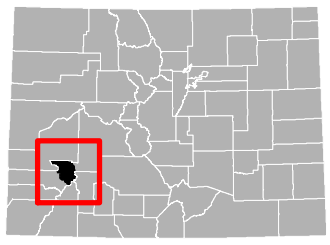
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

OURAY COUNTY, COLORADO and Incorporated Areas

PANELS PRINTED:

0085, 0095, 0210, 0215, 0217, 0219, 0220, 0230, 0236, 0238, 0250, 0326, 0327, 0329, 0337, 0341, 0343

FEMA

MAP NUMBER
08091CIND0A

EFFECTIVE DATE
JANUARY 11, 2024

Each FIRM panel may contain specific notes to the user that provide additional information regarding the flood hazard data shown on that map. However, the FIRM panel does not contain enough space to show all the notes that may be relevant in helping to better understand the information on the panel. Figure 2 contains the full list of these notes.

Figure 2: FIRM Notes to Users

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM including historic versions of this FIRM, how to order products, or the National Flood Insurance Program in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Flood Map Service Center website or by calling the FEMA Mapping and Insurance eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to Table 27 in this FIS Report.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

The map is for use in administering the NFIP. It may not identify all areas subject to flooding, particularly from local drainage sources of small size. Consult the community map repository to find updated or additional flood hazard information.

BASE FLOOD ELEVATIONS: For more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, consult the Flood Profiles and Floodway Data and/or Summary of Non-Coastal Stillwater Elevations tables within this FIS Report. Use the flood elevation data within the FIS Report in conjunction with the FIRM for construction and/or floodplain management.

Figure 2. FIRM Notes to Users

FLOODWAY INFORMATION: Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the FIS Report for this jurisdiction.

FLOOD CONTROL STRUCTURE INFORMATION: Certain areas not in Special Flood Hazard Areas may have reduced flood hazards due to flood control structures. Refer to Section 4.3 "Dams and Other Flood Hazard Reduction Measures" of this FIS Report for information on flood control structures for this jurisdiction.

PROJECTION INFORMATION: The projection used in the preparation of the map was NAD 1983 StatePlane Colorado South FIPS 0503 Feet**.** The horizontal datum was the North American Datum of 1983 NAD83, GRS1980 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

ELEVATION DATUM: Flood elevations on the FIRM are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov.

Local vertical monuments may have been used to create the map. To obtain current monument information, please contact the appropriate local community listed in Table 30 of this FIS Report.

BASE MAP INFORMATION: Base map information shown on the FIRM was provided by the U.S Census Bureau, dated 2015; Bureau of Land Management, dated 2011; The U.S Department of Agriculture, dated 2003 and 2017; The State of Colorado Department of Local Affairs, dated 2014; and the U.S Geological Survey, dated 2013. For information about base maps, refer to Section 6.2 “Base Map” in this FIS Report.

Corporate limits shown on the map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate limit locations.

NOTES FOR FIRM INDEX

REVISIONS TO INDEX: As new studies are performed and FIRM panels are updated within Ouray County, CO, corresponding revisions to the FIRM Index will be incorporated within the FIS Report to reflect the effective dates of those panels. Please refer to Table 27 of this FIS Report to determine the most recent FIRM revision date for each community. The most recent FIRM panel effective date will correspond to the most recent index date.

Figure 2. FIRM Notes to Users

SPECIAL NOTES FOR SPECIFIC FIRM PANELS

This Notes to Users section was created specifically for Ouray County, CO, effective January 11, 2024.

FLOOD RISK REPORT: A Flood Risk Report (FRR) may be available for many of the flooding sources and communities referenced in this FIS Report. The FRR is provided to increase public awareness of flood risk by helping communities identify the areas within their jurisdictions that have the greatest risks. Although non-regulatory, the information provided within the FRR can assist communities in assessing and evaluating mitigation opportunities to reduce these risks. It can also be used by communities developing or updating flood risk mitigation plans. These plans allow communities to identify and evaluate opportunities to reduce potential loss of life and property. However, the FRR is not intended to be the final authoritative source of all flood risk data for a project area; rather, it should be used with other data sources to paint a comprehensive picture of flood risk.

Each FIRM panel contains an abbreviated legend for the features shown on the maps. However, the FIRM panel does not contain enough space to show the legend for all map features. Figure 3 shows the full legend of all map features. Note that not all of these features may appear on the FIRM panels in Ouray County.

Figure 3: Map Legend for FIRM

SPECIAL FLOOD HAZARD AREAS: The 1% annual chance flood, also known as the base flood or 100-year flood, has a 1% chance of happening or being exceeded each year. Special Flood Hazard Areas are subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. See note for specific types. If the floodway is too narrow to be shown, a note is shown.

	Special Flood Hazard Areas subject to inundation by the 1% annual chance flood (Zones A, AE, AH, AO, AR, A99, V and VE)
Zone A	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. No base (1% annual chance) flood elevations (BFEs) or depths are shown within this zone.
Zone AE	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone.
Zone AH	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually areas of ponding) where average depths are between 1 and 3 feet. Whole-foot BFEs derived from the hydraulic analyses are shown at selected intervals within this zone.
Zone AO	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot depths derived from the hydraulic analyses are shown within this zone.
Zone AR	The flood insurance rate zone that corresponds to areas that were formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
Zone A99	The flood insurance rate zone that corresponds to areas of the 1% annual chance floodplain that will be protected by a Federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or flood depths are shown within this zone.
Zone V	The flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations are not shown within this zone.
Zone VE	Zone VE is the flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations derived from the coastal analyses are shown within this zone as static whole-foot elevations that apply throughout the zone.
	Regulatory Floodway determined in Zone AE.

Figure 3: Map Legend for FIRM

OTHER AREAS OF FLOOD HAZARD	
	Shaded Zone X: Areas of 0.2% annual chance flood hazards and areas of 1% annual chance flood hazards with average depths of less than 1 foot or with drainage areas less than 1 square mile.
	Future Conditions 1% Annual Chance Flood Hazard – Zone X: The flood insurance rate zone that corresponds to the 1% annual chance floodplains that are determined based on future-conditions hydrology. No base flood elevations or flood depths are shown within this zone.
	Area with Reduced Flood Hazard due to Accredited or Provisionally Accredited Levee System: Area is shown as reduced flood hazard from the 1-percent-annual-chance or greater flood by a levee system. Overtopping or failure of any levee system is possible.
	Area with Undetermined Flood Hazard due to Non-Accredited Levee System: Analysis and mapping procedures for non-accredited levee systems were applied resulting in a flood insurance rate zone where flood hazards are undetermined, but possible.
OTHER AREAS	
	Zone D (Areas of Undetermined Flood Hazard): The flood insurance rate zone that corresponds to unstudied areas where flood hazards are undetermined, but possible.
NO SCREEN	Unshaded Zone X: Areas of minimal flood hazard.
FLOOD HAZARD AND OTHER BOUNDARY LINES	
(ortho) (vector)	Flood Zone Boundary (white line on ortho-photography-based mapping; gray line on vector-based mapping)
	Limit of Study
	Jurisdiction Boundary
	Limit of Moderate Wave Action (LiMWA): Indicates the inland limit of the area affected by waves greater than 1.5 feet
GENERAL STRUCTURES	
Aqueduct *Channel* *Culvert* *Storm Sewer*	Channel, Culvert, Aqueduct, or Storm Sewer
Dam *Jetty* *Weir*	Dam, Jetty, Weir
	Levee, Dike, or Floodwall

Figure 3: Map Legend for FIRM

Bridge	Bridge
REFERENCE MARKERS	
22.0	River mile Markers
CROSS SECTION & TRANSECT INFORMATION	
B 20.2	Lettered Cross Section with Regulatory Water Surface Elevation (BFE)
5280 21.1	Numbered Cross Section with Regulatory Water Surface Elevation (BFE)
17.5	Unlettered Cross Section with Regulatory Water Surface Elevation (BFE)
8	Coastal Transect
	Profile Baseline: Indicates the modeled flow path of a stream and is shown on FIRM panels for all valid studies with profiles or otherwise established base flood elevation.
	Coastal Transect Baseline: Used in the coastal flood hazard model to represent the 0.0-foot elevation contour and the starting point for the transect and the measuring point for the coastal mapping.
513	Base Flood Elevation Line
ZONE AE (EL 16)	Static Base Flood Elevation value (shown under zone label)
ZONE AO (DEPTH 2)	Zone designation with Depth
ZONE AO (DEPTH 2) (VEL 15 FPS)	Zone designation with Depth and Velocity
BASE MAP FEATURES	
Missouri Creek	River, Stream or Other Hydrographic Feature
234	Interstate Highway
234	U.S. Highway
234	State Highway
234	County Highway

Figure 3: Map Legend for FIRM

MAPLE LANE	Street, Road, Avenue Name, or Private Drive if shown on Flood Profile
RAILROAD	Railroad
	Horizontal Reference Grid Line
	Horizontal Reference Grid Ticks
+	Secondary Grid Crosshairs
Land Grant	Name of Land Grant
7	Section Number
R. 43 W. T. 22 N.	Range, Township Number
$^{42}76^{000m}$E	Horizontal Reference Grid Coordinates (UTM)
365000 FT	Horizontal Reference Grid Coordinates (State Plane)
80° 16’ 52.5”	Corner Coordinates (Latitude, Longitude)

SECTION 2.0 – FLOODPLAIN MANAGEMENT APPLICATIONS

2.1 Floodplain Boundaries

To provide a national standard without regional discrimination, the 1-percent-annual-chance (100-year) flood has been adopted by FEMA as the base flood for floodplain management purposes. The 0.2-percent-annual-chance (500-year) flood is employed to indicate additional areas of flood hazard in the community.

Each flooding source included in the project scope has been studied and mapped using professional engineering and mapping methodologies that were agreed upon by FEMA and Ouray County as appropriate to the risk level. Flood risk is evaluated based on factors such as known flood hazards and projected impact on the built environment. Engineering analyses were performed for each studied flooding source to calculate its 1-percent-annual-chance flood elevations; elevations corresponding to other floods (e.g. 10-, 4-, 2-, 0.2-percent annual chance, etc.) may have also been computed for certain flooding sources. Engineering models and methods are described in detail in Section 5.0 of this FIS Report. The modeled elevations at cross sections were used to delineate the floodplain boundaries on the FIRM; between cross sections, the boundaries were interpolated using elevation data from various sources. More information on specific mapping methods is provided in Section 6.0 of this FIS Report.

Depending on the accuracy of available topographic data (Table 22), study methodologies employed (Section 5.0), and flood risk, certain flooding sources may be mapped to show both the 1-percent and 0.2-percent-annual-chance floodplain boundaries, regulatory water surface elevations (BFEs), and/or a regulatory floodway. Similarly, other flooding sources may be mapped to show only the 1-percent-annual-chance floodplain boundary on the FIRM, without published water surface elevations. In cases where the 1-percent and 0.2-percent-annual-chance floodplain boundaries are close together, only the 1-percent-annual-chance floodplain boundary is shown on the FIRM. Figure 3, “Map Legend for FIRM”, describes the flood zones that are used on the FIRMs to account for the varying levels of flood risk that exist along flooding sources within the project area. Table 2 and Table 3 indicate the flood zone designations for each flooding source and each community within Ouray County, respectively.

Table 2, “Flooding Sources Included in this FIS Report,” lists each flooding source, including its study limits, affected communities, mapped zone on the FIRM, and the completion date of its engineering analysis from which the flood elevations on the FIRM and in the FIS Report were derived. Descriptions and dates for the latest hydrologic and hydraulic analyses of the flooding sources are shown in Table 12. Floodplain boundaries for these flooding sources are shown on the FIRM (published separately) using the symbology described in Figure 3. On the map, the 1-percent-annual-chance floodplain corresponds to the SFHAs. The 0.2-percent-annual-chance floodplain shows areas that, although out of the regulatory floodplain, are still subject to flood hazards.

Small areas within the floodplain boundaries may lie above the flood elevations but cannot be shown due to limitations of the map scale and/or lack of detailed topographic data. The procedures to remove these areas from the SFHA are described in Section 6.5 of this FIS Report.

Table 2: Flooding Sources Included in this FIS Report

Flooding Source	Community	Downstream Limit	Upstream Limit	HUC-8 Sub-Basin(s)	Length (mi) (streams or coastlines)	Floodway (Y/N)	Zone shown on FIRM	Date of Analysis
Cascade Creek	Ouray, City of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.12 miles upstream of 8th Ave	14020006	0.6	Y	AE	03/31/2021
Cottonwood Creek	Ridgeway, Town of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.27 miles upstream of County Rd 5	14020006	1.5	Y	AE	03/31/2021
Cow Creek	Ouray County Unincorporated Areas	Confluence with Uncompahgre River	1.2 miles upstream of County Rd 12	14020006	12.1	N	A	03/31/2021
Dallas Creek	Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.09 miles downstream of HWY 62	14020006	6.3	N	A	03/31/2021
Pleasant Valley Creek	Ouray County Unincorporated Areas	Confluence with Dallas Creek	0.6 miles upstream of County Rd 24	14020006	3.6	N	A	03/31/2021
Portland Creek	Ouray, City of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.08 miles downstream of Amphitheater Rd	14020006	0.5	Y	AE	03/31/2021
Uncompahgre River Reach 1	Ouray County Unincorporated Areas	Northern Border of Ouray County	Ridgway Reservoir	14020006	7.9	N	A	03/31/2021
Uncompahgre River Reach 2	Ouray County Unincorporated Areas	Ridgeway Reservoir	1.5 miles upstream of Ridgway Reservoir	14020006	1.5	N	A	03/31/2021
Uncompahgre River Reach 3	Ridgeway, Town of and Ouray, City of; Ouray County Unincorporated Areas	1.5 miles upstream of Ridgeway Reservoir	615 feet upstream of County Rd 361	14020006	13.9	Y	AE	03/31/2021

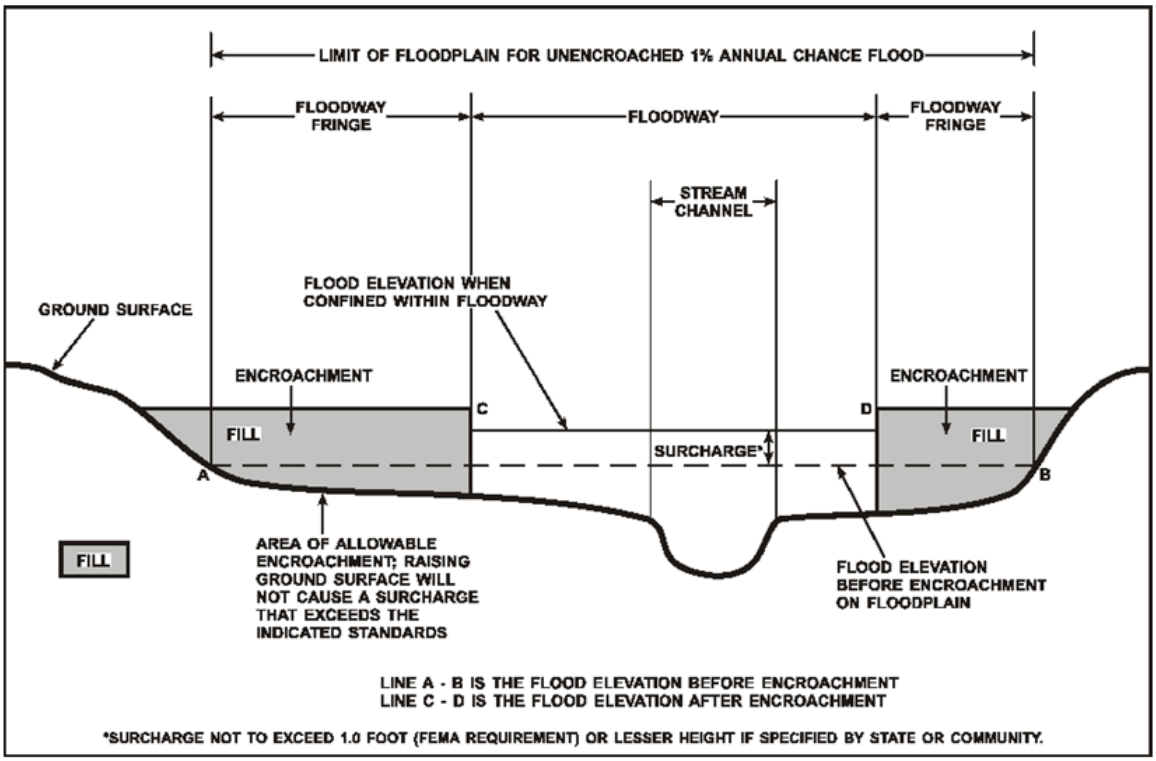
2.2 Floodways

Encroachment on floodplains, such as structures and fill, reduces flood-carrying capacity, increases flood heights and velocities, and increases flood hazards in areas beyond the encroachment itself. One aspect of floodplain management involves balancing the economic gain from floodplain development against the resulting increase in flood hazard.

For purposes of the NFIP, a floodway is used as a tool to assist local communities in balancing floodplain development against increasing flood hazard. With this approach, the area of the 1-percent-annual-chance floodplain on a river is divided into a floodway and a floodway fringe based on hydraulic modeling. The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order to carry the 1-percent-annual-chance flood. The floodway fringe is the area between the floodway and the 1-percent-annual-chance floodplain boundaries where encroachment is permitted. The floodway must be wide enough so that the floodway fringe could be completely obstructed without increasing the water surface elevation of the 1-percent-annual-chance flood more than 1 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to floodplain development are shown in Figure 4.

To participate in the NFIP, Federal regulations require communities to limit increases caused by encroachment to 1.0 foot, provided that hazardous velocities are not produced. The floodways in this project are presented to local agencies as minimum standards that can be adopted directly or that can be used as a basis for additional floodway projects.

Figure 4: Floodway Schematic



Floodway widths presented in this FIS Report and on the FIRM were computed at cross sections. Between cross sections, the floodway boundaries were interpolated. For certain stream segments, floodways were adjusted so that the amount of floodwaters conveyed on each side of the floodplain would be reduced equally. The results of the floodway computations have been tabulated for selected cross sections and are shown in Table 23, "Floodway Data."

All floodways that were developed for this Flood Risk Project are shown on the FIRM using the symbology described in Figure 3. In cases where the floodway and 1-percent-annual-chance floodplain boundaries are either close together or collinear, only the floodway boundary has been shown on the FIRM. For information about the delineation of floodways on the FIRM, refer to Section 6.3.

2.3 Base Flood Elevations

The hydraulic characteristics of flooding sources were analyzed to provide estimates of the elevations of floods of the selected recurrence intervals. The BFE is the elevation of the 1-percent-annual-chance flood. These BFEs are most commonly rounded to the whole foot, as shown on the FIRM, but in certain circumstances or locations they may be rounded to 0.1 foot. Cross section lines shown on the FIRM may also be labeled with the BFE rounded to 0.1 foot. Whole-foot BFEs derived from engineering analyses that apply to coastal areas, areas of ponding, or other static areas with little elevation change may also be shown at selected intervals on the FIRM.

BFEs are primarily intended for flood insurance rating purposes. Cross sections with BFEs shown on the FIRM correspond to the cross sections shown in the Floodway Data table and Flood Profiles in this FIS Report. For construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS Report in conjunction with the data shown on the FIRM. For example, the user may use the FIRM to determine the stream station of a location of interest and then use the profile to determine the 1-percent annual chance elevation at that location. Because only selected cross sections may be shown on the FIRM for riverine areas, the profile should be used to obtain the flood elevation between mapped cross sections. Additionally, for riverine areas, whole-foot elevations shown on the FIRM may not exactly reflect the elevations derived from the hydraulic analyses; therefore, elevations obtained from the profile may more accurately reflect the results of the hydraulic analysis.

2.4 Non-Encroachment Zones

This section is not applicable to this Flood Risk Project.

2.5 Coastal Flood Hazard Areas

This section is not applicable to this Flood Risk Project.

2.5.1 Water Elevations and the Effects of Waves

This section is not applicable to this Flood Risk Project.

Figure 5: Wave Runup Transect Schematic

[Not Applicable to this Flood Risk Project]

2.5.2 Floodplain Boundaries and BFEs for Coastal Areas

This section is not applicable to this Flood Risk Project.

2.5.3 Coastal High Hazard Areas

This section is not applicable to this Flood Risk Project.

Figure 6: Coastal Transect Schematic

[Not Applicable to this Flood Risk Project]

2.5.4 Limit of Moderate Wave Action

This section is not applicable to this Flood Risk Project.

SECTION 3.0 – INSURANCE APPLICATIONS

3.1 National Flood Insurance Program Insurance Zones

For flood insurance applications, the FIRM designates flood insurance rate zones as described in Figure 3, “Map Legend for FIRM.” Flood insurance zone designations are assigned to flooding sources based on the results of the hydraulic or coastal analyses. Insurance agents use the zones shown on the FIRM and depths and base flood elevations in this FIS Report in conjunction with information on structures and their contents to assign premium rates for flood insurance policies.

The 1-percent-annual-chance floodplain boundary corresponds to the boundary of the areas of special flood hazards (e.g. Zones A, AE, V, VE, etc.), and the 0.2-percent-annual-chance floodplain boundary corresponds to the boundary of areas of additional flood hazards.

Table 3 lists the flood insurance zones in Ouray County.

Table 3: Flood Zone Designations by Community

Community	Flood Zone(s)
Ouray County, Unincorporated Areas	A, AE, X
Ouray, City of	AE, X
Ridgway, Town of	AE, X

SECTION 4.0 – AREA STUDIED

4.1 Basin Description

Table 4 contains a description of the characteristics of the HUC-8 sub-basins within which each community falls. The table includes the main flooding sources within each basin, a brief description of the basin, and its drainage area.

Table 4: Basin Characteristics

HUC-8 Sub-Basin Name	HUC-8 Sub-Basin Number	Primary Flooding Source	Description of Affected Area	Drainage Area (square miles)
Animas	14080104	Animas River	Affecting a very small area (<1%) on the southern side of the county, with the subbasin boundary forming the boundary between Ouray and San Juan Counties.	1,370
San Miguel	14030003	San Miguel River	Affecting a very small area (<1%) on the western side of the county, with the subbasin boundary forming the southern portion of the boundary between Ouray and San Miguel Counties	1,555
Uncompahgre	14020006	Uncompahgre River	Begins north of the county boundary, affecting the entire area of Ouray County	1,115
Upper Gunnison	14020002	Gunnison River	Affecting a very small area (<1%) on the eastern side of the county, with the subbasin boundary forming the boundary between Ouray and Hinsdale Counties	2,412

4.2 Principal Flood Problems

Table 5 contains a description of the principal flood problems that have been noted for Ouray County by flooding source.

Table 5: Principal Flood Problems

Flooding Source	Description of Flood Problems
Uncompahgre River	Floodflows on the Uncompahgre River within the study area result from the rapid melting of the mountain snowpack during the period of May through early July. This snowmelt is occasionally augmented by rainfall. The runoff from snowmelt typically sustains periods of high flows and marked daily fluctuation. All streams that tributary to the Uncompahgre River within the study area drain minor areas and, while many are subject to cloudburst-type flooding, none drain areas large enough to individually affect the peak flows in the main channel of the Uncompahgre River. The earliest reference to flooding on the Uncompahgre River is contained in USGS Water-Supply Paper 997 (USGS 1948). Widespread flooding occurred during the spring and early summer of 1884 due to melting snowpack. USGS gaging stations along the Uncompahgre River show that, during the period of record (intermittently from 1903 to the mid-1980s), the highest peak peak flow occurred in 1921 (USGS 1966). The flow reached a volume of 2,000 cubic feet per second (cfs) at Ouray, 2,400 cfs below Ouray, and 4,080 cfs at Colona. Other major high flows occurred in August 1909, July 1927, July 1929, July 1965, and July 1973. Major damage during these events occurred in and near the City of Ouray.

Table 6 contains information about historic flood elevations in the communities within Ouray County.

Table 6: Historic Flooding Elevations

[Not applicable to this Flood Risk Project]

4.3 Dams and Other Flood Hazard Reduction Measures

Table 7 contains information about non-levee flood hazard reduction measures within Ouray County such as dams or jetties. Levee systems are addressed in Section 4.4 of this FIS Report.

Table 7: Dams and Other Flood Hazard Reduction Measures

[Not applicable to this Flood Risk Project]

4.4 Levee Systems

This section is not applicable to this Flood Risk Project.

Table 8: Levee Systems

[Not applicable to this Flood Risk Project]

SECTION 5.0 – ENGINEERING METHODS

For the flooding sources in the community, standard hydrologic and hydraulic study methods were used to determine the flood hazard data required for this study. Flood events of a magnitude that are expected to be equaled or exceeded at least once on the average during any 10-, 25-, 50-, 100-, or 500-year period (recurrence interval) have been selected as having special significance for floodplain management and for flood insurance rates. These events, commonly termed the 10-, 25-, 50-, 100-, and 500-year floods, have a 10-, 4-, 2-, 1-, and 0.2-percent-annual-chance, respectively, of being equaled or exceeded during any year.

Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 100-year flood (1-percent chance of annual exceedance) during the term of a 30-year mortgage is approximately 26 percent (about 3 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

In addition to these flood events, the “1-percent-plus”, or “1%+”, annual chance flood elevation has been modeled and included on the flood profile for certain flooding sources in this FIS Report. While not used for regulatory or insurance purposes, this flood event has been calculated to help illustrate the variability range that exists between the regulatory 1-percent-annual-chance flood elevation and a 1-percent-annual-chance elevation that has taken into account an additional amount of uncertainty in the flood discharges (thus, the 1% “plus”). For flooding sources whose discharges were estimated using regression equations, the 1%+ flood elevations are derived by taking the 1-percent-annual-chance flood discharges and increasing the modeled discharges by a percentage equal to the average predictive error for the regression equation. For flooding sources with gage- or rainfall-runoff-based discharge estimates, the upper 84-percent confidence limit of the discharges is used to compute the 1%+ flood elevations.

5.1 Hydrologic Analyses

Hydrologic analyses were carried out to establish the peak elevation-frequency relationships for floods of the selected recurrence intervals for each flooding source studied. Hydrologic analyses are typically performed at the watershed level. Depending on factors such as watershed size and shape, land use and urbanization, and natural or man-made storage, various models or methodologies may be applied. A summary of the hydrologic methods applied to develop the discharges used in the hydraulic analyses for each stream is provided in Table 12. Greater detail (including assumptions, analysis, and results) is available in the archived project documentation.

A summary of the discharges is provided in Table 9. Frequency Discharge-Drainage Area Curves used to develop the hydrologic models may also be shown in Figure 7 for selected flooding sources. A summary of stillwater elevations developed for non-coastal flooding sources is provided in Table 10. Stream gage information is provided in Table 11.

Table 9: Summary of Discharges

Flooding Source	Location	Drainage Area (Square Miles)	Peak Discharge (cfs)					
			10% Annual Chance	4% Annual Chance	2% Annual Chance	1% Annual Chance	1%+ Annual Chance	0.2% Annual Chance
Cottonwood Creek	Confluence with Uncompahgre River	3.7	84	162	244	347	500	634
Uncompahgre River Reach 3	Uncompahgre River near Ridgway, CO	149	1,780	2,020	2,190	2,350	2,630	2,670
Uncompahgre River Reach 3	Uncompahgre River below confluence with Cottonwood Creek	131	1,620	1,840	2,000	2,140	2,400	2,440
Uncompahgre River Reach 3	Uncompahgre River below confluence with Dexter Creek	90	1,630	1,770	1,870	1,960	2,260	2,170
Uncompahgre River Reach 3	Uncompahgre River near Ouray, CO	77	1,460	1,590	1,680	1,760	2,030	1,950
Uncompahgre River Reach 3	Uncompahgre River below confluence with Cascade Creek	74	1,420	1,550	1,640	1,710	1,980	1,900
Uncompahgre River Reach 3	Uncompahgre River below confluence with Portland Creek	72	1,400	1,520	1,610	1,680	1,940	1,870
Uncompahgre River Reach 3	Uncompahgre River above confluence with Canyon Creek	42	951	1,040	1,090	1,150	1,320	1,270

Figure 7: Frequency Discharge-Drainage Area Curves

[Not applicable to this Flood Risk Project]

Table 10: Summary of Non-Coastal Stillwater Elevations

[Not applicable to this Flood Risk Project]

Table 11: Stream Gage Information used to Determine Discharges

Flooding Source	Gage Identifier	Agency that Maintains Gage	Site Name	Drainage Area (Square Miles)	Period of Record	
					From	To
Uncompahgre River	9146020	USGS	Uncompahgre River near Ouray, CO	77	6/2/2001	6/18/2017
Uncompahgre River	9146200	USGS	Uncompahgre River near Ridgway, CO	149	6/9/1959	6/5/2016
Uncompahgre River	9147025	USGS	Uncompahgre River below Ridgway Reservoir, CO	265	5/11/1989	6/14/2016
Uncompahgre River	9147500	USGS	Uncompahgre River at Colona, CO	448	5/11/1989	6/11/2016

5.2 Hydraulic Analyses

Analyses of the hydraulic characteristics of flooding from the sources studied were carried out to provide estimates of the elevations of floods of the selected recurrence intervals. Base flood elevations on the FIRM represent the elevations shown on the Flood Profiles and in the Floodway Data tables in the FIS Report. Rounded whole-foot elevations may be shown on the FIRM in coastal areas, areas of ponding, and other areas with static base flood elevations. These whole-foot elevations may not exactly reflect the elevations derived from the hydraulic analyses. Flood elevations shown on the FIRM are primarily intended for flood insurance rating purposes. For construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS Report in conjunction with the data shown on the FIRM. The hydraulic analyses for this FIS were based on unobstructed flow. The flood elevations shown on the profiles are thus considered valid only if hydraulic structures remain unobstructed, operate properly, and do not fail.

For streams for which hydraulic analyses were based on cross sections, locations of selected cross sections are shown on the Flood Profiles (Exhibit 1). For stream segments for which a floodway was computed (Section 6.3), selected cross sections are also listed in Table 23, “Floodway Data.”

A summary of the methods used in hydraulic analyses performed for this project is provided in Table 12. Roughness coefficients are provided in Table 13. Roughness coefficients are values representing the frictional resistance water experiences when passing overland or through a channel. They are used in the calculations to determine water surface elevations. Greater detail (including assumptions, analysis, and results) is available in the archived project documentation.

Table 12: Summary of Hydrologic and Hydraulic Analyses

Flooding Source	Study Limits Downstream Limit	Study Limits Upstream Limit	Hydrologic Model or Method Used	Hydraulic Model or Method Used	Date Analyses Completed	Flood Zone on FIRM	Special Considerations
Cascade Creek	Confluence with Uncompahgre River	0.12 miles upstream of 8th Ave	HEC-HMS 4.2	HEC-RAS 5.0.7 (Unsteady)	3/31/2021	AE w/ Floodway	Engineered Channel, Unsteady State
Cottonwood Creek	Confluence with Uncompahgre River	0.27 miles upstream of County Rd 5	HEC-HMS 4.2	HEC-RAS 5.0.7	3/31/2021	AE w/ Floodway	
Cow Creek	Confluence with Uncompahgre River	1.2 miles upstream of County Rd 12	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Dallas Creek	Confluence with Uncompahgre River	0.09 miles downstream of HWY 62	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Pleasant Valley Creek	Confluence with Dallas Creek	0.6 miles upstream of County Rd 24	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Portland Creek	Confluence with Uncompahgre River	0.08 miles downstream of Amphitheater Rd	HEC-HMS 4.2	HEC-RAS 5.0.7 (Unsteady)	3/31/2021	AE w/ Floodway	Engineered Channel, Unsteady State
Uncompahgre River Reach 1	Northern Border of Ouray County	Ridgway Reservoir	Bulletin 17C	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Uncompahgre River Reach 2	Ridgway Reservoir	1.5 miles upstream of Ridgway Reservoir	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Uncompahgre River Reach 3	1.5 miles upstream of Ridgway Reservoir	615 feet upstream of County Rd 361	Bulletin 17C	HEC-RAS 5.0.7	3/31/2021	AE w/ Floodway	Stream Gage Analysis

Table 13: Roughness Coefficients

Flooding Source	Channel “n”	Overbank “n”
Cascade Creek	0.045-0.050	0.013-0.100
Cottonwood Creek	0.035	0.020-0.120
Cow Creek	0.035-0.100	0.035-0.100
Dallas Creek	0.045	0.013-0.100
Pleasant Valley Creek	0.045	0.030-0.100
Portland Creek	0.013-0.060	0.013-0.100
Uncompahgre River	0.035	0.040-0.120

5.3 Coastal Analyses

This section is not applicable to this Flood Risk Project.

Table 14: Summary of Coastal Analyses
[Not Applicable to this Flood Risk Project]

5.3.1 Total Stillwater Elevations

This section is not applicable to this Flood Risk Project.

Figure 8: 1% Annual Chance Total Stillwater Elevations for Coastal Areas
[Not Applicable to this Flood Risk Project]

Table 15: Tide Gage Analysis Specifics
[Not Applicable to this Flood Risk Project]

5.3.2 Waves

This section is not applicable to this Flood Risk Project.

5.3.3 Coastal Erosion

This section is not applicable to this Flood Risk Project.

5.3.4 Wave Hazard Analyses

This section is not applicable to this Flood Risk Project.

Table 16: Coastal Transect Parameters
[Not Applicable to this Flood Risk Project]

Figure 9: Transect Location Map

[Not Applicable to this Flood Risk Project]

5.4 Alluvial Fan Analyses

This section is not applicable to this Flood Risk Project.

Table 17: Summary of Alluvial Fan Analyses

[Not Applicable to this Flood Risk Project]

Table 18: Results of Alluvial Fan Analyses

[Not Applicable to this Flood Risk Project]

SECTION 6.0 – MAPPING METHODS

6.1 Vertical and Horizontal Control

All FIS Reports and FIRMs are referenced to a specific vertical datum. The vertical datum provides a starting point against which flood, ground, and structure elevations can be referenced and compared. Until recently, the standard vertical datum used for newly created or revised FIS Reports and FIRMs was the National Geodetic Vertical Datum of 1929 (NGVD29). With the completion of the North American Vertical Datum of 1988 (NAVD88), many FIS Reports and FIRMs are now prepared using NAVD88 as the referenced vertical datum.

Flood elevations shown in this FIS Report and on the FIRMs are referenced to NAVD88. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between NGVD29 and NAVD88 or other datum conversion, visit the National Geodetic Survey website at www.ngs.noaa.gov.

Temporary vertical monuments are often established during the preparation of a flood hazard analysis for the purpose of establishing local vertical control. Although these monuments are not shown on the FIRM, they may be found in the archived project documentation associated with the FIS Report and the FIRMs for this community. Interested individuals may contact FEMA to access these data.

To obtain current elevation, description, and/or location information for benchmarks in the area, please visit the NGS website at www.ngs.noaa.gov.

The datum conversion locations and values that were calculated for Ouray County are provided in Table 19.

Table 19: Countywide Vertical Datum Conversion

[Not Applicable to this Flood Risk Project]

Table 20: Stream-Based Vertical Datum Conversion

[Not Applicable to this Flood Risk Project]

6.2 Base Map

The FIRMs and FIS Report for this project have been produced in a digital format. The flood hazard information was converted to a Geographic Information System (GIS) format that meets FEMA's FIRM Database specifications and geographic information standards. This information is provided in a digital format so that it can be incorporated into a local GIS and be accessed more easily by the community. The FIRM Database includes most of the tabular information contained in the FIS Report in such a way that the data can be associated with pertinent spatial features. For example, the information contained in the Floodway Data table and Flood Profiles can be linked to the cross sections that are shown on the FIRMs. Additional information about the FIRM Database and its contents can be found in FEMA's *Guidelines and Standards for Flood Risk Analysis and Mapping*, www.fema.gov/flood-maps/guidance-partners/guidelines-standards.

Base map information shown on the FIRM was derived from the sources described in Table 21.

Table 21: Base Map Sources

Data Type	Data Provider	Data Date	Data Scale	Data Description
Digital Orthophoto	USDA/FSA - Aerial Photography Field Office	2017	1:12,000	NAIP digital ortho imagery for FIRM base map
Political boundaries	CDOT	2012	1:5,000	Municipal and county boundaries
Transportation features	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	2015	1:100,000	TIGER/Line Shapefile, Ouray, CO, USA, All Roads County-Based Shapefile
Public Land Survey System (PLSS)	BLM Cadastral Survey - CO	2011	N/A	Cadastral PLSS Standardized Data – PLSS Intersected - Version 1.1

6.3 Floodplain and Floodway Delineation

The FIRM shows tints, screens, and symbols to indicate floodplains and floodways as well as the locations of selected cross sections used in the hydraulic analyses and floodway computations.

For riverine flooding sources, the mapped floodplain boundaries shown on the FIRM have been delineated using the flood elevations determined at each cross section; between cross sections, the boundaries were interpolated using the topographic elevation data described in Table 22.

In cases where the 1-percent and 0.2-percent-annual-chance floodplain boundaries are close together, only the 1-percent-annual-chance floodplain boundary has been shown. Small areas within the floodplain boundaries may lie above the flood elevations but cannot be shown due to limitations of the map scale and/or lack of detailed topographic data.

The floodway widths presented in this FIS Report and on the FIRM were computed for certain stream segments on the basis of equal conveyance reduction from each side of the floodplain. Floodway widths were computed at cross sections. Between cross sections, the floodway boundaries were interpolated. Table 2 indicates the flooding sources for which floodways have been determined. The results of the floodway computations for those flooding sources have been tabulated for selected cross sections and are shown in Table 23, “Floodway Data.”

Table 22: Summary of Topographic Elevation Data used in Mapping

Community	Flooding Source	Source for Topographic Elevation Data			
		Description	Vertical Accuracy	Horizontal Accuracy	Citation
Ouray County	All within HUC 14020006	Light Detection and Ranging data (LiDAR)	0.087 m RMSEz	0.075 meter at 95% confidence level	Quantum 2015

BFEs shown at cross sections on the FIRM represent the 1-percent-annual-chance water surface elevations shown on the Flood Profiles and in the Floodway Data tables in the FIS Report.

Table 23: Floodway Data

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	35	10	23	38.4	7,694.0	7,694.0	7,694.0	0.0
B	87	10	32	26.9	7,696.4	7,696.4	7,696.4	0.0
C	200	10	38	23.2	7,698.4	7,698.4	7,698.4	0.0
D	241	49	118	7.4	7,698.9	7,698.9	7,698.9	0.0
E	356	54	142	6.1	7,699.9	7,699.9	7,699.9	0.0
F	448	27	72	12.1	7,701.6	7,701.6	7,701.6	0.0
G	483	10	14	64.0	7,706.9	7,706.9	7,706.9	0.0
H	509	10	22	39.9	7,711.4	7,711.4	7,711.4	0.0
I	583	10	18	48.5	7,721.1	7,721.1	7,721.1	0.0
J	681	10	18	49.4	7,733.8	7,733.8	7,733.8	0.0
K	729	10	17	50.7	7,740.4	7,740.4	7,740.4	0.0
L	795	10	17	50.5	7,749.4	7,749.4	7,749.4	0.0
M	876	10	17	50.9	7,760.6	7,760.6	7,760.6	0.0
N	943	10	17	51.1	7,769.8	7,769.8	7,769.8	0.0
O	1,033	10	17	50.9	7,782.3	7,782.3	7,782.3	0.0
P	1,086	10	18	49.8	7,789.7	7,789.7	7,789.7	0.0
Q	1,176	10	17	51.4	7,802.0	7,802.0	7,802.0	0.0
R	1,294	10	16	53.2	7,818.2	7,818.2	7,818.2	0.0
S	1,387	10	17	50.5	7,830.8	7,830.8	7,830.8	0.0
T	1,454	10	17	50.8	7,839.8	7,839.8	7,839.8	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: CASCADE CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	1,501	10	16	53.0	7,847.9	7,847.9	7,847.9	0.0
V	1,524	10	15	57.1	7,851.7	7,851.7	7,851.7	0.0
W	1,581	10	16	56.2	7,861.5	7,861.5	7,861.5	0.0
X	1,714	10	16	55.2	7,884.3	7,884.3	7,884.3	0.0
Y	1,779	10	15	56.4	7,895.7	7,895.7	7,895.7	0.0
Z	1,790	10	17	49.9	7,897.6	7,897.6	7,897.6	0.0
AA	1,833	10	16	54.3	7,904.9	7,904.9	7,904.9	0.0
AB	1,927	10	16	55.5	7,921.1	7,921.1	7,921.1	0.0
AC	2,100	10	16	55.4	7,951.0	7,951.0	7,951.0	0.0
AD	2,301	10	16	55.5	7,985.8	7,985.8	7,985.8	0.0
AE	2,349	24	39	22.2	7,996.5	7,996.5	7,996.5	0.0
AF	2,414	20	44	19.7	8,005.9	8,005.9	8,005.9	0.0
AG	2,519	34	48	18.2	8,029.0	8,029.0	8,029.0	0.0
AH	2,580	17	33	26.4	8,043.3	8,043.3	8,043.3	0.0
AI	2,609	17	32	27.6	8,053.5	8,053.5	8,053.5	0.0
AJ	2,686	28	40	21.7	8,068.8	8,068.8	8,068.8	0.0
AK	2,766	34	43	20.1	8,087.3	8,087.3	8,087.3	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: CASCADE CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	612	20	44	7.9	6,993.7	6,993.7	6,993.7	0.0
B	973	26	55	6.3	7,010.8	7,010.8	7,010.8	0.0
C	1,110	22	45	7.7	7,012.6	7,012.6	7,012.6	0.0
D	1,211	41	67	5.2	7,018.1	7,018.1	7,018.1	0.0
E	1,464	78	103	3.4	7,027.8	7,027.8	7,027.8	0.0
F	2,141	16	41	8.5	7,048.8	7,048.8	7,048.9	0.1
G	2,479	11	35	9.8	7,064.3	7,064.3	7,064.5	0.2
H	2,501	17	87	4.0	7,068.0	7,068.0	7,068.0	0.0
I	2,602	15	38	9.1	7,070.2	7,070.2	7,070.2	0.0
J	3,130	23	45	7.7	7,087.2	7,087.2	7,087.2	0.0
K	3,848	10	35	9.9	7,124.0	7,124.0	7,124.1	0.1
L	3,954	16	152	2.3	7,134.7	7,134.7	7,135.2	0.5
M	4,100	17	40	8.6	7,140.2	7,140.2	7,140.3	0.1
N	4,466	24	45	7.8	7,162.5	7,162.5	7,162.6	0.1
O	5,492	14	38	9.2	7,213.7	7,213.7	7,213.7	0.0
P	5,535	38	189	1.8	7,223.7	7,223.7	7,224.2	0.5
Q	5,690	13	36	9.5	7,225.5	7,225.5	7,225.7	0.2
R	6,974	44	57	6.1	7,309.8	7,309.8	7,310.1	0.3
S	7,105	16	76	4.6	7,321.9	7,321.9	7,322.3	0.4
T	7,206	8	32	11.0	7,326.8	7,326.8	7,326.8	0.0
U	7,325	15	38	9.1	7,341.4	7,341.4	7,341.8	0.4
V	8,546	10	34	10.2	7,430.0	7,430.0	7,430.0	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: COTTONWOOD CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	30	10	22	88.0	7,735.8	7,735.8	7,735.8	0.0
B	67	10	51	38.1	7,742.2	7,742.2	7,742.2	0.0
C	107	10	38	50.6	7,744.2	7,744.2	7,744.2	0.0
D	230	10	36	53.3	7,753.7	7,753.7	7,753.7	0.0
E	321	10	36	54.0	7,760.8	7,760.8	7,760.8	0.0
F	431	10	36	54.2	7,769.7	7,769.7	7,769.7	0.0
G	529	10	36	53.5	7,777.5	7,777.5	7,777.5	0.0
H	554	10	35	56.0	7,779.6	7,779.6	7,779.6	0.0
I	641	10	36	54.4	7,786.8	7,786.8	7,786.8	0.0
J	719	10	40	47.8	7,792.9	7,792.9	7,792.9	0.0
K	859	10	36	53.9	7,803.8	7,803.8	7,803.8	0.0
L	964	10	35	55.6	7,812.6	7,812.6	7,812.6	0.0
M	1,019	10	36	53.9	7,817.1	7,817.1	7,817.1	0.0
N	1,121	10	34	57.0	7,826.6	7,826.6	7,826.6	0.0
O	1,210	10	33	57.8	7,835.3	7,835.3	7,835.3	0.0
P	1,275	10	32	60.1	7,841.7	7,841.7	7,841.7	0.0
Q	1,327	10	35	56.0	7,846.5	7,846.5	7,846.5	0.0
R	1,357	10	33	57.9	7,849.4	7,849.4	7,849.4	0.0
S	1,447	10	34	56.9	7,857.9	7,857.9	7,857.9	0.0
T	1,525	10	34	57.4	7,865.2	7,865.2	7,865.2	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: PORTLAND CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	1,619	10	34	57.0	7,874.1	7,874.1	7,874.1	0.0
V	1,677	10	34	57.2	7,879.7	7,879.7	7,879.7	0.0
W	1,740	10	35	55.0	7,885.6	7,885.6	7,885.6	0.0
X	1,762	10	33	58.8	7,887.7	7,887.7	7,887.7	0.0
Y	1,816	10	34	57.3	7,893.0	7,893.0	7,893.0	0.0
Z	1,942	10	37	52.4	7,903.6	7,903.6	7,903.6	0.0
AA	2,059	10	35	54.5	7,913.2	7,913.2	7,913.2	0.0
AB	2,163	10	34	56.8	7,923.0	7,923.0	7,923.0	0.0
AC	2,226	10	33	58.3	7,929.1	7,929.1	7,929.1	0.0
AD	2,338	10	34	57.5	7,939.9	7,939.9	7,939.9	0.0
AE	2,375	10	41	47.1	7,942.8	7,942.8	7,942.8	0.0
AF	2,419	29	108	17.9	7,946.0	7,946.0	7,946.0	0.0
AG	2,489	22	101	19.1	7,953.2	7,953.2	7,953.2	0.0
AH	2,569	18	112	17.3	7,958.6	7,958.6	7,958.6	0.0
AI	2,703	18	102	18.9	7,967.4	7,967.4	7,967.4	0.0
AJ	2,795	21	115	16.8	7,978.3	7,978.3	7,978.3	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: PORTLAND CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	169	62	228	10.3	6,888.6	6,888.6	6,888.6	0.0
B	268	68	367	6.4	6,890.6	6,890.6	6,890.6	0.0
C	481	63	260	9.0	6,891.1	6,891.1	6,891.1	0.0
D	1,865	64	254	9.3	6,902.8	6,902.8	6,902.8	0.0
E	6,961	79	300	7.8	6,933.7	6,933.7	6,933.7	0.0
F	7,068	95	449	5.2	6,935.6	6,935.6	6,935.6	0.0
G	9,001	91	278	8.5	6,945.3	6,945.3	6,945.3	0.0
H	10,973	122	788	3.0	6,960.7	6,960.7	6,960.7	0.0
I	14,698	98	289	8.1	6,974.3	6,974.3	6,974.6	0.3
J	14,893	131	519	4.5	6,977.4	6,977.4	6,977.4	0.0
K	17,780	152	494	4.3	6,988.4	6,988.4	6,988.9	0.5
L	18,350	282	608	3.5	6,991.0	6,991.0	6,991.0	0.0
M	25,270	179	442	4.9	7,036.1	7,036.1	7,036.4	0.3
N	25,898	162	304	7.0	7,045.7	7,045.7	7,045.9	0.2
O	30,200	71	230	9.3	7,072.2	7,072.2	7,072.2	0.2
P	30,537	193	542	4.0	7,075.0	7,075.0	7,075.0	0.0
Q	32,761	185	428	5.0	7,091.4	7,091.4	7,091.6	0.2
R	36,847	263	423	5.1	7,125.0	7,125.0	7,125.1	0.1
S	43,324	180	346	6.2	7,187.4	7,187.4	7,187.4	0.0
T	50,142	55	205	10.4	7,283.3	7,283.3	7,283.5	0.2

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	52,474	69	223	9.6	7,321.3	7,321.3	7,321.6	0.3
V	53,643	97	267	8.0	7,345.9	7,345.9	7,346.3	0.4
W	54,119	83	237	9.0	7,354.7	7,354.7	7,355.1	0.4
X	54,847	51	226	9.5	7,372.1	7,372.1	7,372.5	0.4
Y	55,926	61	224	9.6	7,396.6	7,396.6	7,397.1	0.5
Z	57,484	39	179	12.0	7,446.9	7,446.9	7,447.1	0.2
AA	60,078	37	169	11.6	7,557.1	7,557.1	7,557.2	0.1
AB	60,584	62	278	7.0	7,567.5	7,567.5	7,567.5	0.0
AC	60,901	42	233	8.4	7,570.5	7,570.5	7,570.6	0.1
AD	66,489	55	207	8.5	7,617.0	7,617.0	7,617.4	0.4
AE	66,797	58	179	9.8	7,629.1	7,629.1	7,629.2	0.1
AF	67,378	66	256	6.9	7,635.3	7,635.3	7,635.6	0.3
AG	69,044	57	195	9.0	7,657.3	7,657.3	7,657.4	0.1
AH	69,161	44	211	8.4	7,660.2	7,660.2	7,660.2	0.0
AI	69,276	36	163	10.8	7,661.5	7,661.5	7,661.7	0.2
AJ	69,570	42	170	10.3	7,666.0	7,666.0	7,666.1	0.1
AK	70,214	31	158	11.2	7,679.1	7,679.1	7,679.2	0.1
AL	72,379	41	163	10.5	7,710.0	7,710.0	7,710.0	0.0
AM	72,557	27	135	12.7	7,713.1	7,713.1	7,713.6	0.5
AN	73,272	31	146	11.7	7,727.4	7,727.4	7,727.4	0.0

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
AO	73,921	48	169	9.9	7,744.7	7,744.7	7,744.7	0.0
AP	73,977	48	211	8.0	7,746.2	7,746.2	7,746.2	0.0
AQ	74,301	34	152	11.1	7,757.1	7,757.1	7,757.4	0.3
AR	74,357	18	117	9.8	7,760.5	7,760.5	7,760.5	0.0
AS	74,410	14	88	13.1	7,761.9	7,761.9	7,762.0	0.1
AT	75,070	26	104	11.0	7,783.4	7,783.4	7,783.7	0.3
AU	75,159	27	106	10.8	7,795.0	7,795.0	7,795.5	0.5
AV	75,798	21	99	11.6	7,826.9	7,826.9	7,827.3	0.4
AW	75,903	20	94	12.3	7,846.4	7,846.4	7,846.7	0.3
AX	75,966	15	96	12.0	7,867.3	7,867.3	7,867.3	0.0
AY	76,103	14	95	12.1	7,868.7	7,868.7	7,868.7	0.0
AZ	76,228	14	84	13.7	7,872.9	7,872.9	7,873.4	0.5
BA	76,313	37	183	6.3	7,886.6	7,886.6	7,886.6	0.0
BB	76,367	16	87	13.3	7,893.1	7,893.1	7,893.6	0.5
BC	76,671	21	96	12.0	7,965.3	7,965.3	7,965.6	0.2

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

Table 24: Flood Hazard and Non-Encroachment Data for Selected Streams

[Not Applicable to this Flood Risk Project]

6.4 Coastal Flood Hazard Mapping

This section is not applicable to this Flood Risk Project.

Table 25: Summary of Coastal Transect Mapping Considerations

[Not Applicable to this Flood Risk Project]

6.5 FIRM Revisions

This FIS Report and the FIRM are based on the most up-to-date information available to FEMA at the time of its publication; however, flood hazard conditions change over time. Communities or private parties may request flood map revisions at any time. Certain types of requests require submission of supporting data. FEMA may also initiate a revision. Revisions may take several forms, including Letters of Map Amendment (LOMAs), Letters of Map Revision Based on Fill (LOMR-Fs), Letters of Map Revision (LOMRs) (referred to collectively as Letters of Map Change (LOMCs)), Physical Map Revisions (PMRs), and FEMA-contracted restudies. These types of revisions are further described below. Some of these types of revisions do not result in the republishing of the FIS Report. To assure that any user is aware of all revisions, it is advisable to contact the community repository of flood-hazard data (shown in Table 30, "Map Repositories").

6.5.1 Letters of Map Amendment

A LOMA is an official revision by letter to an effective NFIP map. A LOMA results from an administrative process that involves the review of scientific or technical data submitted by the owner or lessee of property who believes the property has incorrectly been included in a designated SFHA. A LOMA amends the currently effective FEMA map and establishes that a specific property is not located in a SFHA.

To obtain an application for a LOMA, visit www.fema.gov/flood-maps/change-your-flood-zone and download the form "MT-1 Application Forms and Instructions for Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill". Visit the "Flood Map-Related Fees" section to determine the cost, if any, of applying for a LOMA.

FEMA offers a tutorial on how to apply for a LOMA. The LOMA Tutorial Series can be accessed at www.fema.gov/flood-maps/tutorials.

For more information about how to apply for a LOMA, call the FEMA Mapping and Insurance eXchange; toll free, at 1-877-FEMA MAP (1-877-336-2627).

6.5.2 Letters of Map Revision Based on Fill

A LOMR-F is an official revision by letter to an effective NFIP map. A LOMR-F states FEMA's determination concerning whether a structure or parcel has been elevated on fill above the base flood elevation and is, therefore, excluded from the SFHA.

Information about obtaining an application for a LOMR-F can be obtained in the same manner as that for a LOMA, by visiting www.fema.gov/flood-maps/change-your-flood-zone for the "MT-1 Application Forms and Instructions for Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill" or by calling the FEMA Mapping and Insurance eXchange, toll free, at 1-877-FEMA MAP (1-877-336-2627). Fees for applying for a LOMR-F, if any, are listed in the "Flood Map-Related Fees" section.

A tutorial for LOMR-F is available at www.fema.gov/flood-maps/tutorials.

6.5.3 Letters of Map Revision

A LOMR is an official revision to the currently effective FEMA map. It is used to change flood zones, floodplain and floodway delineations, flood elevations and planimetric features. All requests for LOMRs should be made to FEMA through the chief executive officer of the community, since it is the community that must adopt any changes and revisions to the map. If the request for a LOMR is not submitted through the chief executive officer of the community, evidence must be submitted that the community has been notified of the request.

To obtain an application for a LOMR, visit www.fema.gov/flood-maps/change-your-flood-zone and download the form "MT-2 Application Forms and Instructions for Conditional Letters of Map Revision and Letters of Map Revision". Visit the "Flood Map-Related Fees" section to determine the cost of applying for a LOMR. For more information about how to apply for a LOMR, call the FEMA Mapping and Insurance eXchange; toll free, at 1-877-FEMA MAP (1-877-336-2627) to speak to a Map Specialist.

Previously issued mappable LOMCs (including LOMRs) that have been incorporated into the Ouray County FIRM are listed in Table 26.

Table 26: Incorporated Letters of Map Change

[Not Applicable to this Flood Risk Project]

6.5.4 Physical Map Revisions

A Physical Map Revisions (PMR) is an official republication of a community's NFIP map to effect changes to base flood elevations, floodplain boundary delineations, regulatory floodways and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas or correction to base flood elevations or SFHAs.

The community's chief executive officer must submit scientific and technical data to FEMA to support the request for a PMR. The data will be analyzed and the map will be revised if warranted. The community is provided with copies of the revised information and is afforded a review period. When the base flood elevations are changed, a 90-day appeal period is provided. A 6-month adoption period for formal approval of the revised map(s) is also provided.

For more information about the PMR process, please visit www.fema.gov and visit the Floods & Maps "Change Your Flood Zone Designation" section.

6.5.5 Contracted Restudies

The NFIP provides for a periodic review and restudy of flood hazards within a given community. FEMA accomplishes this through a national watershed-based mapping needs assessment strategy, known as the Coordinated Needs Management Strategy (CNMS). The CNMS is used by FEMA to assign priorities and allocate funding for new flood hazard analyses used to update the FIS Report and FIRM. The goal of CNMS is to define the validity of the engineering study data within a mapped inventory. The CNMS is used to track the assessment process, document engineering gaps and their resolution, and aid in prioritization for using flood risk as a key factor for areas identified for flood map updates. Visit www.fema.gov to learn more about the CNMS or contact the FEMA Regional Office listed in Section 8 of this FIS Report.

6.5.6 Community Map History

The current FIRM presents flooding information for the entire geographic area of Ouray County. Previously, separate FIRMs, Flood Hazard Boundary Maps (FHBMs) and/or Flood Boundary and Floodway Maps (FBFMs) may have been prepared for the incorporated communities and the unincorporated areas in the county that had identified SFHAs. Current and historical data relating to the maps prepared for the project area are presented in Table 27, "Community Map History." A description of each of the column headings and the source of the date is also listed below.

- *Community Name* includes communities falling within the geographic area shown on the FIRM, including those that fall on the boundary line, nonparticipating communities, and communities with maps that have been rescinded. Communities with No Special Flood Hazards are indicated by a footnote. If all maps (FHBM, FBFM, and FIRM) were rescinded for a community, it is not listed in this table unless SFHAs have been identified in this community.

- *Initial Identification Date (First NFIP Map Published)* is the date of the first NFIP map that identified flood hazards in the community. If the FHBM has been converted to a FIRM, the initial FHBM date is shown. If the community has never been mapped, the upcoming effective date or "pending" (for Preliminary FIS Reports) is shown. If the community is listed in Table 27 but not identified on the map, the community is treated as if it were unmapped.

- *Initial FHBM Effective Date* is the effective date of the first FHBM. This date may be the same date as the Initial NFIP Map Date.

- *FHBM Revision Date(s)* is the date(s) that the FHBM was revised, if applicable.

- *Initial FIRM Effective Date* is the date of the first effective FIRM for the community.

- *FIRM Revision Date(s)* is the date(s) the FIRM was revised, if applicable. This is the revised date that is shown on the FIRM panel, if applicable. As countywide studies are completed or revised, each community listed should have its FIRM dates updated accordingly to reflect the date of the countywide study. Once the FIRMs exist in countywide format, as PMRs of FIRM panels within the county are completed, the FIRM Revision Dates in the table for each community affected by the PMR are updated with the date of the PMR, even if the PMR did not revise all the panels within that community.

The initial effective date for the Ouray County FIRMs in countywide format was January 11, 2024.

Table 27: Community Map History

Community Name	Initial Identification Date	Initial FHBM Effective Date	FHBM Revision Date(s)	Initial FIRM Effective Date	FIRM Revision Date(s)
Ouray County, Unincorporated Areas	07/03/1985	N/A	N/A	07/03/1985	01/11/2024
Ouray, City of	05/24/1974	05/24/1974	09/03/1976 12/04/1979	07/03/1985	01/11/2024
Ridgway, Town of	11/08/1974	11/08/1974	01/23/1976	03/18/1977	10/13/1981 09/27/1985 01/11/2024

SECTION 7.0 – CONTRACTED STUDIES AND COMMUNITY COORDINATION

7.1 Contracted Studies

Table 28 provides a summary of the contracted studies, by flooding source, that are included in this FIS Report.

Table 28: Summary of Contracted Studies Included in this FIS Report

Flooding Source	FIS Report Dated	Contractor	Number	Work Completed Date	Affected Communities
Cascade Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray, City of; Ouray County Unincorporated Areas
Cottonwood Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ridgeway, Town of; Ouray County Unincorporated Areas
Cow Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Dallas Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Pleasant Valley Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas

Flooding Source	FIS Report Dated	Contractor	Number	Work Completed Date	Affected Communities
Portland Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray, City of; Ouray County Unincorporated Areas
Uncompahgre River Reach 1	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Uncompahgre River Reach 2	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Uncompahgre River Reach 3	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ridgeway, Town of and Ouray, City of; Ouray County Unincorporated Areas

7.2 Community Meetings

The dates of the community meetings held for this Flood Risk Project and previous Flood Risk Projects are shown in Table 29. These meetings may have previously been referred to by a variety of names (Community Coordination Officer (CCO), Scoping, Discovery, etc.), but all meetings represent opportunities for FEMA, community officials, study contractors, and other invited guests to discuss the planning for and results of the project.

Table 29: Community Meetings

Community	FIS Report Dated	Date of Meeting	Meeting Type	Attended By
Ouray County, Unincorporated Areas	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood Group PLC, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
Ouray, City of	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
Ridgway, Town of	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway

SECTION 8.0 – ADDITIONAL INFORMATION

Information concerning the pertinent data used in the preparation of this FIS Report can be obtained by submitting an order with any required payment to the FEMA Engineering Library. For more information on this process, see www.fema.gov.

Table 30 is a list of the locations where FIRMs for Ouray County can be viewed. Please note that the maps at these locations are for reference only and are not for distribution. Also, please note that only the maps for the community listed in the table are available at that particular repository. A user may need to visit another repository to view maps from an adjacent community.

Table 30: Map Repositories

Community	Address	City	State	Zip Code
Ouray County, Unincorporated Areas	Ouray County Courthouse 541 4th Street	Ouray	CO	81427
Ouray, City of	City Hall 320 6th Avenue	Ouray	CO	81427
Ridgway, Town of	Town Hall 201 North Railroad Street	Ridgway	CO	81432

The National Flood Hazard Layer (NFHL) dataset is a compilation of effective FIRM Databases and LOMCs. Together they create a GIS data layer for a State or Territory. The NFHL is updated as studies become effective and extracts are made available to the public monthly. NFHL data can be viewed or ordered from the website shown in Table 31.

Table 31 contains useful contact information regarding the FIS Report, the FIRM, and other relevant flood hazard and GIS data. In addition, information about the State NFIP Coordinator and GIS Coordinator is shown in this table. At the request of FEMA, each Governor has designated an agency of State or territorial government to coordinate that State's or territory's NFIP activities. These agencies often assist communities in developing and adopting necessary floodplain management measures. State GIS Coordinators are knowledgeable about the availability and location of State and local GIS data in their state.

Table 31: Additional Information

FEMA and the NFIP	
FEMA and FEMA Engineering Library website	www.fema.gov/flood-maps/products-tools/know-your-risk/engineers-surveyors-architects
NFIP website	www.fema.gov/flood-insurance
NFHL Dataset	msc.fema.gov
FEMA Region VIII	Denver Federal Center, Building 710 P.O. Box 25267 Denver, CO 80255-0267 (303) 235-4812

Other Federal Agencies	
USGS website	www.usgs.gov
Hydraulic Engineering Center website	www.hec.usace.army.mil
State Agencies and Organizations	
State NFIP Coordinator	Doug Mahan CWCB Community Assistance Program Coordinator 1313 Sherman Street, Suite 721 Denver, CO 80203 (303) 866-3441 x3221 doug.mahan@state.co.us
State GIS Coordinator	Jon Gottsegen Statewide GIS Coordinator 601 E. 18th Ave Denver, CO 80203 Phone: (303) 764-7712 jon.gottsegen@state.co.us

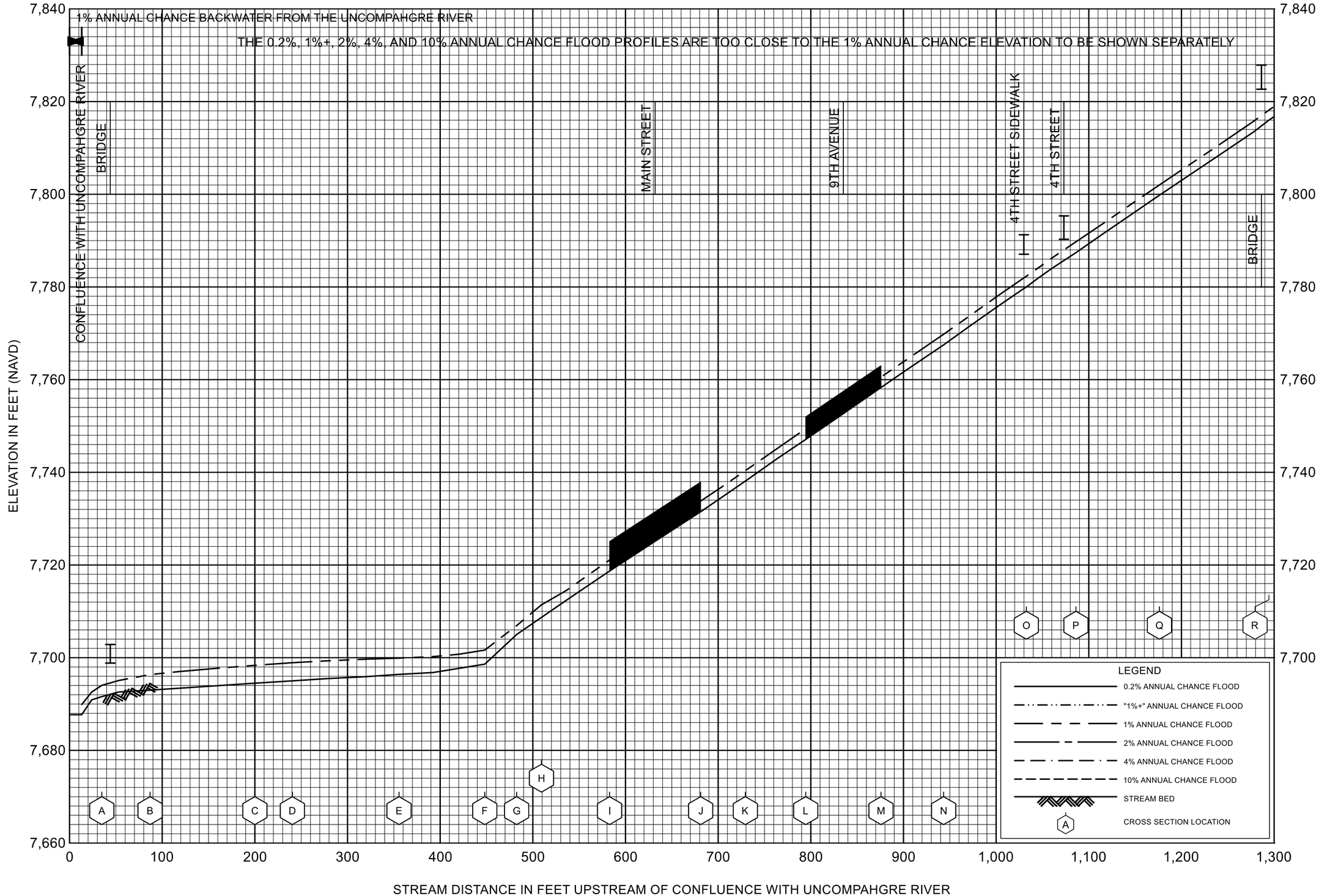
SECTION 9.0 – BIBLIOGRAPHY AND REFERENCES

Table 32 includes sources used in the preparation of and cited in this FIS Report as well as additional studies that have been conducted in the study area.

Table 32: Bibliography and References

Citation in this FIS	Publisher/ Issuer	*Publication Title,* "Article," Volume, Number, etc.	Author/Editor	Place of Publication	Publication Date/ Date of Issuance	Link
BLM 2011	BLM Cadastral Survey – CO	*Cadastral PLSS Standardized Data – PLSS Intersected - Version 1.1*	BLM Cadastral Survey - CO	Lakewood, CO	04/11/2011	http://www.geocommunicator.gov/shapefilesall/CadNSDI/CO_CadNSDI.zip
FEMA	Federal Emergency Management Agency	*Revised Detailed studies of Cascade Creek, Cottonwood Creek, Portland Creek, and Uncompahgre River Reach of the Uncompahgre River in Ouray County, CO*	Federal Emergency Management Agency	Washington, DC	N/A	
DLA 2014	State of Colorado, Department of Local Affairs	*Colorado Information Marketplace*	State of Colorado, Department of Local Affairs	Denver, CO	11/24/2014	https://data.colorado.gov/Municipal/Municipal-Boundaries-in-Colorado/u943-ics6
USDC 2015	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	*TIGER/Line Shapefile, 2018, Ouray, CO, USA, All Roads County-Based Shapefile*	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	Fort Worth, TX	06/01/2015	https://www.census.gov/cgi-bin/geo/shapefiles/index.php?year=2018&layergroup=Roads
NHD 2013	U.S. Geological Survey	*National Hydrography Dataset for Ouray County, Colorado*	U.S. Geological Survey	Fort Worth, TX	11/23/2013	http://www.fsa.usda.gov/

Citation in this FIS	Publisher/ Issuer	*Publication Title,* "Article," Volume, Number, etc.	Author/Editor	Place of Publication	Publication Date/ Date of Issuance	Link
NAIP 2017	USDA/FSA - Aerial Photography Field Office	*USDA-FSA-APFO Digital Ortho Mosaic*	USDA/FSA - Aerial Photography Field Office	Salt Lake City, UT	10/14/2017	http://www.apfo.usda.gov
USDA/NRCS 2003	USDA/NRCS - National Geospatial Center of Excellence	*Map Index 7.5x7.5 1:24,000, Colorado*	USDA/NRCS - National Geospatial Center of Excellence	Fort Worth, TX	02/24/2003	http://greenwood.cr.usgs.gov/pub/quad-indexes
USGS 1948	US Department of the Interior, Geological Survey	*Water-Supply Paper 997, Floods in Colorado*	US Department of the Interior, Geological Survey	Washington, DC	1948	https://pubs.usgs.gov/wsp/0997/report.pdf
USGS 1966	US Department of the Interior, Geological Survey	*Water-Supply Paper 1683, Magnitude and Frequency of Floods in the US, Part 9, Colorado River Basin*	US Department of the Interior, Geological Survey	Washington, DC	1966	https://pubs.er.usgs.gov/publication/wsp1683
Wood Group PLC 2021	Wood Group PLC	*Hydraulic analysis of detailed and approximate studies for Ouray County, CO*	Wood Group PLC	Denver, CO	03/31/2021	https://msc.fema.gov/portal/advanceSearch



FLOOD PROFILES

CASCADE CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, CO

AND UNINCORPORATED AREAS

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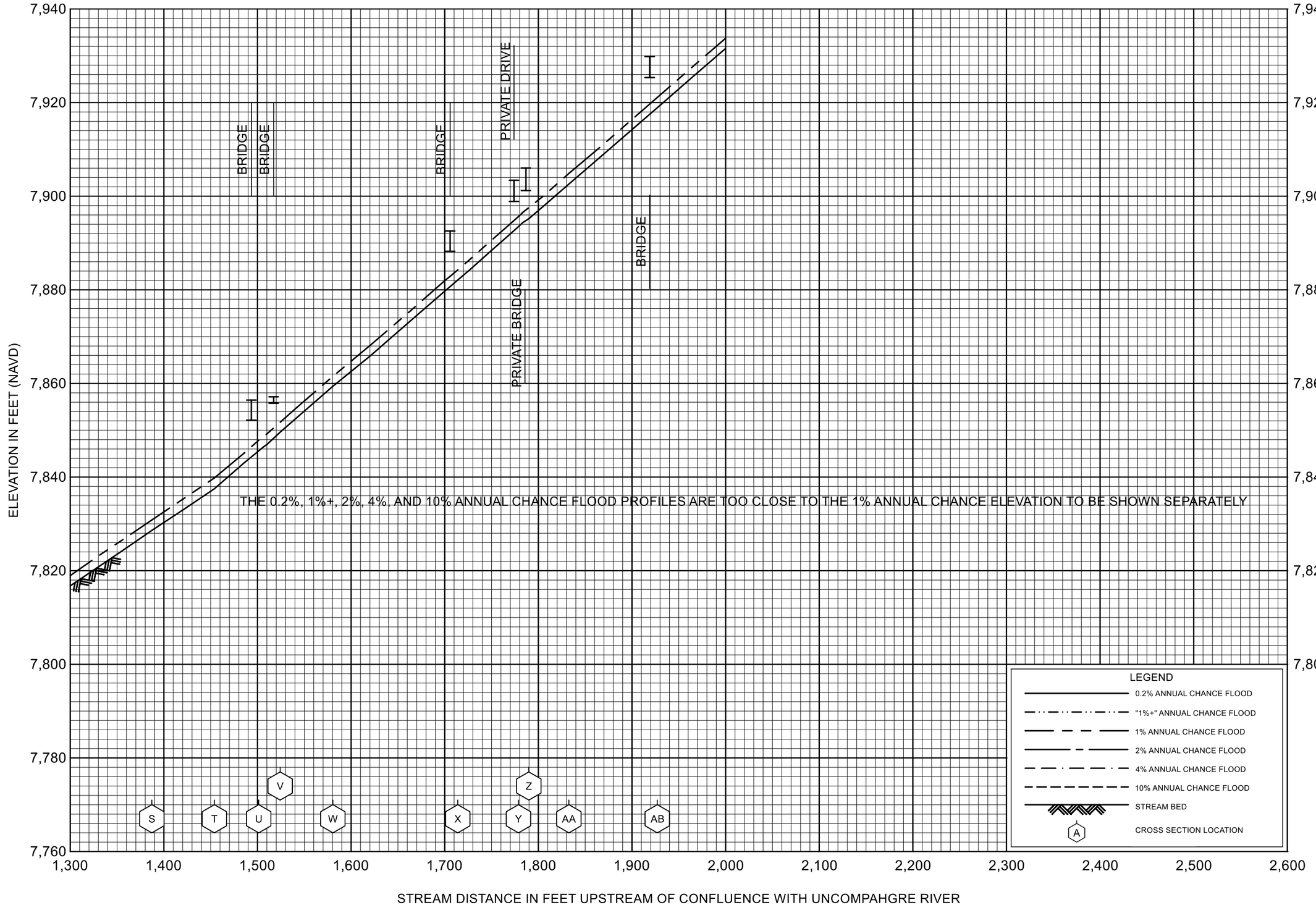

FLOOD PROFILES

CASCADE CREEK

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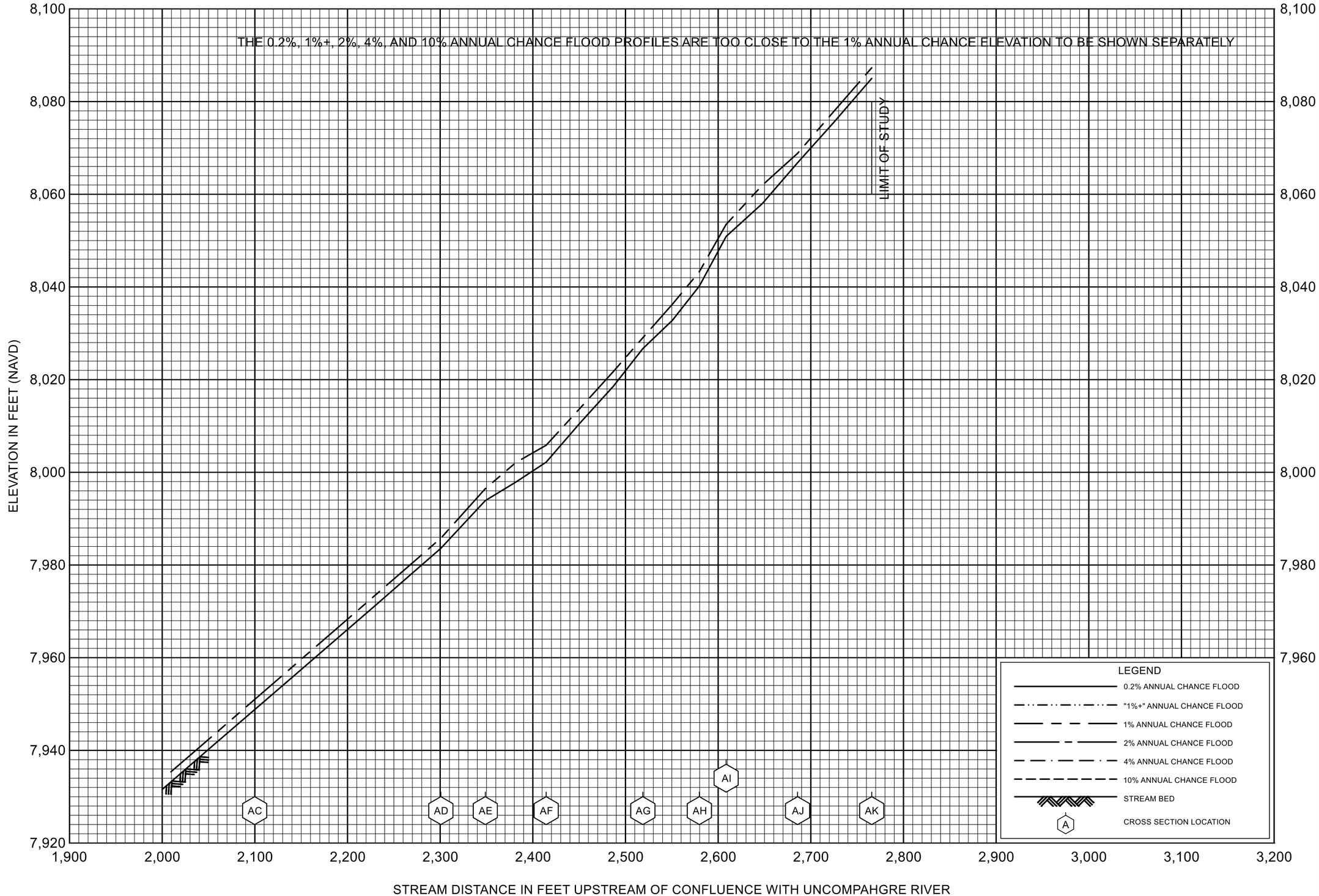
AND UNINCORPORATED AREAS



FLOOD PROFILES

CASCADE CREEK

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OURAY COUNTY, CO

AND UNINCORPORATED AREAS

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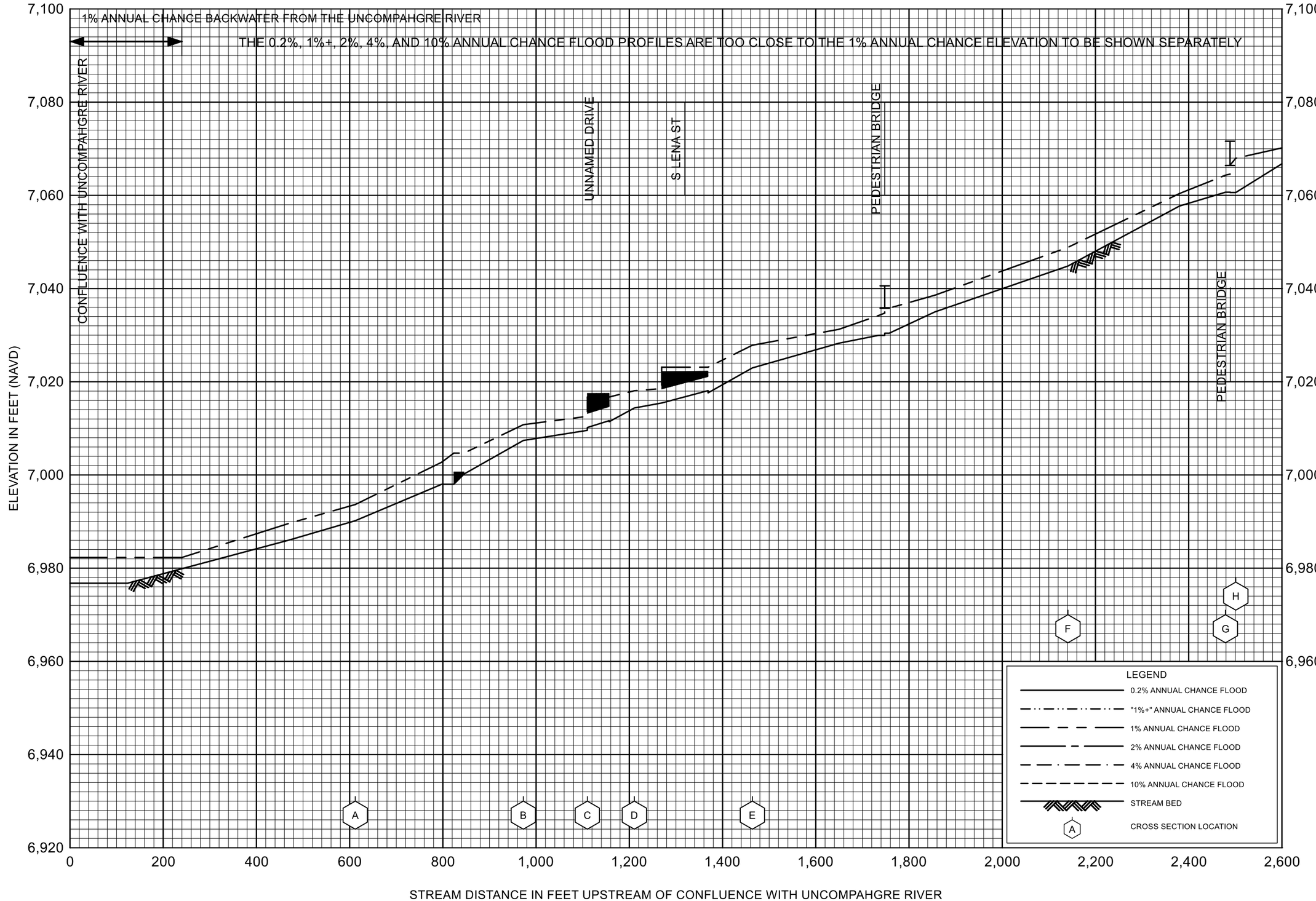

FLOOD PROFILES

COTTONWOOD CREEK

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OURAY COUNTY, CO

AND UNINCORPORATED AREAS

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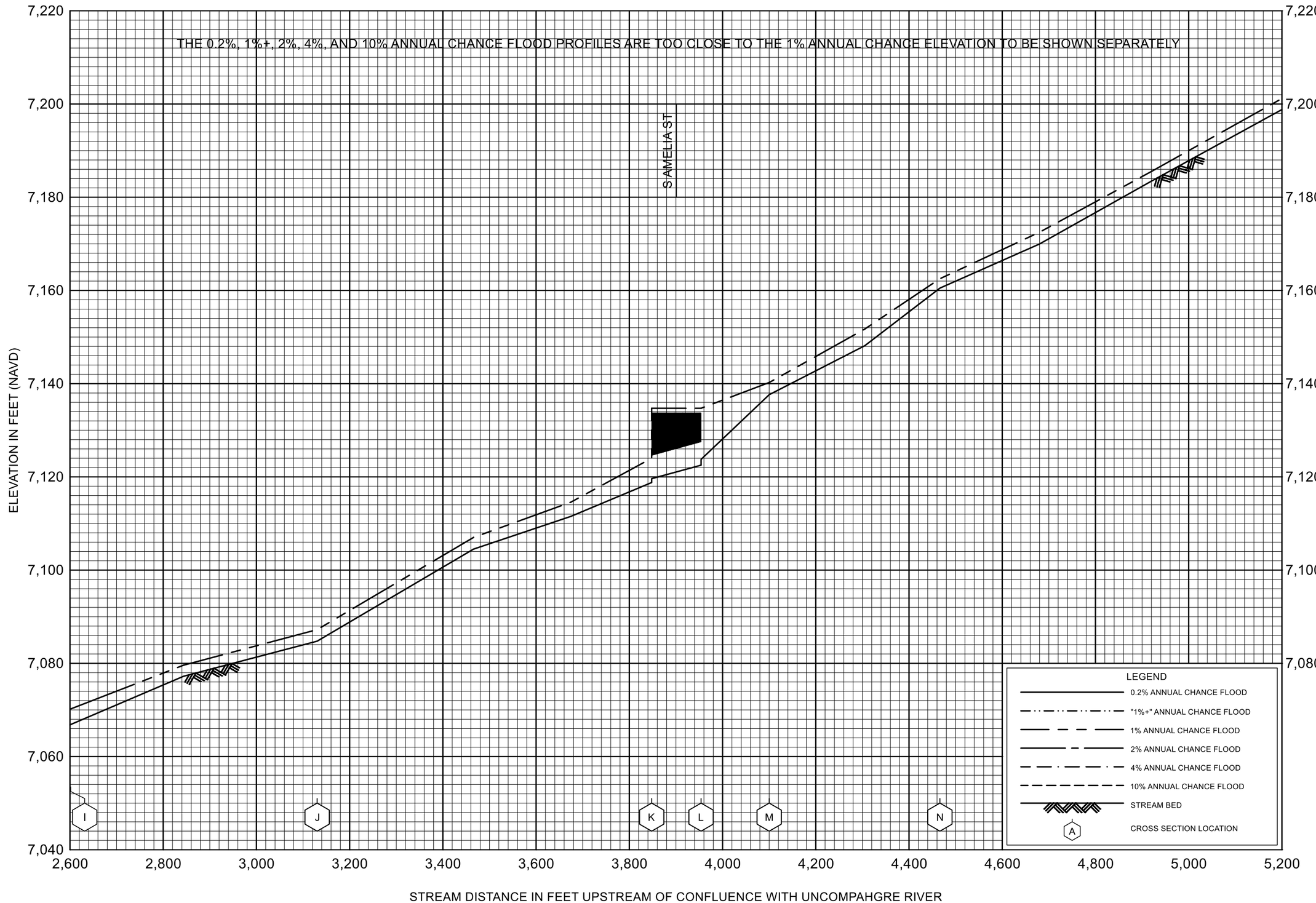

FLOOD PROFILES

COTTONWOOD CREEK

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AND UNINCORPORATED AREAS

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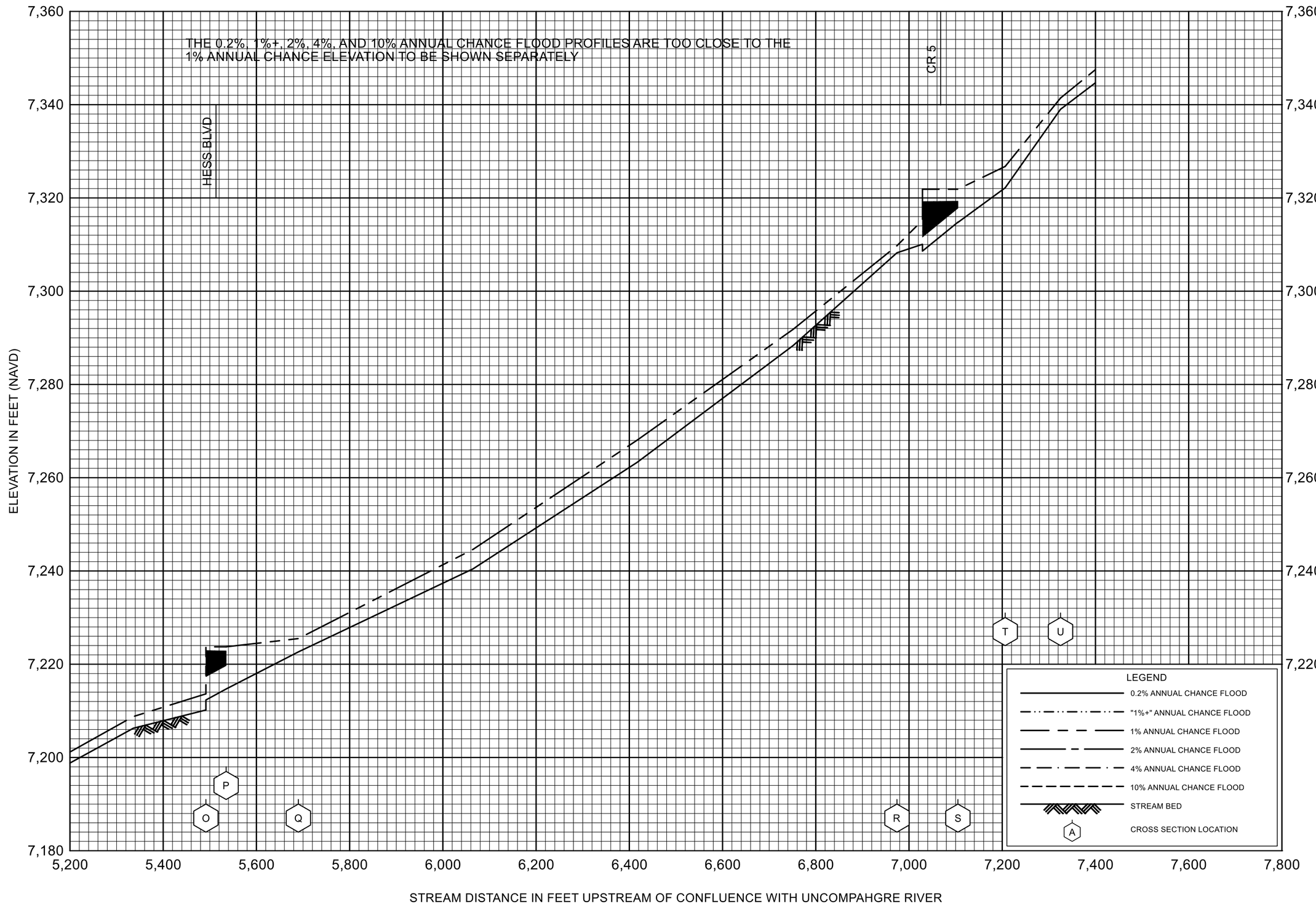

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COTTONWOOD CREEK

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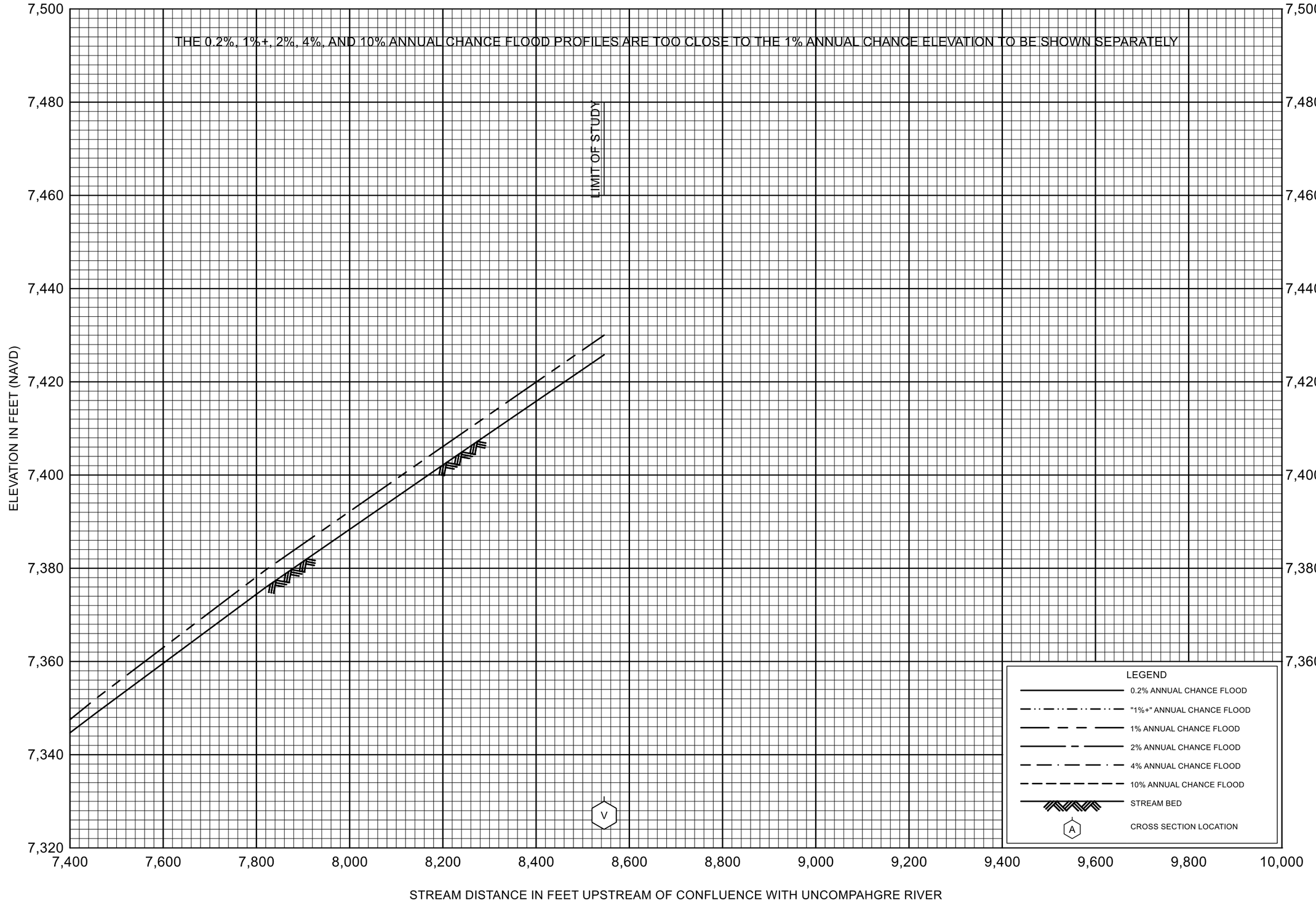

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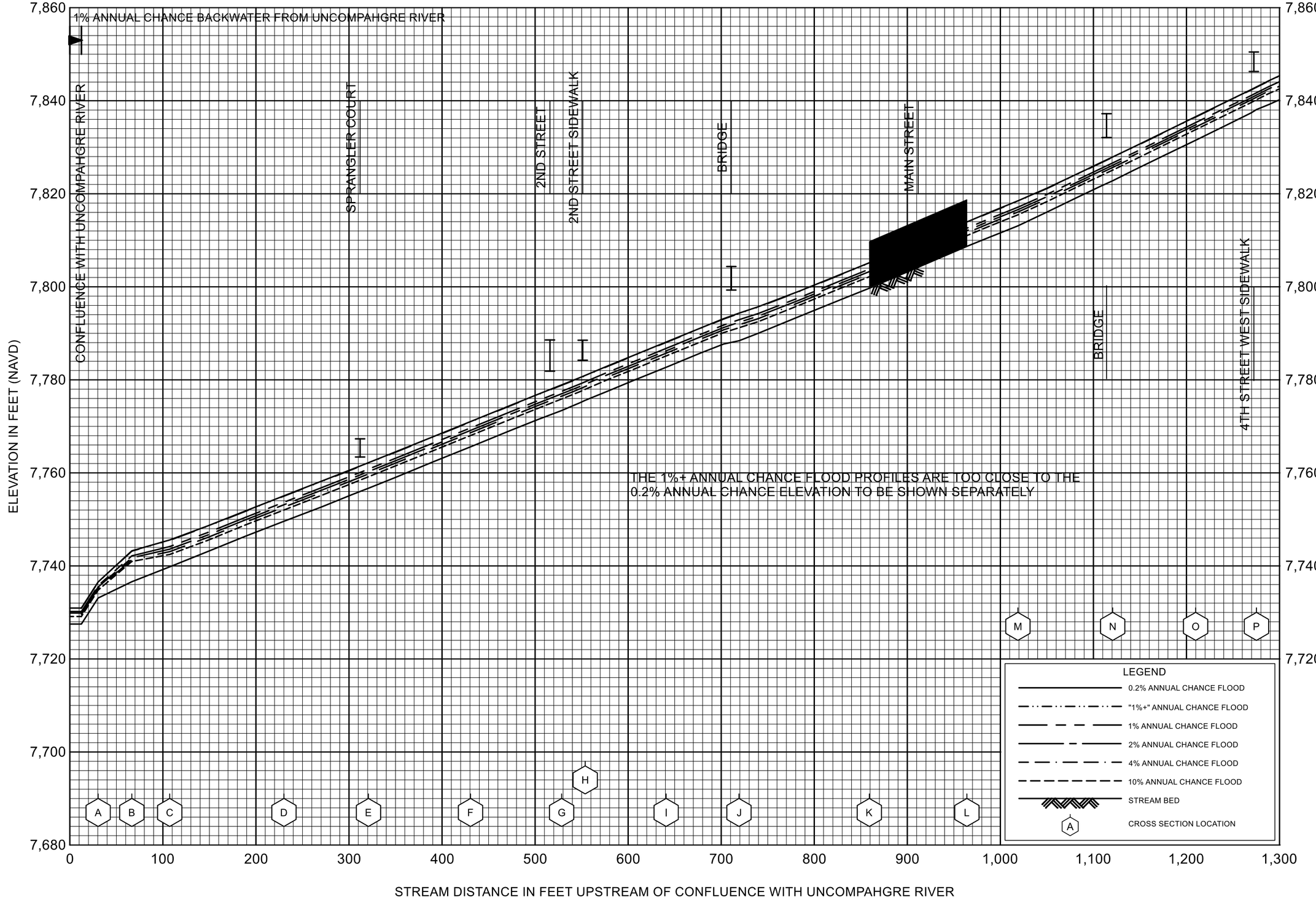

FLOOD PROFILES

PORTLAND CREEK

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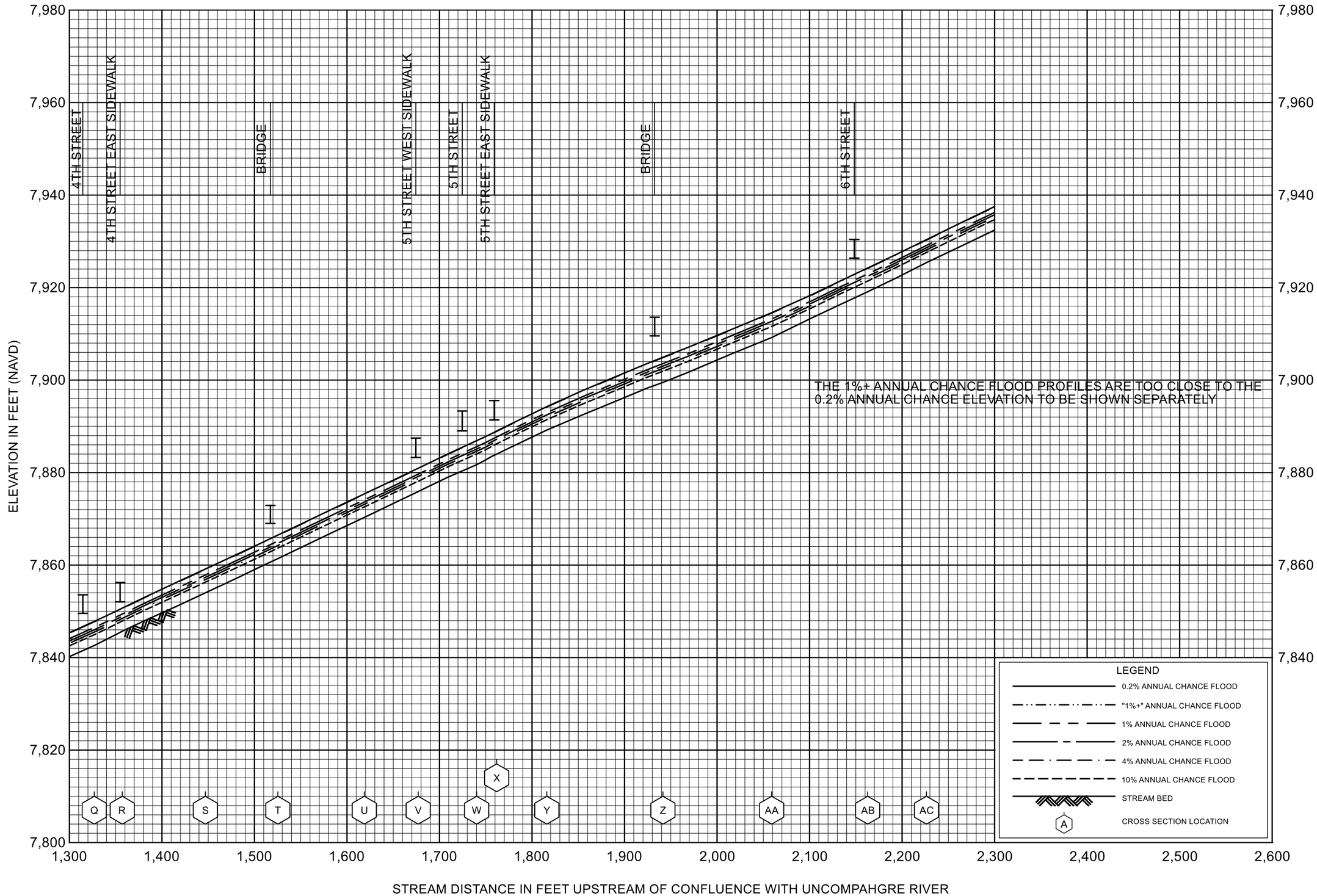

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PORTLAND CREEK

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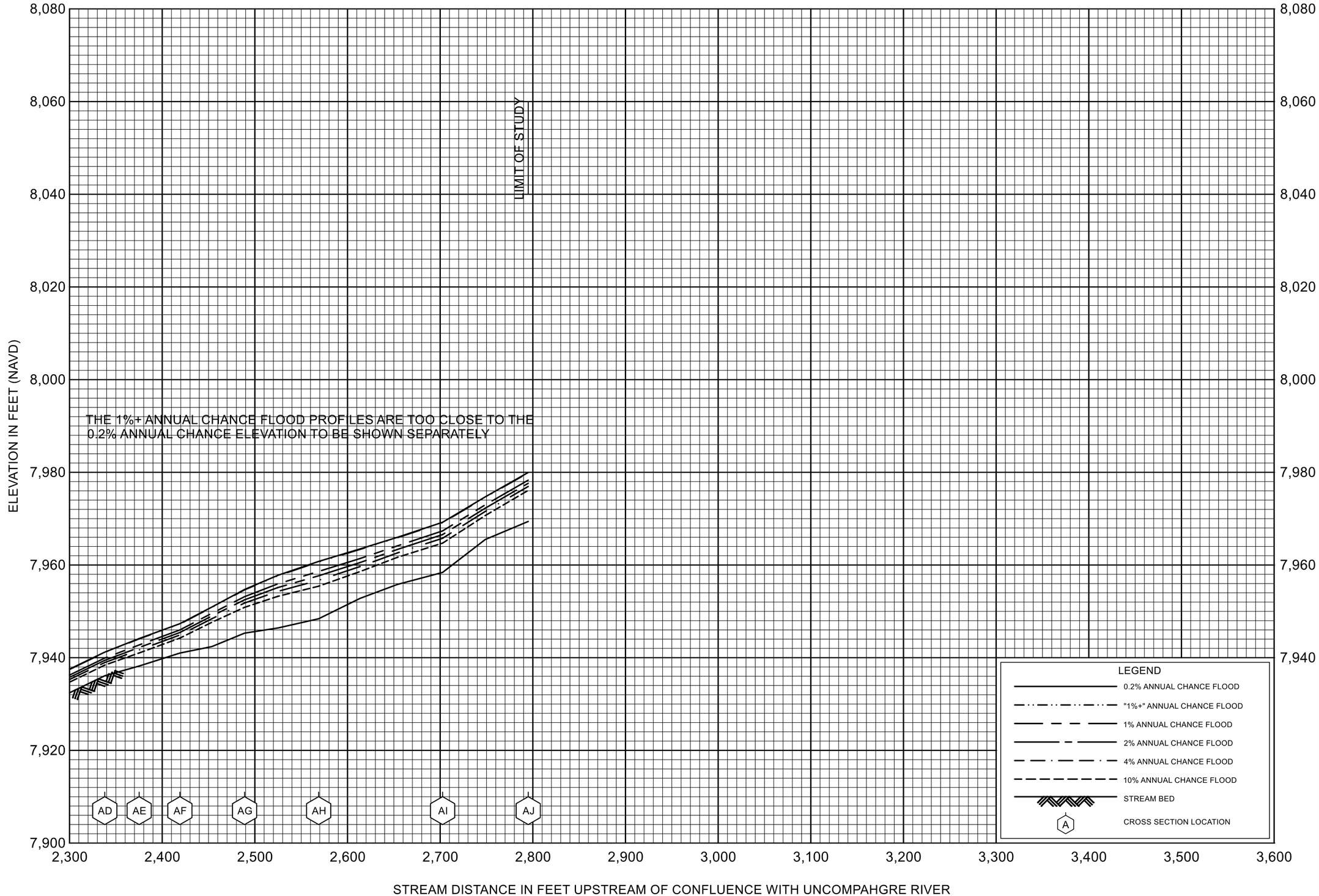

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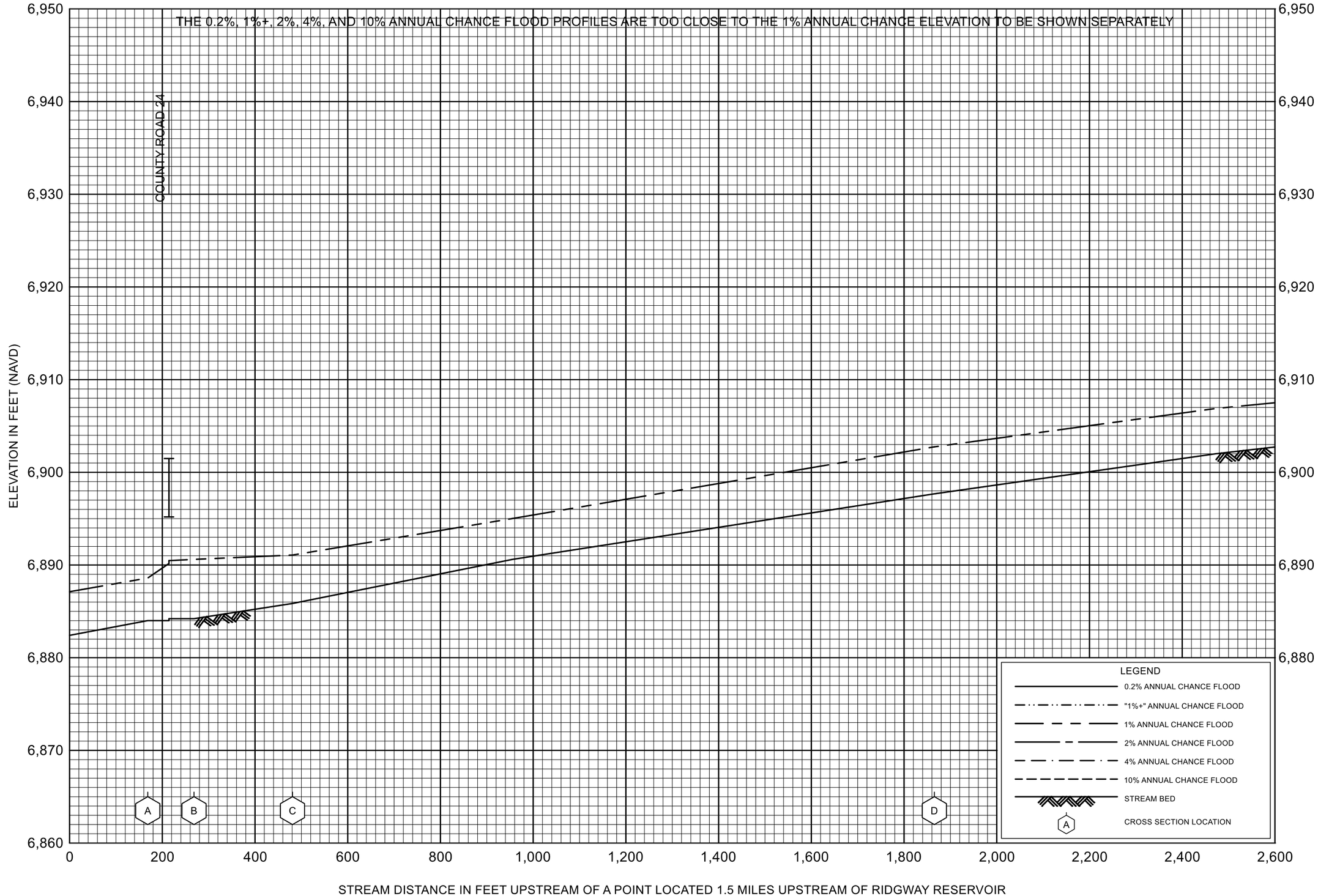

FLOOD PROFILES

UNCOMPAHGRE RIVER

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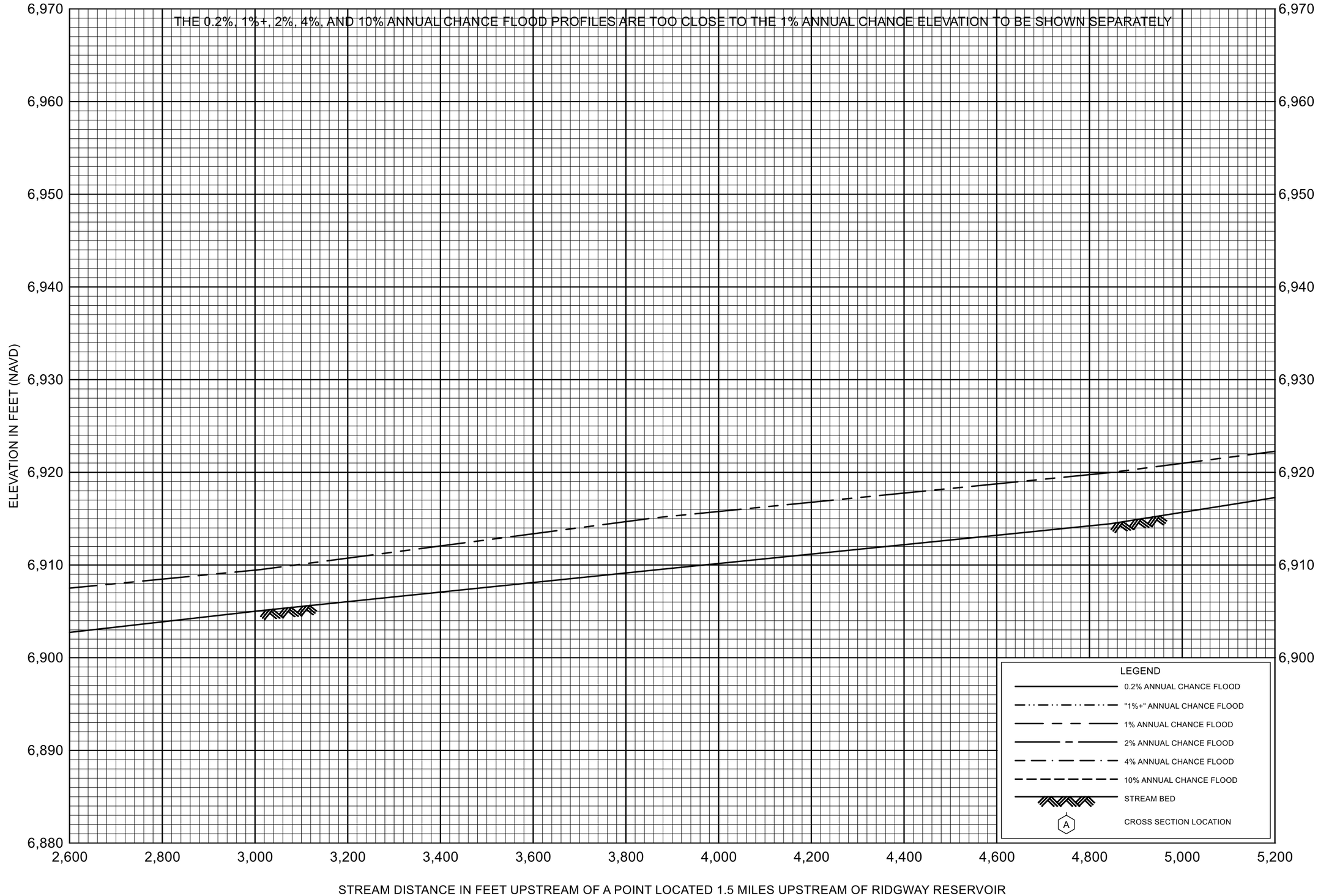

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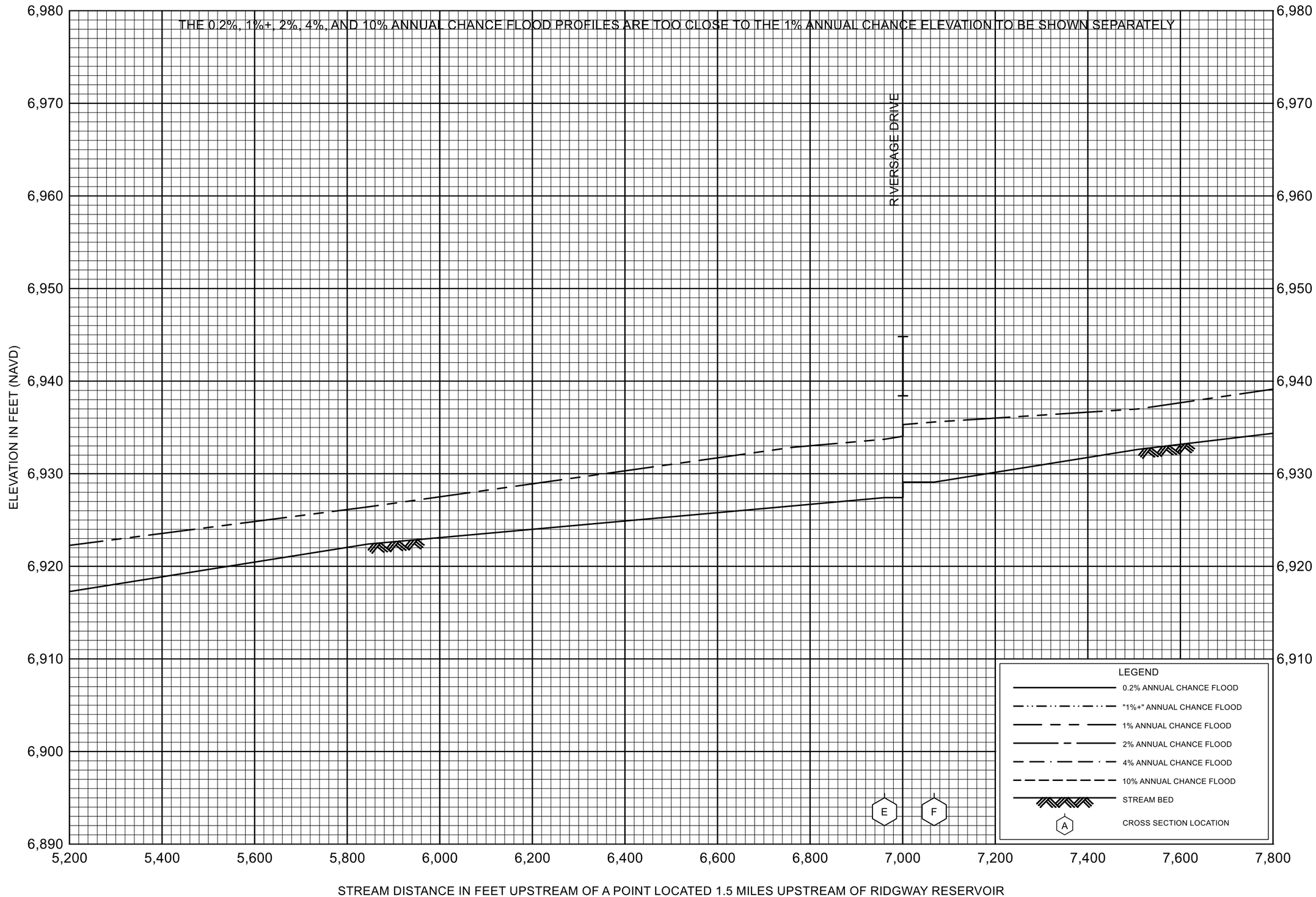

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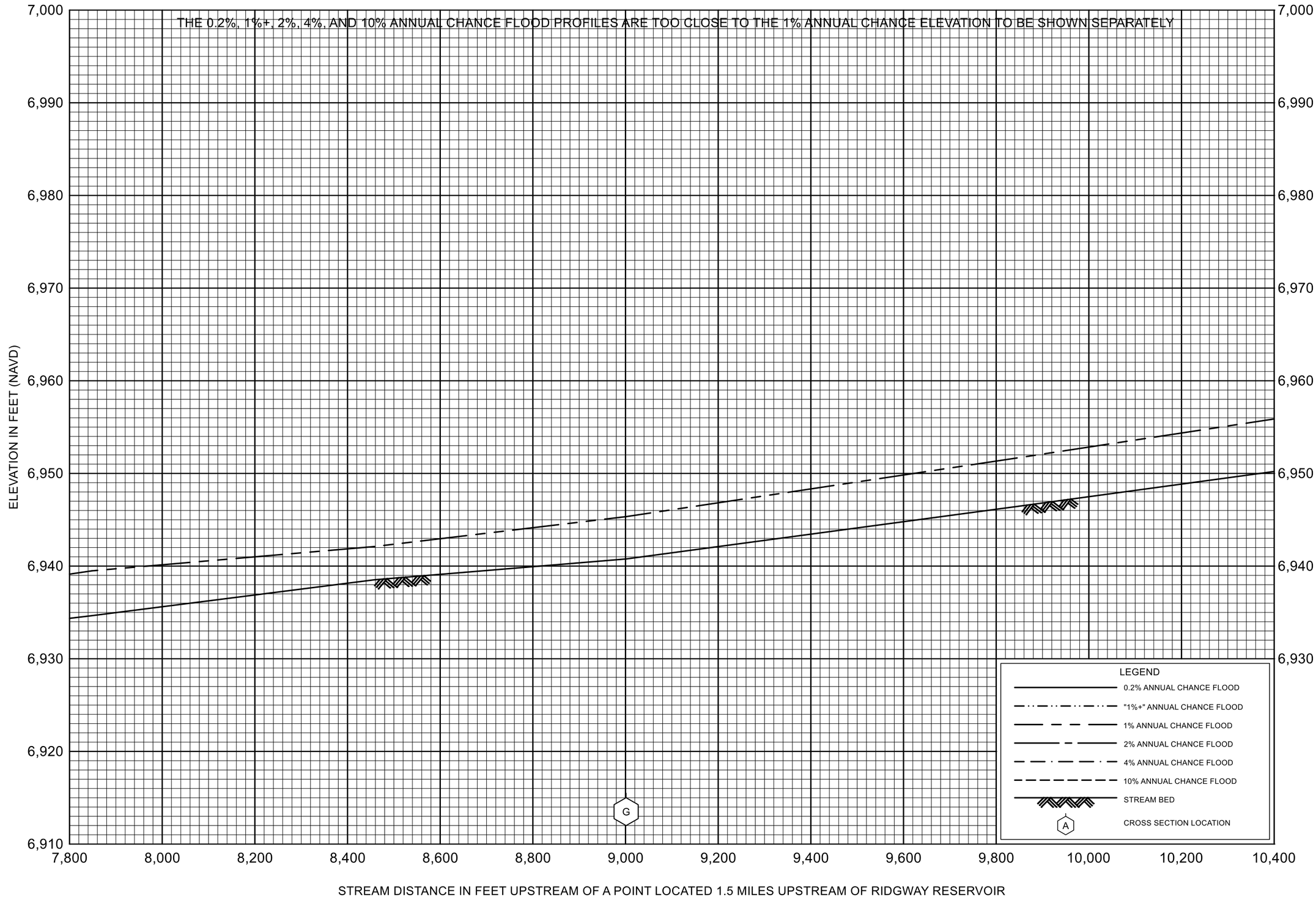

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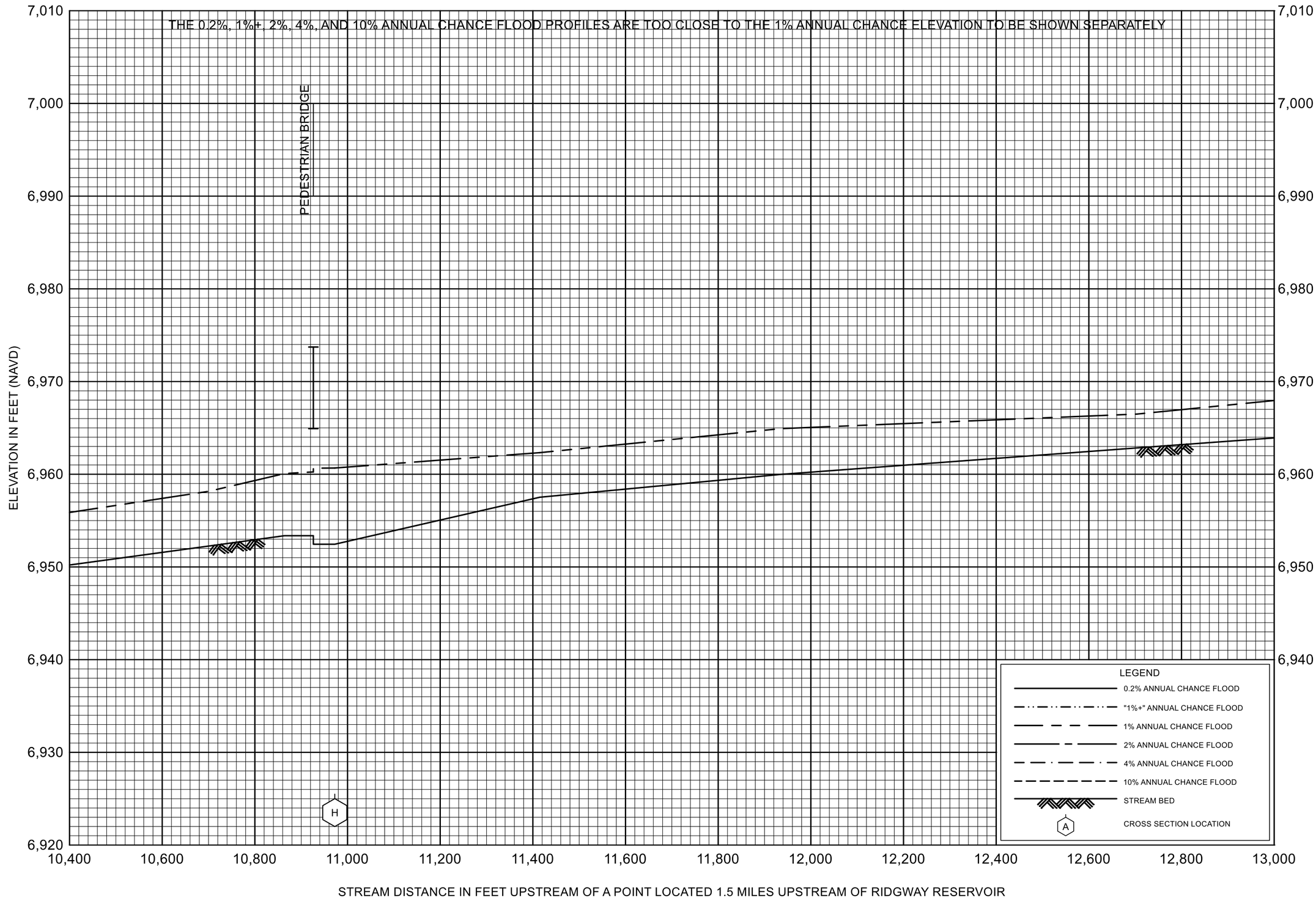

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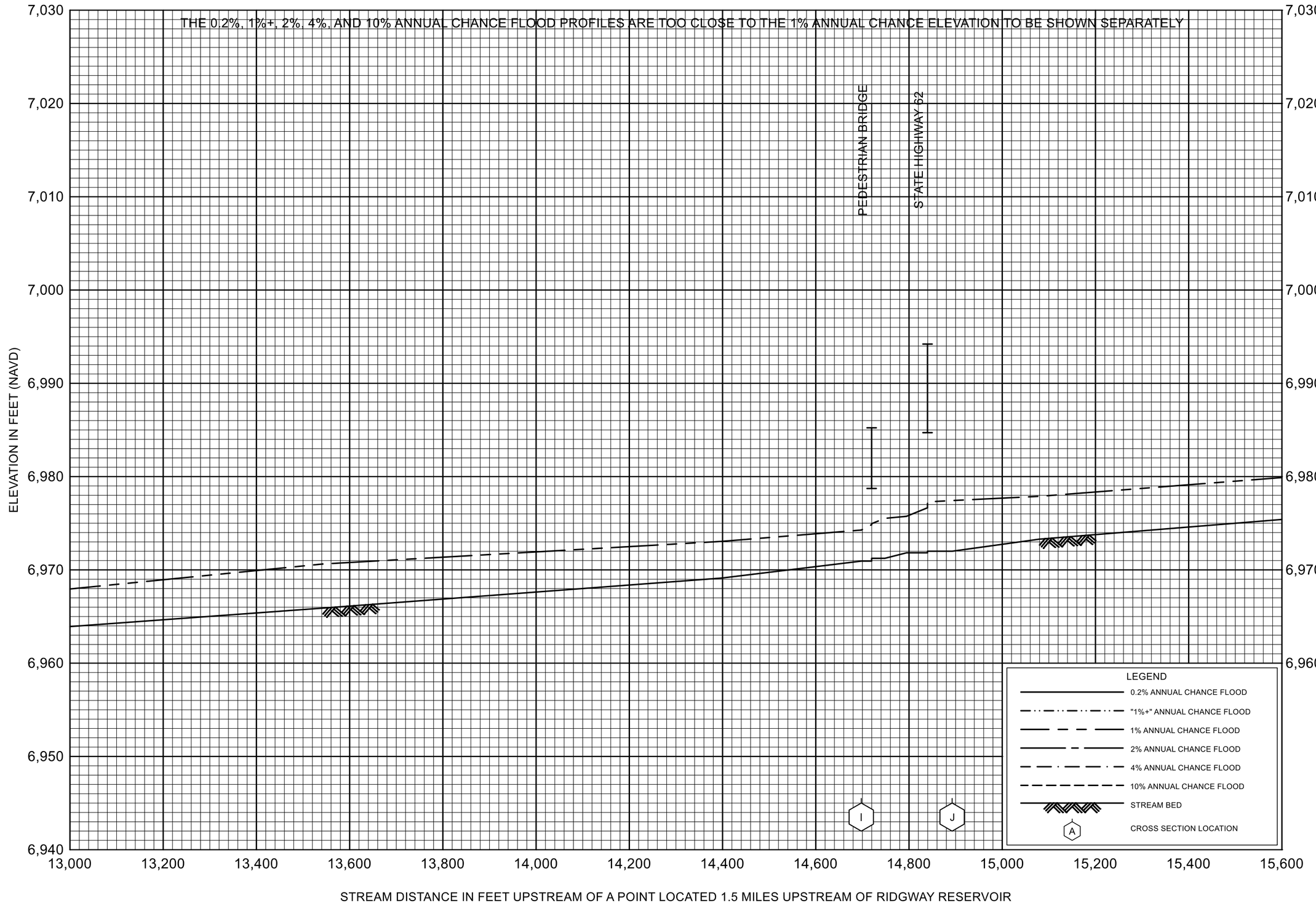

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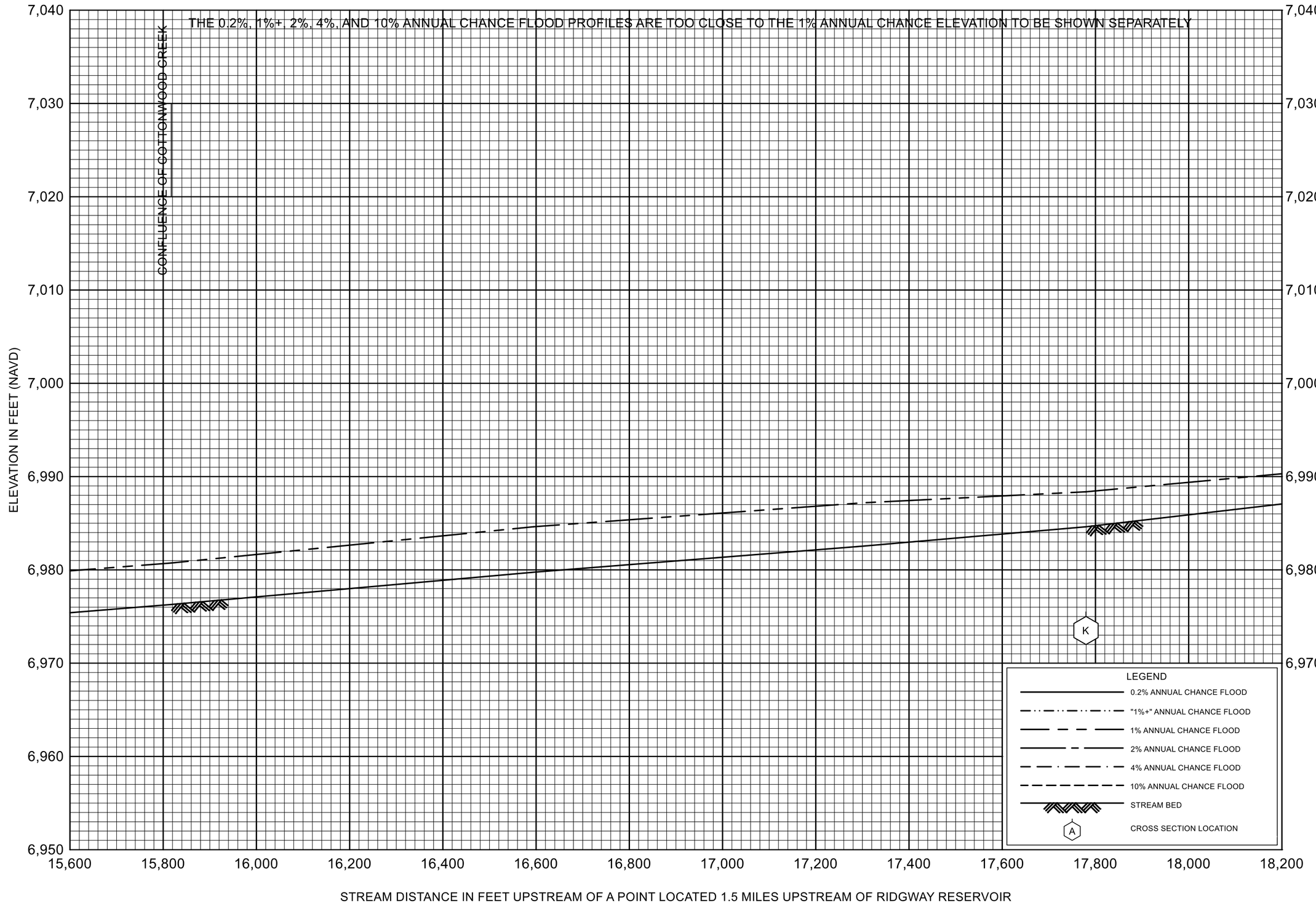


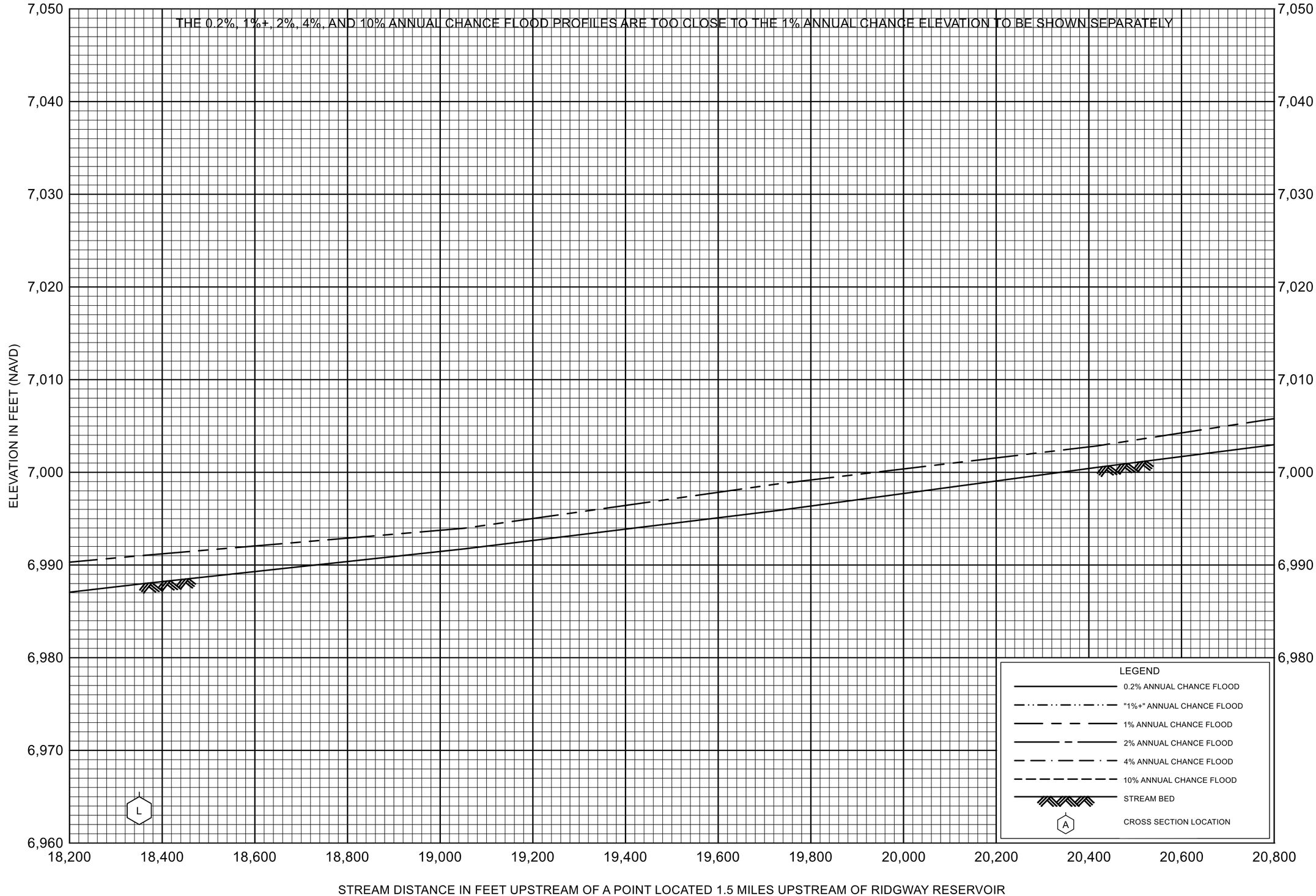
FLOOD PROFILES

UNCOMPAHGRE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, CO

AND UNINCORPORATED AREAS



FLOOD PROFILES

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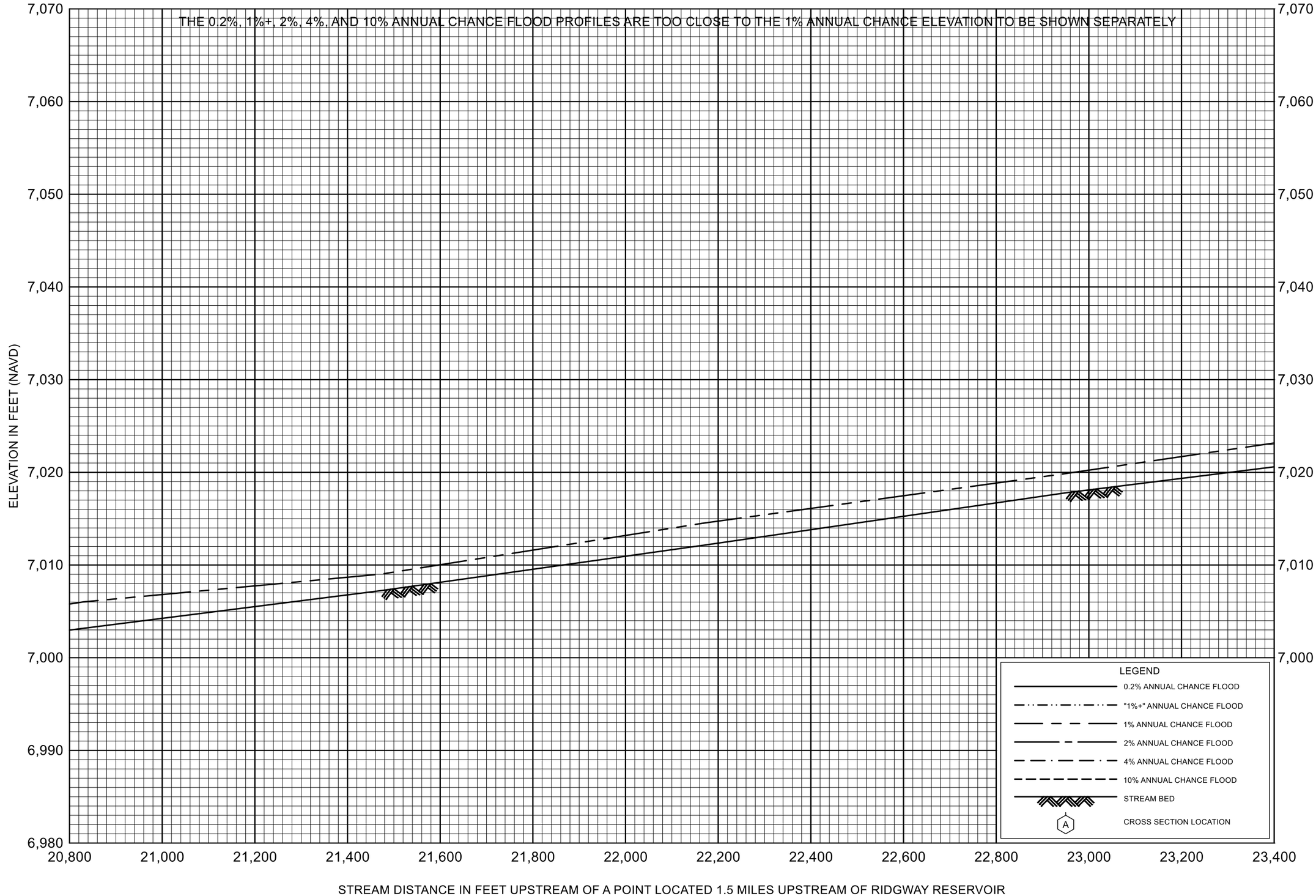

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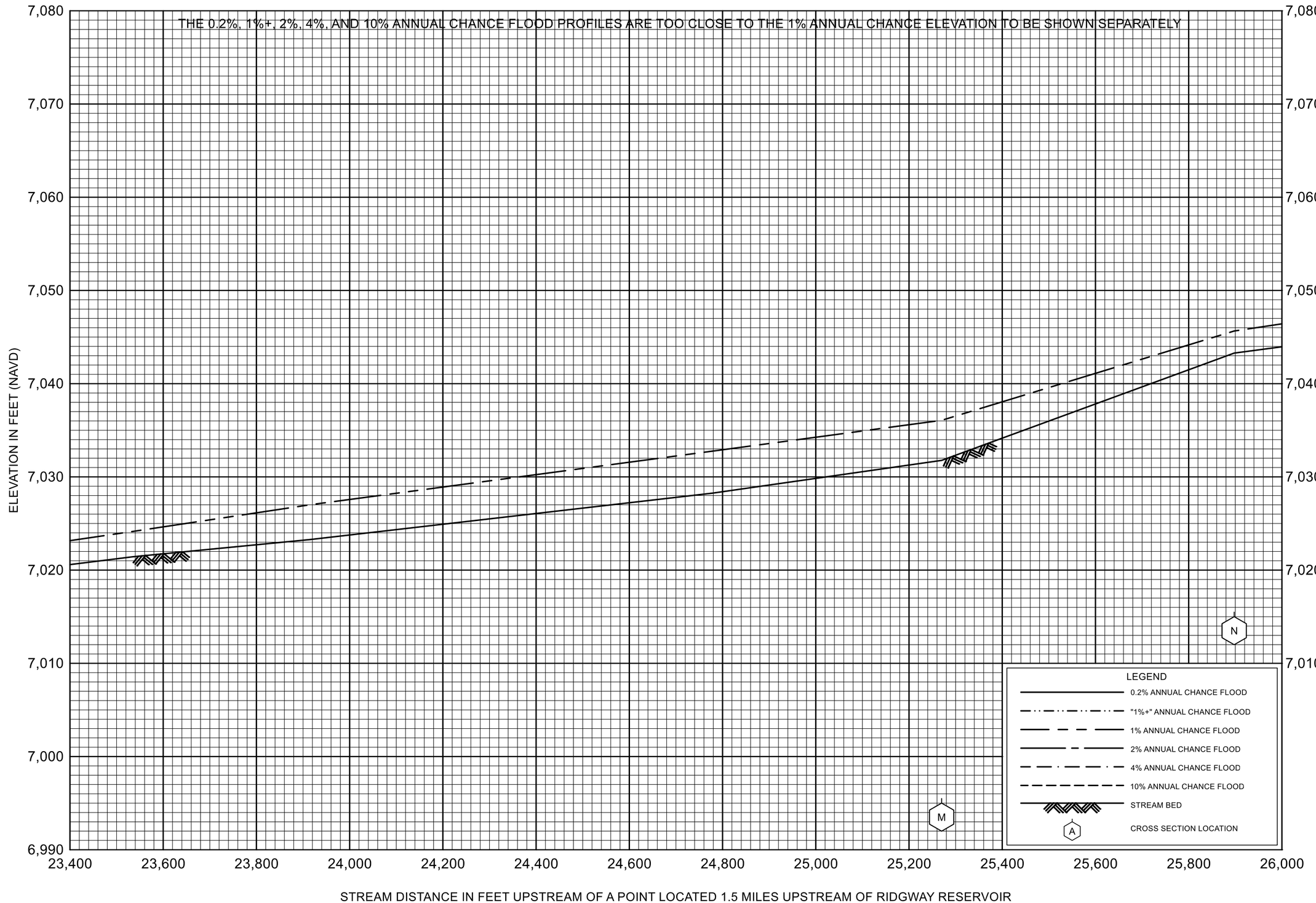

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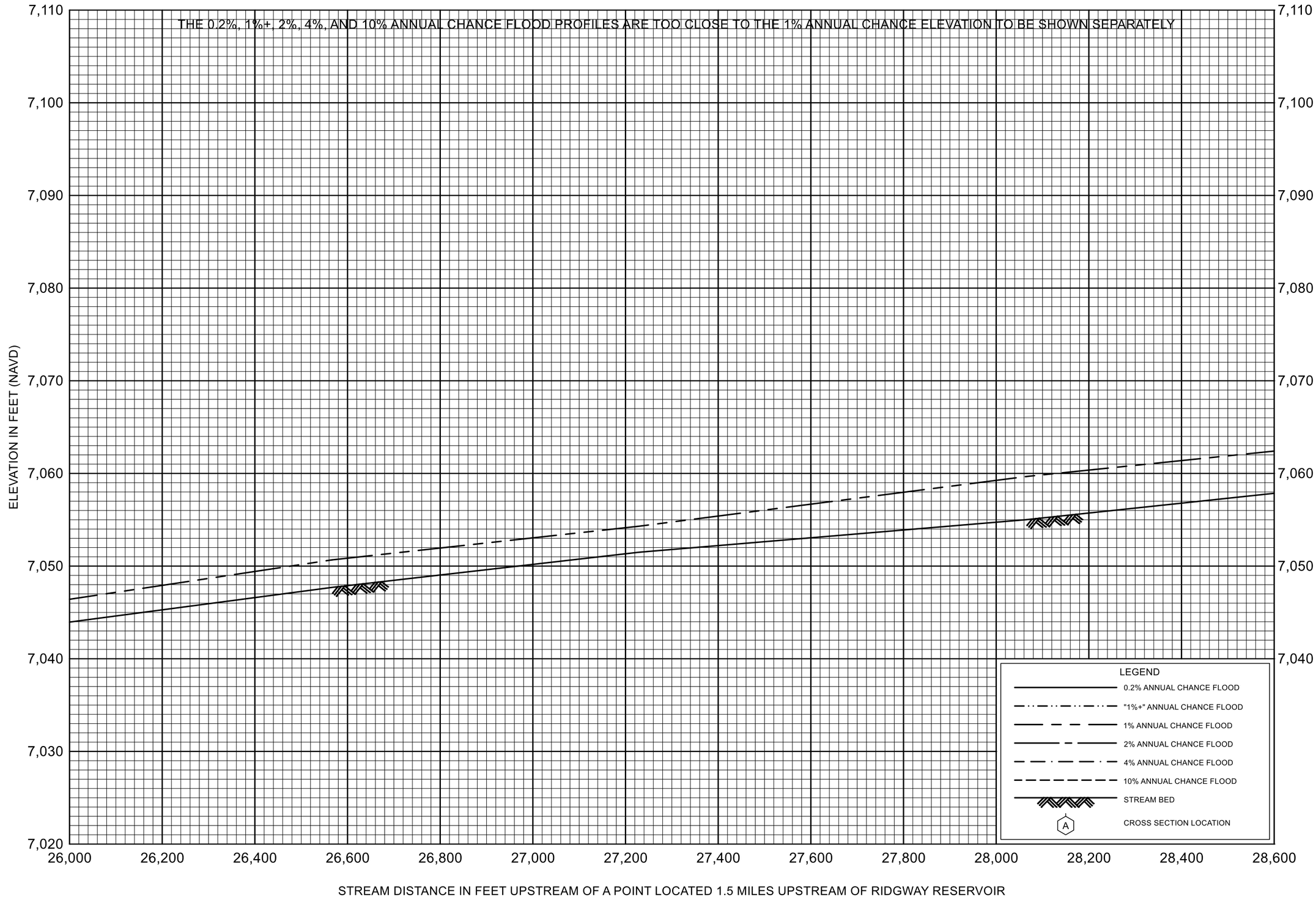

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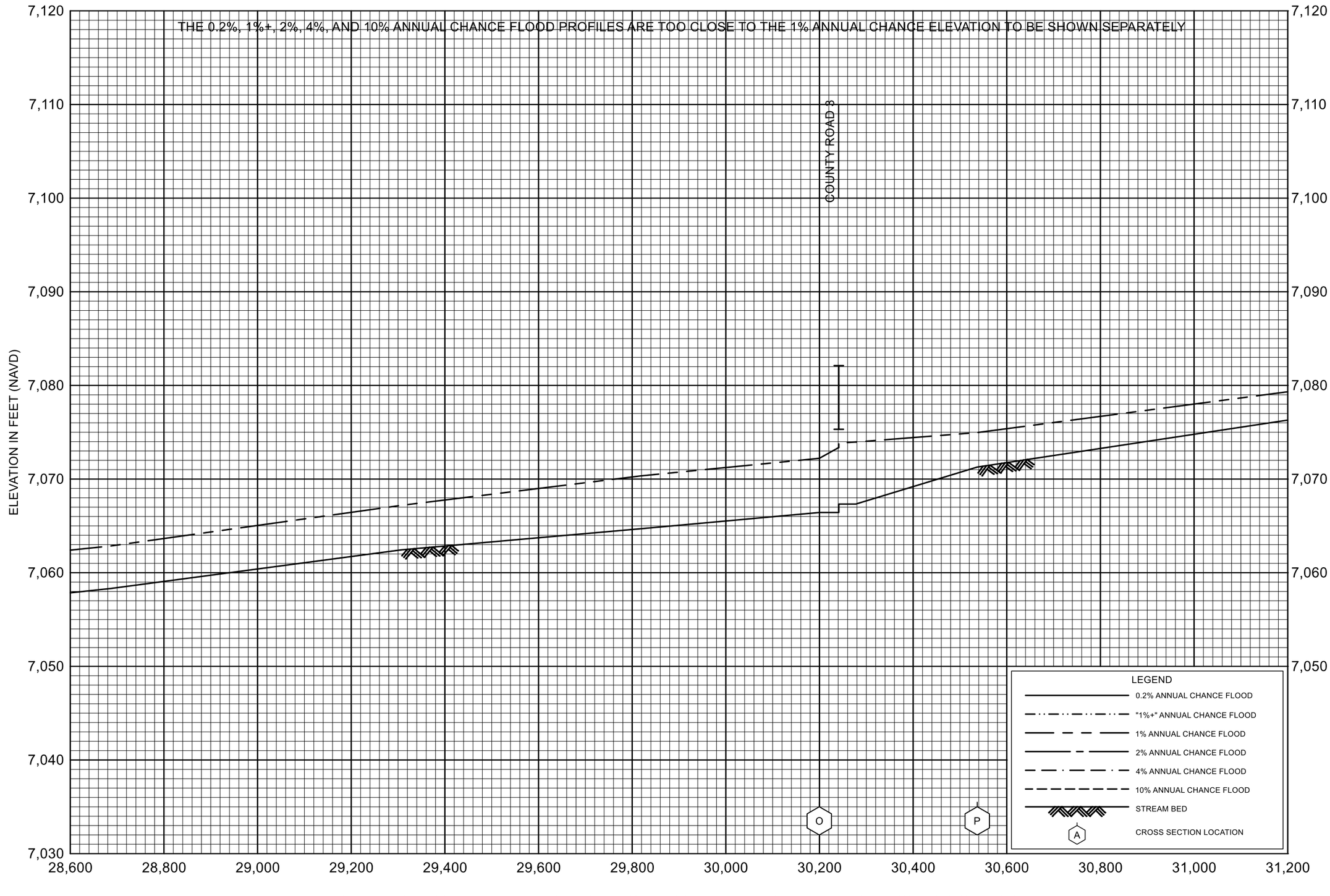

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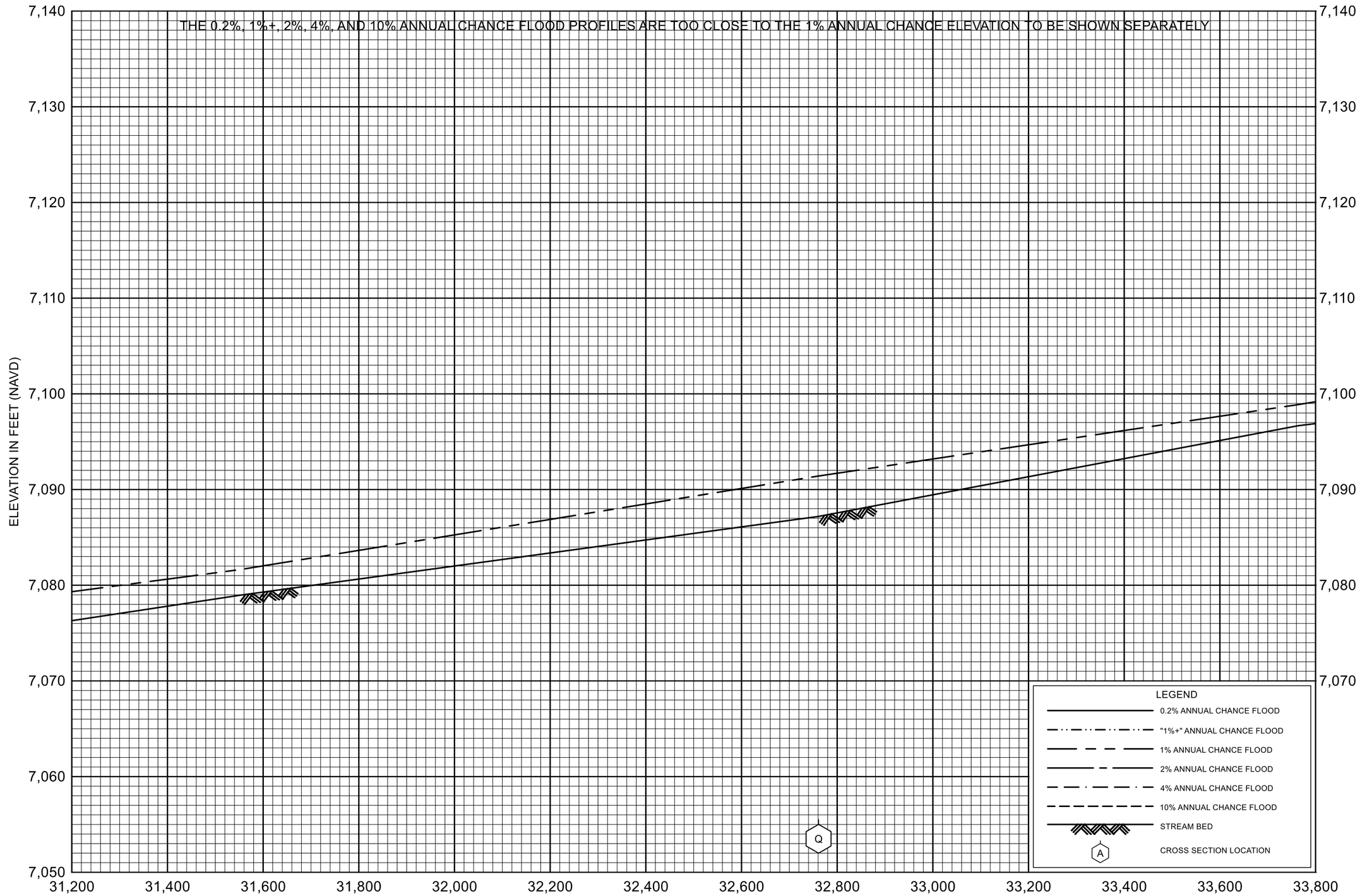

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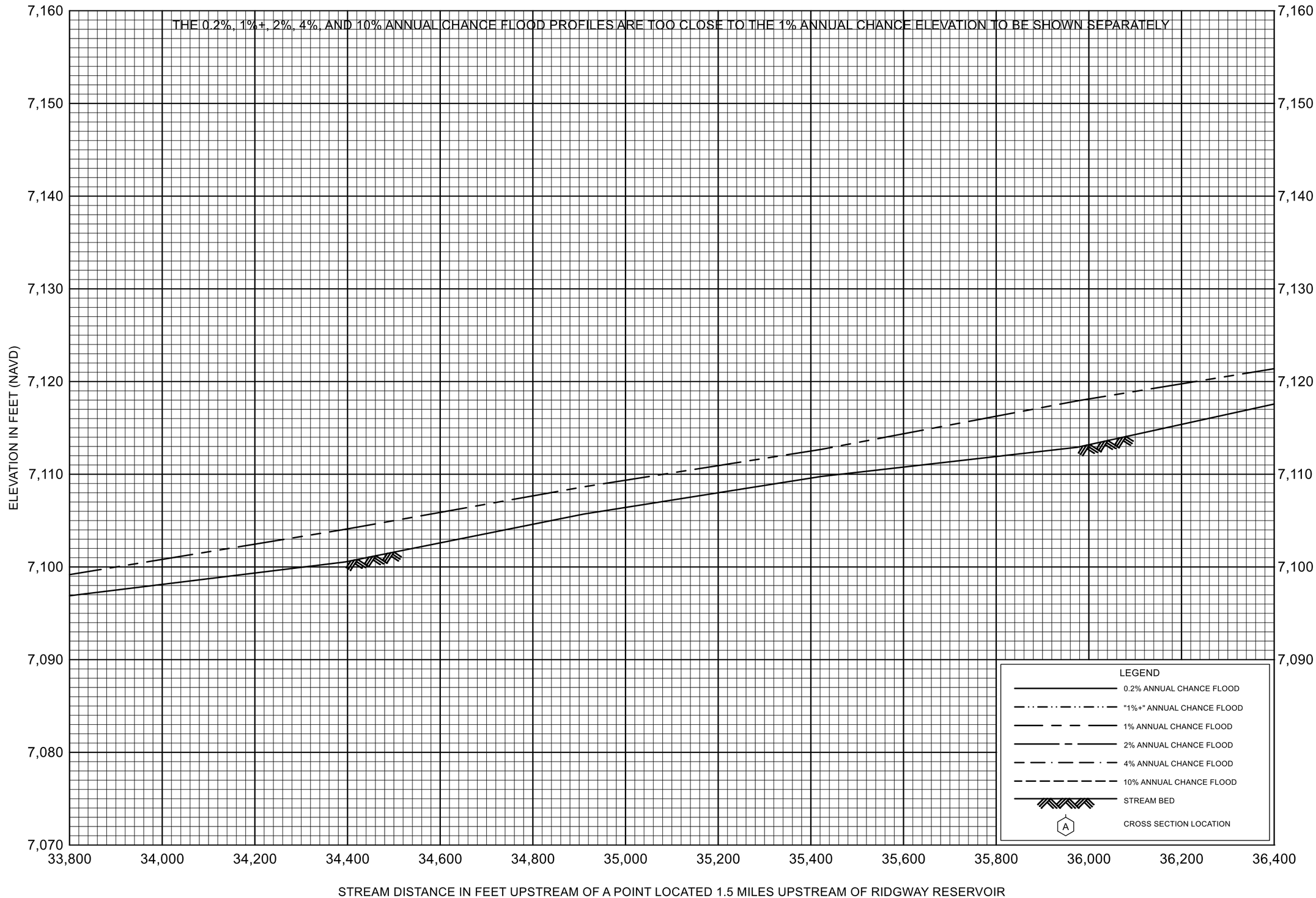

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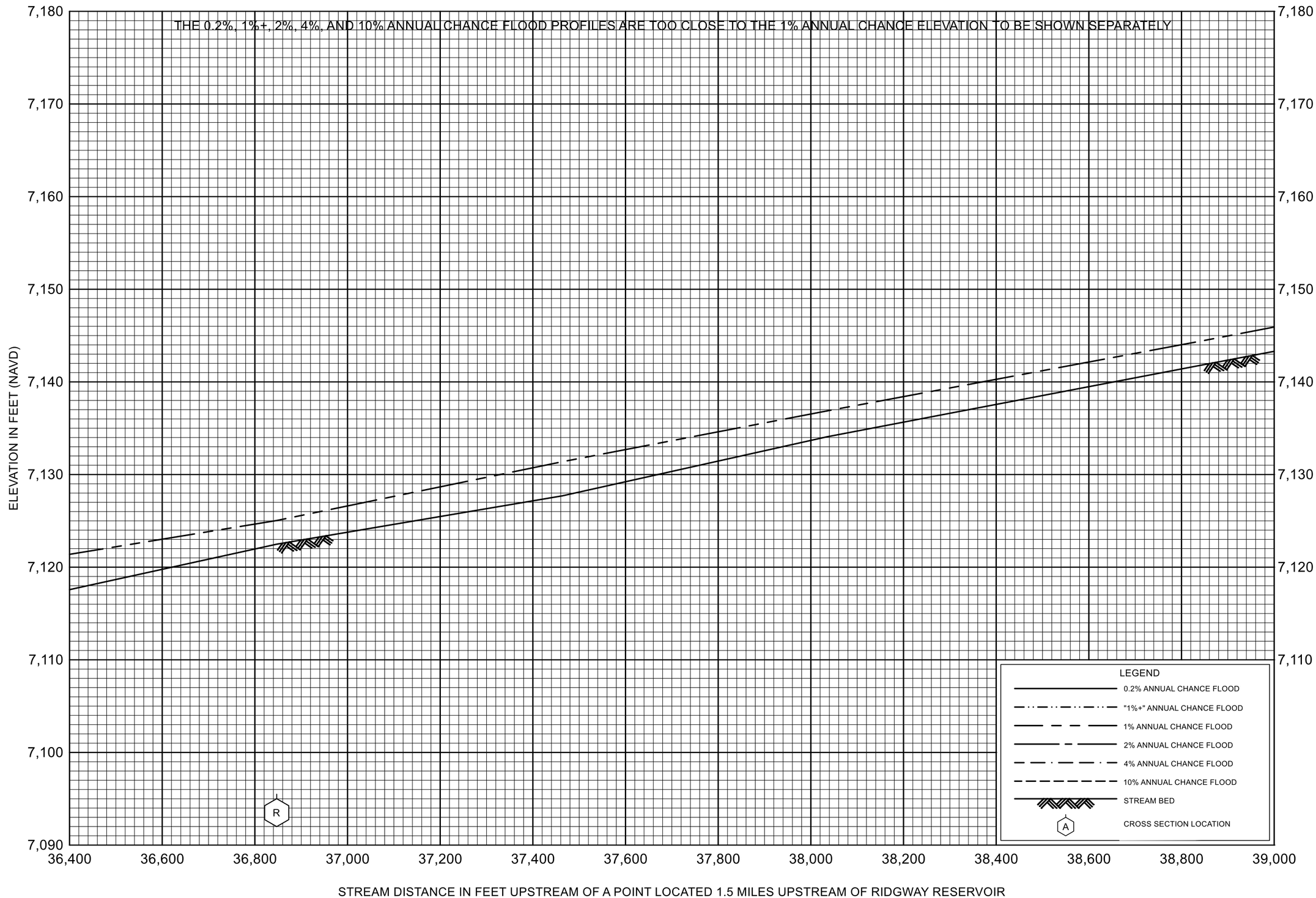

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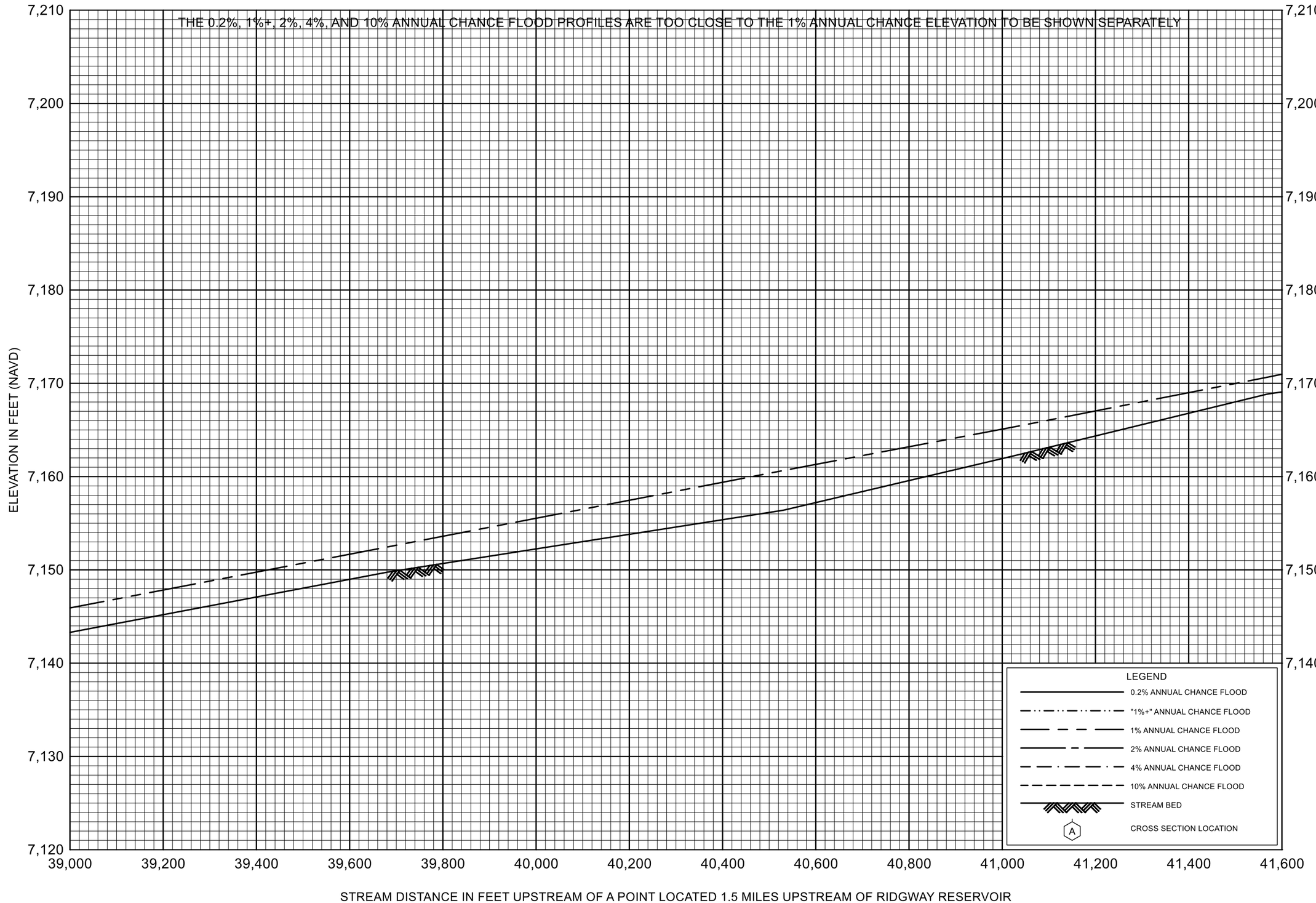

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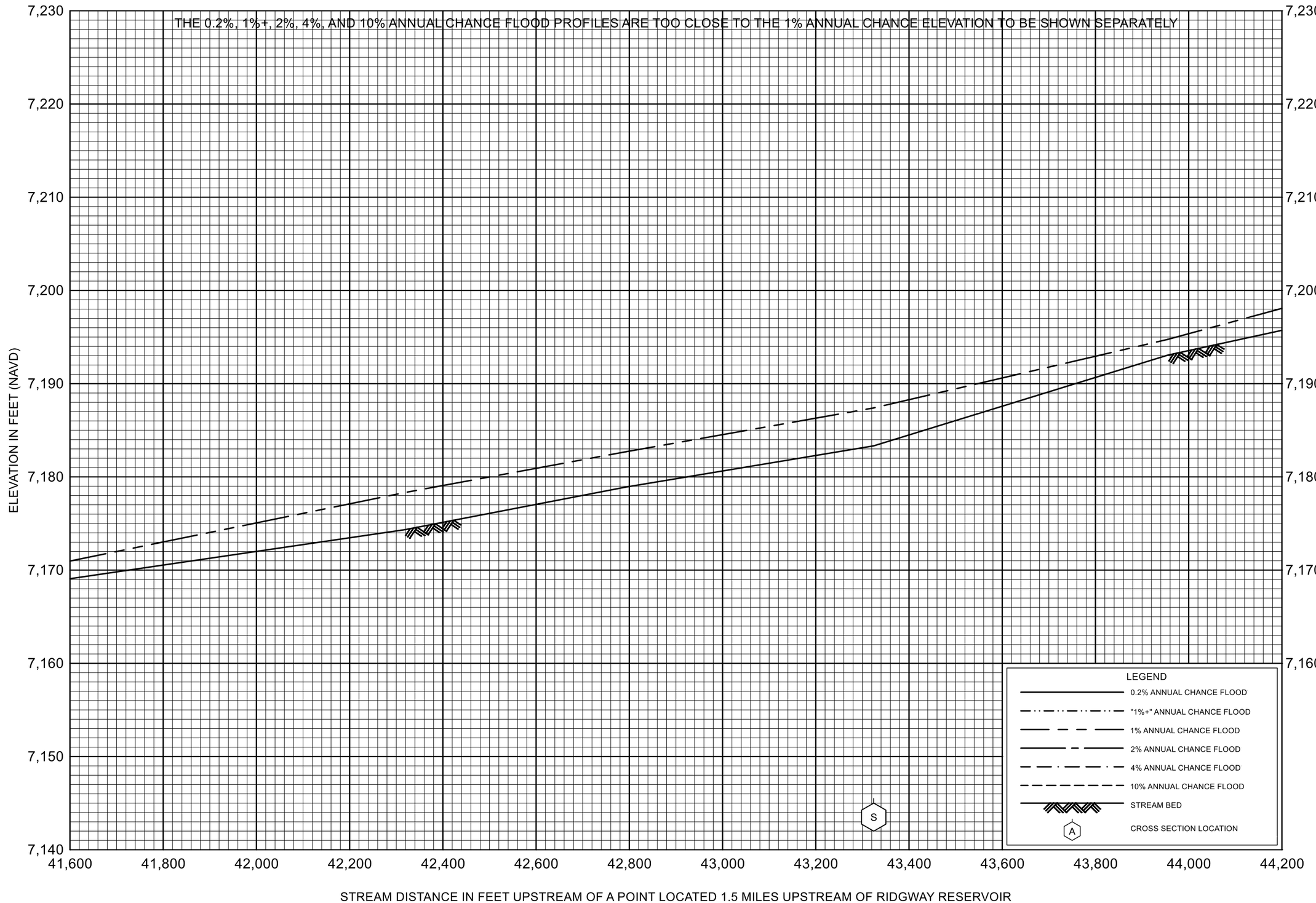

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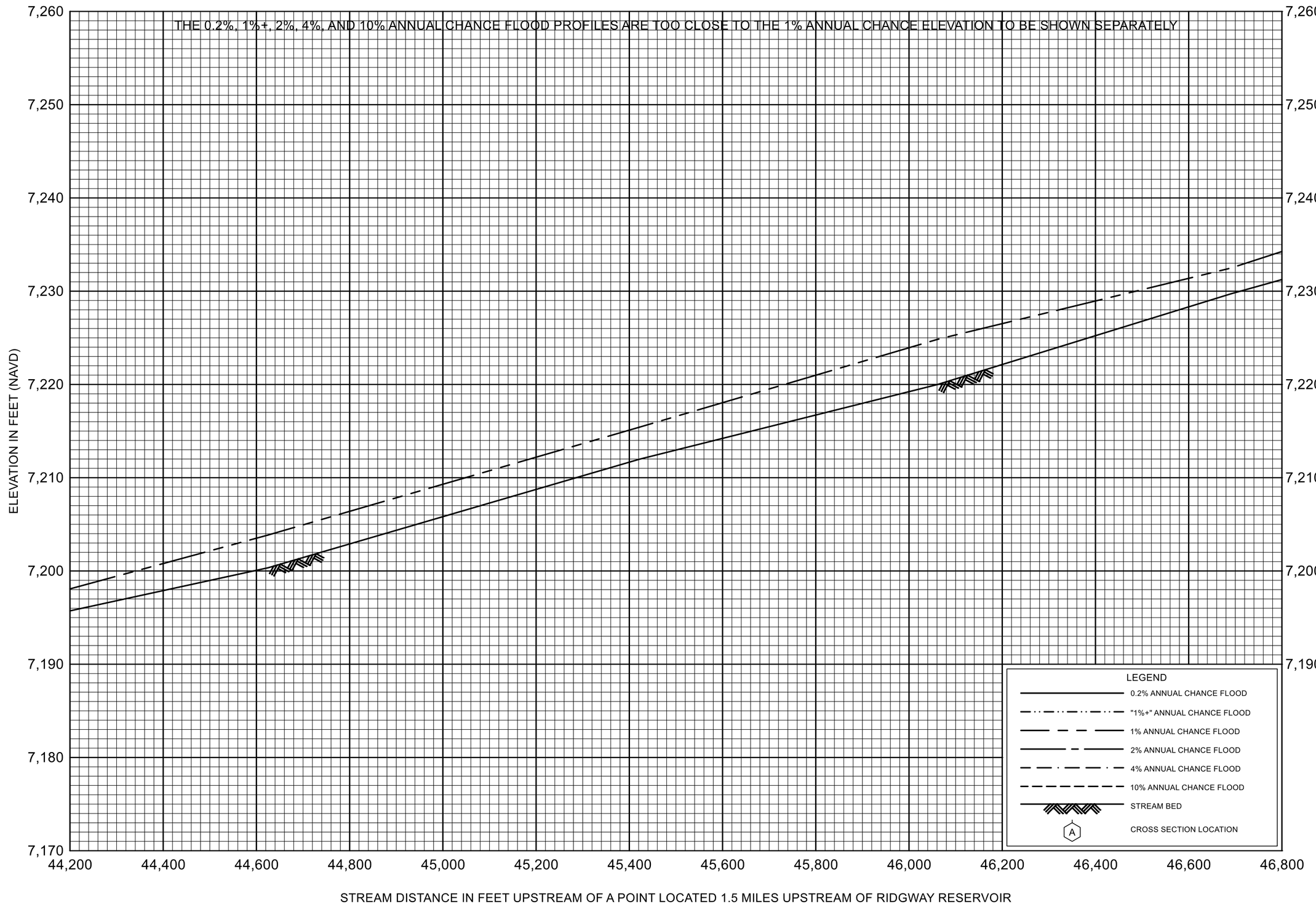

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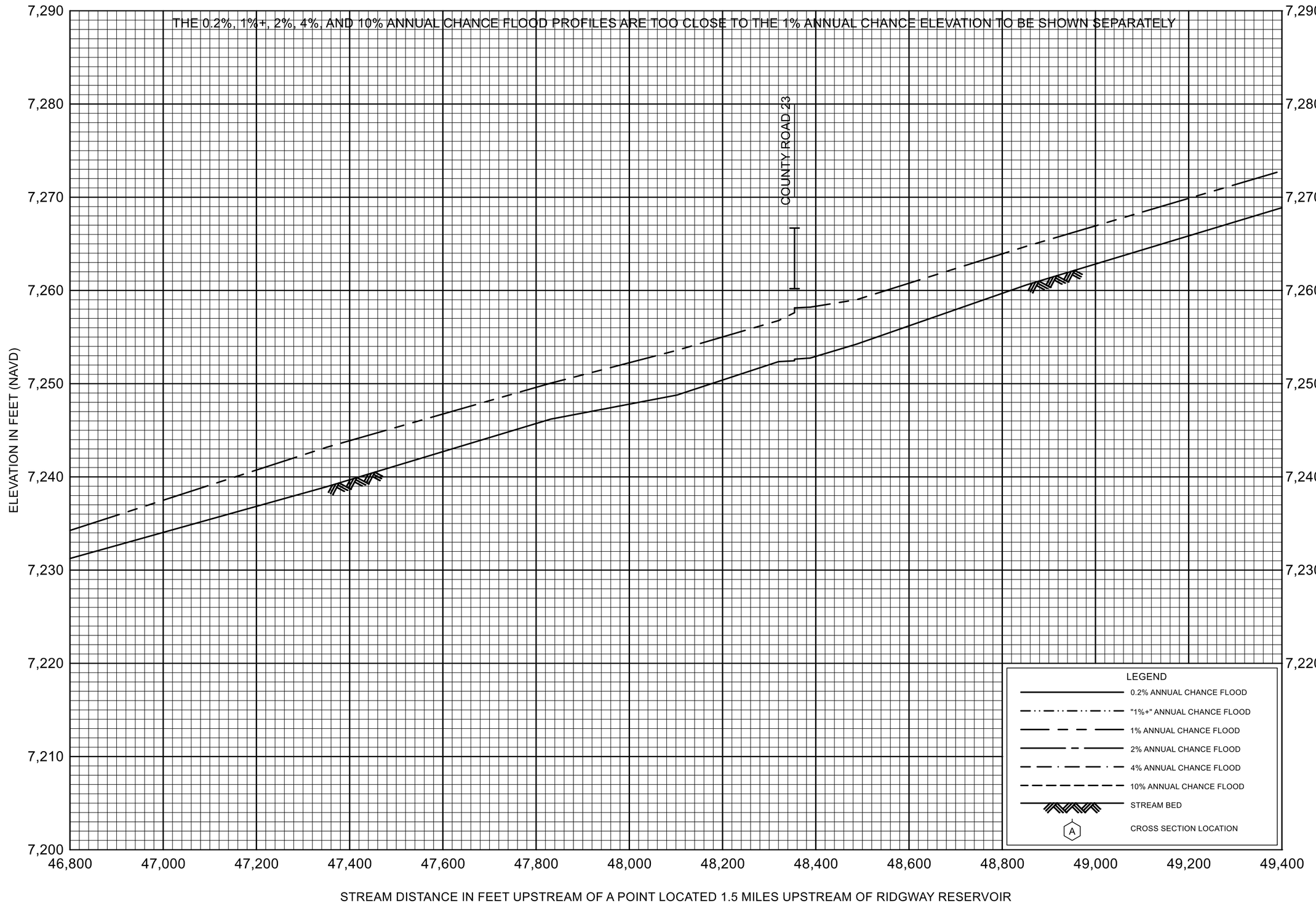

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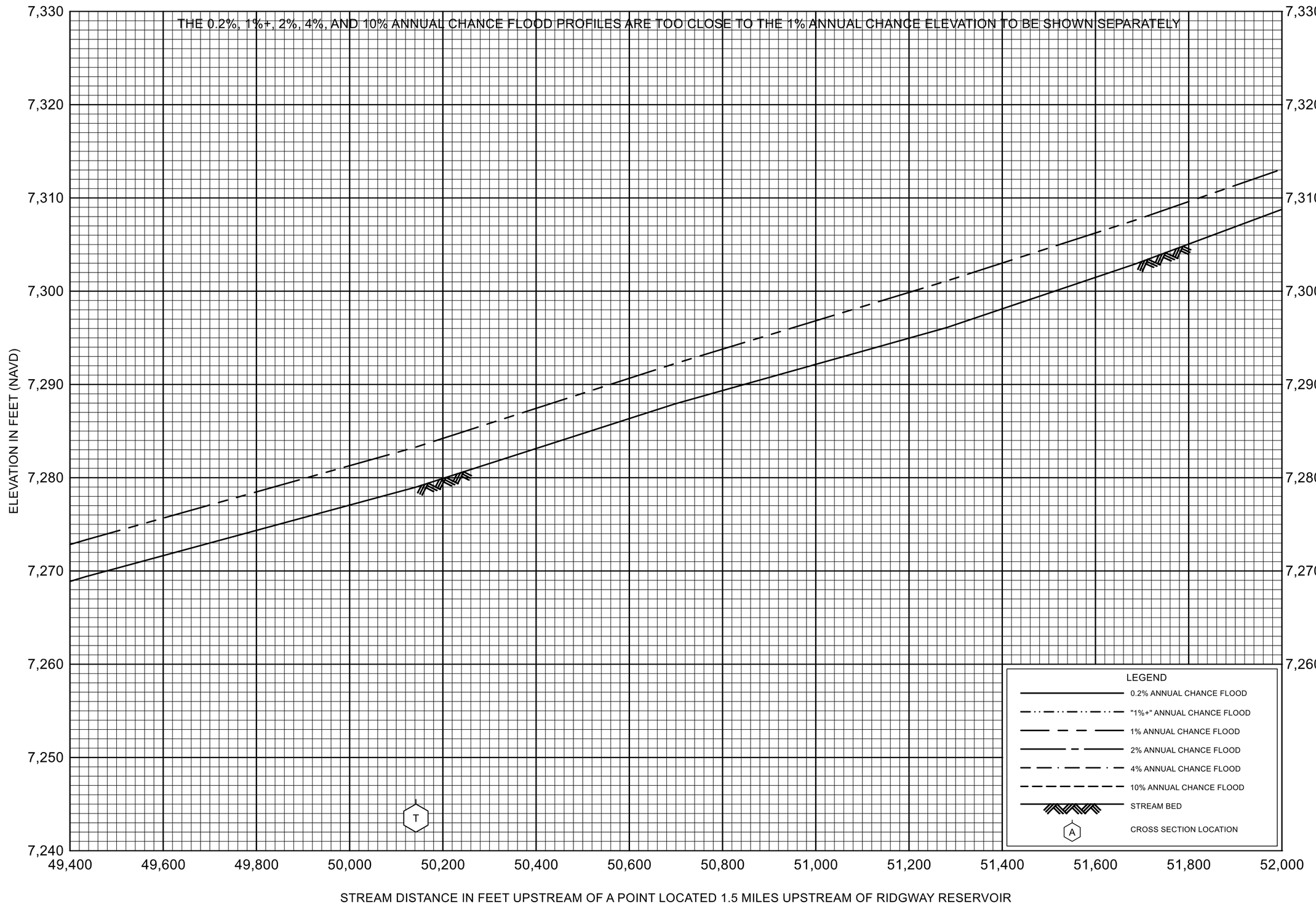

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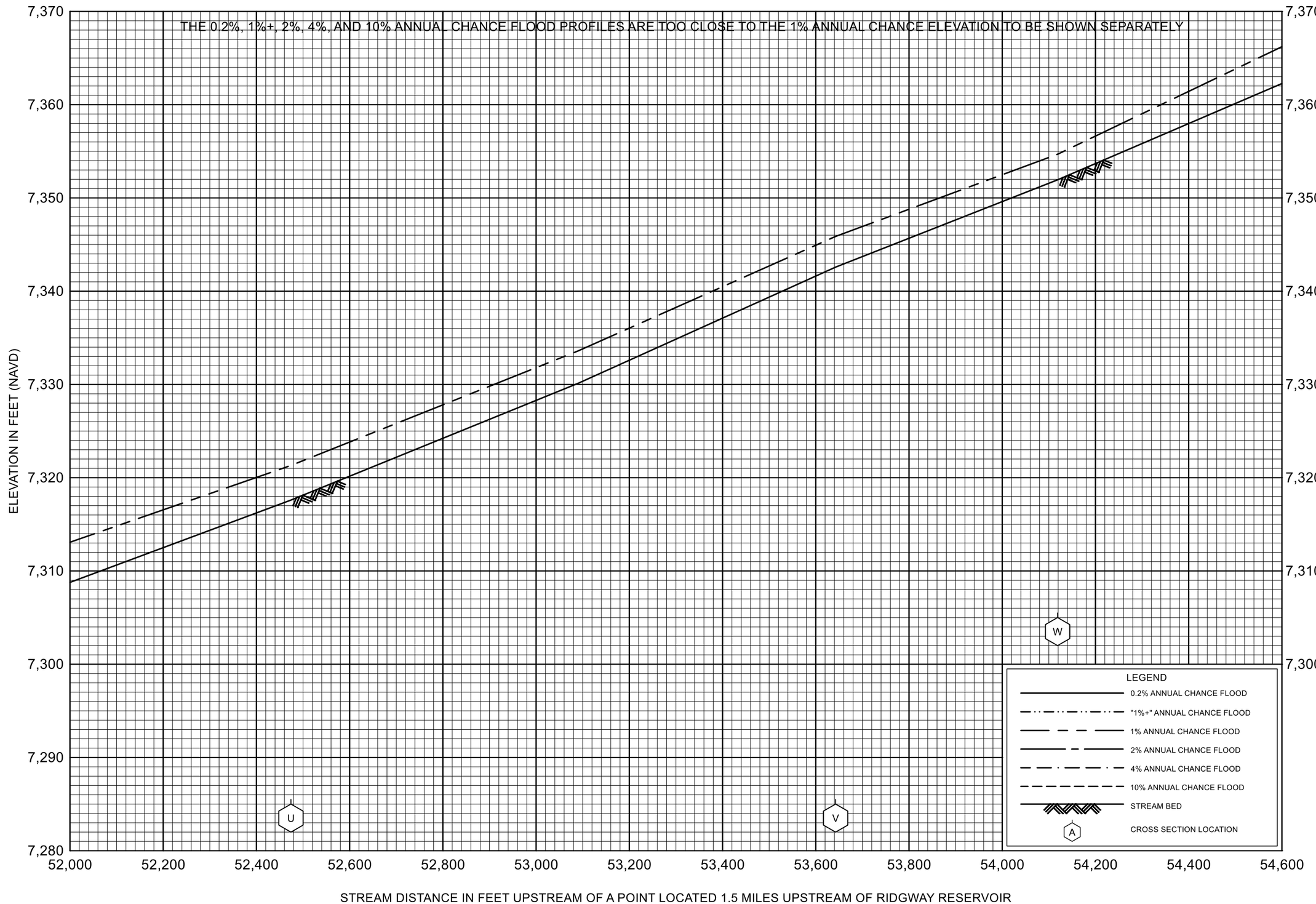

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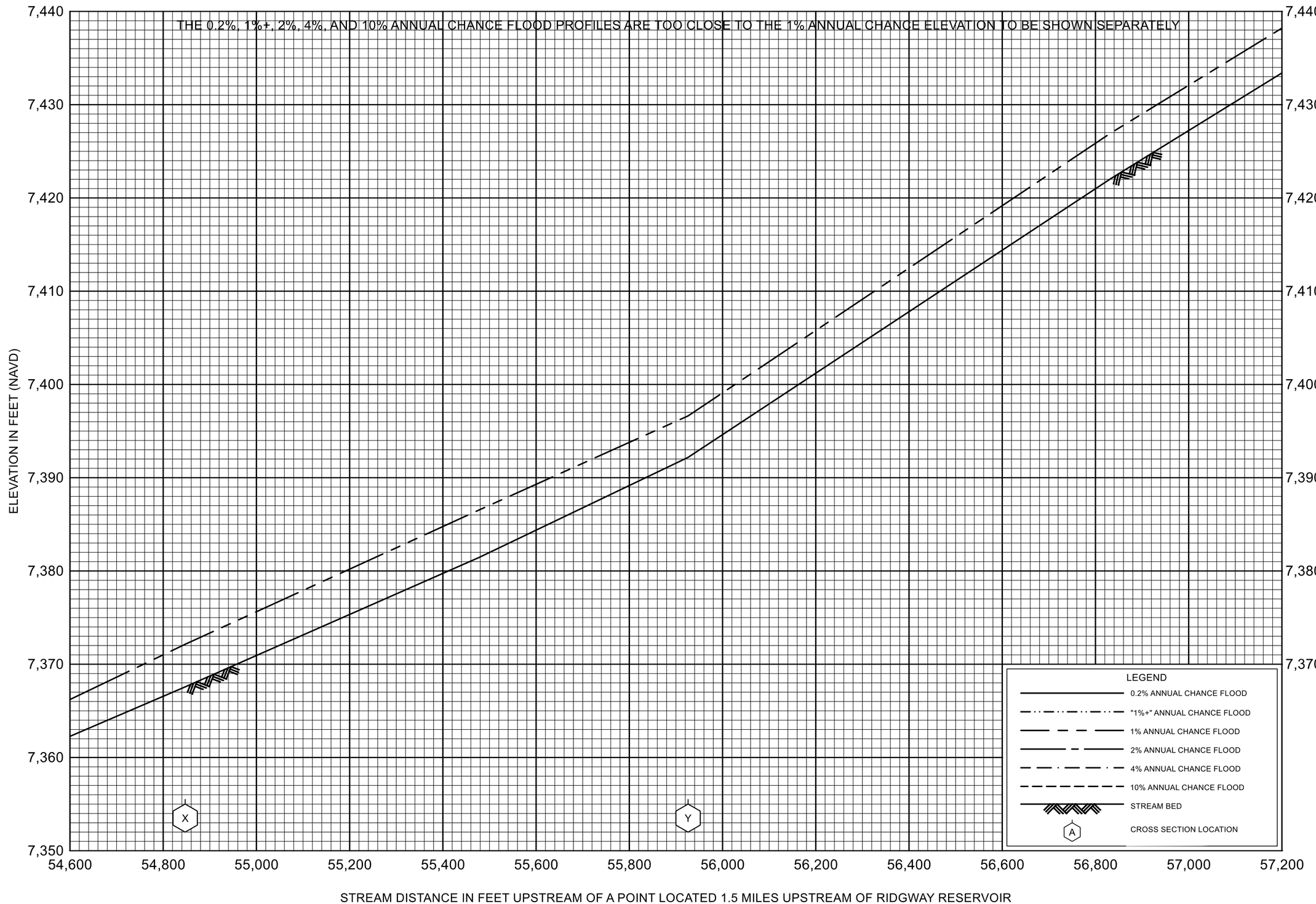

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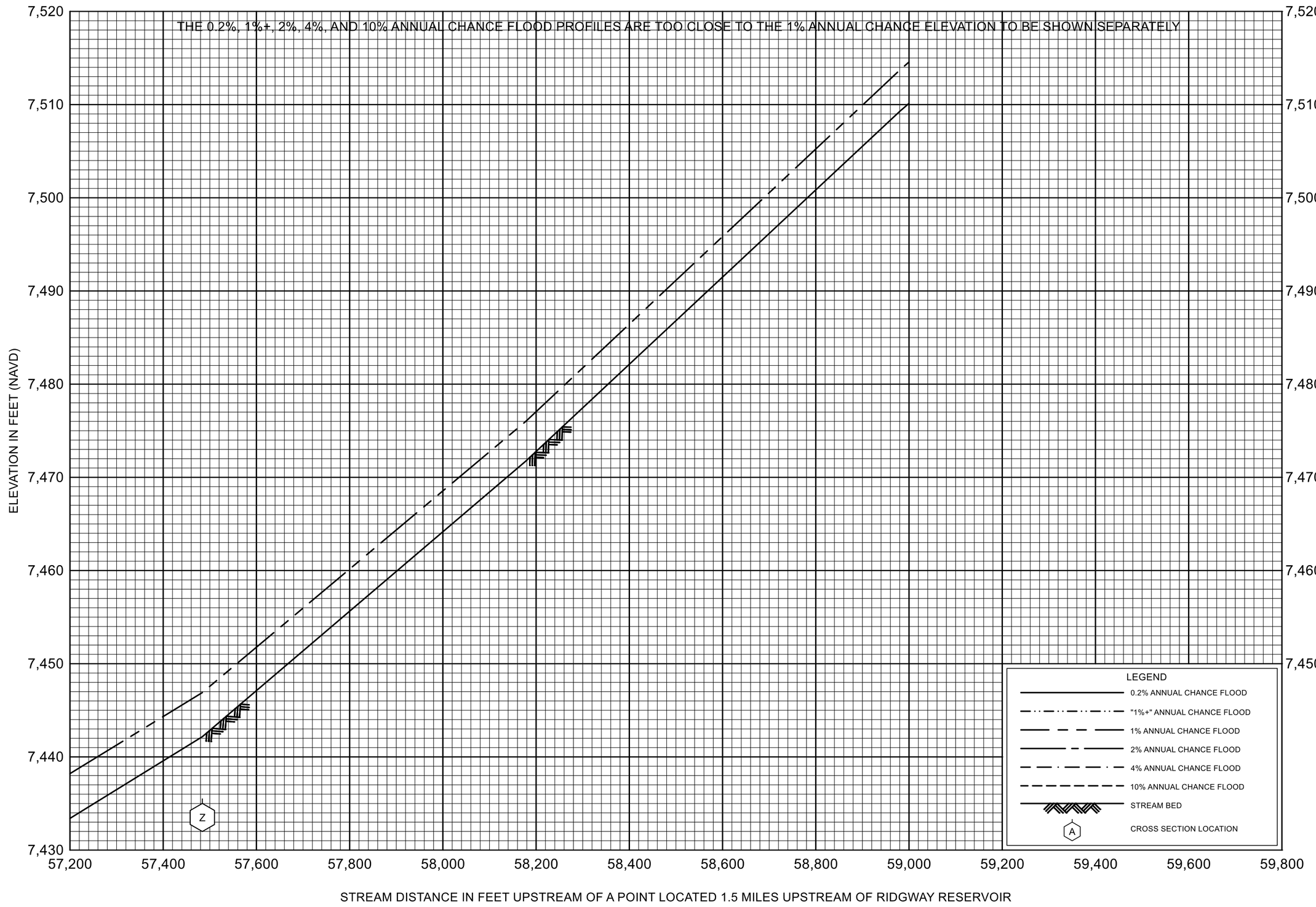

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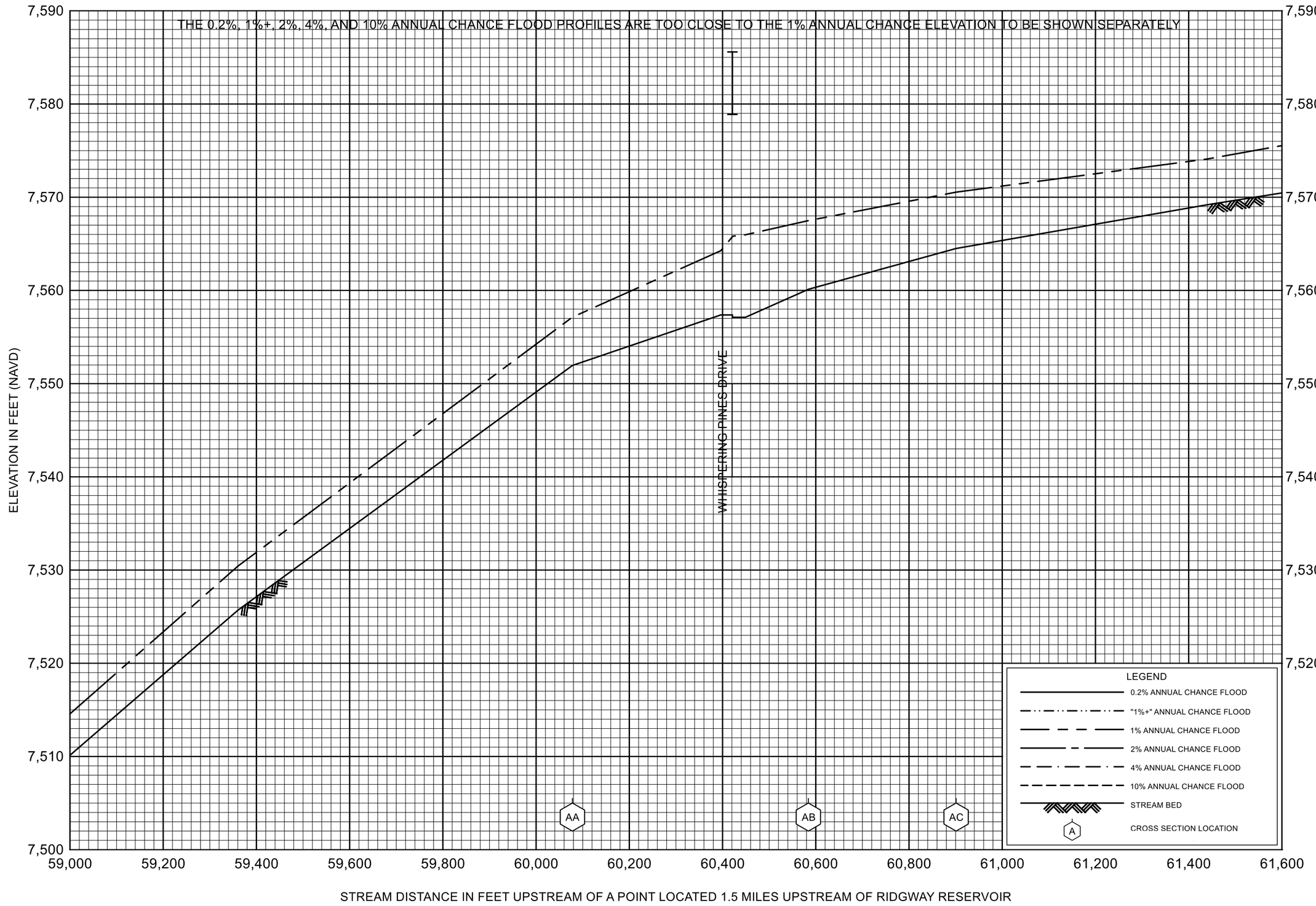

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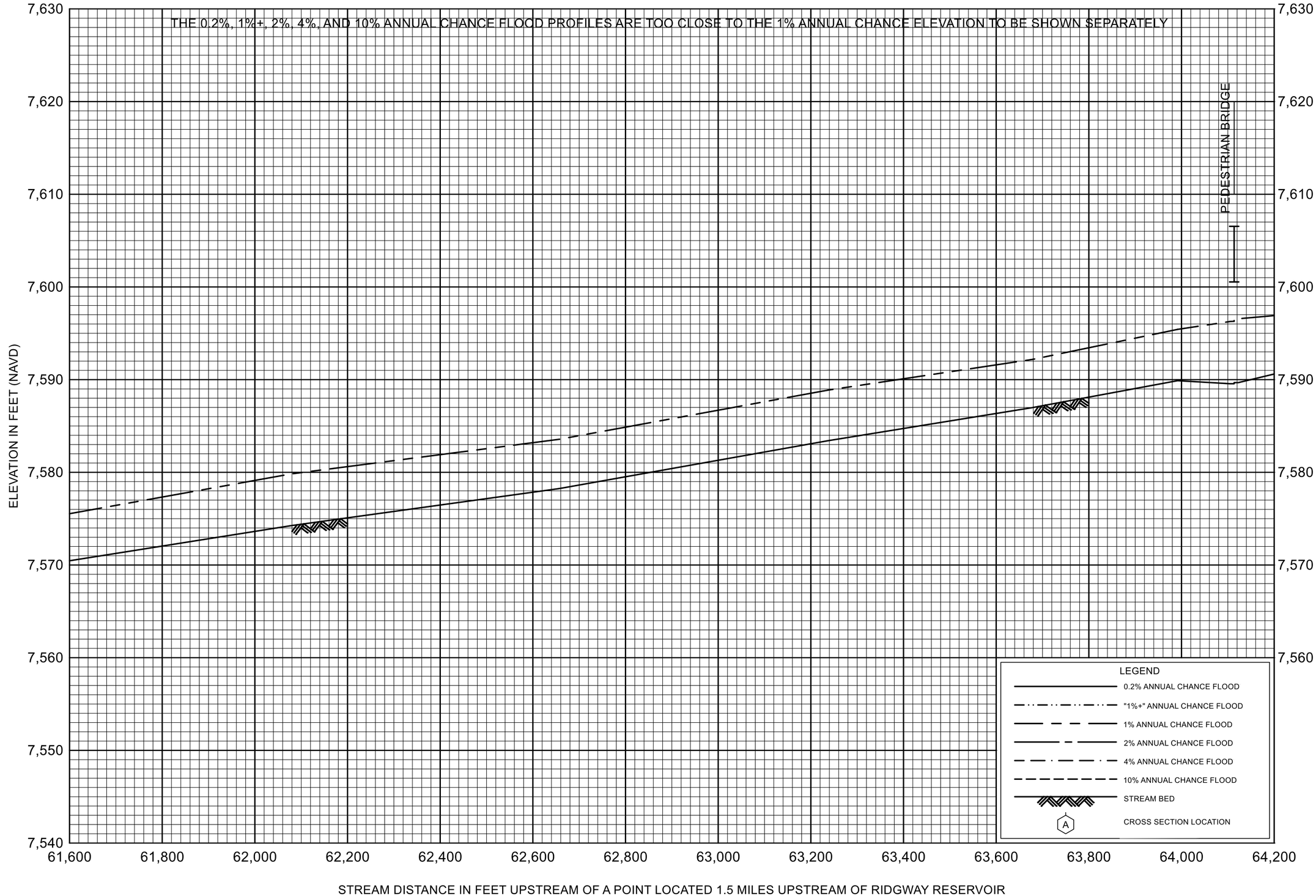

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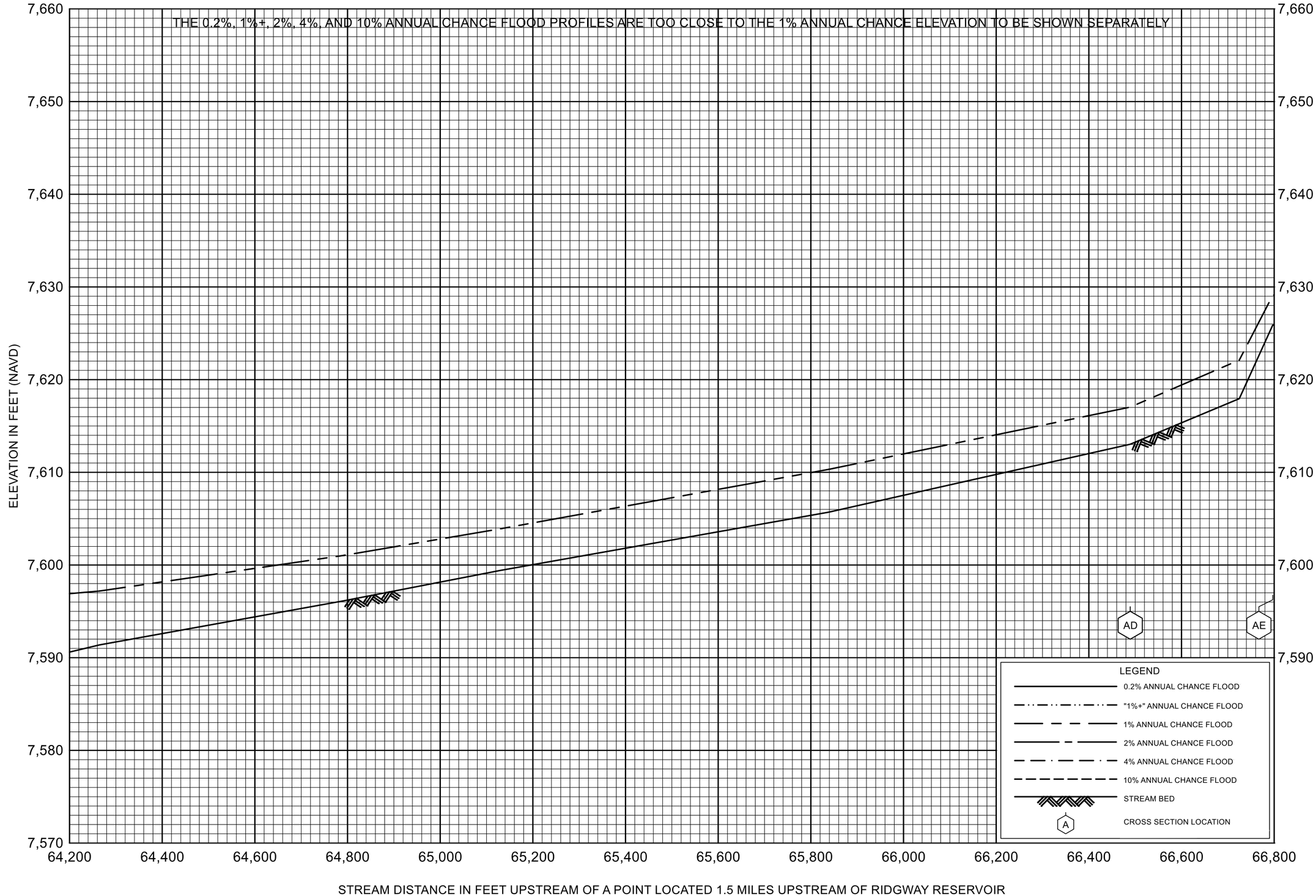

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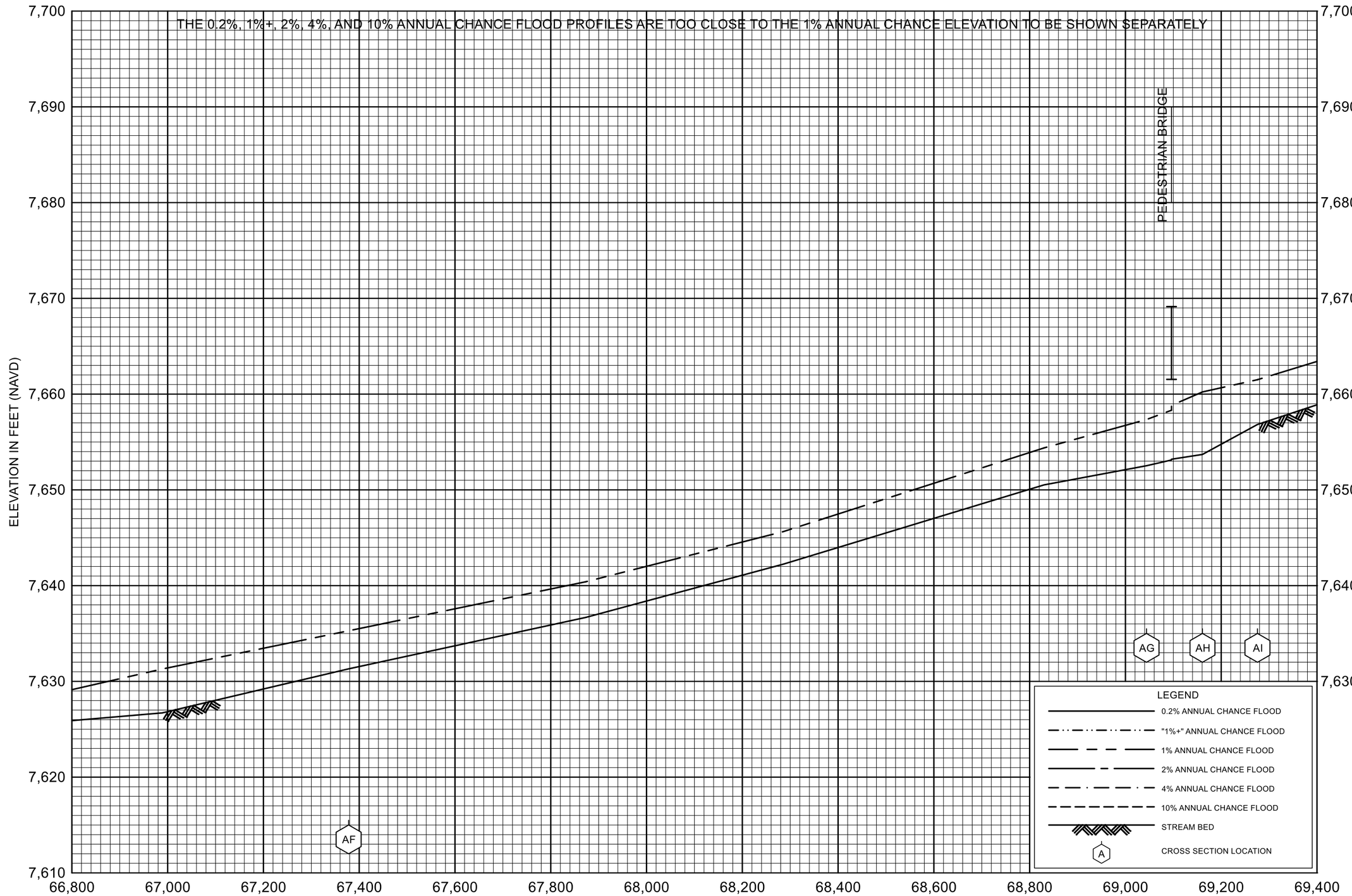

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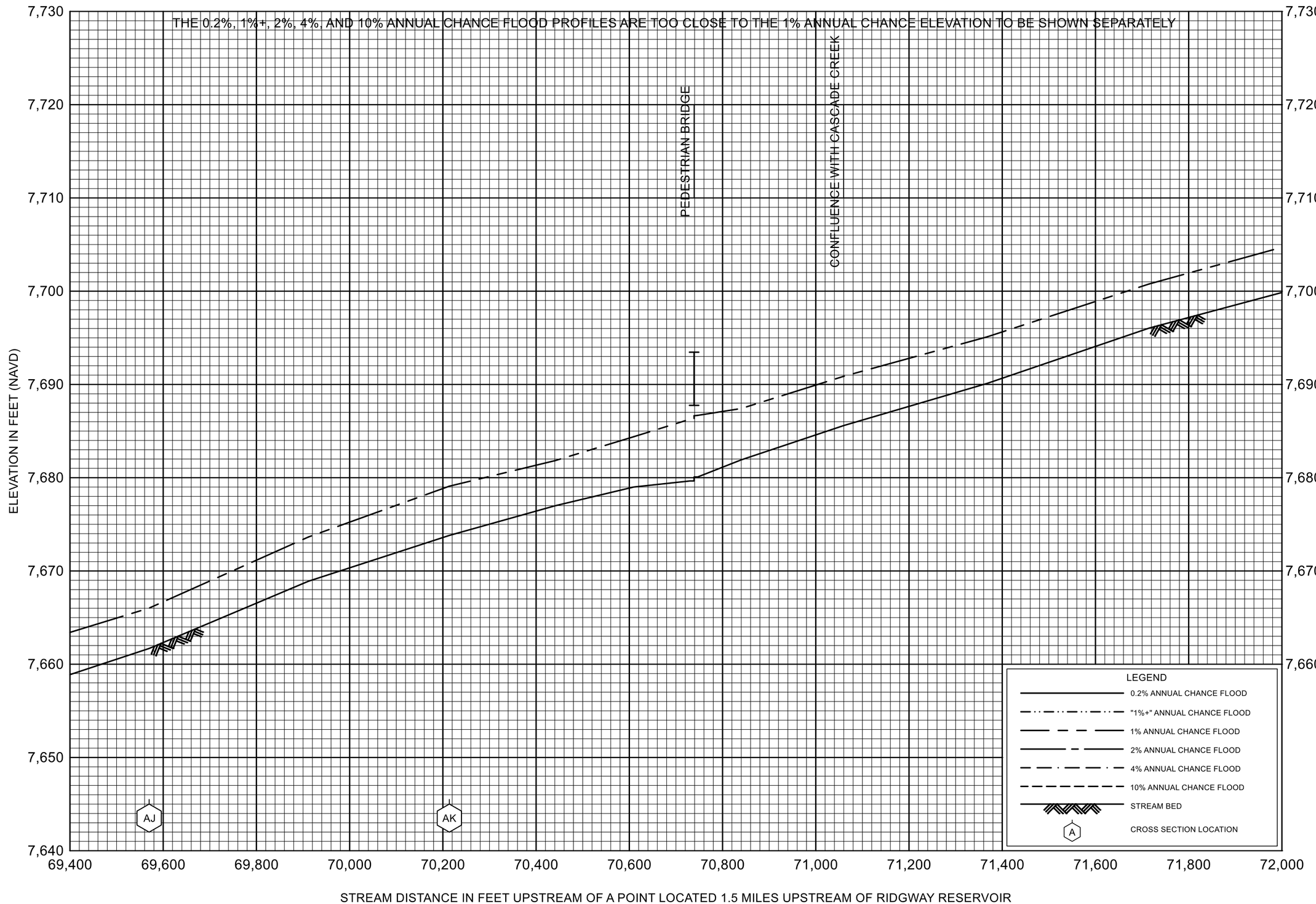

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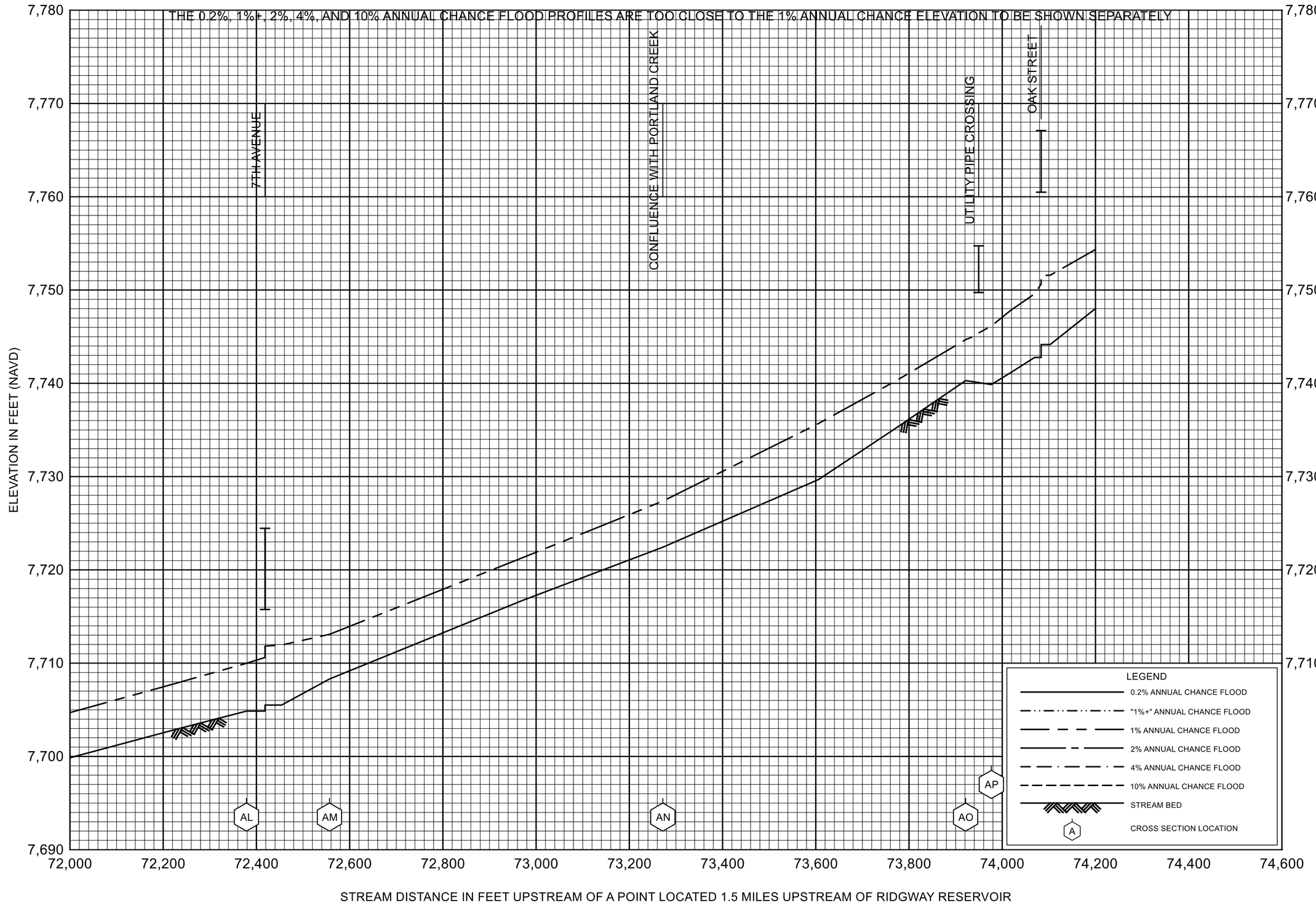

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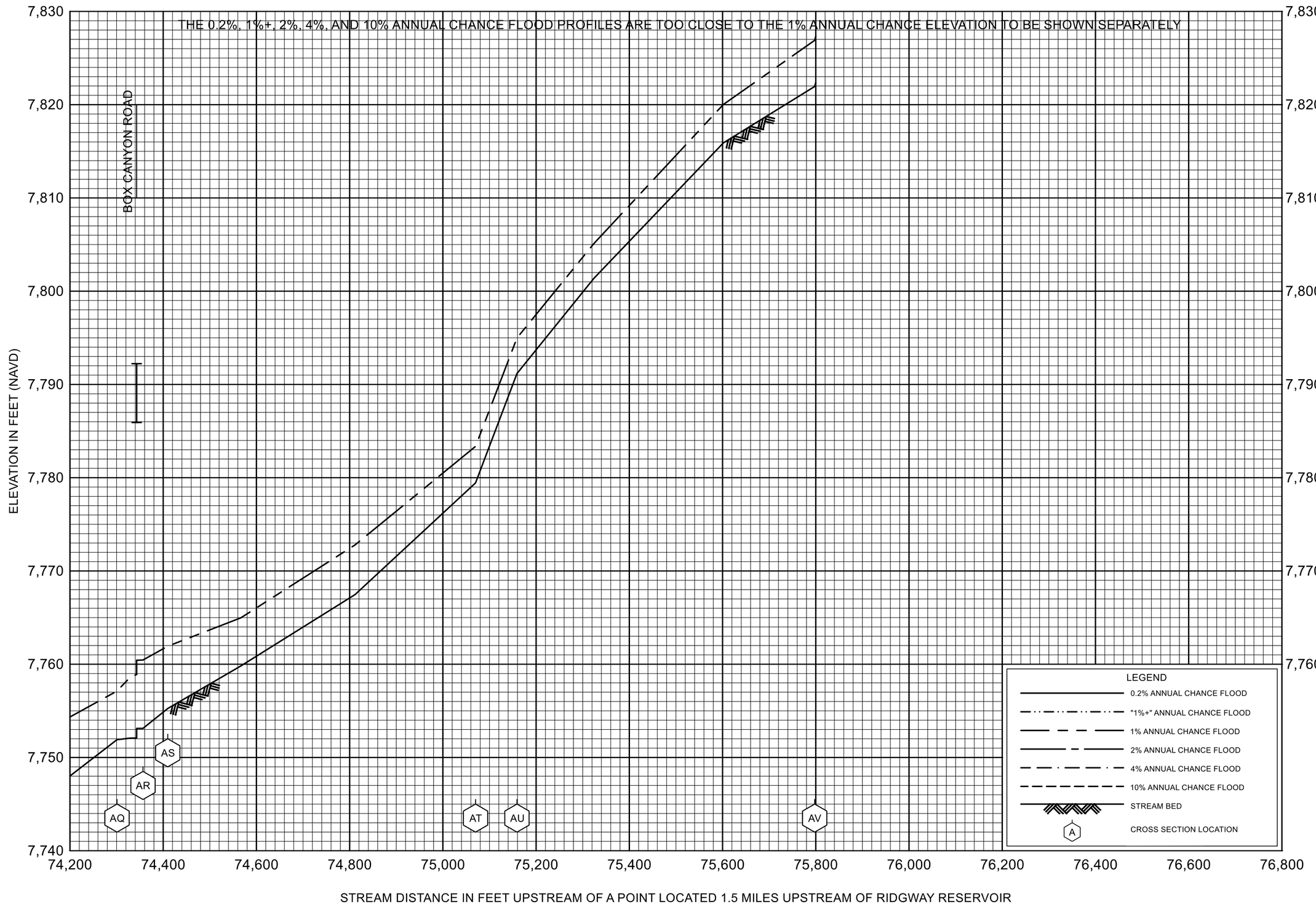

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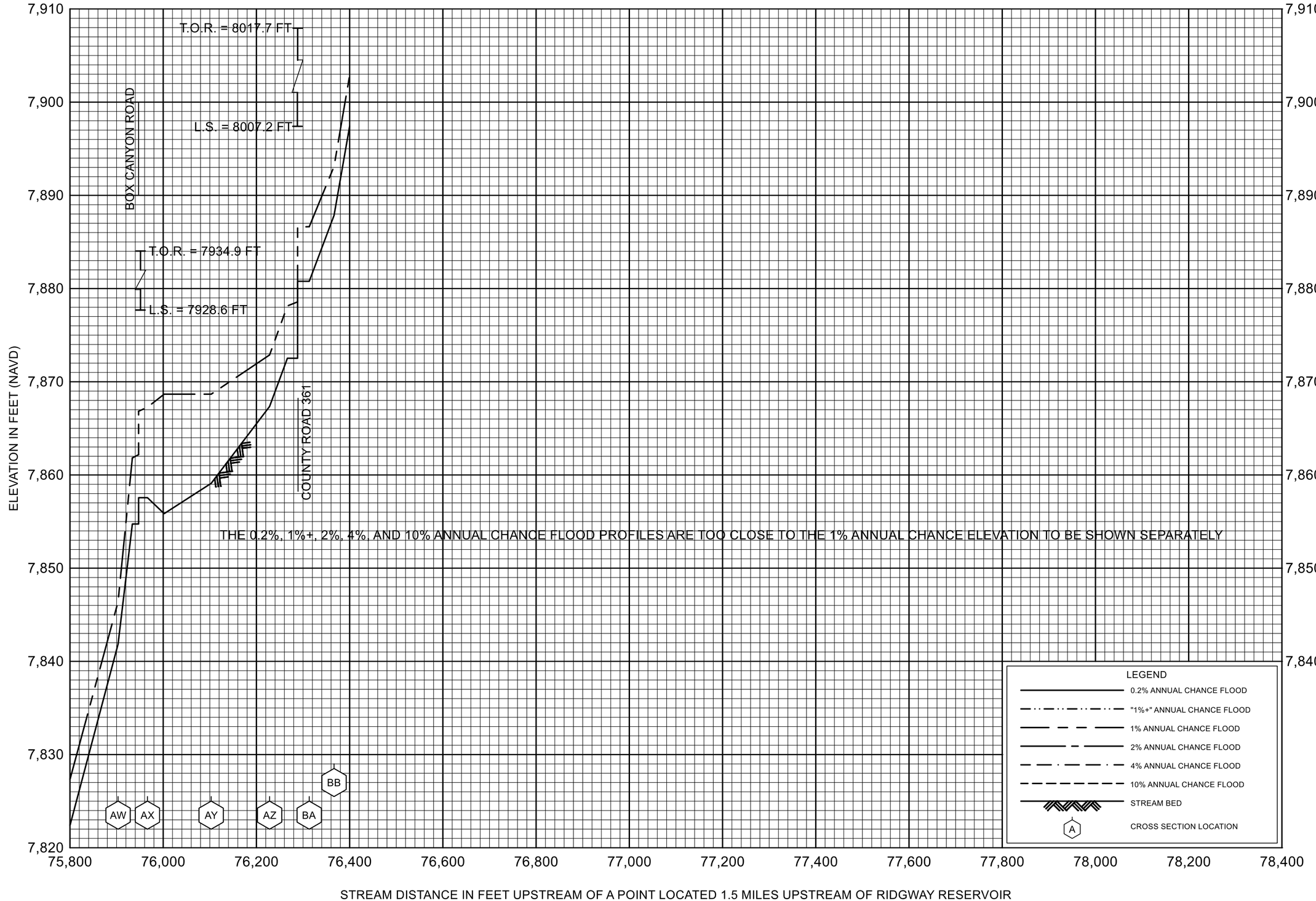

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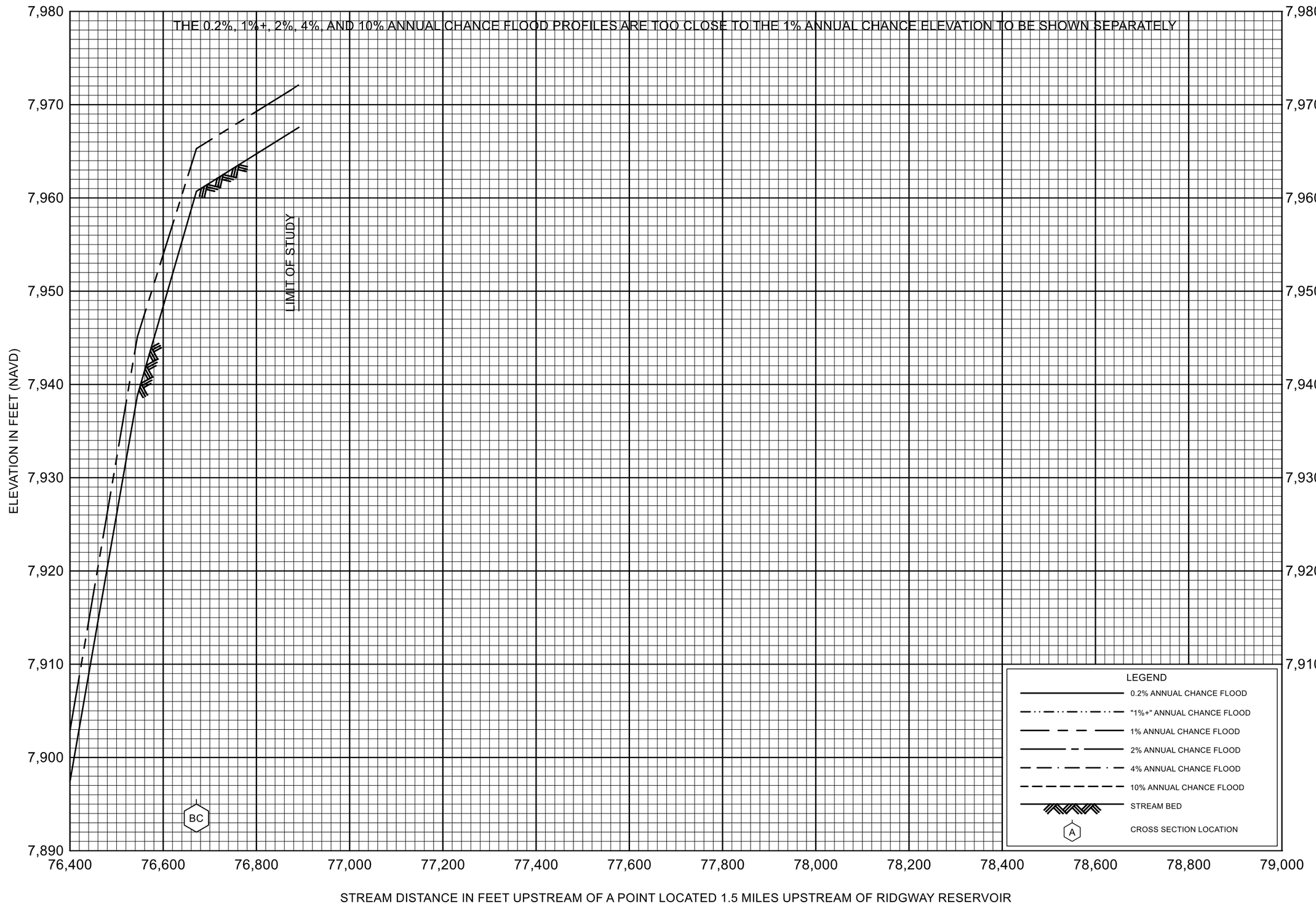

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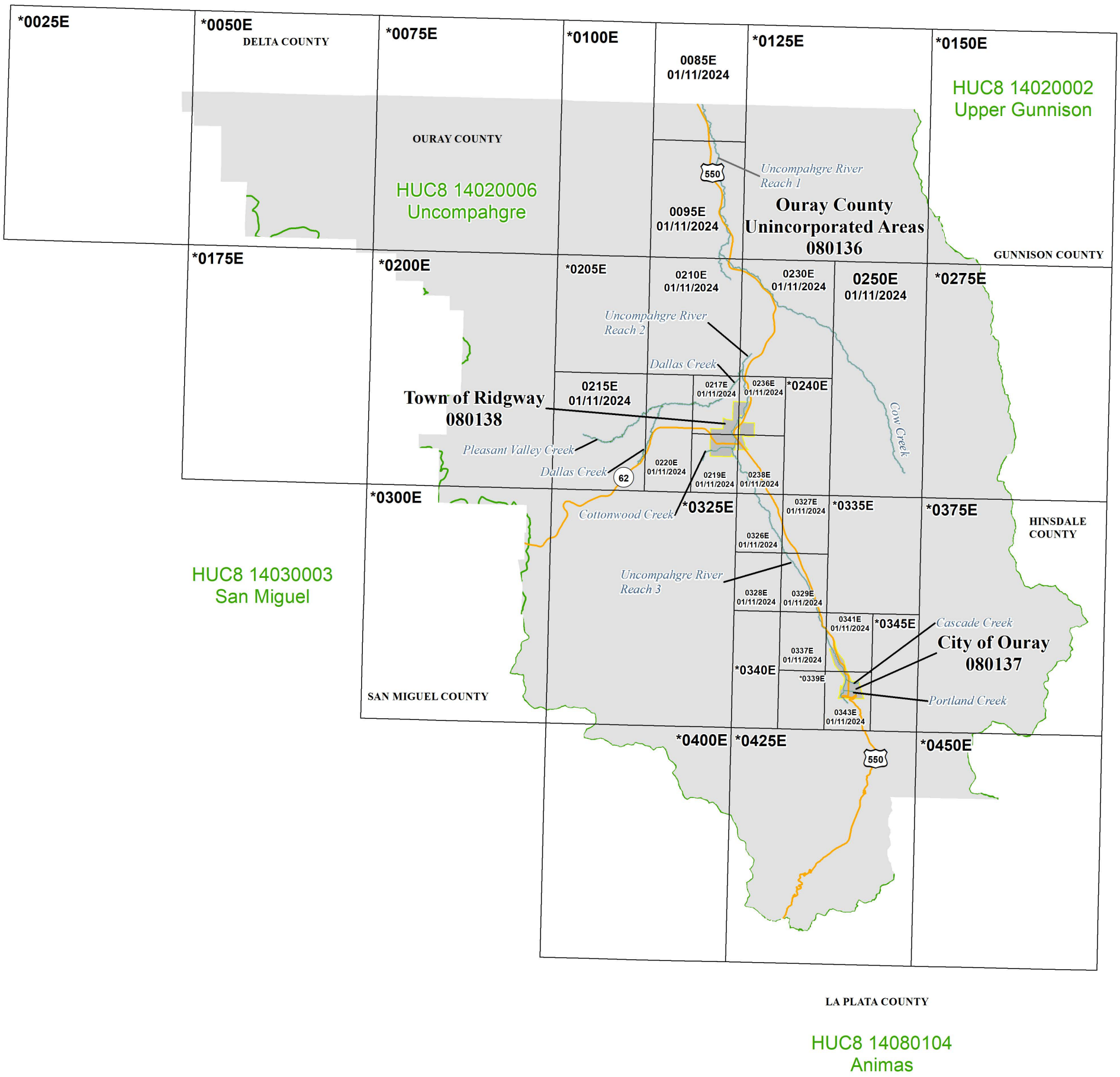


1 inch = 22,083 feet 1:265,000

Miles
0 1 2 4 6 8

Map Projection:
State Plane Colorado South Zone FIPS 0503 Feet;
North American Datum 1983

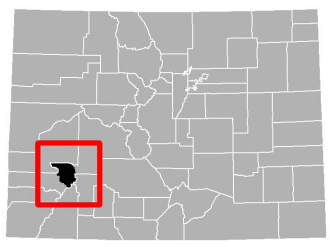
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

OURAY COUNTY, COLORADO and Incorporated Areas

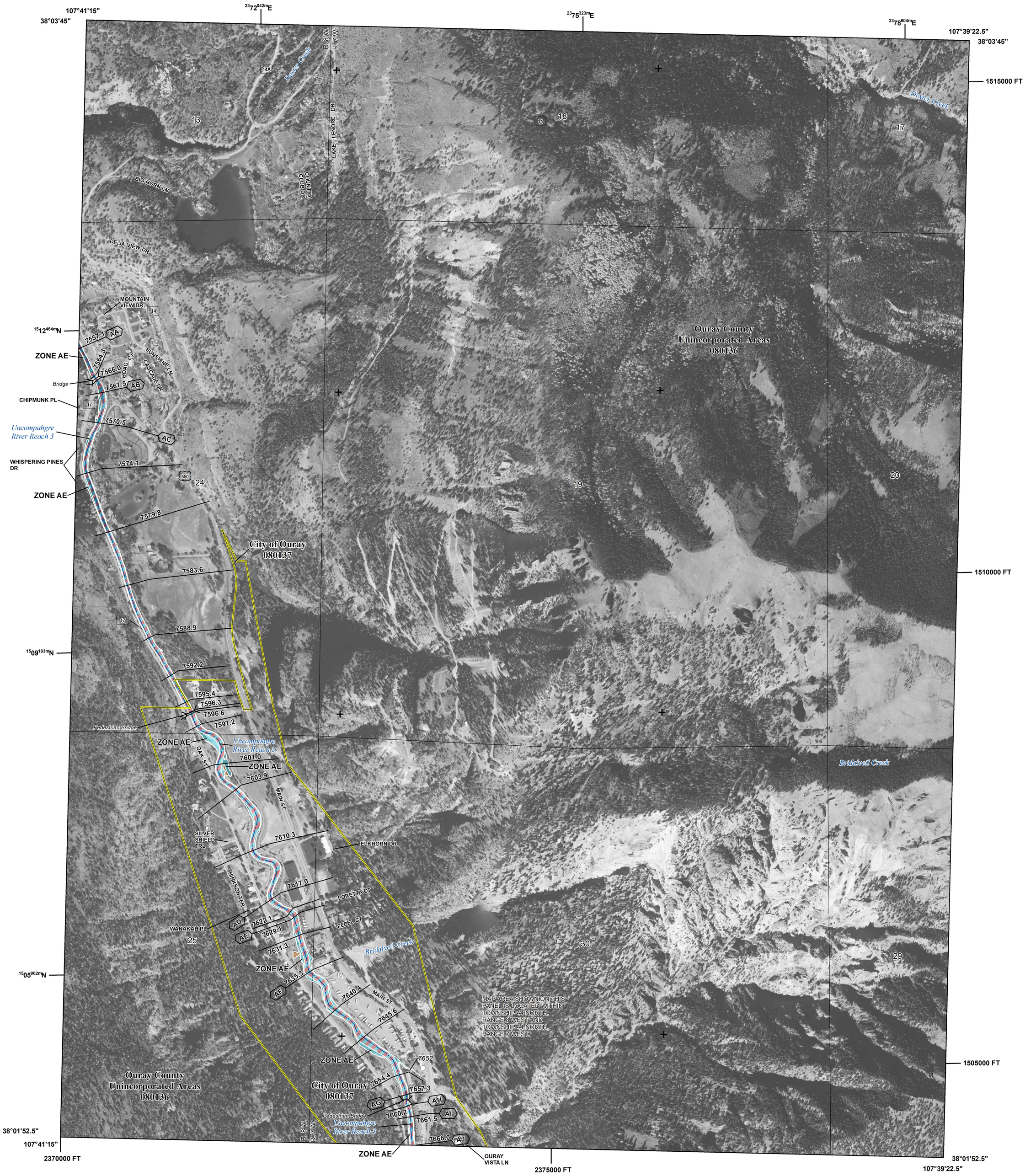
PANELS PRINTED:

0085, 0095, 0210, 0215, 0217, 0219, 0220, 0230, 0236, 0238, 0250, 0326, 0327, 0329, 0337, 0341, 0343

FEMA

MAP NUMBER
08091CIND0A

EFFECTIVE DATE
JANUARY 11, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) *Zone A, V, A99*
	With BFE or Depth *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2 % Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
	Future Conditions 1% Annual Chance Flood Hazard *Zone X*
	Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
OTHER AREAS	NO SCREEN Areas of Minimal Flood Hazard *Zone X*
	Area of Undetermined Flood Hazard *Zone D*
GENERAL STRUCTURES	Channel, Culvert or Storm Sewer
	Accredited or Provisionally Acredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike or Floodwall
	E 18.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevations (BFE)
	8 Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

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For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on the FIRM was provided by the U.S. Census Bureau, dated 2019; the U.S. Bureau of Land Management, dated 2011; the U.S. Department of Agriculture, dated 2003 and 2017; the State of Colorado Department of Local Affairs, dated 2014; and the U.S. Geological Survey, dated 2013.

SCALE

N

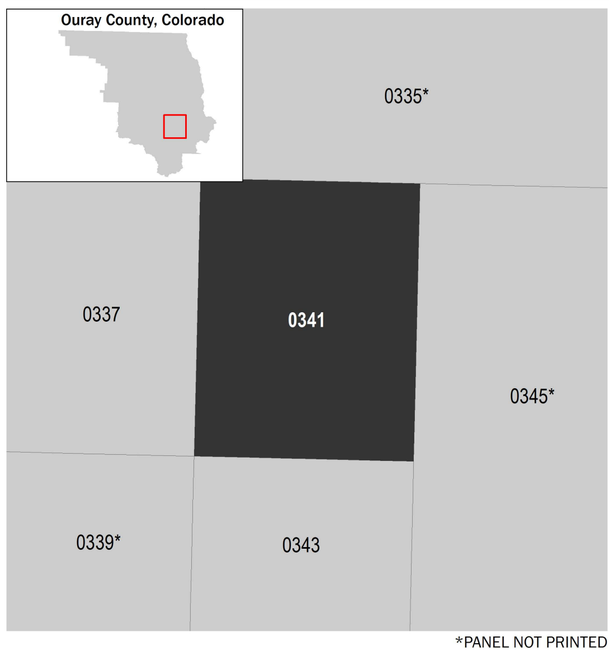
Map Projection:
NAD 1983 StatePlane Colorado South FIPS 0503 Feet;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

OURAY COUNTY, COLORADO
and Incorporated Areas

PANEL 341 OF 450

FEMA

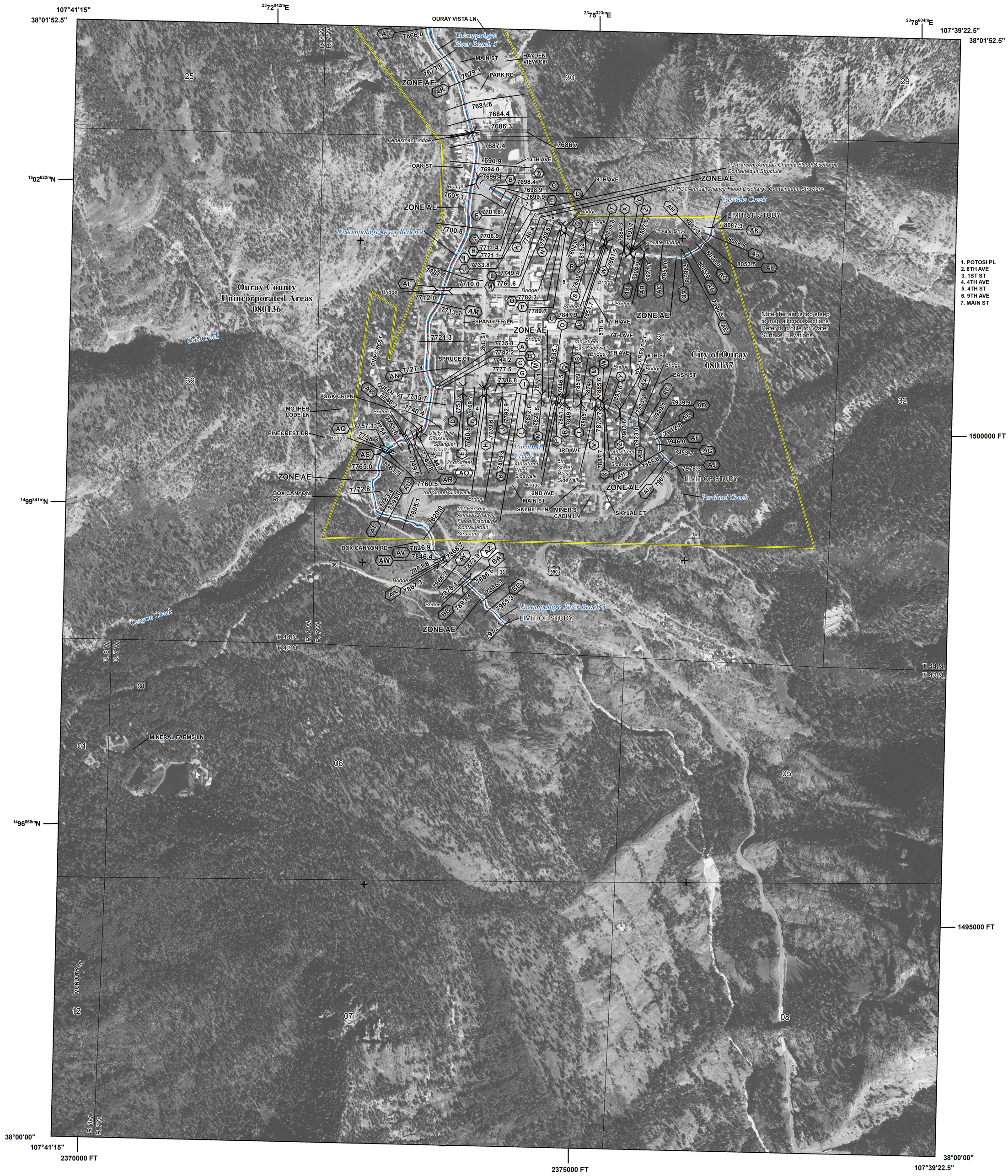
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
OURAY COUNTY	080136	0341	E
OURAY, CITY OF	080137	0341	E

VERSION NUMBER
2.6.4.6

MAP NUMBER
08091C0341E

EFFECTIVE DATE
January 11, 2024



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SCALE

N

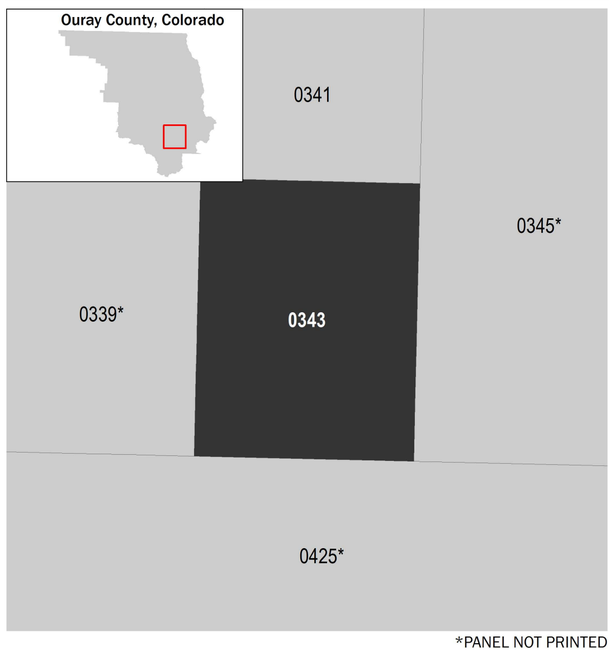
Map Projection:
NAD 1983 StatePlane Colorado South FIPS 0503 Feet;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet **1:6,000**

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

OURAY COUNTY, COLORADO
and Incorporated Areas

PANEL **343** OF **450**

FEMA

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
OURAY COUNTY	080136	0343	E
OURAY, CITY OF	080137	0343	E

VERSION NUMBER
2.6.4.6

MAP NUMBER
08091C0343E

EFFECTIVE DATE
January 11, 2024

Ouray City Council Regular Meeting

Monday, October 16, 2023 6:00 PM
Ouray Community Center, 320 6th Ave, Ouray, CO 81427

Ethan Funk:	Present
Tamara Gulde:	Present
Peggy Lindsey:	Present
Josh Smith:	Present
K. John Wood:	Present

Also present were: City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, City Resources Director Rick Noll, Police Chief Jeff Wood, Tourism and Destination Marketing Director Kailey Rhoten, IT Director Rich Willis and City Attorney Carol Viner.

1. **CALL TO ORDER**

Mayor Funk called the meeting to order at 6:00 pm.

2. **ROLL CALL**

3. **Consideration of a Request from Councilor Peggy Lindsey to Participate in this Meeting Remotely, per Resolution 4, Series 2022 - Remote Participation Policy for Council Members**

Motion to allow Councilor Lindsey to participate remotely. This motion, made by Josh Smith and seconded by K. John Wood, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Abstain (With Conflict), Josh Smith: Yea, K. John Wood: Yea

4. **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

5. **PUBLIC HEARINGS**

a. Ordinance 11, Series 2023 - Revised Land Use and Sign Code

Mayor Funk opened the public hearing. Since there were no comments, Mayor Funk closed the public hearing.

b. Ordinance 12, Series 2023 - Repeal and Replace General Provisions, General Penalty Clause in OMC Chapter 1-4

Mayor Funk opened the public hearing. Since there were no comments, Mayor Funk closed the public hearing.

6. **APPROVAL OF MINUTES - Oct. 2, 2023**

Motion to approve minutes as presented. This motion, made by Tamara Gulde and seconded by Josh Smith, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

7. **CITIZENS' COMMUNICATION**

Mayor Funk opened the floor for public comment. Since there were no comments, Mayor Funk closed the floor.

8. **CITY COUNCIL REPORTS/INFORMATION - Tamara Gulde, Peggy Lindsey, John Wood, Josh Smith, and Ethan Funk**

Councilor Gulde - Attended a Destination Blueprint core meeting. A resident/stakeholder survey is being circulated currently. There's a community workshop scheduled on Thursday, October 26th, from 9:00 am-12:00 pm, and a meet 'n greet at the Ouray Brewery from 5:00-7:00 pm the night before. Colorado Tourism Office representatives will be in attendance. At the IPAT meeting, an update was given about Ouray Ice Park agreement, and the findings of the working group were presented. At the OEDC meeting, the committee discussed changes to the grant program and getting community sponsors. The next roundtable is scheduled for November 30ths from 6:30-8:30pm, and the topic is the Future of Business in Ouray in the Next 5-10 Years. The Tri-Agency dinner date will need to be rescheduled. Attended Volunteer BBQ. Went on the Uncompaghre Water Project field trip in Ironton. Attended the MAC meeting. Attended Love Your Gorge event. Thanked the Ice Park and UWP for the event. Seeds were collected, the tower was stripped, and trash was collected from the river.
Councilor Lindsey - Beautification Committee met on October 4th, and they have removed all the flowers from ore carts. Fencing bid sent to Mr. Clarke. The high school outdoor ed class will be helping at the Riverwalk Trail. Working on Christmas decorations. The next meeting is November 1st.
Councilor Wood - Public Destination Blueprint meetings on October 25th and 26th. TAC is meeting tomorrow and reviewing LOT fund grant applications.
Mayor Pro Tem Smith - PARC met and discussed the ice rink liner. The Main Streets Committee discussed facade improvement funds for Main Street buildings.
Mayor Funk - Attended Volunteer Appreciation Party, hoping to carry on the tradition next year. Attended the MAC meeting, flu and up-to-date COVID vaccines are available at Ouray County Public Health. Ouray County Emergency Manager is putting together an evacuation plan. The new notification system is being rolled out. The yearly mock accident is scheduled for May 3rd, an evacuation training is planned for 2025, and a regional evacuation exercise is planned for 2026. Met with new Silverton Town Councilor.

9. **DEPARTMENT REPORTS**

a. City Administrator

Mr. Clarke added that there are 4-5 highly qualified candidates for Community Development Director from KRW Associates. Dangerous trees on the Perimeter Trail are being removed. The draft budget has been sent to council members. Mr. Clarke reported that he approved the Rotary Park fencing bid for the Beautification Committee. Councilor Wood asked how many Community Development Director candidates are from Colorado. Mr. Clarke said 2 of the 9 are from Colorado.

b. Director of Finance and Administration

Ms. Drake presented the financial reports.

c. Information Technology Director

Mr. Willis reported the app has been released. Mayor Funk asked about the new ISP port. Mr. Willis said the internet went out on a Saturday morning and it was determined to be a faulty port switch.

d. Communications and Community Engagement Coordinator

Ms. Bailey added that the Main Street Committee members are excited to start working. Councilor Gulde asked what the City can do to boost social media page engagement. Ms. Bailey said there haven't been

posts every day, and more regular posts would keep the pages relevant and showing up in people's newsfeeds.

e. Tourism and Destination Marketing Director

Ms. Rhoten gave an overview of her report.

10. **CONSENT AGENDA**

Motion to approve the Consent Agenda. This motion, made by K. John Wood and seconded by Tamara Gulde, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

a. Liquor License Renewal - Elks Lodge

b. Special Events Permit - Elks Lodge, Veterans Day

c. Cunningham - OEDC Resignation

11. **ACTION ITEMS**

a. Ordinance 11, Series 2023 - Revised Land Use and Sign Code - Second Reading

Motion to approve the second reading of Ordinance 11, Series 2023. This motion, made by K. John Wood and seconded by Josh Smith, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

b. Ordinance 12, Series 2023 - Repeal and Replace General Provisions, General Penalty Clause in OMC Chapter 1-4 - Second Reading

Motion to approve second reading of Ordinance 12, Series 2023. This motion, made by K. John Wood and seconded by Peggy Lindsey, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

c. Ordinance 13, Series 2023 - Adoption of Flood Insurance Study, Ouray County, Colorado and Incorporated Areas; Dated 1/11/2024 - First Reading

Motion to approve Ordinance 13, Series 2023. This motion, made by Tamara Gulde and seconded by Josh Smith, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

d. Adopt Parks Master Plan

Kevin Schiffer asked if, by approving the plan, any funds were being committed. The council confirmed that no funds are reserved when the plan is approved.

Motion to adopt the Parks Master Plan. This motion, made by Josh Smith and seconded by K. John Wood, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

e. Professional Services Agreement with Blue Marble VR for Ouray Visitors Center and Online Virtual Reality Tour of City Assets per TAC Recommendation

Ms. Rhoten said this project was conceived from the popularity of the Gold Mountain Via Ferrata Virtual Reality Headset at the Visitor Center. It could be used to inform visitors of the difficulty of hiking and jeep trails, and provide informational narration over the video. Councilor Lindsey asked why the vendor was offering a 50% discount. Ms. Rhoten said the vendor is hoping to use this material to further market his own business as well, so it helps both organizations. Councilor Lindsey made a motion to approve the Professional Services Agreement with Blue Marble VR with funds being taken from the tourism fund.

Councilor Wood seconded the motion. Mayor Pro Tem Smith noted that there was sales tax on the estimate. Ms. Drake said it should be removed from the estimate and agreement.

Amended motion to approve the professional services agreement with Blue Marble VR with the funds being taken from the tourism funds, removing sales tax from the $8,500 not-to-exceed price. This motion, made by Peggy Lindsey and seconded by K. John Wood, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

12. **DISCUSSION ITEMS**

a. Tri-agency Dinner - New Date Proposal

Council suggested presenting December 1st, 7th or 8th to the Town and County to see which dates worked best for them.

b. Future Agenda Items

13. **ADJOURNMENT**

Motion to adjourn at 7:29 pm. This motion, made by Peggy Lindsey and seconded by K. John Wood, Carried.
Ethan Funk: Yea, Tamara Gulde: Yea, Peggy Lindsey: Yea, Josh Smith: Yea, K. John Wood: Yea

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATION
I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on Monday, October 16, 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Monday, October 16, 2023.

_____
Melissa M. Drake, City Clerk

P.O. Box 468
320 Sixth Avenue
Ouray, Colorado 81427

970.325.7211
Fax 970.325.7212
www.cityofouray.com

City Administrator
Report for November 6, 2023
City Council Oct. 16 – Nov. 3, 2023:

Community Development Director position:
After offering interviews to four candidates, three candidates were interviewed by KRW staff. I have reviewed the interview videos and have decided to offer on-site interviews to the three candidates. We are hoping to move quickly on these interviews and I will be putting together an interview team shortly.

Waterview Development (Ouray Homes) Development Agreement:
The City Attorney provided a redlined version of the Development Agreement, Guidelines and Covenants to Ouray Homes, LLC two weeks ago. Since that time, the Ouray Homes Attorney, City Attorney and I have had two meetings on the document updates. We will continue to move forward to bring the City Council a draft, currently believed to be completed within the next 30 days.

Drinking Water Spring Box Rehabilitation:
The City, through the assistance of Element Engineering, has submitted a grant to the EPA program titled Drinking Water System Infrastructure Resilience and Sustainability Program for the rehabilitation of the City's drinking water spring boxes.

2024 Budget:
Thank you to the Mayor, Councilors, participating citizens, and the City Directors for the very positive and forward-thinking budget meetings. The updated draft budget will be available shortly, which includes the requested temporary drop in the property tax mil levy to assist the property owners in the City.

City Staff Benefit Meetings:
Two, all full-time staff, meetings have taken place to review benefits and retirement options for the employees. These meetings take place annually to ensure staff have an opportunity to learn of changes and their coverage capabilities.

CDOT Main Streets Grant Project:
Request for Qualification (RFQ) submittals to identify the project engineer were due on November 3, 2023. Three firms submitted for the project. I will be putting together a review committee. Please let me know if you are interested in sitting on the committee (No Quorum).

Projects:
Beyond the projects referenced above and the FY24 budget, my time has focused on the large infrastructure projects taking place in the City (i.e. WWTP, WTP, Fellin Park Restroom, and Hot Springs Pool Alternative Heat Source).

City of Ouray Police Department

October 2023

For the month October 2023 OUPD ran approximately 161 dispatched calls for service.

Last month we ran 222 dispatched calls for service and 184 in October 2022.

These included:

- 16 Parking complaints
- 11 Traffic Stops
- 2 VIN inspections
- 10 Bar checks
- 1 Noise complaint
- 3 Thefts
- 1 Bear call
- 1 Accident (assisted SO at Richmond Basin for a roll-over)
- 1 Trespassing

Additionally OUPD conducted approximately 228 directed patrols, security checks and business checks.

The thefts involved a stolen bicycle, stolen lawn furniture and a lost or possibly stolen fanny pack. The trespassing call is now being investigated as a burglary to a VRBO as some low value items are missing and it appears entry was gained illegally. This was reported on 10/31/2023 and is still being investigated.

Recent Events:

We are currently accepting applications for the open position of Police Officer. I have discussed recruitment strategies with some of the other agency heads in the area.

On October 18th we conducted a lockdown drill at Ouray School with the assistance of the Ouray Sheriff's Office. The drill went well and many items that the school administration and law enforcement had identified as potentially problematic have since been rectified.

We completed our mandatory annual emergency vehicle operations training. This was the first class Officer Casey Canfield has taught since attending the instructor's course and it went well. We also hosted the Ridgway Marshal's Office for the class.

Upcoming Events:

We are again sponsoring the annual Stuff a Cruiser food drive. We will be accepting food donations until November 20th.

Fire Department Report for October, 2023

2 Training opportunities held in October

Currently have no fire danger within the county.

Recruitment Day will be held November 11th, noon to 4pm, at the Fire Department

Planning for 6 Extrication training scenarios in Nov, Dec

Calls for October

10/5	Smoke Inv	3ffs 1hr
10/6	Landing Zone ops	2 ffs 1hr
10/9	Fire	5 ffs 1 hr
10/10	Fire	3 ffs 1hr
10/18	ATV accident	4ffs 2 hr
10/24	Co detection	3ffs 1hr

Public Works October 2023 Update

Water

- Water Usage Numbers for **September:**
  Influent (Water from spring) – 43,798,144 Gallons
  Effluent (Water to town) – 22,511,911 Gallons
  Hyrdo Plant – 10,528,768 Gallons
  Mineral Farms – 148,400 Gallons
- Continued to monitor and sample chlorine residuals at the two entry points of the distribution system. The City has been in compliance and meeting all CDPHE requirements.
- Aslan Construction continues to work on the new Water Treatment Facility. Consturction of the new water tank has started, the subcontractor is expected to have the tank built in 30 days. Construction of the building is scheduled to start on November 6th 2023. Aslan is currently working on backfill around the building, plumping and electrical work under concrete slabs. Concrete slab pours are scheduled for the beginning of November. ***Please see current pictures attached to this update***
- Raised two water valve boxes on Oak St.
- Welded a leaking standpipe at the existing water tanks.
- Labeled and stuffed envelopes for the mandated letter CDPHE requires the City to send to all of its water customers stating that we have not provided adequate treatment of our water. This letter is to be sent every 90 days until the new water treatment facility is operational. Letters will be sent on November 2nd 2023. The next round of letters will be sent on February 2nd 2024.
- Contractors completed preparation and two coats of paint on both existing water tanks. To complete the project the contractor needs to apply one more coat of paint on both water tanks. The work is planned to be completed by the end of the year, weather permitting.
- Continue to work with Element Engineering on possible repairs/upgrades to the City's spring box and piping. They have begun work on the grant application, City staff continues to answer questions for them and provide information.

Sewer

- Aslan Construction continues to work on the new Wastewater Treatment Facility. Masonry work on the administration and headworks portion of the facility is almost complete. Yard piping, manholes and conduit are currently being installed as well. A subcontractor is scheduled to beginning work on the roof setting Twin T's on November 6th 2023. ***Please see current pictures attached to this update***
- Continued to clean head works two - three times daily.
- Continued to skim lagoons of debris as needed.
- Cleaned debris out of multiple aerators in order to keep them running.
- Cleaned and organized the sewer parts shed in the City yard.

Streets/Miscellaneous

- Water and grade roads throughout town as needed.
- The newest member of Public Works passed their commercial driver's license test (CDL).
- Continued equipment maintenance on all City vehicles and heavy equipment. Public Works continues preparing heavy equipment for winter season.
- Removed a downed cottonwood tree that fell into the river from City property.
- Trimmed tree limbs in multiple alleys throughout town.
- Removed mining equipment and planters from Highway 550.
- Installed no parking signs along Highway 550 for the winter season.
- Removed pedestrian crossing signs along Highway 550 for the winter season.
- Dirt work/excavation for a concrete pour at the new Fellin' Park bathrooms.
- Assisted a private contractor by hauling debris from the wash located on Pinecrest Dr.
- Cleaned and hauled debris from the catchment basin, 27 dump truck loads total.

Water Treatment Plant

Wastewater Treatment Plant

City Resources Department

November 6, 2023

- The biggest challenge in the City Resources/Parks Department continues to be staff vacancies. Interviews are scheduled next week for the Parks operator position that has been vacant since early last summer. Interviews took place yesterday for lifeguards. Due to position vacancies and sick leave there is currently one person in the parks department Monday – Friday to cover all parks and facilities needs and trash pickup on Main Street and a part-time person who services restrooms and trash on weekends.
- Brush piles along the Uncompahgre River Trail had been completely picked up by Parks staff earlier this week. Since then, volunteers from the Beautification Committee have cut more brush resulting in new piles to be removed. These will be removed if possible before it snows but they might remain until spring thaw depending upon weather conditions and staff availability.
- Box Canon Falls Visitor Center is closed for the season. The trails remain open 'at your own risk' through the winter. Total visitation during the summer season was 90,062.
- Sprinkler systems for all the parks and outside water lines for buildings have been winterized.
- There was a water leak in City Hall created when a wall board screw inserted during the Community Center restroom remodel accidently pierced a heat pipe. This is repaired. There is no lasting water damage.
- Landscape contractors have been contacted for replacing a retaining at the Hot Springs near the mixing vault. None of the contractors are available to start this project until next spring. Repairs to the trail around the goldfish pond can likely be completed prior to winter.
- On Tuesdays when the OX2 well is shut off the Hot Springs Pool will operate one geothermal pool and the lap lanes through the winter, as possible. There is insufficient flow to operate two geothermal pools on Tuesdays. Thermal blankets are being deployed every evening on the geothermal pools in use and the lap pool.
- An all staff in-service training was held the last Sunday of October. Training includes first aid and professional rescuer training (required by Red Cross) as well as morale and team building exercises.
- A new ADA lift has been delivered for the lap lanes. The new lift is portable and will be stored indoors when not needed poolside.
- An automated vacuum has been purchased for use in the lap and activity pools. This device can clean the pool shell overnight while the pools are closed. This will free up time for staff to clean other areas.
- Last week interviews were scheduled for three Customer Service Associate applicants. Unfortunately, none of the three showed up for the interviews. Of three applicants for lifeguard positions only one showed up for their scheduled interview.
- Lifeguard positions remain open. Applications can be found on the Hot Springs Pool and the City websites.
- The annual pre-season ski tow inspection was completed with no deficiencies noted.

- City staff will be rolling out the ice rink liner soon, on a sunny day. This is a large effort that requires 6 to 10 people. Maintenance staff will repair gates and dasher boards.

TOURISM & DESTINATION MARKETING REPORT

November 6, 2023

Visitor Center

- 10.11.23 Volunteer and staff appreciation dinner
- 10.17.23 Inventory Check Completed
- 10.26.23 Lead Customer Service Associate attended the Destination Blueprint Workshop
- Ordered more Visitor Center inventory
- Have Linda Tyler starting as a part time employee 11.5.23
- Continued to respond to emails from the general email address and requests for mailing of information
- Staff created a list for lodging properties and what their winter operation times will be
- Staff created a list of restaurant winter hours
- Staff starting to call for what restaurants will be open for Thanksgiving
- Visitor Center hours are 10 am - 2 pm
- Total sales for October was $1,680.00

Visit Ouray

Website:

- Updated Box Cañon Falls page
- Updated Google Hours for Visitor Center
- Created the Winter Special Stay Two Nights Get Third Night Free Promotion page
- New pop-up for the Winter Special

Social Media:

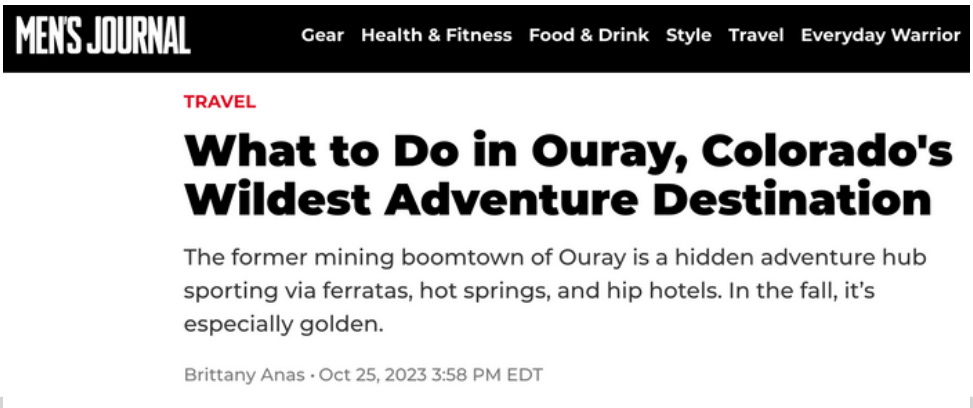
- Collecting assets with Crowdriff
- Have scheduled two itineraries to be created in Localhood
- MMGY creating a top things to do this winter in Ouray itinerary, will be a partnership with Visit Colorado

Media:

- Megan Eaves, Freelance Journalist from Black Diamond Tour Operator in the UK
- LA Factory Film (Italy Travel TV) Ouray Hot Springs and Box Cañon Falls
- MMGY here for the Paid Co-op with Visit Colorado
- New York Times Travel Section - pitched the Stay Two Nights, Get Third Night Free promotion
- Men's Journal publication for hot springs and via ferrata

Workshops:

- Colorado Tourism Office Meet and Greet October 25, 2023 | 5 -7 pm at Ouray Brewery
- Destination Blueprint Community Workshop October 26, 2023 | 8:30 am - 1 pm Massard Room



MEN'S JOURNAL Gear Health & Fitness Food & Drink Style Travel Everyday Warrior

TRAVEL

What to Do in Ouray, Colorado's Wildest Adventure Destination

The former mining boomtown of Ouray is a hidden adventure hub sporting via ferratas, hot springs, and hip hotels. In the fall, it's especially golden.

Brittany Anas · Oct 25, 2023 3:58 PM EDT

Visit Ouray

Business Consultation:

- Ouray International Film Festival

Meetings:

10.11.23 Main Streets Committee
10.11.23 International Promotions Committee
10.16.23 City Council
10.17.23 Tourism Advisory Committee
10.25.23 ADA Initiatives with Co Springs
10.25.23 CTO Meet and Greet
10.26.23 CTO Destination Blueprint Workshop
10.30.23 Budget
10.31.23 Budget
11.1.23 CTO Social Co-op Assistance

TAC:

- Approved recommendations of LOT Grant Funding Requests
- Approved recommendations for 2024 Recommended LOT Budget to City Council

Newsletters:

- 10.25.23 Reminder Email for CTO and Lodgers
- 11.2.23 Local Newsletter
- 11.2.23 Tourism Newsletter

Visit Ouray

Do Ouray Right Ambassador Program:

- Working on the interim report

Business Highlights:

- Ouray Grocery

Other Things To Note:

- Printed more city maps
- Thank you to Councilor Gulde to help disperse information
- Received $40,000 for the Tourism Marketing Grant

(07/07/22)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division
(303) 205-2300

Application for a Special Events Permit

Departmental Use Only

☐ State Only Permit/State Property

In order to qualify for a Special Events Permit, You **Must Be a Qualifying Organization Per 44-5-102 C.R.S. and One of the Following** (See back for details.)

☐ Social ☐ Athletic ☒ Philanthropic Institution
☐ Fraternal ☐ Chartered Branch, Lodge or Chapter ☐ Political Candidate
☐ Patriotic ☐ National Organization or Society ☐ Municipality Owned Arts Facilities
☐ Political ☐ Religious Institution

LIAB	Type of Special Event Applicant is Applying for:	
2110	☒ Malt, Vinous And Spirituous Liquor	$25.00 Per Day
2170	☐ Fermented Malt Beverage	$10.00 Per Day

DO NOT WRITE IN THIS SPACE
Liquor Permit Number

1. Name of Applicant Organization or Political Candidate
Uncompahgre Watershed Partnership - 10th Anniv Celb

State Sales Tax Number (Required)
98008186

2. Mailing Address of Organization or Political Candidate (include street, city/town and ZIP)
PO Box 392, Ridgway, CO 81432 (Physical address does not receive mail: 133 N. Lena St., Ridgway, CO 81432)

3. Address of Place to Have Special Event (include street, city/town and ZIP)
Ouray Community Center
320 6th Ave
Ouray, CO 81427

4. Authorized Representative of Qualifying Organization or Political Candidate
Tanya Ishikawa, Executive Director

Date of Birth / / Phone Number

Authorized Representative's Mailing Address (if different than address provided in Question 2.)

5. Event Manager
Tanya Ishikawa

Date of Birth Phone Number

Event Manager Home Address (Street, City, State, ZIP)

Email Address of Event Manager
tanya@uncompahgrewatershed.org

6. Has Applicant Organization or Political Candidate been Issued a Special Event Permit this Calendar Year?
☐ No ☒ Yes How many days? 1

7. Is the premises for which your event is to be held currently licensed under the Colorado Liquor or Beer codes?
☒ No ☐ Yes License Number

8. Does the Applicant Have Possession or Written Permission for the Use of The Premises to be Licensed? ☐ Yes ☐ No

List Below the Exact Date(s) for Which Application is Being Made for Permit

Date	Date	Date	Date	Date
11/16/23				
Hours From 5 p.m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To 9 p.m.	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.
Date	Date	Date	Date	Date
Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.	Hours From .m.
To .m.	To .m.	To .m.	To .m.	To .m.

Oath of Applicant

I declare under penalty of perjury in the second degree that I have read the foregoing application and all attachments thereto, and that all information therein is true, correct, and complete to the best of my knowledge.

Signature	Title	Date
	Executive Director	10/12/23

Report and Approval of Local Licensing Authority (City or County)

The foregoing application has been examined and the premises, business conducted and character of the applicant is satisfactory, and we do report that such permit, if granted, will comply with the provisions of Title 44, Article 5, C.R.S., as amended.

THEREFORE, THIS APPLICATION IS APPROVED.

Local Licensing Authority (City or County) ☐ City ☐ County

Telephone Number of City/County Clerk

Signature	Title	Date

DO NOT WRITE IN THIS SPACE - FOR DEPARTMENT OF REVENUE USE ONLY

Liability Information

License Account Number	Liability Date	State	Total
		-750 (999)	$.

(Instructions on Reverse Side)

DR 8400 (02/22/23)
COLORADO DEPARTMENT OF REVENUE
Liquor Enforcement Division

Submit to Local Licensing Authority

APPLICANT ID: 223850

Fees Due	
Renewal Fee	625.00
Storage Permit $100 X _____	$
Sidewalk Service Area $75.00	$
Additional Optional Premise Hotel & Restaurant $100 X _____	$
Related Facility - Campus Liquor Complex $160.00 per facility	$
Amount Due/Paid	$

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

GOLD BELT BAR & GRILL
PO BOX 163
Ouray CO 81427

Colorado Beer and Wine License Renewal Application

Please verify & update all information below **Return to city or county licensing authority by due date**

Licensee Name	Doing Business As Name (DBA)
CLARK AND HAGLUND LLC	GOLD BELT BAR & GRILL

Liquor License #	License Type
42-70565-0002	Hotel & Restaurant (city)

Sales Tax License Number	Expiration Date	Due Date
04270565004	12/29/2023	11/14/2023

Business Address	Phone Number
800 MAIN ST Ouray CO 81427	9703180009

Mailing Address	Email
PO BOX 163 Ouray CO 81427	-

Operating Manager	Date of Birth	Home Address	Phone Number
Heather Clark			

1. Do you have legal possession of the premises at the street address above? ☑ Yes ☐ No
   Are the premises owned or rented? ☑ Owned ☐ Rented* *If rented, expiration date of lease_____

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility? If yes, please see the table in upper right hand corner and include all fees due. ☐ Yes ☑ No

3a. Are you renewing a takeout and/or delivery permit? (Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges) ☐ Yes ☑ No

3b. If so, which are you renewing? ☐ Delivery ☐ Takeout ☐ Both Takeout and Delivery

4a. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business? ☐ Yes ☑ No

4b. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.? ☐ Yes ☑ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. ☐ Yes ☑ No

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. ☐ Yes ☑ No

Gmail

Silas Clarke <sclarke@cityofouray.com>

TAC

1 message

Brooke Easley <brooke@thewrightoperahouse.org> Wed, Oct 18, 2023 at 7:09 AM
To: sclarke@cityofouray.com

Morning!

As of November 1st, I will no longer be the executive director for the Wright Opera House. Therefore, I will not be able the fulfill my role as the events coordinator and planning representative for the Ouray Tourism Advisory Committee. I will forward the application on to my successor in hopes that she can fill this vacancy.

Thank you for allowing me to serve on this committee, it was a great learning experience.

Brooke Easley
Executive Director
The Wright Opera House
www.thewrightoperahouse.org
(970) 325-4399
(970) 318-8365 cell

ORDINANCE NO. 13 (SERIES 2023)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING SECTION 6-12-C OF THE OURAY MUNICIPAL CODE TO ADOPT A NEW FLOOD INSURANCE STUDY AND RATE MAP ISSUED FROM FEMA.

WHEREAS, on June 11, 2023, FEMA notified the City of Ouray that it had issued a new flood hazard determination for Ouray County and its incorporated areas and that a final Flood Insurance Study (FIS) and a Flood Insurance Rate Map (FIRM) effective January 11, 2024, must be adopted, if no appeal was filed.

WHEREAS there was no appeal of this determination.

WHEREAS the City Council finds that the adoption of the new FIS and FIRM is necessary preserve the public health, safety, and welfare.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

SECTION 1: REPEAL AND REPLACE

Section 6-12-C of the Ouray Municipal Code is repealed and replaced as follows:

C. Adoption of Maps and Studies

The Special Flood Hazard Areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, The Flood Insurance Study for Ouray County, Colorado and Incorporated Areas, dated January 11, 2024, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any future updates thereto are hereby adopted by reference and declared to be a part of these regulations. These Special Flood Hazard Areas identified by the Flood Insurance Study and attendant mapping are the minimum area of applicability of these regulations and may be supplemented by studies designated and approved by the City of Ouray City Council. The Floodplain Administrator shall keep a copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available at the City of Ouray administrative office for public inspection.

SECTION 2: EFFECTIVE DATE

The provisions of this Ordinance shall become effective January 11, 2024.

SECTION 3: SEVERABILITY

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by _____vote of the Ouray City Council this 16th day of October 2023.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by _____vote of the Ouray City Council this ____day of November 2024.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

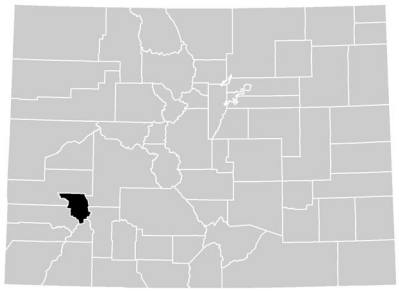
I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 13 (Series No. 2023), was introduced, read and passed by the Ouray City Council on first reading on October 16 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2023 and thereafter introduced, read and adopted by the Ouray City Council on _____, 2023 and thereafter published in the *Ouray County Plaindealer*, as required by law.

_____
Melissa M. Drake, City Clerk

FLOOD INSURANCE STUDY

FEDERAL EMERGENCY MANAGEMENT AGENCY

VOLUME 1 OF 1



OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

COMMUNITY NAME	COMMUNITY NUMBER
OURAY COUNTY, UNINCORPORATED AREAS	080136
OURAY, CITY OF	080137
RIDGWAY, TOWN OF	080138

FEMA

EFFECTIVE:

January 11, 2024

FLOOD INSURANCE STUDY NUMBER
08091CV000A
Version Number 2.6.4.6

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Volume 1

Exhibits

Flood Profiles	Panel
Cascade Creek	01-03 P
Cottonwood Creek	04-07 P
Portland Creek	08-10 P
Uncompahgre River	11-42 P

Published Separately

Flood Insurance Rate Map (FIRM)

FLOOD INSURANCE STUDY REPORT
OURAY COUNTY, COLORADO

SECTION 1.0 – INTRODUCTION

1.1 The National Flood Insurance Program

The National Flood Insurance Program (NFIP) is a voluntary Federal program that enables property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods.

For decades, the national response to flood disasters was generally limited to constructing flood-control works such as dams, levees, sea-walls, and the like, and providing disaster relief to flood victims. This approach did not reduce losses nor did it discourage unwise development. In some instances, it may have actually encouraged additional development. To compound the problem, the public generally could not buy flood coverage from insurance companies, and building techniques to reduce flood damage were often overlooked.

In the face of mounting flood losses and escalating costs of disaster relief to the general taxpayers, the U.S. Congress created the NFIP. The intent was to reduce future flood damage through community floodplain management ordinances, and provide protection for property owners against potential losses through an insurance mechanism that requires a premium to be paid for the protection.

The U.S. Congress established the NFIP on August 1, 1968, with the passage of the National Flood Insurance Act of 1968. The NFIP was broadened and modified with the passage of the Flood Disaster Protection Act of 1973 and other legislative measures. It was further modified by the National Flood Insurance Reform Act of 1994 and the Flood Insurance Reform Act of 2004. The NFIP is administered by the Federal Emergency Management Agency (FEMA), which is a component of the Department of Homeland Security (DHS).

Participation in the NFIP is based on an agreement between local communities and the Federal Government. If a community adopts and enforces floodplain management regulations to reduce future flood risks to new construction and substantially improved structures in Special Flood Hazard Areas (SFHAs), the Federal Government will make flood insurance available within the community as a financial protection against flood losses. The community's floodplain management regulations must meet or exceed criteria established in accordance with Title 44 Code of Federal Regulations (CFR) Part 60, *Criteria for Land Management and Use*.

SFHAs are delineated on the community's Flood Insurance Rate Maps (FIRMs). Under the NFIP, buildings that were built before the flood hazard was identified on the community's FIRMs are generally referred to as "Pre-FIRM" buildings. When the NFIP was created, the U.S. Congress recognized that insurance for Pre-FIRM buildings would be prohibitively expensive if the premiums were not subsidized by the Federal Government. Congress also recognized that most of these floodprone buildings were built

by individuals who did not have sufficient knowledge of the flood hazard to make informed decisions. The NFIP requires that full actuarial rates reflecting the complete flood risk be charged on all buildings constructed or substantially improved on or after the effective date of the initial FIRM for the community or after December 31, 1974, whichever is later. These buildings are generally referred to as "Post-FIRM" buildings.

1.2 Purpose of this Flood Insurance Study Report

This Flood Insurance Study (FIS) Report **revises and updates** information on the existence and severity of flood hazards for the study area. The studies described in this report developed flood hazard data that will be used to establish actuarial flood insurance rates and to assist communities in efforts to implement sound floodplain management.

In some states or communities, floodplain management criteria or regulations may exist that are more restrictive than the minimum Federal requirements. Contact your State NFIP Coordinator to ensure that any higher State standards are included in the community's regulations.

1.3 Jurisdictions Included in the Flood Insurance Study Project

This FIS Report covers the entire geographic area of Ouray County, Colorado.

The jurisdictions that are included in this project area, along with the Community Identification Number (CID) for each community and the United States Geological Survey (USGS) 8-digit Hydrologic Unit Code (HUC-8) sub-basins affecting each, are shown in Table 1. The FIRM panel numbers that affect each community are listed. If the flood hazard data for the community is not included in this FIS Report, the location of that data is identified.

Table 1: Listing of NFIP Jurisdictions

Community	CID	HUC-8 Sub-Basin(s)	Located on FIRM Panel(s)	If Not Included, Location of Flood Hazard Data
Ouray County, Unincorporated Areas	080136	14020002 14020006 14030003 14080104	08091C0025E[1] 08091C0050E[1] 08091C0075E[1] 08091C0085E 08091C0095E 08091C0100E[1] 08091C0125E[1] 08091C0150E[1] 08091C0175E[1] 08091C0200E[1] 08091C0205E[1] 08091C0210E	

Community	CID	HUC-8 Sub-Basin(s)	Located on FIRM Panel(s)	If Not Included, Location of Flood Hazard Data
Ouray County, Unincorporated Areas (continued)	080136	14020002 14020006 14030003 14080104	08091C0215E 08091C0217E 08091C0219E 08091C0220E 08091C0230E 08091C0236E 08091C0238E 08091C0240E[1] 08091C0250E 08091C0275E[1] 08091C0300E[1] 08091C0325E[1] 08091C0326E 08091C0327E 08091C0328E 08091C0329E 08091C0335E[1] 08091C0337E 08091C0339E[1] 08091C0340E[1] 08091C0341E 08091C0343E 08091C0345E[1] 08091C0375E[1] 08091C0400E[1] 08091C0425E[1] 08091C0450E[1]	
Ouray, City of	080137	14020006	08091C0341E 08091C0343E	
Ridgway, Town of	080138	14020006	08091C0217E 08091C0219E 08091C0236E 08091C0238E	

[1] Panel Not Printed

1.4 Considerations for using this Flood Insurance Study Report

The NFIP encourages State and local governments to implement sound floodplain management programs. To assist in this endeavor, each FIS Report provides floodplain data, which may include a combination of the following: 10-, 4-, 2-, 1-, and 0.2-percent annual chance flood elevations (the 1-percent-annual-chance flood elevation is also referred to as the Base Flood Elevation (BFE)); delineations of the 1-percent-annual-chance and 0.2-percent-annual-chance floodplains; and 1-percent-annual-chance floodway. This information is presented on the FIRM and/or in many components of the FIS Report, including Flood Profiles, Floodway Data tables, Summary of Non-Coastal Stillwater

Elevations tables, and Coastal Transect Parameters tables (not all components may be provided for a specific FIS).

This section presents important considerations for using the information contained in this FIS Report and the FIRM, including changes in format and content. Figures 1, 2, and 3 present information that applies to using the FIRM with the FIS Report.

- Part or all of this FIS Report may be revised and republished at any time. In addition, part of this FIS Report may be revised by a Letter of Map Revision (LOMR), which does not involve republication or redistribution of the FIS Report. Refer to Section 6.5 of this FIS Report for information about the process to revise the FIS Report and/or FIRM.

  It is, therefore, the responsibility of the user to consult with community officials by contacting the community repository to obtain the most current FIS Report components. Communities participating in the NFIP have established repositories of flood hazard data for floodplain management and flood insurance purposes. Community map repository addresses are provided in Table 30, "Map Repositories," within this FIS Report.

- New FIS Reports are frequently developed for multiple communities, such as entire counties. A countywide FIS Report incorporates previous FIS Reports for individual communities and the unincorporated area of the county (if not jurisdictional) into a single document and supersedes those documents for the purposes of the NFIP.

  The initial Countywide FIS Report for Ouray County became effective on **January 11, 2024**. Refer to Table 27 for information about subsequent revisions to the FIRMs.

- Selected FIRM panels for the community may contain information (such as floodways and cross sections) that was previously shown separately on the corresponding Flood Boundary and Floodway Map (FBFM) panels. In addition, former flood hazard zone designations have been changed as follows:

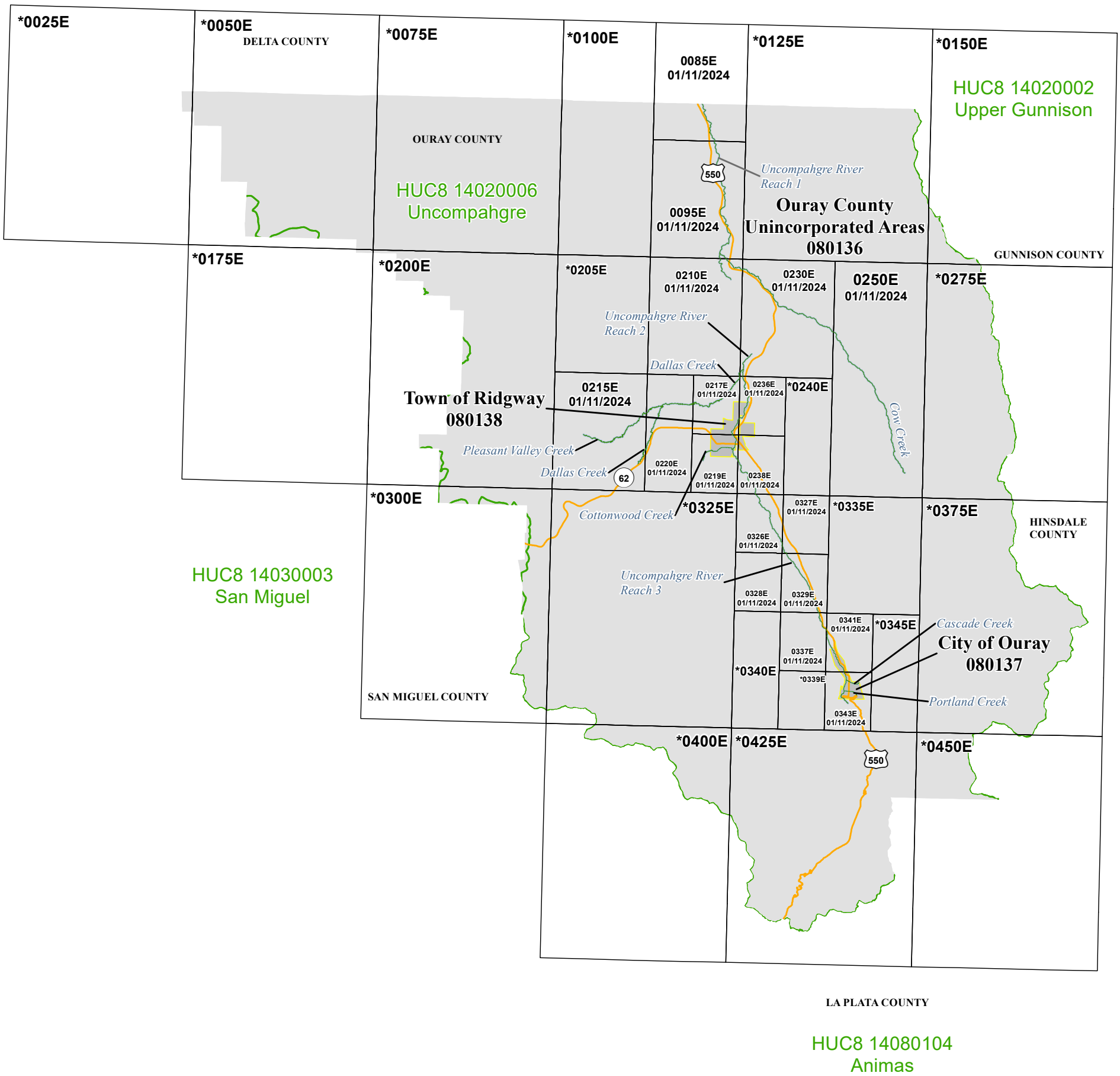
Old Zone	New Zone
A1 through A30	AE
V1 through V30	VE
B	X (shaded)
C	X (unshaded)

  The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. Visit the FEMA Web site at www.fema.gov/flood-insurance/rules-legislation/community-rating-system or contact your appropriate FEMA Regional Office for more information about this program.

- FEMA has developed a *Guide to Flood Maps* (FEMA 258) and online tutorials to assist users in accessing the information contained on the FIRM. These include how to read panels and step-by-step instructions to obtain specific information. To obtain this guide and other assistance in using the FIRM, visit the FEMA Web site at www.fema.gov/flood-maps/tutorials.

The FIRM Index in Figure 1 shows the overall FIRM panel layout within Ouray County, and also displays the panel number and effective date for each FIRM panel in the county. Other information shown on the FIRM Index includes community boundaries, watershed boundaries, and USGS HUC-8 codes.

Figure 1: FIRM Index



N

1 inch = 22,083 feet 1:265,000

Miles
0 1 2 4 6 8

Map Projection:
State Plane Colorado South Zone FIPS 0503 Feet;
North American Datum 1983

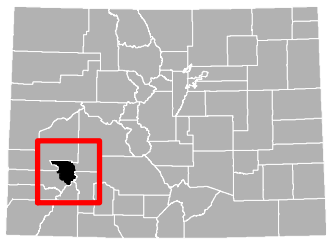
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

OURAY COUNTY, COLORADO and Incorporated Areas

PANELS PRINTED:

0085, 0095, 0210, 0215, 0217, 0219, 0220, 0230, 0236, 0238, 0250, 0326, 0327, 0329, 0337, 0341, 0343

FEMA

MAP NUMBER
08091CIND0A

EFFECTIVE DATE
JANUARY 11, 2024

Each FIRM panel may contain specific notes to the user that provide additional information regarding the flood hazard data shown on that map. However, the FIRM panel does not contain enough space to show all the notes that may be relevant in helping to better understand the information on the panel. Figure 2 contains the full list of these notes.

Figure 2: FIRM Notes to Users

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM including historic versions of this FIRM, how to order products, or the National Flood Insurance Program in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website. Users may determine the current map date for each FIRM panel by visiting the FEMA Flood Map Service Center website or by calling the FEMA Mapping and Insurance eXchange.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates, refer to Table 27 in this FIS Report.

To determine if flood insurance is available in the community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

The map is for use in administering the NFIP. It may not identify all areas subject to flooding, particularly from local drainage sources of small size. Consult the community map repository to find updated or additional flood hazard information.

BASE FLOOD ELEVATIONS: For more detailed information in areas where Base Flood Elevations (BFEs) and/or floodways have been determined, consult the Flood Profiles and Floodway Data and/or Summary of Non-Coastal Stillwater Elevations tables within this FIS Report. Use the flood elevation data within the FIS Report in conjunction with the FIRM for construction and/or floodplain management.

Figure 2. FIRM Notes to Users

FLOODWAY INFORMATION: Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the FIS Report for this jurisdiction.

FLOOD CONTROL STRUCTURE INFORMATION: Certain areas not in Special Flood Hazard Areas may have reduced flood hazards due to flood control structures. Refer to Section 4.3 "Dams and Other Flood Hazard Reduction Measures" of this FIS Report for information on flood control structures for this jurisdiction.

PROJECTION INFORMATION: The projection used in the preparation of the map was NAD 1983 StatePlane Colorado South FIPS 0503 Feet**.** The horizontal datum was the North American Datum of 1983 NAD83, GRS1980 spheroid. Differences in datum, spheroid, projection or State Plane zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

ELEVATION DATUM: Flood elevations on the FIRM are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at www.ngs.noaa.gov.

Local vertical monuments may have been used to create the map. To obtain current monument information, please contact the appropriate local community listed in Table 30 of this FIS Report.

BASE MAP INFORMATION: Base map information shown on the FIRM was provided by the U.S Census Bureau, dated 2015; Bureau of Land Management, dated 2011; The U.S Department of Agriculture, dated 2003 and 2017; The State of Colorado Department of Local Affairs, dated 2014; and the U.S Geological Survey, dated 2013. For information about base maps, refer to Section 6.2 “Base Map” in this FIS Report.

Corporate limits shown on the map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after the map was published, map users should contact appropriate community officials to verify current corporate limit locations.

NOTES FOR FIRM INDEX

REVISIONS TO INDEX: As new studies are performed and FIRM panels are updated within Ouray County, CO, corresponding revisions to the FIRM Index will be incorporated within the FIS Report to reflect the effective dates of those panels. Please refer to Table 27 of this FIS Report to determine the most recent FIRM revision date for each community. The most recent FIRM panel effective date will correspond to the most recent index date.

Figure 2. FIRM Notes to Users

SPECIAL NOTES FOR SPECIFIC FIRM PANELS

This Notes to Users section was created specifically for Ouray County, CO, effective January 11, 2024.

FLOOD RISK REPORT: A Flood Risk Report (FRR) may be available for many of the flooding sources and communities referenced in this FIS Report. The FRR is provided to increase public awareness of flood risk by helping communities identify the areas within their jurisdictions that have the greatest risks. Although non-regulatory, the information provided within the FRR can assist communities in assessing and evaluating mitigation opportunities to reduce these risks. It can also be used by communities developing or updating flood risk mitigation plans. These plans allow communities to identify and evaluate opportunities to reduce potential loss of life and property. However, the FRR is not intended to be the final authoritative source of all flood risk data for a project area; rather, it should be used with other data sources to paint a comprehensive picture of flood risk.

Each FIRM panel contains an abbreviated legend for the features shown on the maps. However, the FIRM panel does not contain enough space to show the legend for all map features. Figure 3 shows the full legend of all map features. Note that not all of these features may appear on the FIRM panels in Ouray County.

Figure 3: Map Legend for FIRM

SPECIAL FLOOD HAZARD AREAS: The 1% annual chance flood, also known as the base flood or 100-year flood, has a 1% chance of happening or being exceeded each year. Special Flood Hazard Areas are subject to flooding by the 1% annual chance flood. The Base Flood Elevation is the water surface elevation of the 1% annual chance flood. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights. See note for specific types. If the floodway is too narrow to be shown, a note is shown.

	Special Flood Hazard Areas subject to inundation by the 1% annual chance flood (Zones A, AE, AH, AO, AR, A99, V and VE)
Zone A	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. No base (1% annual chance) flood elevations (BFEs) or depths are shown within this zone.
Zone AE	The flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevations derived from the hydraulic analyses are shown within this zone.
Zone AH	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually areas of ponding) where average depths are between 1 and 3 feet. Whole-foot BFEs derived from the hydraulic analyses are shown at selected intervals within this zone.
Zone AO	The flood insurance rate zone that corresponds to the areas of 1% annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between 1 and 3 feet. Average whole-foot depths derived from the hydraulic analyses are shown within this zone.
Zone AR	The flood insurance rate zone that corresponds to areas that were formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
Zone A99	The flood insurance rate zone that corresponds to areas of the 1% annual chance floodplain that will be protected by a Federal flood protection system where construction has reached specified statutory milestones. No base flood elevations or flood depths are shown within this zone.
Zone V	The flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations are not shown within this zone.
Zone VE	Zone VE is the flood insurance rate zone that corresponds to the 1% annual chance coastal floodplains that have additional hazards associated with storm waves. Base flood elevations derived from the coastal analyses are shown within this zone as static whole-foot elevations that apply throughout the zone.
	Regulatory Floodway determined in Zone AE.

Figure 3: Map Legend for FIRM

OTHER AREAS OF FLOOD HAZARD	
	Shaded Zone X: Areas of 0.2% annual chance flood hazards and areas of 1% annual chance flood hazards with average depths of less than 1 foot or with drainage areas less than 1 square mile.
	Future Conditions 1% Annual Chance Flood Hazard – Zone X: The flood insurance rate zone that corresponds to the 1% annual chance floodplains that are determined based on future-conditions hydrology. No base flood elevations or flood depths are shown within this zone.
	Area with Reduced Flood Hazard due to Accredited or Provisionally Accredited Levee System: Area is shown as reduced flood hazard from the 1-percent-annual-chance or greater flood by a levee system. Overtopping or failure of any levee system is possible.
	Area with Undetermined Flood Hazard due to Non-Accredited Levee System: Analysis and mapping procedures for non-accredited levee systems were applied resulting in a flood insurance rate zone where flood hazards are undetermined, but possible.
OTHER AREAS	
	Zone D (Areas of Undetermined Flood Hazard): The flood insurance rate zone that corresponds to unstudied areas where flood hazards are undetermined, but possible.
NO SCREEN	Unshaded Zone X: Areas of minimal flood hazard.
FLOOD HAZARD AND OTHER BOUNDARY LINES	
(ortho) (vector)	Flood Zone Boundary (white line on ortho-photography-based mapping; gray line on vector-based mapping)
	Limit of Study
	Jurisdiction Boundary
	Limit of Moderate Wave Action (LiMWA): Indicates the inland limit of the area affected by waves greater than 1.5 feet
GENERAL STRUCTURES	
Aqueduct *Channel* *Culvert* *Storm Sewer*	Channel, Culvert, Aqueduct, or Storm Sewer
Dam *Jetty* *Weir*	Dam, Jetty, Weir
	Levee, Dike, or Floodwall

Figure 3: Map Legend for FIRM

Bridge	Bridge
REFERENCE MARKERS	
22.0	River mile Markers
CROSS SECTION & TRANSECT INFORMATION	
B 20.2	Lettered Cross Section with Regulatory Water Surface Elevation (BFE)
5280 21.1	Numbered Cross Section with Regulatory Water Surface Elevation (BFE)
17.5	Unlettered Cross Section with Regulatory Water Surface Elevation (BFE)
8	Coastal Transect
	Profile Baseline: Indicates the modeled flow path of a stream and is shown on FIRM panels for all valid studies with profiles or otherwise established base flood elevation.
	Coastal Transect Baseline: Used in the coastal flood hazard model to represent the 0.0-foot elevation contour and the starting point for the transect and the measuring point for the coastal mapping.
513	Base Flood Elevation Line
ZONE AE (EL 16)	Static Base Flood Elevation value (shown under zone label)
ZONE AO (DEPTH 2)	Zone designation with Depth
ZONE AO (DEPTH 2) (VEL 15 FPS)	Zone designation with Depth and Velocity
BASE MAP FEATURES	
Missouri Creek	River, Stream or Other Hydrographic Feature
234	Interstate Highway
234	U.S. Highway
234	State Highway
234	County Highway

Figure 3: Map Legend for FIRM

MAPLE LANE	Street, Road, Avenue Name, or Private Drive if shown on Flood Profile
RAILROAD	Railroad
	Horizontal Reference Grid Line
	Horizontal Reference Grid Ticks
+	Secondary Grid Crosshairs
Land Grant	Name of Land Grant
7	Section Number
R. 43 W. T. 22 N.	Range, Township Number
$^{42}76^{000m}$E	Horizontal Reference Grid Coordinates (UTM)
365000 FT	Horizontal Reference Grid Coordinates (State Plane)
80° 16’ 52.5”	Corner Coordinates (Latitude, Longitude)

SECTION 2.0 – FLOODPLAIN MANAGEMENT APPLICATIONS

2.1 Floodplain Boundaries

To provide a national standard without regional discrimination, the 1-percent-annual-chance (100-year) flood has been adopted by FEMA as the base flood for floodplain management purposes. The 0.2-percent-annual-chance (500-year) flood is employed to indicate additional areas of flood hazard in the community.

Each flooding source included in the project scope has been studied and mapped using professional engineering and mapping methodologies that were agreed upon by FEMA and Ouray County as appropriate to the risk level. Flood risk is evaluated based on factors such as known flood hazards and projected impact on the built environment. Engineering analyses were performed for each studied flooding source to calculate its 1-percent-annual-chance flood elevations; elevations corresponding to other floods (e.g. 10-, 4-, 2-, 0.2-percent annual chance, etc.) may have also been computed for certain flooding sources. Engineering models and methods are described in detail in Section 5.0 of this FIS Report. The modeled elevations at cross sections were used to delineate the floodplain boundaries on the FIRM; between cross sections, the boundaries were interpolated using elevation data from various sources. More information on specific mapping methods is provided in Section 6.0 of this FIS Report.

Depending on the accuracy of available topographic data (Table 22), study methodologies employed (Section 5.0), and flood risk, certain flooding sources may be mapped to show both the 1-percent and 0.2-percent-annual-chance floodplain boundaries, regulatory water surface elevations (BFEs), and/or a regulatory floodway. Similarly, other flooding sources may be mapped to show only the 1-percent-annual-chance floodplain boundary on the FIRM, without published water surface elevations. In cases where the 1-percent and 0.2-percent-annual-chance floodplain boundaries are close together, only the 1-percent-annual-chance floodplain boundary is shown on the FIRM. Figure 3, “Map Legend for FIRM”, describes the flood zones that are used on the FIRMs to account for the varying levels of flood risk that exist along flooding sources within the project area. Table 2 and Table 3 indicate the flood zone designations for each flooding source and each community within Ouray County, respectively.

Table 2, “Flooding Sources Included in this FIS Report,” lists each flooding source, including its study limits, affected communities, mapped zone on the FIRM, and the completion date of its engineering analysis from which the flood elevations on the FIRM and in the FIS Report were derived. Descriptions and dates for the latest hydrologic and hydraulic analyses of the flooding sources are shown in Table 12. Floodplain boundaries for these flooding sources are shown on the FIRM (published separately) using the symbology described in Figure 3. On the map, the 1-percent-annual-chance floodplain corresponds to the SFHAs. The 0.2-percent-annual-chance floodplain shows areas that, although out of the regulatory floodplain, are still subject to flood hazards.

Small areas within the floodplain boundaries may lie above the flood elevations but cannot be shown due to limitations of the map scale and/or lack of detailed topographic data. The procedures to remove these areas from the SFHA are described in Section 6.5 of this FIS Report.

Table 2: Flooding Sources Included in this FIS Report

Flooding Source	Community	Downstream Limit	Upstream Limit	HUC-8 Sub-Basin(s)	Length (mi) (streams or coastlines)	Floodway (Y/N)	Zone shown on FIRM	Date of Analysis
Cascade Creek	Ouray, City of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.12 miles upstream of 8th Ave	14020006	0.6	Y	AE	03/31/2021
Cottonwood Creek	Ridgeway, Town of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.27 miles upstream of County Rd 5	14020006	1.5	Y	AE	03/31/2021
Cow Creek	Ouray County Unincorporated Areas	Confluence with Uncompahgre River	1.2 miles upstream of County Rd 12	14020006	12.1	N	A	03/31/2021
Dallas Creek	Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.09 miles downstream of HWY 62	14020006	6.3	N	A	03/31/2021
Pleasant Valley Creek	Ouray County Unincorporated Areas	Confluence with Dallas Creek	0.6 miles upstream of County Rd 24	14020006	3.6	N	A	03/31/2021
Portland Creek	Ouray, City of; Ouray County Unincorporated Areas	Confluence with Uncompahgre River	0.08 miles downstream of Amphitheater Rd	14020006	0.5	Y	AE	03/31/2021
Uncompahgre River Reach 1	Ouray County Unincorporated Areas	Northern Border of Ouray County	Ridgway Reservoir	14020006	7.9	N	A	03/31/2021
Uncompahgre River Reach 2	Ouray County Unincorporated Areas	Ridgeway Reservoir	1.5 miles upstream of Ridgway Reservoir	14020006	1.5	N	A	03/31/2021
Uncompahgre River Reach 3	Ridgeway, Town of and Ouray, City of; Ouray County Unincorporated Areas	1.5 miles upstream of Ridgeway Reservoir	615 feet upstream of County Rd 361	14020006	13.9	Y	AE	03/31/2021

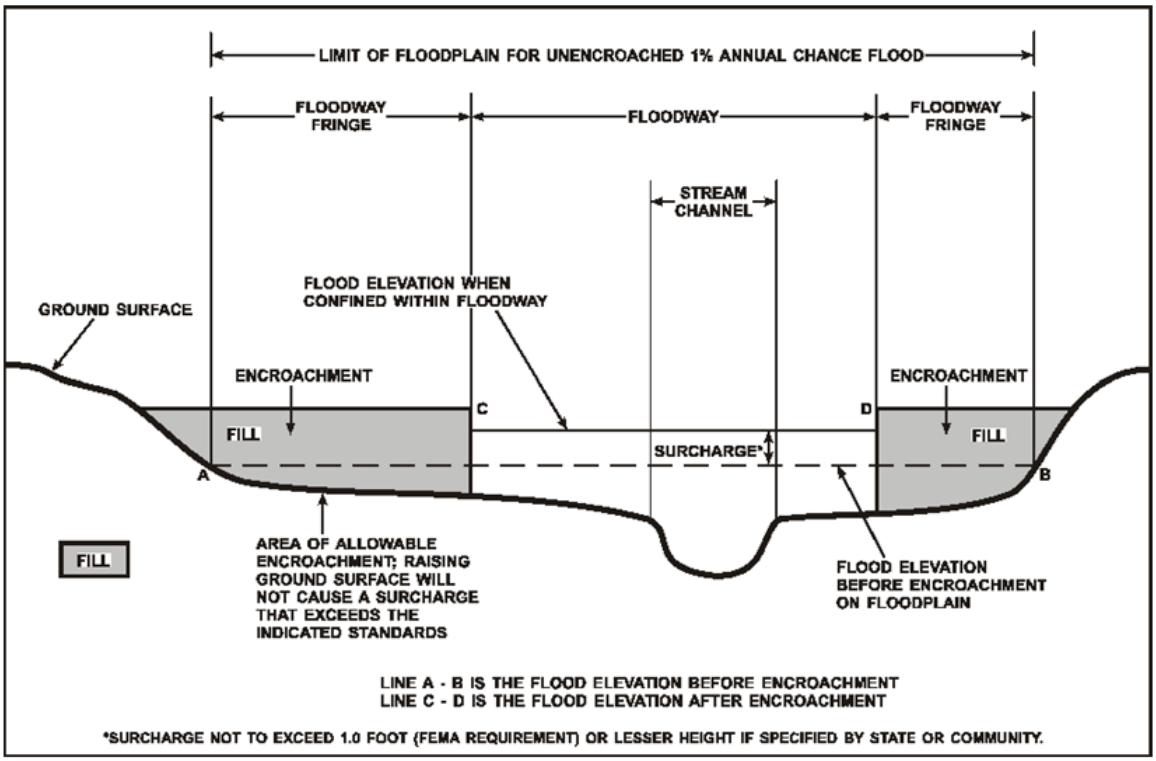
2.2 Floodways

Encroachment on floodplains, such as structures and fill, reduces flood-carrying capacity, increases flood heights and velocities, and increases flood hazards in areas beyond the encroachment itself. One aspect of floodplain management involves balancing the economic gain from floodplain development against the resulting increase in flood hazard.

For purposes of the NFIP, a floodway is used as a tool to assist local communities in balancing floodplain development against increasing flood hazard. With this approach, the area of the 1-percent-annual-chance floodplain on a river is divided into a floodway and a floodway fringe based on hydraulic modeling. The floodway is the channel of a stream, plus any adjacent floodplain areas, that must be kept free of encroachment in order to carry the 1-percent-annual-chance flood. The floodway fringe is the area between the floodway and the 1-percent-annual-chance floodplain boundaries where encroachment is permitted. The floodway must be wide enough so that the floodway fringe could be completely obstructed without increasing the water surface elevation of the 1-percent-annual-chance flood more than 1 foot at any point. Typical relationships between the floodway and the floodway fringe and their significance to floodplain development are shown in Figure 4.

To participate in the NFIP, Federal regulations require communities to limit increases caused by encroachment to 1.0 foot, provided that hazardous velocities are not produced. The floodways in this project are presented to local agencies as minimum standards that can be adopted directly or that can be used as a basis for additional floodway projects.

Figure 4: Floodway Schematic



Floodway widths presented in this FIS Report and on the FIRM were computed at cross sections. Between cross sections, the floodway boundaries were interpolated. For certain stream segments, floodways were adjusted so that the amount of floodwaters conveyed on each side of the floodplain would be reduced equally. The results of the floodway computations have been tabulated for selected cross sections and are shown in Table 23, "Floodway Data."

All floodways that were developed for this Flood Risk Project are shown on the FIRM using the symbology described in Figure 3. In cases where the floodway and 1-percent-annual-chance floodplain boundaries are either close together or collinear, only the floodway boundary has been shown on the FIRM. For information about the delineation of floodways on the FIRM, refer to Section 6.3.

2.3 Base Flood Elevations

The hydraulic characteristics of flooding sources were analyzed to provide estimates of the elevations of floods of the selected recurrence intervals. The BFE is the elevation of the 1-percent-annual-chance flood. These BFEs are most commonly rounded to the whole foot, as shown on the FIRM, but in certain circumstances or locations they may be rounded to 0.1 foot. Cross section lines shown on the FIRM may also be labeled with the BFE rounded to 0.1 foot. Whole-foot BFEs derived from engineering analyses that apply to coastal areas, areas of ponding, or other static areas with little elevation change may also be shown at selected intervals on the FIRM.

BFEs are primarily intended for flood insurance rating purposes. Cross sections with BFEs shown on the FIRM correspond to the cross sections shown in the Floodway Data table and Flood Profiles in this FIS Report. For construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS Report in conjunction with the data shown on the FIRM. For example, the user may use the FIRM to determine the stream station of a location of interest and then use the profile to determine the 1-percent annual chance elevation at that location. Because only selected cross sections may be shown on the FIRM for riverine areas, the profile should be used to obtain the flood elevation between mapped cross sections. Additionally, for riverine areas, whole-foot elevations shown on the FIRM may not exactly reflect the elevations derived from the hydraulic analyses; therefore, elevations obtained from the profile may more accurately reflect the results of the hydraulic analysis.

2.4 Non-Encroachment Zones

This section is not applicable to this Flood Risk Project.

2.5 Coastal Flood Hazard Areas

This section is not applicable to this Flood Risk Project.

2.5.1 Water Elevations and the Effects of Waves

This section is not applicable to this Flood Risk Project.

Figure 5: Wave Runup Transect Schematic

[Not Applicable to this Flood Risk Project]

2.5.2 Floodplain Boundaries and BFEs for Coastal Areas

This section is not applicable to this Flood Risk Project.

2.5.3 Coastal High Hazard Areas

This section is not applicable to this Flood Risk Project.

Figure 6: Coastal Transect Schematic

[Not Applicable to this Flood Risk Project]

2.5.4 Limit of Moderate Wave Action

This section is not applicable to this Flood Risk Project.

SECTION 3.0 – INSURANCE APPLICATIONS

3.1 National Flood Insurance Program Insurance Zones

For flood insurance applications, the FIRM designates flood insurance rate zones as described in Figure 3, “Map Legend for FIRM.” Flood insurance zone designations are assigned to flooding sources based on the results of the hydraulic or coastal analyses. Insurance agents use the zones shown on the FIRM and depths and base flood elevations in this FIS Report in conjunction with information on structures and their contents to assign premium rates for flood insurance policies.

The 1-percent-annual-chance floodplain boundary corresponds to the boundary of the areas of special flood hazards (e.g. Zones A, AE, V, VE, etc.), and the 0.2-percent-annual-chance floodplain boundary corresponds to the boundary of areas of additional flood hazards.

Table 3 lists the flood insurance zones in Ouray County.

Table 3: Flood Zone Designations by Community

Community	Flood Zone(s)
Ouray County, Unincorporated Areas	A, AE, X
Ouray, City of	AE, X
Ridgway, Town of	AE, X

SECTION 4.0 – AREA STUDIED

4.1 Basin Description

Table 4 contains a description of the characteristics of the HUC-8 sub-basins within which each community falls. The table includes the main flooding sources within each basin, a brief description of the basin, and its drainage area.

Table 4: Basin Characteristics

HUC-8 Sub-Basin Name	HUC-8 Sub-Basin Number	Primary Flooding Source	Description of Affected Area	Drainage Area (square miles)
Animas	14080104	Animas River	Affecting a very small area (<1%) on the southern side of the county, with the subbasin boundary forming the boundary between Ouray and San Juan Counties.	1,370
San Miguel	14030003	San Miguel River	Affecting a very small area (<1%) on the western side of the county, with the subbasin boundary forming the southern portion of the boundary between Ouray and San Miguel Counties	1,555
Uncompahgre	14020006	Uncompahgre River	Begins north of the county boundary, affecting the entire area of Ouray County	1,115
Upper Gunnison	14020002	Gunnison River	Affecting a very small area (<1%) on the eastern side of the county, with the subbasin boundary forming the boundary between Ouray and Hinsdale Counties	2,412

4.2 Principal Flood Problems

Table 5 contains a description of the principal flood problems that have been noted for Ouray County by flooding source.

Table 5: Principal Flood Problems

Flooding Source	Description of Flood Problems
Uncompahgre River	Floodflows on the Uncompahgre River within the study area result from the rapid melting of the mountain snowpack during the period of May through early July. This snowmelt is occasionally augmented by rainfall. The runoff from snowmelt typically sustains periods of high flows and marked daily fluctuation. All streams that tributary to the Uncompahgre River within the study area drain minor areas and, while many are subject to cloudburst-type flooding, none drain areas large enough to individually affect the peak flows in the main channel of the Uncompahgre River. The earliest reference to flooding on the Uncompahgre River is contained in USGS Water-Supply Paper 997 (USGS 1948). Widespread flooding occurred during the spring and early summer of 1884 due to melting snowpack. USGS gaging stations along the Uncompahgre River show that, during the period of record (intermittently from 1903 to the mid-1980s), the highest peak peak flow occurred in 1921 (USGS 1966). The flow reached a volume of 2,000 cubic feet per second (cfs) at Ouray, 2,400 cfs below Ouray, and 4,080 cfs at Colona. Other major high flows occurred in August 1909, July 1927, July 1929, July 1965, and July 1973. Major damage during these events occurred in and near the City of Ouray.

Table 6 contains information about historic flood elevations in the communities within Ouray County.

Table 6: Historic Flooding Elevations

[Not applicable to this Flood Risk Project]

4.3 Dams and Other Flood Hazard Reduction Measures

Table 7 contains information about non-levee flood hazard reduction measures within Ouray County such as dams or jetties. Levee systems are addressed in Section 4.4 of this FIS Report.

Table 7: Dams and Other Flood Hazard Reduction Measures

[Not applicable to this Flood Risk Project]

4.4 Levee Systems

This section is not applicable to this Flood Risk Project.

Table 8: Levee Systems

[Not applicable to this Flood Risk Project]

SECTION 5.0 – ENGINEERING METHODS

For the flooding sources in the community, standard hydrologic and hydraulic study methods were used to determine the flood hazard data required for this study. Flood events of a magnitude that are expected to be equaled or exceeded at least once on the average during any 10-, 25-, 50-, 100-, or 500-year period (recurrence interval) have been selected as having special significance for floodplain management and for flood insurance rates. These events, commonly termed the 10-, 25-, 50-, 100-, and 500-year floods, have a 10-, 4-, 2-, 1-, and 0.2-percent-annual-chance, respectively, of being equaled or exceeded during any year.

Although the recurrence interval represents the long-term, average period between floods of a specific magnitude, rare floods could occur at short intervals or even within the same year. The risk of experiencing a rare flood increases when periods greater than 1 year are considered. For example, the risk of having a flood that equals or exceeds the 100-year flood (1-percent chance of annual exceedance) during the term of a 30-year mortgage is approximately 26 percent (about 3 in 10); for any 90-year period, the risk increases to approximately 60 percent (6 in 10). The analyses reported herein reflect flooding potentials based on conditions existing in the community at the time of completion of this study. Maps and flood elevations will be amended periodically to reflect future changes.

In addition to these flood events, the “1-percent-plus”, or “1%+”, annual chance flood elevation has been modeled and included on the flood profile for certain flooding sources in this FIS Report. While not used for regulatory or insurance purposes, this flood event has been calculated to help illustrate the variability range that exists between the regulatory 1-percent-annual-chance flood elevation and a 1-percent-annual-chance elevation that has taken into account an additional amount of uncertainty in the flood discharges (thus, the 1% “plus”). For flooding sources whose discharges were estimated using regression equations, the 1%+ flood elevations are derived by taking the 1-percent-annual-chance flood discharges and increasing the modeled discharges by a percentage equal to the average predictive error for the regression equation. For flooding sources with gage- or rainfall-runoff-based discharge estimates, the upper 84-percent confidence limit of the discharges is used to compute the 1%+ flood elevations.

5.1 Hydrologic Analyses

Hydrologic analyses were carried out to establish the peak elevation-frequency relationships for floods of the selected recurrence intervals for each flooding source studied. Hydrologic analyses are typically performed at the watershed level. Depending on factors such as watershed size and shape, land use and urbanization, and natural or man-made storage, various models or methodologies may be applied. A summary of the hydrologic methods applied to develop the discharges used in the hydraulic analyses for each stream is provided in Table 12. Greater detail (including assumptions, analysis, and results) is available in the archived project documentation.

A summary of the discharges is provided in Table 9. Frequency Discharge-Drainage Area Curves used to develop the hydrologic models may also be shown in Figure 7 for selected flooding sources. A summary of stillwater elevations developed for non-coastal flooding sources is provided in Table 10. Stream gage information is provided in Table 11.

Table 9: Summary of Discharges

Flooding Source	Location	Drainage Area (Square Miles)	Peak Discharge (cfs)					
			10% Annual Chance	4% Annual Chance	2% Annual Chance	1% Annual Chance	1%+ Annual Chance	0.2% Annual Chance
Cottonwood Creek	Confluence with Uncompahgre River	3.7	84	162	244	347	500	634
Uncompahgre River Reach 3	Uncompahgre River near Ridgway, CO	149	1,780	2,020	2,190	2,350	2,630	2,670
Uncompahgre River Reach 3	Uncompahgre River below confluence with Cottonwood Creek	131	1,620	1,840	2,000	2,140	2,400	2,440
Uncompahgre River Reach 3	Uncompahgre River below confluence with Dexter Creek	90	1,630	1,770	1,870	1,960	2,260	2,170
Uncompahgre River Reach 3	Uncompahgre River near Ouray, CO	77	1,460	1,590	1,680	1,760	2,030	1,950
Uncompahgre River Reach 3	Uncompahgre River below confluence with Cascade Creek	74	1,420	1,550	1,640	1,710	1,980	1,900
Uncompahgre River Reach 3	Uncompahgre River below confluence with Portland Creek	72	1,400	1,520	1,610	1,680	1,940	1,870
Uncompahgre River Reach 3	Uncompahgre River above confluence with Canyon Creek	42	951	1,040	1,090	1,150	1,320	1,270

Figure 7: Frequency Discharge-Drainage Area Curves

[Not applicable to this Flood Risk Project]

Table 10: Summary of Non-Coastal Stillwater Elevations

[Not applicable to this Flood Risk Project]

Table 11: Stream Gage Information used to Determine Discharges

Flooding Source	Gage Identifier	Agency that Maintains Gage	Site Name	Drainage Area (Square Miles)	Period of Record	
					From	To
Uncompahgre River	9146020	USGS	Uncompahgre River near Ouray, CO	77	6/2/2001	6/18/2017
Uncompahgre River	9146200	USGS	Uncompahgre River near Ridgway, CO	149	6/9/1959	6/5/2016
Uncompahgre River	9147025	USGS	Uncompahgre River below Ridgway Reservoir, CO	265	5/11/1989	6/14/2016
Uncompahgre River	9147500	USGS	Uncompahgre River at Colona, CO	448	5/11/1989	6/11/2016

5.2 Hydraulic Analyses

Analyses of the hydraulic characteristics of flooding from the sources studied were carried out to provide estimates of the elevations of floods of the selected recurrence intervals. Base flood elevations on the FIRM represent the elevations shown on the Flood Profiles and in the Floodway Data tables in the FIS Report. Rounded whole-foot elevations may be shown on the FIRM in coastal areas, areas of ponding, and other areas with static base flood elevations. These whole-foot elevations may not exactly reflect the elevations derived from the hydraulic analyses. Flood elevations shown on the FIRM are primarily intended for flood insurance rating purposes. For construction and/or floodplain management purposes, users are cautioned to use the flood elevation data presented in this FIS Report in conjunction with the data shown on the FIRM. The hydraulic analyses for this FIS were based on unobstructed flow. The flood elevations shown on the profiles are thus considered valid only if hydraulic structures remain unobstructed, operate properly, and do not fail.

For streams for which hydraulic analyses were based on cross sections, locations of selected cross sections are shown on the Flood Profiles (Exhibit 1). For stream segments for which a floodway was computed (Section 6.3), selected cross sections are also listed in Table 23, “Floodway Data.”

A summary of the methods used in hydraulic analyses performed for this project is provided in Table 12. Roughness coefficients are provided in Table 13. Roughness coefficients are values representing the frictional resistance water experiences when passing overland or through a channel. They are used in the calculations to determine water surface elevations. Greater detail (including assumptions, analysis, and results) is available in the archived project documentation.

Table 12: Summary of Hydrologic and Hydraulic Analyses

Flooding Source	Study Limits Downstream Limit	Study Limits Upstream Limit	Hydrologic Model or Method Used	Hydraulic Model or Method Used	Date Analyses Completed	Flood Zone on FIRM	Special Considerations
Cascade Creek	Confluence with Uncompahgre River	0.12 miles upstream of 8th Ave	HEC-HMS 4.2	HEC-RAS 5.0.7 (Unsteady)	3/31/2021	AE w/ Floodway	Engineered Channel, Unsteady State
Cottonwood Creek	Confluence with Uncompahgre River	0.27 miles upstream of County Rd 5	HEC-HMS 4.2	HEC-RAS 5.0.7	3/31/2021	AE w/ Floodway	
Cow Creek	Confluence with Uncompahgre River	1.2 miles upstream of County Rd 12	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Dallas Creek	Confluence with Uncompahgre River	0.09 miles downstream of HWY 62	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Pleasant Valley Creek	Confluence with Dallas Creek	0.6 miles upstream of County Rd 24	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Portland Creek	Confluence with Uncompahgre River	0.08 miles downstream of Amphitheater Rd	HEC-HMS 4.2	HEC-RAS 5.0.7 (Unsteady)	3/31/2021	AE w/ Floodway	Engineered Channel, Unsteady State
Uncompahgre River Reach 1	Northern Border of Ouray County	Ridgway Reservoir	Bulletin 17C	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Uncompahgre River Reach 2	Ridgway Reservoir	1.5 miles upstream of Ridgway Reservoir	Regression Equations	HEC-RAS 5.0.7	3/31/2021	A	No modeled structures
Uncompahgre River Reach 3	1.5 miles upstream of Ridgway Reservoir	615 feet upstream of County Rd 361	Bulletin 17C	HEC-RAS 5.0.7	3/31/2021	AE w/ Floodway	Stream Gage Analysis

Table 13: Roughness Coefficients

Flooding Source	Channel “n”	Overbank “n”
Cascade Creek	0.045-0.050	0.013-0.100
Cottonwood Creek	0.035	0.020-0.120
Cow Creek	0.035-0.100	0.035-0.100
Dallas Creek	0.045	0.013-0.100
Pleasant Valley Creek	0.045	0.030-0.100
Portland Creek	0.013-0.060	0.013-0.100
Uncompahgre River	0.035	0.040-0.120

5.3 Coastal Analyses

This section is not applicable to this Flood Risk Project.

Table 14: Summary of Coastal Analyses
[Not Applicable to this Flood Risk Project]

5.3.1 Total Stillwater Elevations

This section is not applicable to this Flood Risk Project.

Figure 8: 1% Annual Chance Total Stillwater Elevations for Coastal Areas
[Not Applicable to this Flood Risk Project]

Table 15: Tide Gage Analysis Specifics
[Not Applicable to this Flood Risk Project]

5.3.2 Waves

This section is not applicable to this Flood Risk Project.

5.3.3 Coastal Erosion

This section is not applicable to this Flood Risk Project.

5.3.4 Wave Hazard Analyses

This section is not applicable to this Flood Risk Project.

Table 16: Coastal Transect Parameters
[Not Applicable to this Flood Risk Project]

Figure 9: Transect Location Map

[Not Applicable to this Flood Risk Project]

5.4 Alluvial Fan Analyses

This section is not applicable to this Flood Risk Project.

Table 17: Summary of Alluvial Fan Analyses

[Not Applicable to this Flood Risk Project]

Table 18: Results of Alluvial Fan Analyses

[Not Applicable to this Flood Risk Project]

SECTION 6.0 – MAPPING METHODS

6.1 Vertical and Horizontal Control

All FIS Reports and FIRMs are referenced to a specific vertical datum. The vertical datum provides a starting point against which flood, ground, and structure elevations can be referenced and compared. Until recently, the standard vertical datum used for newly created or revised FIS Reports and FIRMs was the National Geodetic Vertical Datum of 1929 (NGVD29). With the completion of the North American Vertical Datum of 1988 (NAVD88), many FIS Reports and FIRMs are now prepared using NAVD88 as the referenced vertical datum.

Flood elevations shown in this FIS Report and on the FIRMs are referenced to NAVD88. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information regarding conversion between NGVD29 and NAVD88 or other datum conversion, visit the National Geodetic Survey website at www.ngs.noaa.gov.

Temporary vertical monuments are often established during the preparation of a flood hazard analysis for the purpose of establishing local vertical control. Although these monuments are not shown on the FIRM, they may be found in the archived project documentation associated with the FIS Report and the FIRMs for this community. Interested individuals may contact FEMA to access these data.

To obtain current elevation, description, and/or location information for benchmarks in the area, please visit the NGS website at www.ngs.noaa.gov.

The datum conversion locations and values that were calculated for Ouray County are provided in Table 19.

Table 19: Countywide Vertical Datum Conversion

[Not Applicable to this Flood Risk Project]

Table 20: Stream-Based Vertical Datum Conversion

[Not Applicable to this Flood Risk Project]

6.2 Base Map

The FIRMs and FIS Report for this project have been produced in a digital format. The flood hazard information was converted to a Geographic Information System (GIS) format that meets FEMA's FIRM Database specifications and geographic information standards. This information is provided in a digital format so that it can be incorporated into a local GIS and be accessed more easily by the community. The FIRM Database includes most of the tabular information contained in the FIS Report in such a way that the data can be associated with pertinent spatial features. For example, the information contained in the Floodway Data table and Flood Profiles can be linked to the cross sections that are shown on the FIRMs. Additional information about the FIRM Database and its contents can be found in FEMA's *Guidelines and Standards for Flood Risk Analysis and Mapping*, www.fema.gov/flood-maps/guidance-partners/guidelines-standards.

Base map information shown on the FIRM was derived from the sources described in Table 21.

Table 21: Base Map Sources

Data Type	Data Provider	Data Date	Data Scale	Data Description
Digital Orthophoto	USDA/FSA - Aerial Photography Field Office	2017	1:12,000	NAIP digital ortho imagery for FIRM base map
Political boundaries	CDOT	2012	1:5,000	Municipal and county boundaries
Transportation features	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	2015	1:100,000	TIGER/Line Shapefile, Ouray, CO, USA, All Roads County-Based Shapefile
Public Land Survey System (PLSS)	BLM Cadastral Survey - CO	2011	N/A	Cadastral PLSS Standardized Data – PLSS Intersected - Version 1.1

6.3 Floodplain and Floodway Delineation

The FIRM shows tints, screens, and symbols to indicate floodplains and floodways as well as the locations of selected cross sections used in the hydraulic analyses and floodway computations.

For riverine flooding sources, the mapped floodplain boundaries shown on the FIRM have been delineated using the flood elevations determined at each cross section; between cross sections, the boundaries were interpolated using the topographic elevation data described in Table 22.

In cases where the 1-percent and 0.2-percent-annual-chance floodplain boundaries are close together, only the 1-percent-annual-chance floodplain boundary has been shown. Small areas within the floodplain boundaries may lie above the flood elevations but cannot be shown due to limitations of the map scale and/or lack of detailed topographic data.

The floodway widths presented in this FIS Report and on the FIRM were computed for certain stream segments on the basis of equal conveyance reduction from each side of the floodplain. Floodway widths were computed at cross sections. Between cross sections, the floodway boundaries were interpolated. Table 2 indicates the flooding sources for which floodways have been determined. The results of the floodway computations for those flooding sources have been tabulated for selected cross sections and are shown in Table 23, “Floodway Data.”

Table 22: Summary of Topographic Elevation Data used in Mapping

Community	Flooding Source	Source for Topographic Elevation Data			
		Description	Vertical Accuracy	Horizontal Accuracy	Citation
Ouray County	All within HUC 14020006	Light Detection and Ranging data (LiDAR)	0.087 m RMSEz	0.075 meter at 95% confidence level	Quantum 2015

BFEs shown at cross sections on the FIRM represent the 1-percent-annual-chance water surface elevations shown on the Flood Profiles and in the Floodway Data tables in the FIS Report.

Table 23: Floodway Data

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	35	10	23	38.4	7,694.0	7,694.0	7,694.0	0.0
B	87	10	32	26.9	7,696.4	7,696.4	7,696.4	0.0
C	200	10	38	23.2	7,698.4	7,698.4	7,698.4	0.0
D	241	49	118	7.4	7,698.9	7,698.9	7,698.9	0.0
E	356	54	142	6.1	7,699.9	7,699.9	7,699.9	0.0
F	448	27	72	12.1	7,701.6	7,701.6	7,701.6	0.0
G	483	10	14	64.0	7,706.9	7,706.9	7,706.9	0.0
H	509	10	22	39.9	7,711.4	7,711.4	7,711.4	0.0
I	583	10	18	48.5	7,721.1	7,721.1	7,721.1	0.0
J	681	10	18	49.4	7,733.8	7,733.8	7,733.8	0.0
K	729	10	17	50.7	7,740.4	7,740.4	7,740.4	0.0
L	795	10	17	50.5	7,749.4	7,749.4	7,749.4	0.0
M	876	10	17	50.9	7,760.6	7,760.6	7,760.6	0.0
N	943	10	17	51.1	7,769.8	7,769.8	7,769.8	0.0
O	1,033	10	17	50.9	7,782.3	7,782.3	7,782.3	0.0
P	1,086	10	18	49.8	7,789.7	7,789.7	7,789.7	0.0
Q	1,176	10	17	51.4	7,802.0	7,802.0	7,802.0	0.0
R	1,294	10	16	53.2	7,818.2	7,818.2	7,818.2	0.0
S	1,387	10	17	50.5	7,830.8	7,830.8	7,830.8	0.0
T	1,454	10	17	50.8	7,839.8	7,839.8	7,839.8	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: CASCADE CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	1,501	10	16	53.0	7,847.9	7,847.9	7,847.9	0.0
V	1,524	10	15	57.1	7,851.7	7,851.7	7,851.7	0.0
W	1,581	10	16	56.2	7,861.5	7,861.5	7,861.5	0.0
X	1,714	10	16	55.2	7,884.3	7,884.3	7,884.3	0.0
Y	1,779	10	15	56.4	7,895.7	7,895.7	7,895.7	0.0
Z	1,790	10	17	49.9	7,897.6	7,897.6	7,897.6	0.0
AA	1,833	10	16	54.3	7,904.9	7,904.9	7,904.9	0.0
AB	1,927	10	16	55.5	7,921.1	7,921.1	7,921.1	0.0
AC	2,100	10	16	55.4	7,951.0	7,951.0	7,951.0	0.0
AD	2,301	10	16	55.5	7,985.8	7,985.8	7,985.8	0.0
AE	2,349	24	39	22.2	7,996.5	7,996.5	7,996.5	0.0
AF	2,414	20	44	19.7	8,005.9	8,005.9	8,005.9	0.0
AG	2,519	34	48	18.2	8,029.0	8,029.0	8,029.0	0.0
AH	2,580	17	33	26.4	8,043.3	8,043.3	8,043.3	0.0
AI	2,609	17	32	27.6	8,053.5	8,053.5	8,053.5	0.0
AJ	2,686	28	40	21.7	8,068.8	8,068.8	8,068.8	0.0
AK	2,766	34	43	20.1	8,087.3	8,087.3	8,087.3	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: CASCADE CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	612	20	44	7.9	6,993.7	6,993.7	6,993.7	0.0
B	973	26	55	6.3	7,010.8	7,010.8	7,010.8	0.0
C	1,110	22	45	7.7	7,012.6	7,012.6	7,012.6	0.0
D	1,211	41	67	5.2	7,018.1	7,018.1	7,018.1	0.0
E	1,464	78	103	3.4	7,027.8	7,027.8	7,027.8	0.0
F	2,141	16	41	8.5	7,048.8	7,048.8	7,048.9	0.1
G	2,479	11	35	9.8	7,064.3	7,064.3	7,064.5	0.2
H	2,501	17	87	4.0	7,068.0	7,068.0	7,068.0	0.0
I	2,602	15	38	9.1	7,070.2	7,070.2	7,070.2	0.0
J	3,130	23	45	7.7	7,087.2	7,087.2	7,087.2	0.0
K	3,848	10	35	9.9	7,124.0	7,124.0	7,124.1	0.1
L	3,954	16	152	2.3	7,134.7	7,134.7	7,135.2	0.5
M	4,100	17	40	8.6	7,140.2	7,140.2	7,140.3	0.1
N	4,466	24	45	7.8	7,162.5	7,162.5	7,162.6	0.1
O	5,492	14	38	9.2	7,213.7	7,213.7	7,213.7	0.0
P	5,535	38	189	1.8	7,223.7	7,223.7	7,224.2	0.5
Q	5,690	13	36	9.5	7,225.5	7,225.5	7,225.7	0.2
R	6,974	44	57	6.1	7,309.8	7,309.8	7,310.1	0.3
S	7,105	16	76	4.6	7,321.9	7,321.9	7,322.3	0.4
T	7,206	8	32	11.0	7,326.8	7,326.8	7,326.8	0.0
U	7,325	15	38	9.1	7,341.4	7,341.4	7,341.8	0.4
V	8,546	10	34	10.2	7,430.0	7,430.0	7,430.0	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: COTTONWOOD CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	30	10	22	88.0	7,735.8	7,735.8	7,735.8	0.0
B	67	10	51	38.1	7,742.2	7,742.2	7,742.2	0.0
C	107	10	38	50.6	7,744.2	7,744.2	7,744.2	0.0
D	230	10	36	53.3	7,753.7	7,753.7	7,753.7	0.0
E	321	10	36	54.0	7,760.8	7,760.8	7,760.8	0.0
F	431	10	36	54.2	7,769.7	7,769.7	7,769.7	0.0
G	529	10	36	53.5	7,777.5	7,777.5	7,777.5	0.0
H	554	10	35	56.0	7,779.6	7,779.6	7,779.6	0.0
I	641	10	36	54.4	7,786.8	7,786.8	7,786.8	0.0
J	719	10	40	47.8	7,792.9	7,792.9	7,792.9	0.0
K	859	10	36	53.9	7,803.8	7,803.8	7,803.8	0.0
L	964	10	35	55.6	7,812.6	7,812.6	7,812.6	0.0
M	1,019	10	36	53.9	7,817.1	7,817.1	7,817.1	0.0
N	1,121	10	34	57.0	7,826.6	7,826.6	7,826.6	0.0
O	1,210	10	33	57.8	7,835.3	7,835.3	7,835.3	0.0
P	1,275	10	32	60.1	7,841.7	7,841.7	7,841.7	0.0
Q	1,327	10	35	56.0	7,846.5	7,846.5	7,846.5	0.0
R	1,357	10	33	57.9	7,849.4	7,849.4	7,849.4	0.0
S	1,447	10	34	56.9	7,857.9	7,857.9	7,857.9	0.0
T	1,525	10	34	57.4	7,865.2	7,865.2	7,865.2	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: PORTLAND CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	1,619	10	34	57.0	7,874.1	7,874.1	7,874.1	0.0
V	1,677	10	34	57.2	7,879.7	7,879.7	7,879.7	0.0
W	1,740	10	35	55.0	7,885.6	7,885.6	7,885.6	0.0
X	1,762	10	33	58.8	7,887.7	7,887.7	7,887.7	0.0
Y	1,816	10	34	57.3	7,893.0	7,893.0	7,893.0	0.0
Z	1,942	10	37	52.4	7,903.6	7,903.6	7,903.6	0.0
AA	2,059	10	35	54.5	7,913.2	7,913.2	7,913.2	0.0
AB	2,163	10	34	56.8	7,923.0	7,923.0	7,923.0	0.0
AC	2,226	10	33	58.3	7,929.1	7,929.1	7,929.1	0.0
AD	2,338	10	34	57.5	7,939.9	7,939.9	7,939.9	0.0
AE	2,375	10	41	47.1	7,942.8	7,942.8	7,942.8	0.0
AF	2,419	29	108	17.9	7,946.0	7,946.0	7,946.0	0.0
AG	2,489	22	101	19.1	7,953.2	7,953.2	7,953.2	0.0
AH	2,569	18	112	17.3	7,958.6	7,958.6	7,958.6	0.0
AI	2,703	18	102	18.9	7,967.4	7,967.4	7,967.4	0.0
AJ	2,795	21	115	16.8	7,978.3	7,978.3	7,978.3	0.0

[1] In feet upstream of confluence with Uncompahgre River

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: PORTLAND CREEK

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
A	169	62	228	10.3	6,888.6	6,888.6	6,888.6	0.0
B	268	68	367	6.4	6,890.6	6,890.6	6,890.6	0.0
C	481	63	260	9.0	6,891.1	6,891.1	6,891.1	0.0
D	1,865	64	254	9.3	6,902.8	6,902.8	6,902.8	0.0
E	6,961	79	300	7.8	6,933.7	6,933.7	6,933.7	0.0
F	7,068	95	449	5.2	6,935.6	6,935.6	6,935.6	0.0
G	9,001	91	278	8.5	6,945.3	6,945.3	6,945.3	0.0
H	10,973	122	788	3.0	6,960.7	6,960.7	6,960.7	0.0
I	14,698	98	289	8.1	6,974.3	6,974.3	6,974.6	0.3
J	14,893	131	519	4.5	6,977.4	6,977.4	6,977.4	0.0
K	17,780	152	494	4.3	6,988.4	6,988.4	6,988.9	0.5
L	18,350	282	608	3.5	6,991.0	6,991.0	6,991.0	0.0
M	25,270	179	442	4.9	7,036.1	7,036.1	7,036.4	0.3
N	25,898	162	304	7.0	7,045.7	7,045.7	7,045.9	0.2
O	30,200	71	230	9.3	7,072.2	7,072.2	7,072.2	0.2
P	30,537	193	542	4.0	7,075.0	7,075.0	7,075.0	0.0
Q	32,761	185	428	5.0	7,091.4	7,091.4	7,091.6	0.2
R	36,847	263	423	5.1	7,125.0	7,125.0	7,125.1	0.1
S	43,324	180	346	6.2	7,187.4	7,187.4	7,187.4	0.0
T	50,142	55	205	10.4	7,283.3	7,283.3	7,283.5	0.2

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
U	52,474	69	223	9.6	7,321.3	7,321.3	7,321.6	0.3
V	53,643	97	267	8.0	7,345.9	7,345.9	7,346.3	0.4
W	54,119	83	237	9.0	7,354.7	7,354.7	7,355.1	0.4
X	54,847	51	226	9.5	7,372.1	7,372.1	7,372.5	0.4
Y	55,926	61	224	9.6	7,396.6	7,396.6	7,397.1	0.5
Z	57,484	39	179	12.0	7,446.9	7,446.9	7,447.1	0.2
AA	60,078	37	169	11.6	7,557.1	7,557.1	7,557.2	0.1
AB	60,584	62	278	7.0	7,567.5	7,567.5	7,567.5	0.0
AC	60,901	42	233	8.4	7,570.5	7,570.5	7,570.6	0.1
AD	66,489	55	207	8.5	7,617.0	7,617.0	7,617.4	0.4
AE	66,797	58	179	9.8	7,629.1	7,629.1	7,629.2	0.1
AF	67,378	66	256	6.9	7,635.3	7,635.3	7,635.6	0.3
AG	69,044	57	195	9.0	7,657.3	7,657.3	7,657.4	0.1
AH	69,161	44	211	8.4	7,660.2	7,660.2	7,660.2	0.0
AI	69,276	36	163	10.8	7,661.5	7,661.5	7,661.7	0.2
AJ	69,570	42	170	10.3	7,666.0	7,666.0	7,666.1	0.1
AK	70,214	31	158	11.2	7,679.1	7,679.1	7,679.2	0.1
AL	72,379	41	163	10.5	7,710.0	7,710.0	7,710.0	0.0
AM	72,557	27	135	12.7	7,713.1	7,713.1	7,713.6	0.5
AN	73,272	31	146	11.7	7,727.4	7,727.4	7,727.4	0.0

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

LOCATION		FLOODWAY			1% ANNUAL CHANCE FLOOD WATER SURFACE ELEVATION (FEET NAVD88)			
CROSS SECTION	DISTANCE[1]	WIDTH (FEET)	SECTION AREA (SQ. FEET)	MEAN VELOCITY (FEET/ SEC)	REGULATORY	WITHOUT FLOODWAY	WITH FLOODWAY	INCREASE
AO	73,921	48	169	9.9	7,744.7	7,744.7	7,744.7	0.0
AP	73,977	48	211	8.0	7,746.2	7,746.2	7,746.2	0.0
AQ	74,301	34	152	11.1	7,757.1	7,757.1	7,757.4	0.3
AR	74,357	18	117	9.8	7,760.5	7,760.5	7,760.5	0.0
AS	74,410	14	88	13.1	7,761.9	7,761.9	7,762.0	0.1
AT	75,070	26	104	11.0	7,783.4	7,783.4	7,783.7	0.3
AU	75,159	27	106	10.8	7,795.0	7,795.0	7,795.5	0.5
AV	75,798	21	99	11.6	7,826.9	7,826.9	7,827.3	0.4
AW	75,903	20	94	12.3	7,846.4	7,846.4	7,846.7	0.3
AX	75,966	15	96	12.0	7,867.3	7,867.3	7,867.3	0.0
AY	76,103	14	95	12.1	7,868.7	7,868.7	7,868.7	0.0
AZ	76,228	14	84	13.7	7,872.9	7,872.9	7,873.4	0.5
BA	76,313	37	183	6.3	7,886.6	7,886.6	7,886.6	0.0
BB	76,367	16	87	13.3	7,893.1	7,893.1	7,893.6	0.5
BC	76,671	21	96	12.0	7,965.3	7,965.3	7,965.6	0.2

[1]In feet upstream of a point located 1.5 miles from Ridgway Reservoir

TABLE 23

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, COLORADO

AND INCORPORATED AREAS

FLOODWAY DATA

FLOODING SOURCE: UNCOMPAHGRE RIVER

Table 24: Flood Hazard and Non-Encroachment Data for Selected Streams

[Not Applicable to this Flood Risk Project]

6.4 Coastal Flood Hazard Mapping

This section is not applicable to this Flood Risk Project.

Table 25: Summary of Coastal Transect Mapping Considerations

[Not Applicable to this Flood Risk Project]

6.5 FIRM Revisions

This FIS Report and the FIRM are based on the most up-to-date information available to FEMA at the time of its publication; however, flood hazard conditions change over time. Communities or private parties may request flood map revisions at any time. Certain types of requests require submission of supporting data. FEMA may also initiate a revision. Revisions may take several forms, including Letters of Map Amendment (LOMAs), Letters of Map Revision Based on Fill (LOMR-Fs), Letters of Map Revision (LOMRs) (referred to collectively as Letters of Map Change (LOMCs)), Physical Map Revisions (PMRs), and FEMA-contracted restudies. These types of revisions are further described below. Some of these types of revisions do not result in the republishing of the FIS Report. To assure that any user is aware of all revisions, it is advisable to contact the community repository of flood-hazard data (shown in Table 30, "Map Repositories").

6.5.1 Letters of Map Amendment

A LOMA is an official revision by letter to an effective NFIP map. A LOMA results from an administrative process that involves the review of scientific or technical data submitted by the owner or lessee of property who believes the property has incorrectly been included in a designated SFHA. A LOMA amends the currently effective FEMA map and establishes that a specific property is not located in a SFHA.

To obtain an application for a LOMA, visit www.fema.gov/flood-maps/change-your-flood-zone and download the form "MT-1 Application Forms and Instructions for Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill". Visit the "Flood Map-Related Fees" section to determine the cost, if any, of applying for a LOMA.

FEMA offers a tutorial on how to apply for a LOMA. The LOMA Tutorial Series can be accessed at www.fema.gov/flood-maps/tutorials.

For more information about how to apply for a LOMA, call the FEMA Mapping and Insurance eXchange; toll free, at 1-877-FEMA MAP (1-877-336-2627).

6.5.2 Letters of Map Revision Based on Fill

A LOMR-F is an official revision by letter to an effective NFIP map. A LOMR-F states FEMA's determination concerning whether a structure or parcel has been elevated on fill above the base flood elevation and is, therefore, excluded from the SFHA.

Information about obtaining an application for a LOMR-F can be obtained in the same manner as that for a LOMA, by visiting www.fema.gov/flood-maps/change-your-flood-zone for the "MT-1 Application Forms and Instructions for Conditional and Final Letters of Map Amendment and Letters of Map Revision Based on Fill" or by calling the FEMA Mapping and Insurance eXchange, toll free, at 1-877-FEMA MAP (1-877-336-2627). Fees for applying for a LOMR-F, if any, are listed in the "Flood Map-Related Fees" section.

A tutorial for LOMR-F is available at www.fema.gov/flood-maps/tutorials.

6.5.3 Letters of Map Revision

A LOMR is an official revision to the currently effective FEMA map. It is used to change flood zones, floodplain and floodway delineations, flood elevations and planimetric features. All requests for LOMRs should be made to FEMA through the chief executive officer of the community, since it is the community that must adopt any changes and revisions to the map. If the request for a LOMR is not submitted through the chief executive officer of the community, evidence must be submitted that the community has been notified of the request.

To obtain an application for a LOMR, visit www.fema.gov/flood-maps/change-your-flood-zone and download the form "MT-2 Application Forms and Instructions for Conditional Letters of Map Revision and Letters of Map Revision". Visit the "Flood Map-Related Fees" section to determine the cost of applying for a LOMR. For more information about how to apply for a LOMR, call the FEMA Mapping and Insurance eXchange; toll free, at 1-877-FEMA MAP (1-877-336-2627) to speak to a Map Specialist.

Previously issued mappable LOMCs (including LOMRs) that have been incorporated into the Ouray County FIRM are listed in Table 26.

Table 26: Incorporated Letters of Map Change

[Not Applicable to this Flood Risk Project]

6.5.4 Physical Map Revisions

A Physical Map Revisions (PMR) is an official republication of a community's NFIP map to effect changes to base flood elevations, floodplain boundary delineations, regulatory floodways and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas or correction to base flood elevations or SFHAs.

The community's chief executive officer must submit scientific and technical data to FEMA to support the request for a PMR. The data will be analyzed and the map will be revised if warranted. The community is provided with copies of the revised information and is afforded a review period. When the base flood elevations are changed, a 90-day appeal period is provided. A 6-month adoption period for formal approval of the revised map(s) is also provided.

For more information about the PMR process, please visit www.fema.gov and visit the Floods & Maps "Change Your Flood Zone Designation" section.

6.5.5 Contracted Restudies

The NFIP provides for a periodic review and restudy of flood hazards within a given community. FEMA accomplishes this through a national watershed-based mapping needs assessment strategy, known as the Coordinated Needs Management Strategy (CNMS). The CNMS is used by FEMA to assign priorities and allocate funding for new flood hazard analyses used to update the FIS Report and FIRM. The goal of CNMS is to define the validity of the engineering study data within a mapped inventory. The CNMS is used to track the assessment process, document engineering gaps and their resolution, and aid in prioritization for using flood risk as a key factor for areas identified for flood map updates. Visit www.fema.gov to learn more about the CNMS or contact the FEMA Regional Office listed in Section 8 of this FIS Report.

6.5.6 Community Map History

The current FIRM presents flooding information for the entire geographic area of Ouray County. Previously, separate FIRMs, Flood Hazard Boundary Maps (FHBMs) and/or Flood Boundary and Floodway Maps (FBFMs) may have been prepared for the incorporated communities and the unincorporated areas in the county that had identified SFHAs. Current and historical data relating to the maps prepared for the project area are presented in Table 27, "Community Map History." A description of each of the column headings and the source of the date is also listed below.

- *Community Name* includes communities falling within the geographic area shown on the FIRM, including those that fall on the boundary line, nonparticipating communities, and communities with maps that have been rescinded. Communities with No Special Flood Hazards are indicated by a footnote. If all maps (FHBM, FBFM, and FIRM) were rescinded for a community, it is not listed in this table unless SFHAs have been identified in this community.

- *Initial Identification Date (First NFIP Map Published)* is the date of the first NFIP map that identified flood hazards in the community. If the FHBM has been converted to a FIRM, the initial FHBM date is shown. If the community has never been mapped, the upcoming effective date or "pending" (for Preliminary FIS Reports) is shown. If the community is listed in Table 27 but not identified on the map, the community is treated as if it were unmapped.

- *Initial FHBM Effective Date* is the effective date of the first FHBM. This date may be the same date as the Initial NFIP Map Date.

- *FHBM Revision Date(s)* is the date(s) that the FHBM was revised, if applicable.

- *Initial FIRM Effective Date* is the date of the first effective FIRM for the community.

- *FIRM Revision Date(s)* is the date(s) the FIRM was revised, if applicable. This is the revised date that is shown on the FIRM panel, if applicable. As countywide studies are completed or revised, each community listed should have its FIRM dates updated accordingly to reflect the date of the countywide study. Once the FIRMs exist in countywide format, as PMRs of FIRM panels within the county are completed, the FIRM Revision Dates in the table for each community affected by the PMR are updated with the date of the PMR, even if the PMR did not revise all the panels within that community.

The initial effective date for the Ouray County FIRMs in countywide format was January 11, 2024.

Table 27: Community Map History

Community Name	Initial Identification Date	Initial FHBM Effective Date	FHBM Revision Date(s)	Initial FIRM Effective Date	FIRM Revision Date(s)
Ouray County, Unincorporated Areas	07/03/1985	N/A	N/A	07/03/1985	01/11/2024
Ouray, City of	05/24/1974	05/24/1974	09/03/1976 12/04/1979	07/03/1985	01/11/2024
Ridgway, Town of	11/08/1974	11/08/1974	01/23/1976	03/18/1977	10/13/1981 09/27/1985 01/11/2024

SECTION 7.0 – CONTRACTED STUDIES AND COMMUNITY COORDINATION

7.1 Contracted Studies

Table 28 provides a summary of the contracted studies, by flooding source, that are included in this FIS Report.

Table 28: Summary of Contracted Studies Included in this FIS Report

Flooding Source	FIS Report Dated	Contractor	Number	Work Completed Date	Affected Communities
Cascade Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray, City of; Ouray County Unincorporated Areas
Cottonwood Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ridgeway, Town of; Ouray County Unincorporated Areas
Cow Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Dallas Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Pleasant Valley Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas

Flooding Source	FIS Report Dated	Contractor	Number	Work Completed Date	Affected Communities
Portland Creek	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray, City of; Ouray County Unincorporated Areas
Uncompahgre River Reach 1	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Uncompahgre River Reach 2	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ouray County Unincorporated Areas
Uncompahgre River Reach 3	01/11/2024	Wood Group PLC	COCWCB22A	03/31/2021	Ridgeway, Town of and Ouray, City of; Ouray County Unincorporated Areas

7.2 Community Meetings

The dates of the community meetings held for this Flood Risk Project and previous Flood Risk Projects are shown in Table 29. These meetings may have previously been referred to by a variety of names (Community Coordination Officer (CCO), Scoping, Discovery, etc.), but all meetings represent opportunities for FEMA, community officials, study contractors, and other invited guests to discuss the planning for and results of the project.

Table 29: Community Meetings

Community	FIS Report Dated	Date of Meeting	Meeting Type	Attended By
Ouray County, Unincorporated Areas	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood Group PLC, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
Ouray, City of	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
Ridgway, Town of	01/11/2024	01/28/2021	Flood Risk Review	FEMA, Colorado Water Conservation Board, Wood, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		10/14/2021	Resilience	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway
		6/29/2022	Final CCO	FEMA, Colorado Water Conservation Board, CDM Smith, Ouray County, City of Ouray, Town of Ridgeway

SECTION 8.0 – ADDITIONAL INFORMATION

Information concerning the pertinent data used in the preparation of this FIS Report can be obtained by submitting an order with any required payment to the FEMA Engineering Library. For more information on this process, see www.fema.gov.

Table 30 is a list of the locations where FIRMs for Ouray County can be viewed. Please note that the maps at these locations are for reference only and are not for distribution. Also, please note that only the maps for the community listed in the table are available at that particular repository. A user may need to visit another repository to view maps from an adjacent community.

Table 30: Map Repositories

Community	Address	City	State	Zip Code
Ouray County, Unincorporated Areas	Ouray County Courthouse 541 4th Street	Ouray	CO	81427
Ouray, City of	City Hall 320 6th Avenue	Ouray	CO	81427
Ridgway, Town of	Town Hall 201 North Railroad Street	Ridgway	CO	81432

The National Flood Hazard Layer (NFHL) dataset is a compilation of effective FIRM Databases and LOMCs. Together they create a GIS data layer for a State or Territory. The NFHL is updated as studies become effective and extracts are made available to the public monthly. NFHL data can be viewed or ordered from the website shown in Table 31.

Table 31 contains useful contact information regarding the FIS Report, the FIRM, and other relevant flood hazard and GIS data. In addition, information about the State NFIP Coordinator and GIS Coordinator is shown in this table. At the request of FEMA, each Governor has designated an agency of State or territorial government to coordinate that State's or territory's NFIP activities. These agencies often assist communities in developing and adopting necessary floodplain management measures. State GIS Coordinators are knowledgeable about the availability and location of State and local GIS data in their state.

Table 31: Additional Information

FEMA and the NFIP	
FEMA and FEMA Engineering Library website	www.fema.gov/flood-maps/products-tools/know-your-risk/engineers-surveyors-architects
NFIP website	www.fema.gov/flood-insurance
NFHL Dataset	msc.fema.gov
FEMA Region VIII	Denver Federal Center, Building 710 P.O. Box 25267 Denver, CO 80255-0267 (303) 235-4812

Other Federal Agencies	
USGS website	www.usgs.gov
Hydraulic Engineering Center website	www.hec.usace.army.mil
State Agencies and Organizations	
State NFIP Coordinator	Doug Mahan CWCB Community Assistance Program Coordinator 1313 Sherman Street, Suite 721 Denver, CO 80203 (303) 866-3441 x3221 doug.mahan@state.co.us
State GIS Coordinator	Jon Gottsegen Statewide GIS Coordinator 601 E. 18th Ave Denver, CO 80203 Phone: (303) 764-7712 jon.gottsegen@state.co.us

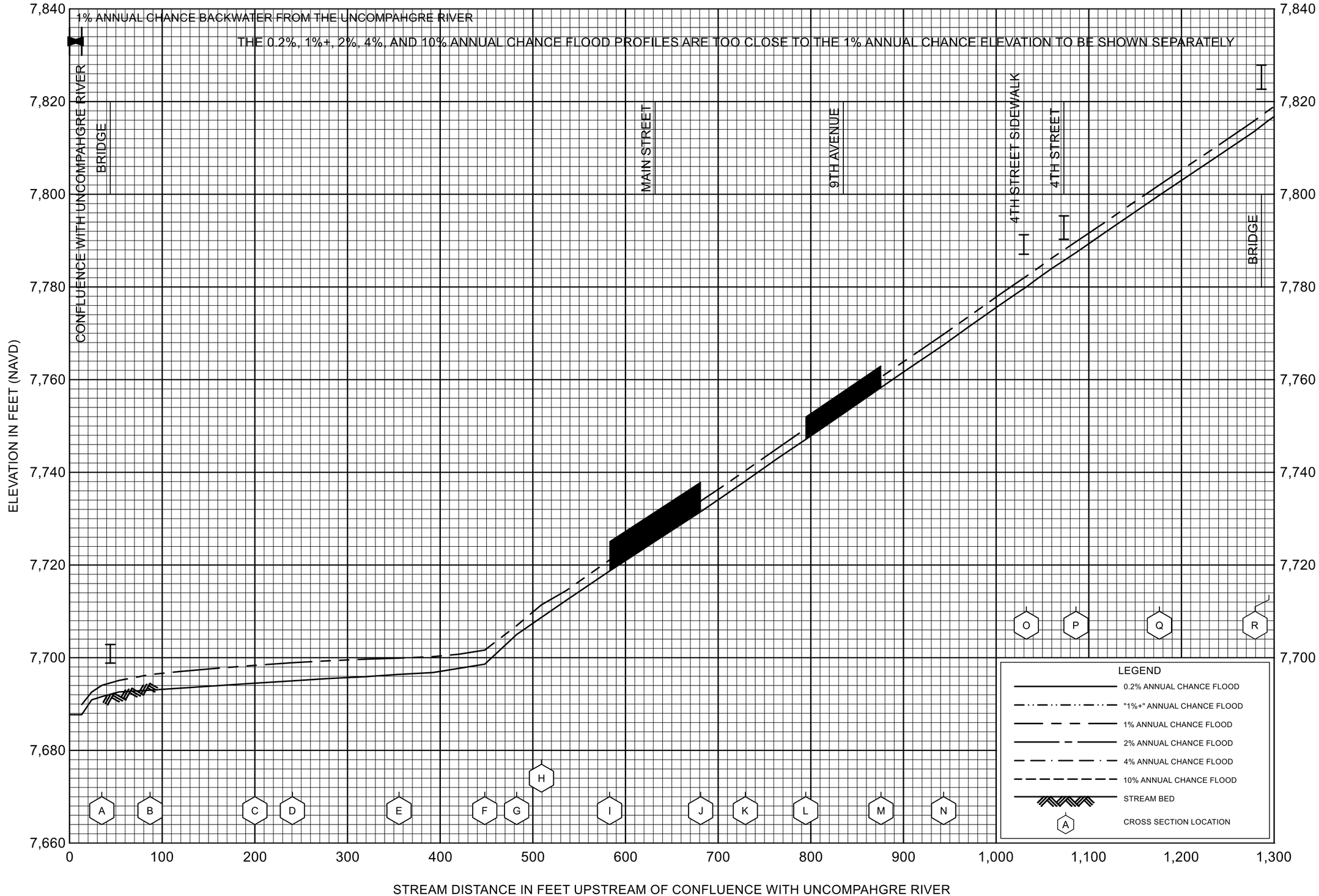
SECTION 9.0 – BIBLIOGRAPHY AND REFERENCES

Table 32 includes sources used in the preparation of and cited in this FIS Report as well as additional studies that have been conducted in the study area.

Table 32: Bibliography and References

Citation in this FIS	Publisher/ Issuer	*Publication Title,* "Article," Volume, Number, etc.	Author/Editor	Place of Publication	Publication Date/ Date of Issuance	Link
BLM 2011	BLM Cadastral Survey – CO	*Cadastral PLSS Standardized Data – PLSS Intersected - Version 1.1*	BLM Cadastral Survey - CO	Lakewood, CO	04/11/2011	http://www.geocommunicator.gov/shapefilesall/CadNSDI/CO_CadNSDI.zip
FEMA	Federal Emergency Management Agency	*Revised Detailed studies of Cascade Creek, Cottonwood Creek, Portland Creek, and Uncompahgre River Reach of the Uncompahgre River in Ouray County, CO*	Federal Emergency Management Agency	Washington, DC	N/A	
DLA 2014	State of Colorado, Department of Local Affairs	*Colorado Information Marketplace*	State of Colorado, Department of Local Affairs	Denver, CO	11/24/2014	https://data.colorado.gov/Municipal/Municipal-Boundaries-in-Colorado/u943-ics6
USDC 2015	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	*TIGER/Line Shapefile, 2018, Ouray, CO, USA, All Roads County-Based Shapefile*	U.S. Department of Commerce, U.S. Census Bureau, Geography Division	Fort Worth, TX	06/01/2015	https://www.census.gov/cgi-bin/geo/shapefiles/index.php?year=2018&layergroup=Roads
NHD 2013	U.S. Geological Survey	*National Hydrography Dataset for Ouray County, Colorado*	U.S. Geological Survey	Fort Worth, TX	11/23/2013	http://www.fsa.usda.gov/

Citation in this FIS	Publisher/ Issuer	*Publication Title,* "Article," Volume, Number, etc.	Author/Editor	Place of Publication	Publication Date/ Date of Issuance	Link
NAIP 2017	USDA/FSA - Aerial Photography Field Office	*USDA-FSA-APFO Digital Ortho Mosaic*	USDA/FSA - Aerial Photography Field Office	Salt Lake City, UT	10/14/2017	http://www.apfo.usda.gov
USDA/NRCS 2003	USDA/NRCS - National Geospatial Center of Excellence	*Map Index 7.5x7.5 1:24,000, Colorado*	USDA/NRCS - National Geospatial Center of Excellence	Fort Worth, TX	02/24/2003	http://greenwood.cr.usgs.gov/pub/quad-indexes
USGS 1948	US Department of the Interior, Geological Survey	*Water-Supply Paper 997, Floods in Colorado*	US Department of the Interior, Geological Survey	Washington, DC	1948	https://pubs.usgs.gov/wsp/0997/report.pdf
USGS 1966	US Department of the Interior, Geological Survey	*Water-Supply Paper 1683, Magnitude and Frequency of Floods in the US, Part 9, Colorado River Basin*	US Department of the Interior, Geological Survey	Washington, DC	1966	https://pubs.er.usgs.gov/publication/wsp1683
Wood Group PLC 2021	Wood Group PLC	*Hydraulic analysis of detailed and approximate studies for Ouray County, CO*	Wood Group PLC	Denver, CO	03/31/2021	https://msc.fema.gov/portal/advanceSearch



FLOOD PROFILES

CASCADE CREEK

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, CO

AND UNINCORPORATED AREAS

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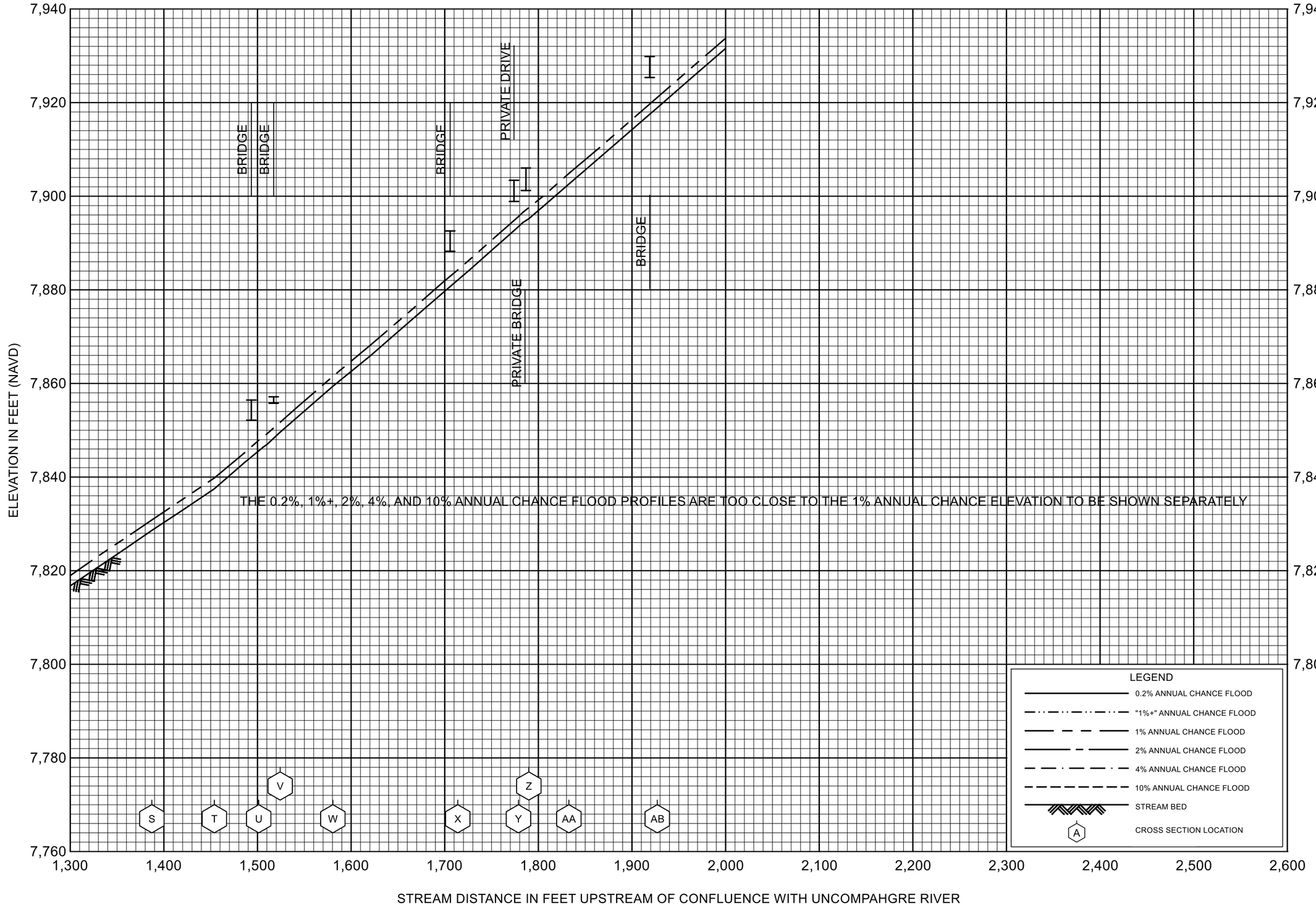

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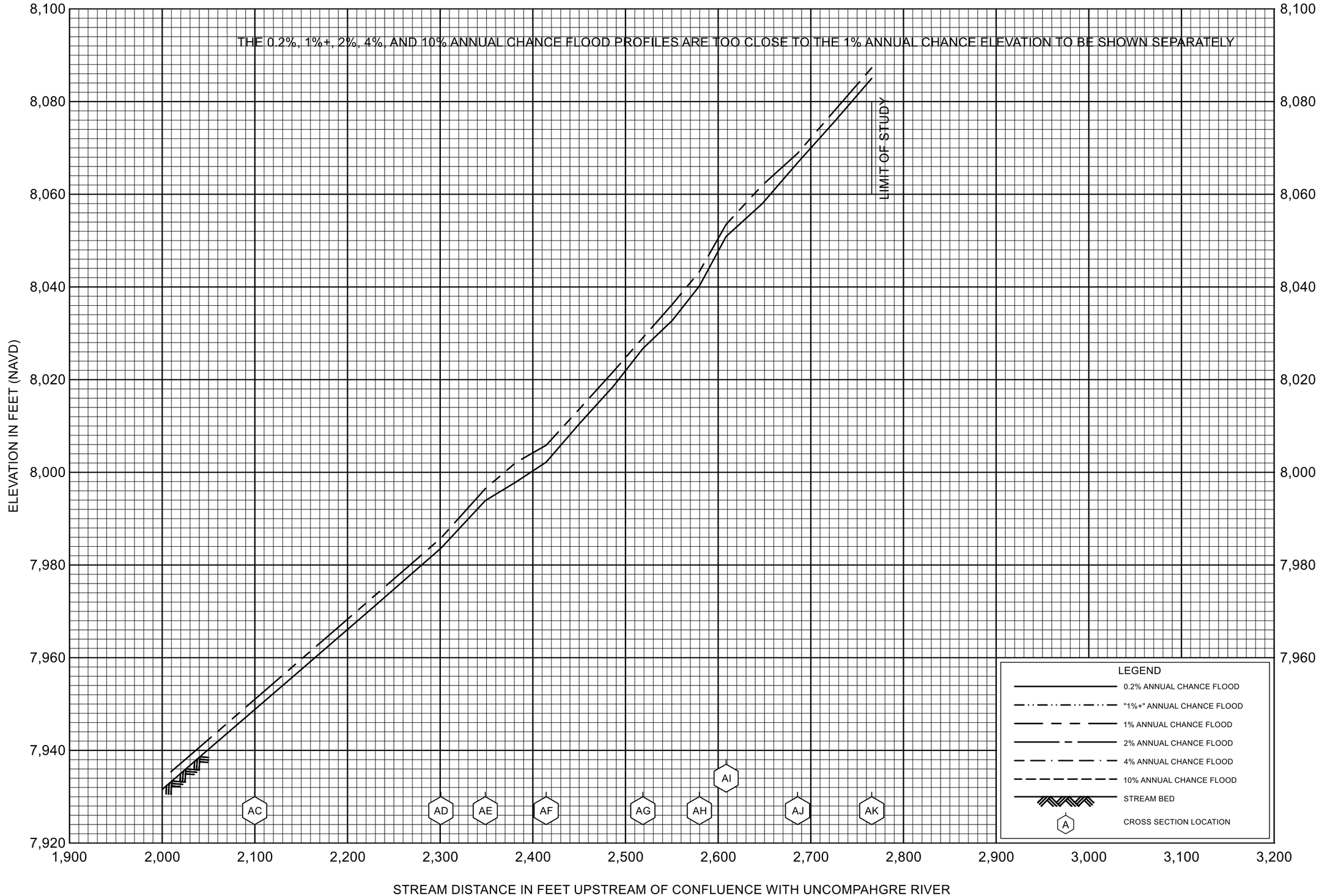

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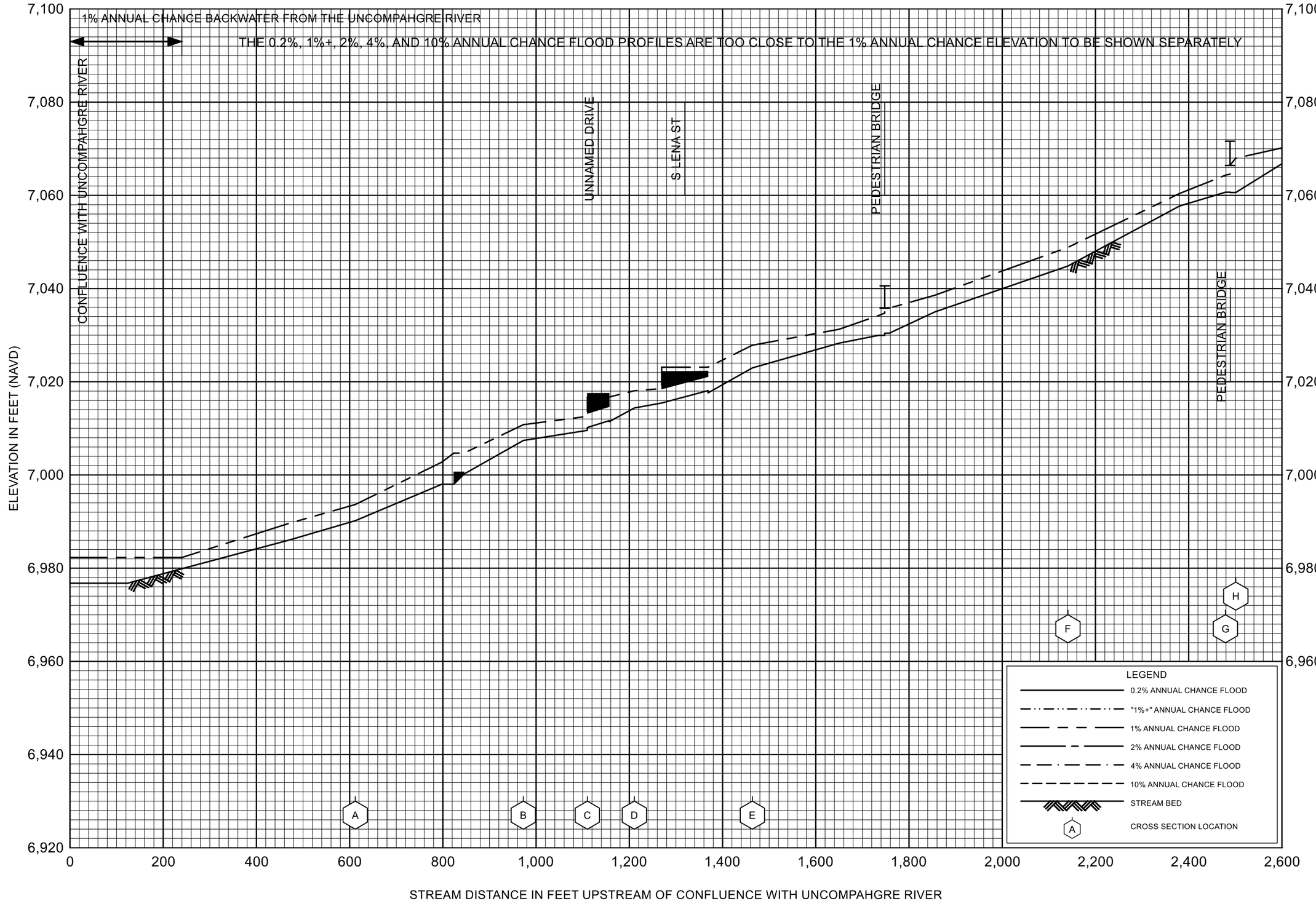

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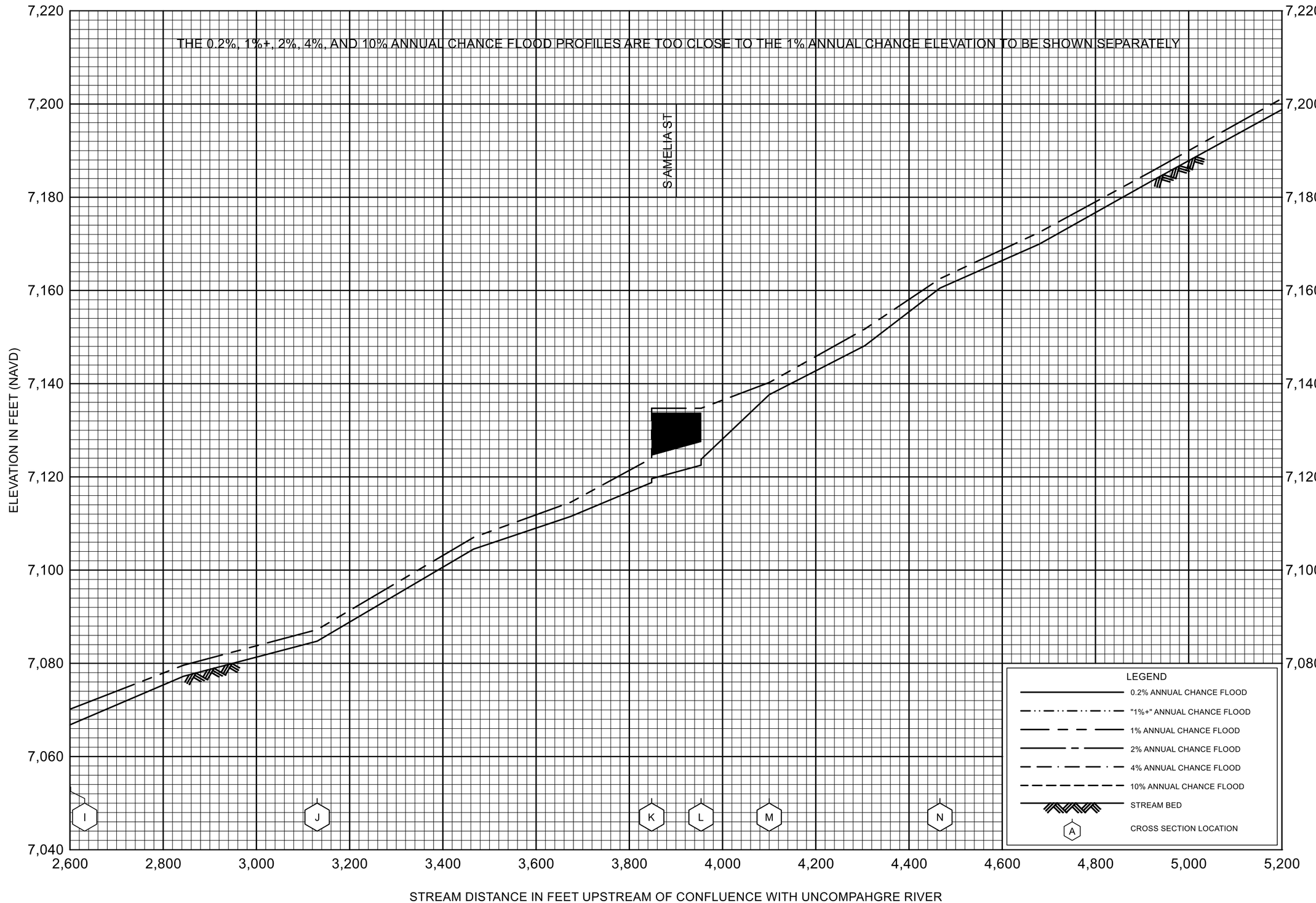

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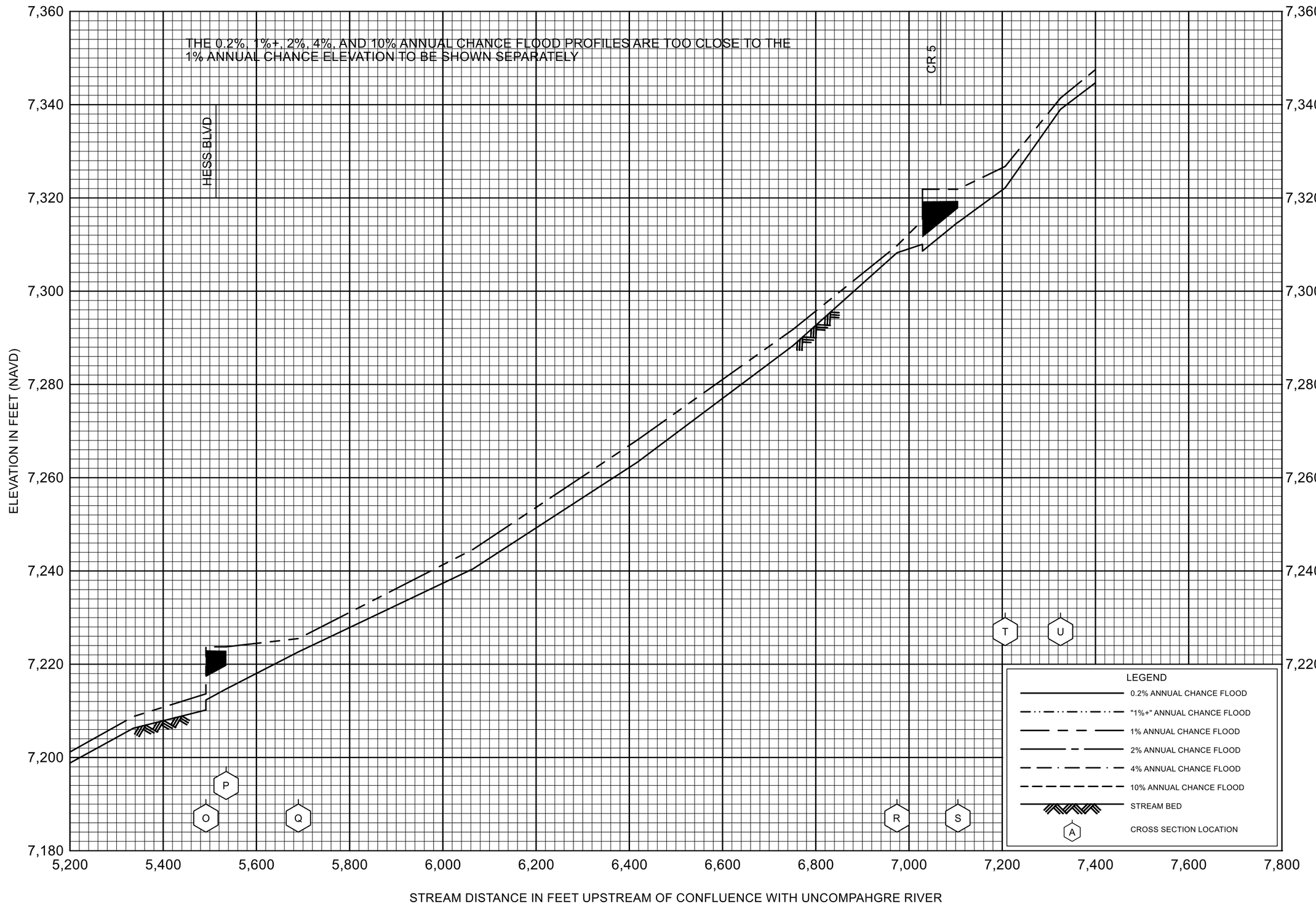

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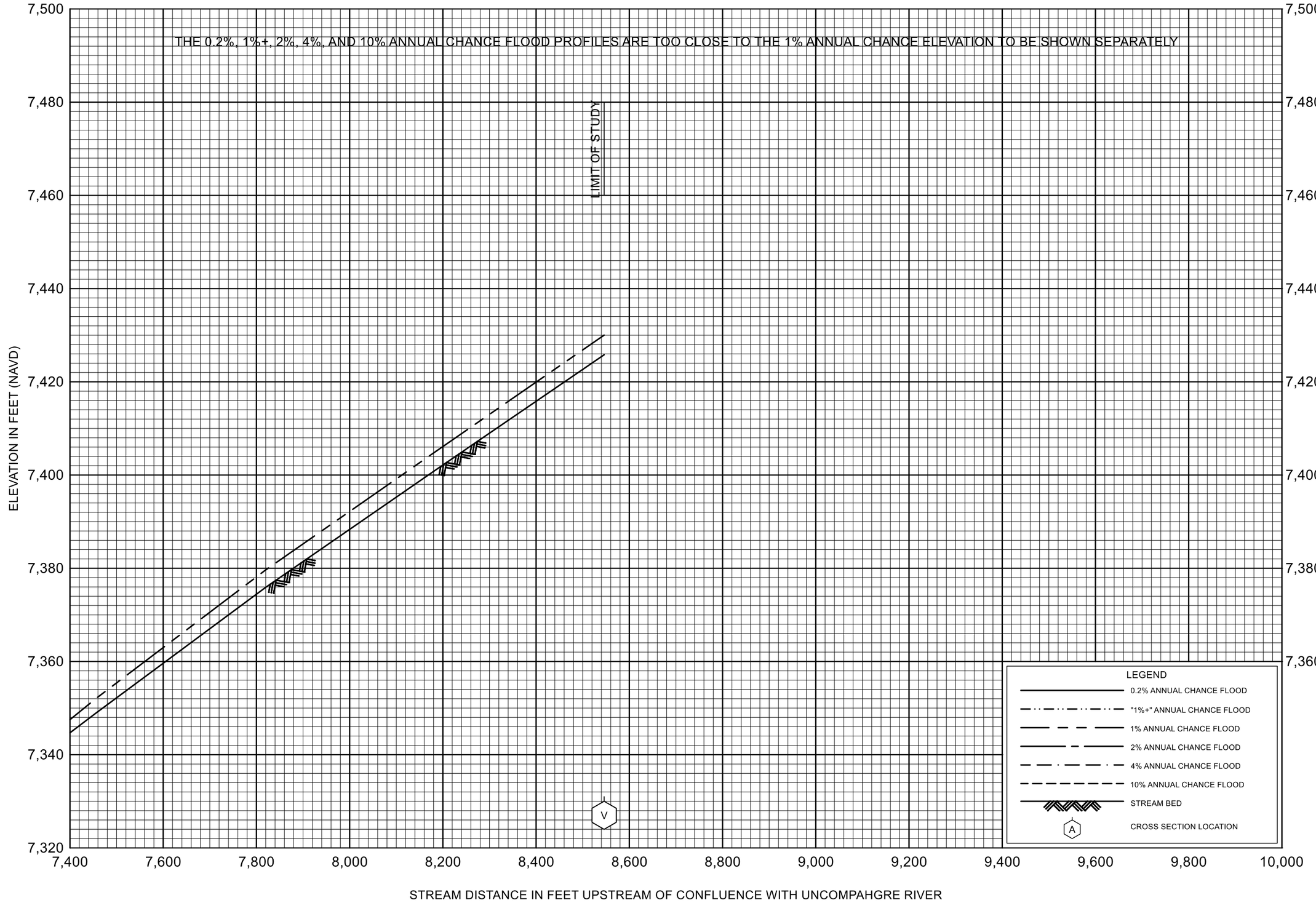

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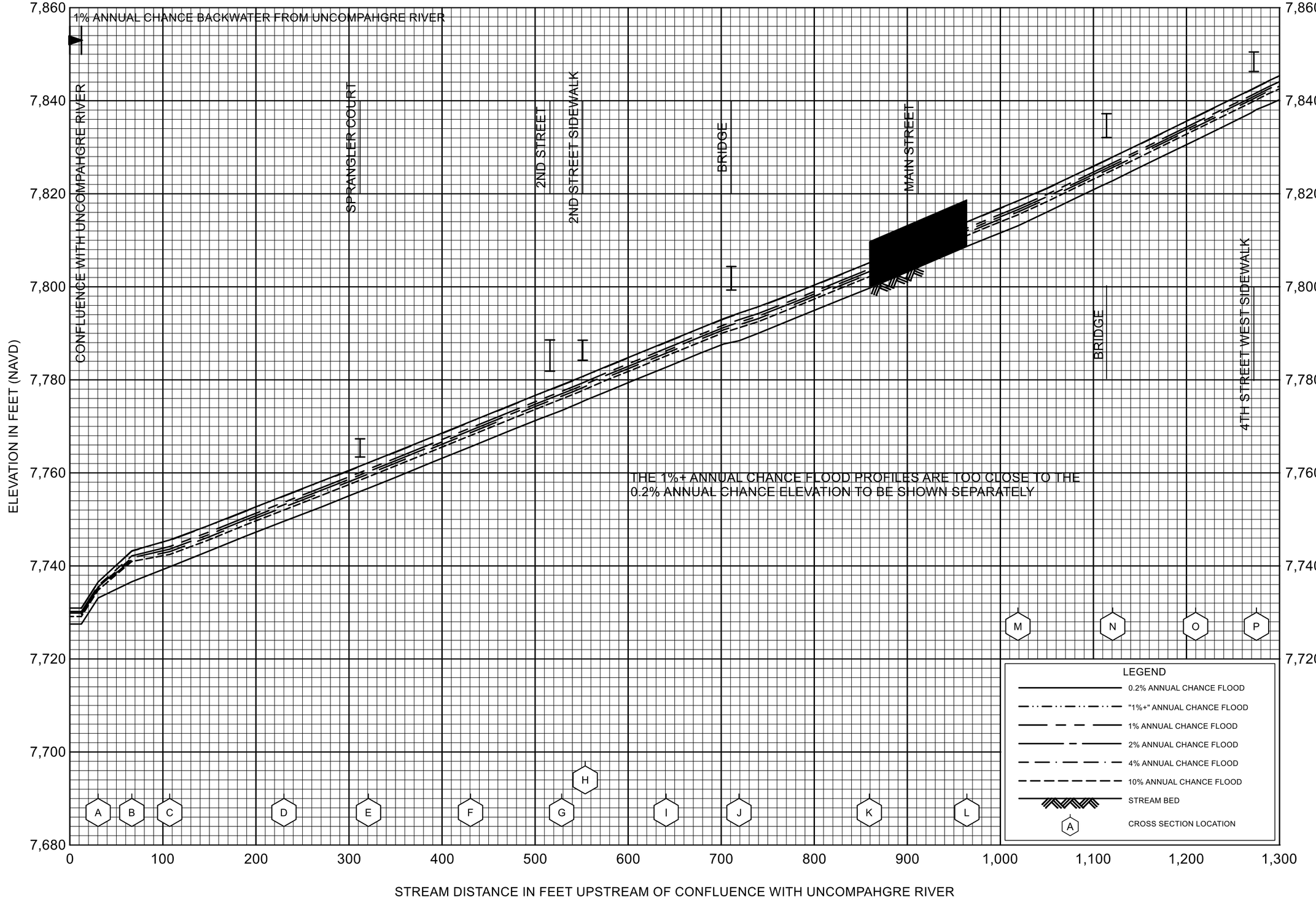

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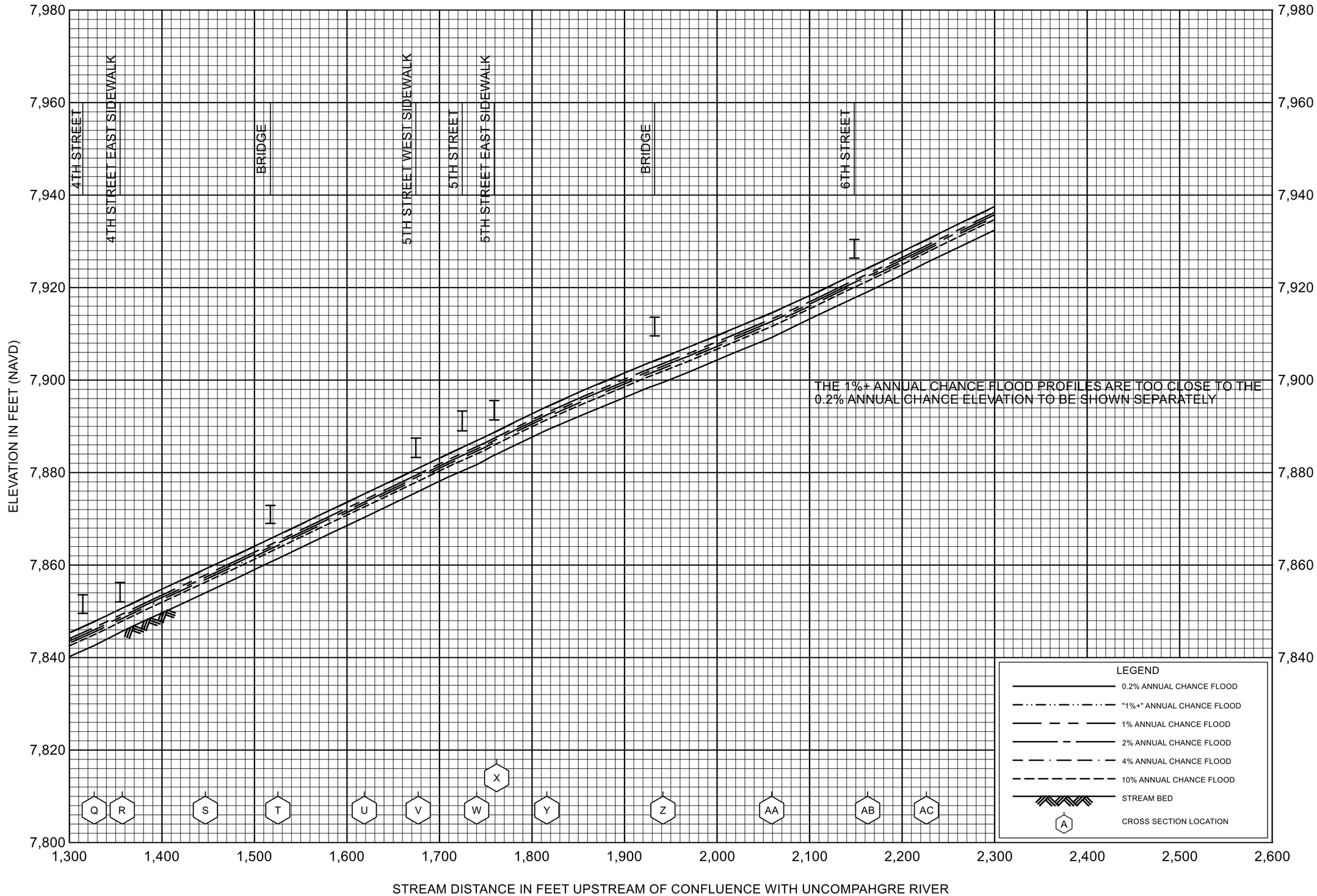

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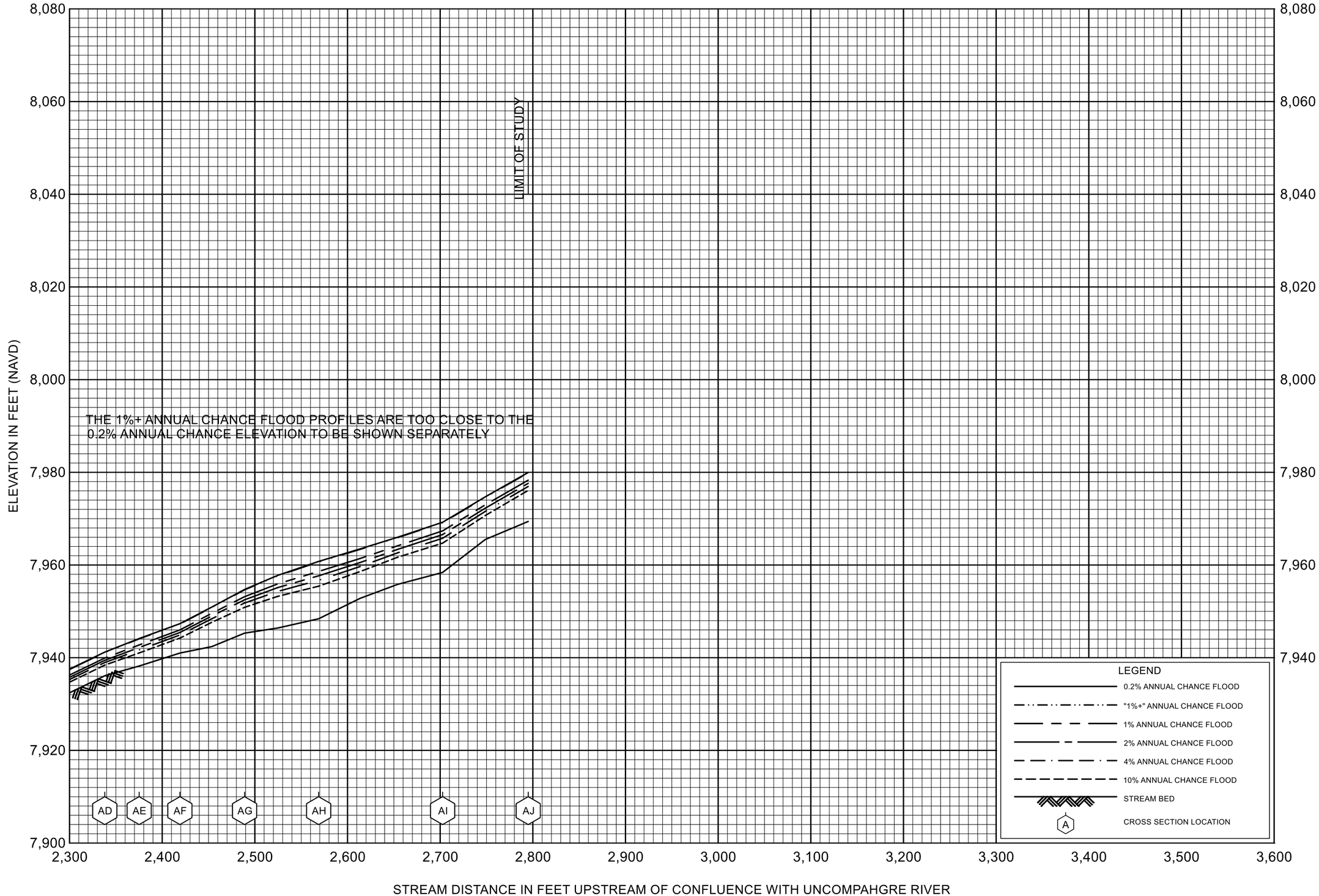

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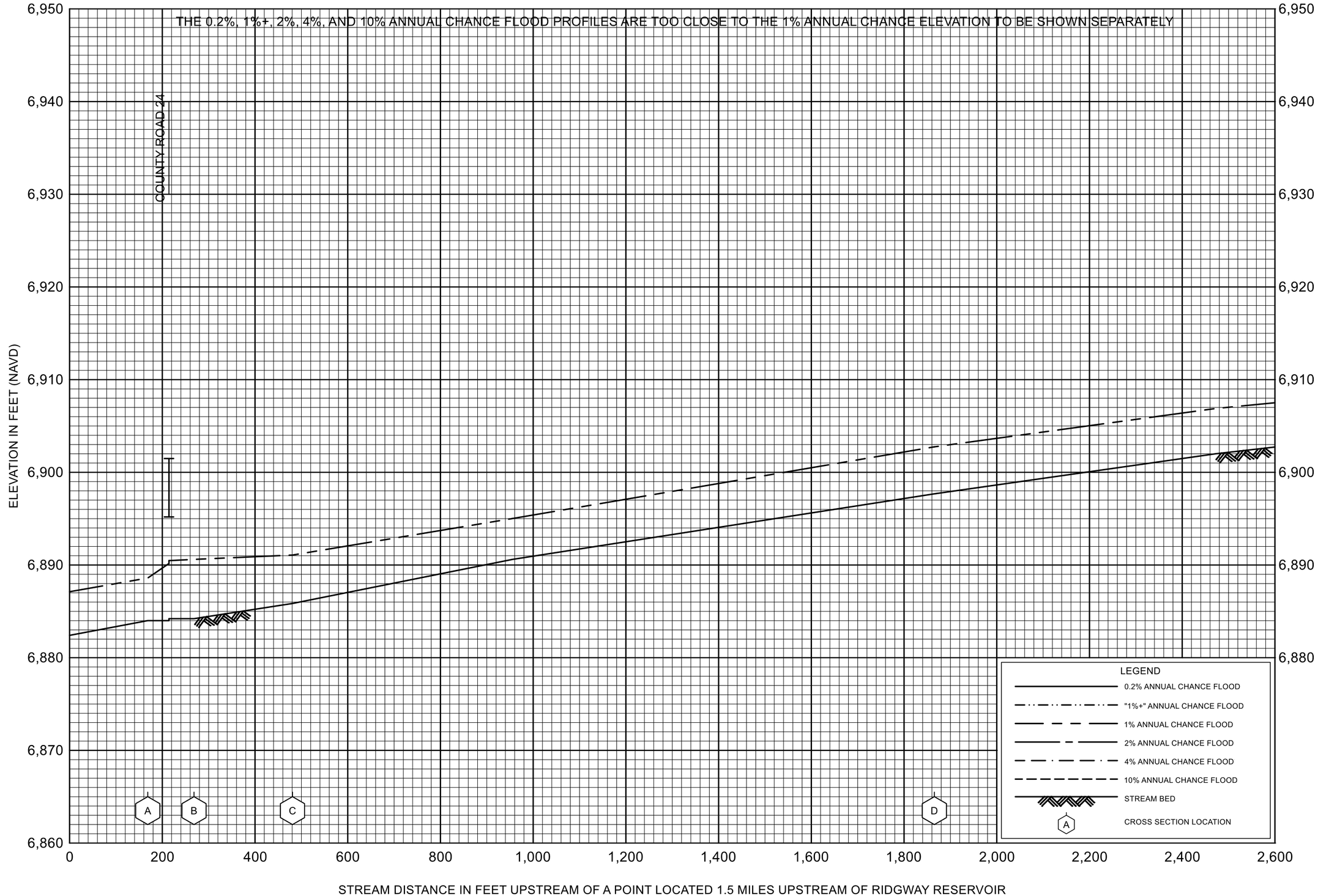

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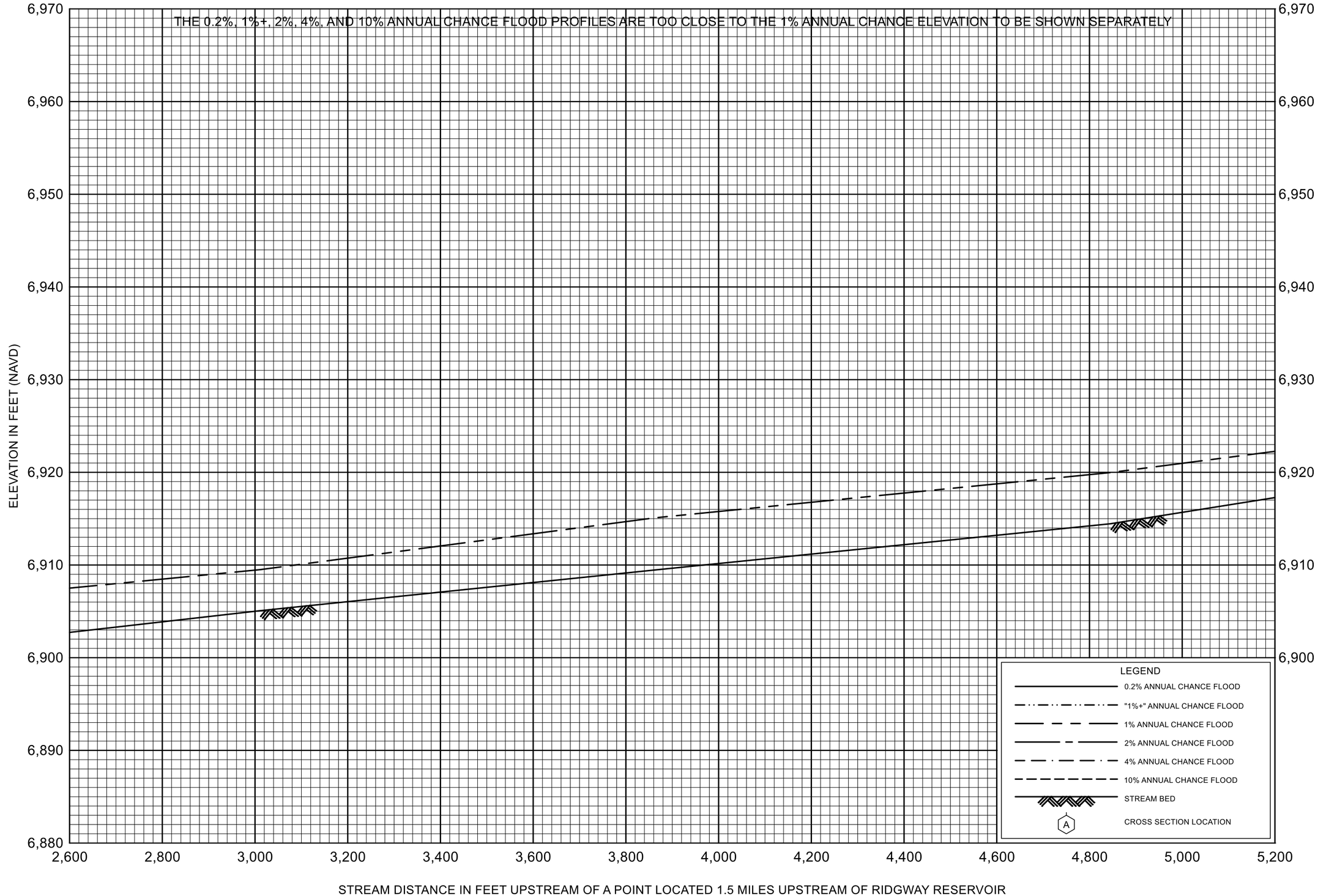

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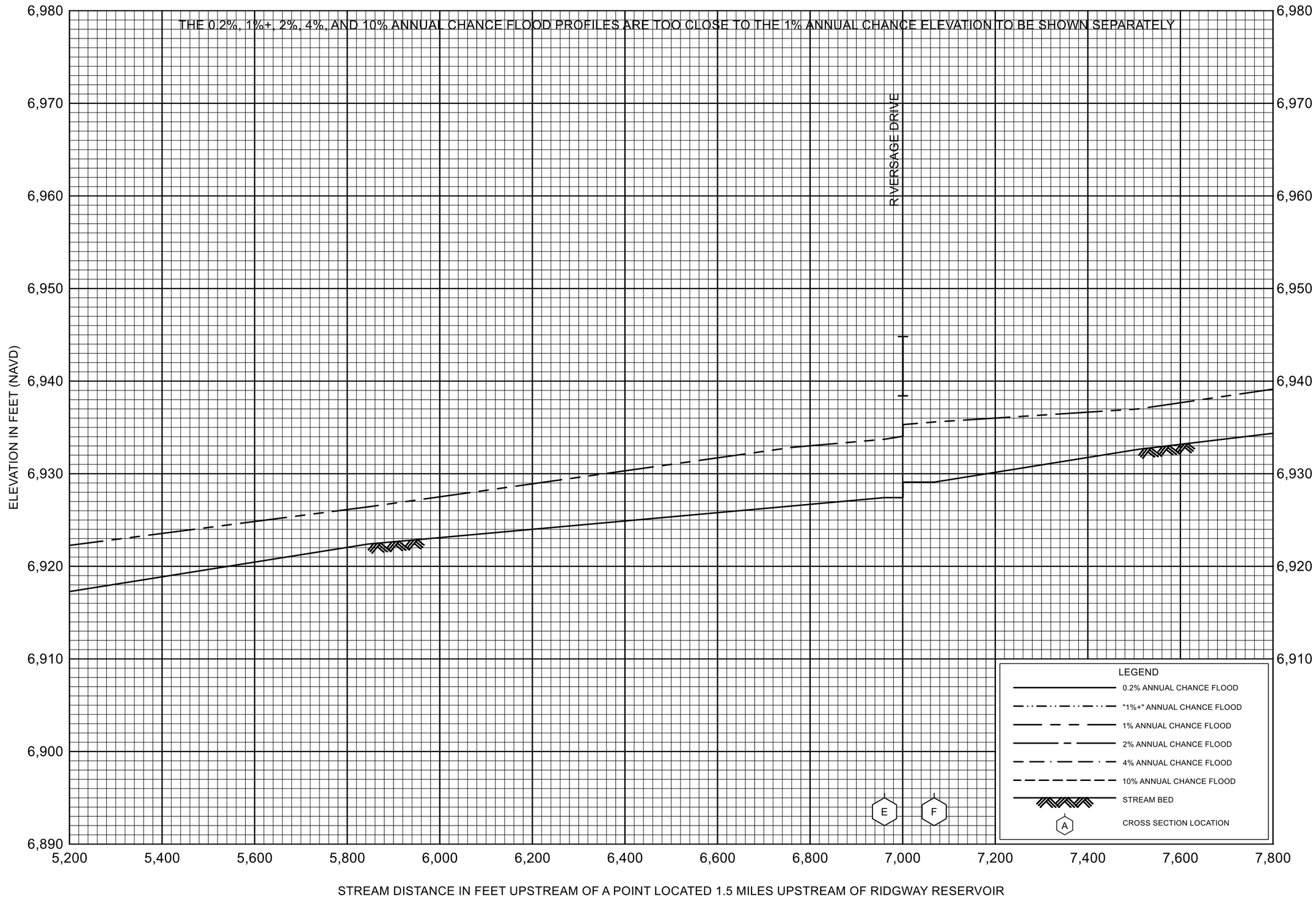

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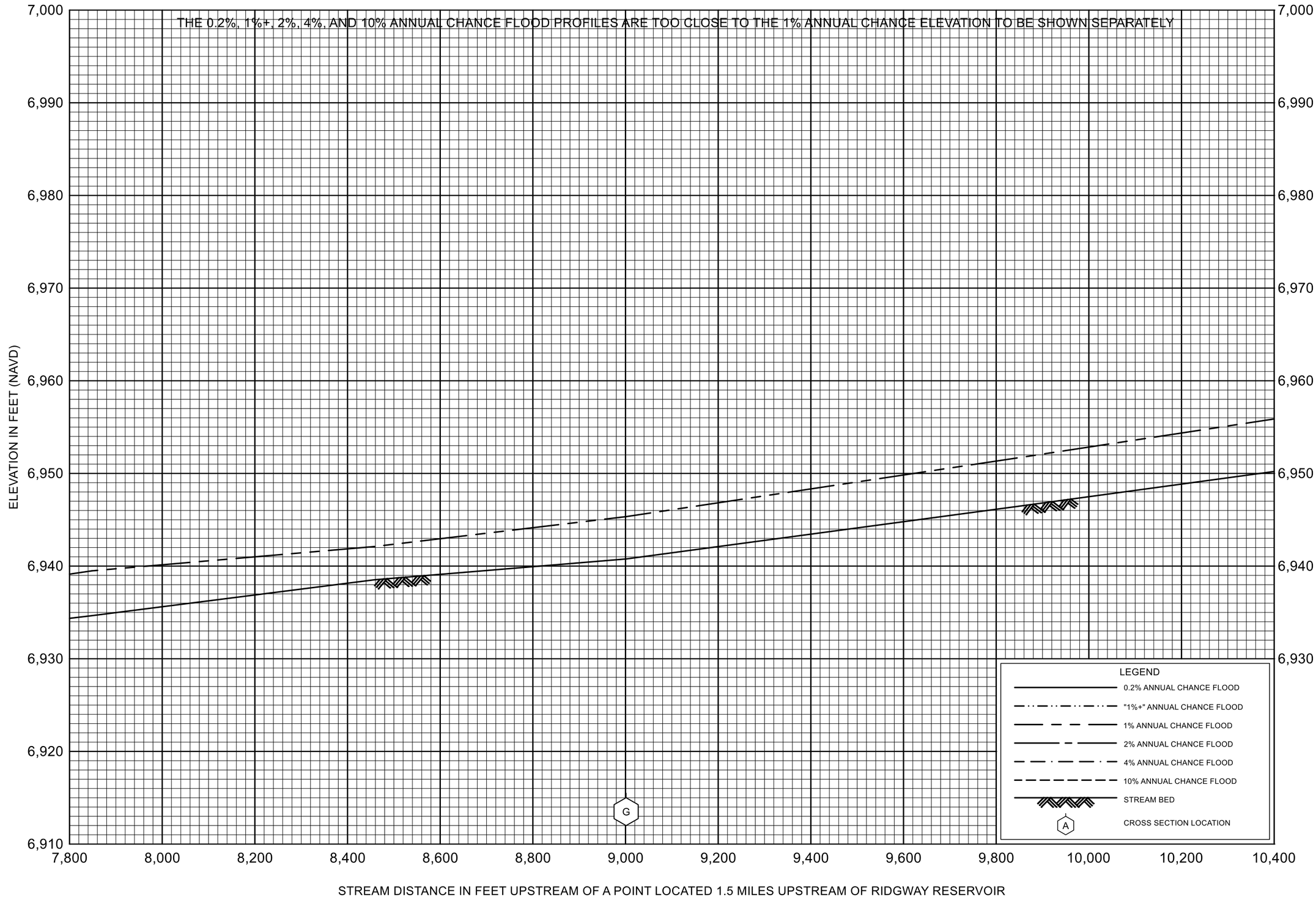

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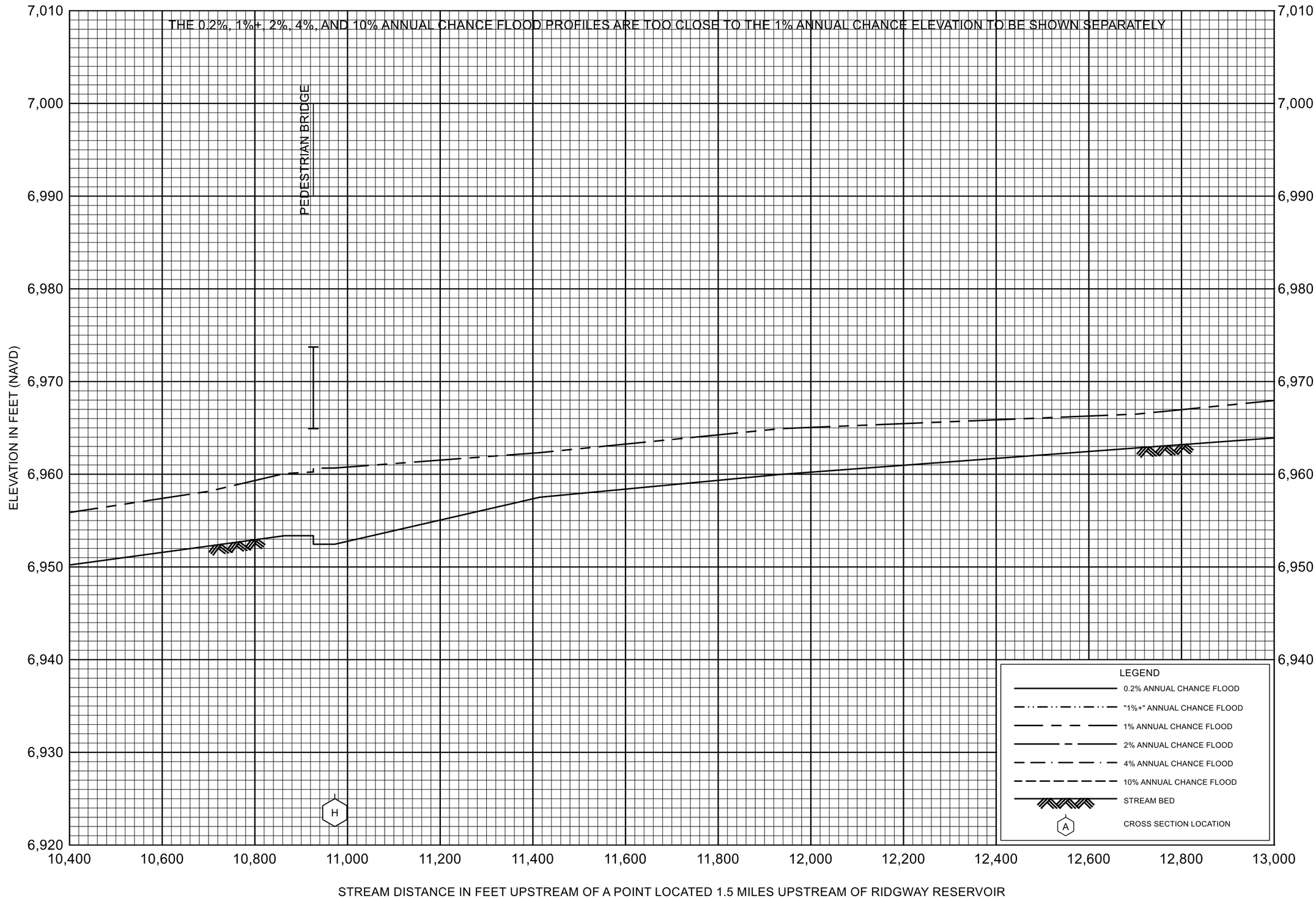

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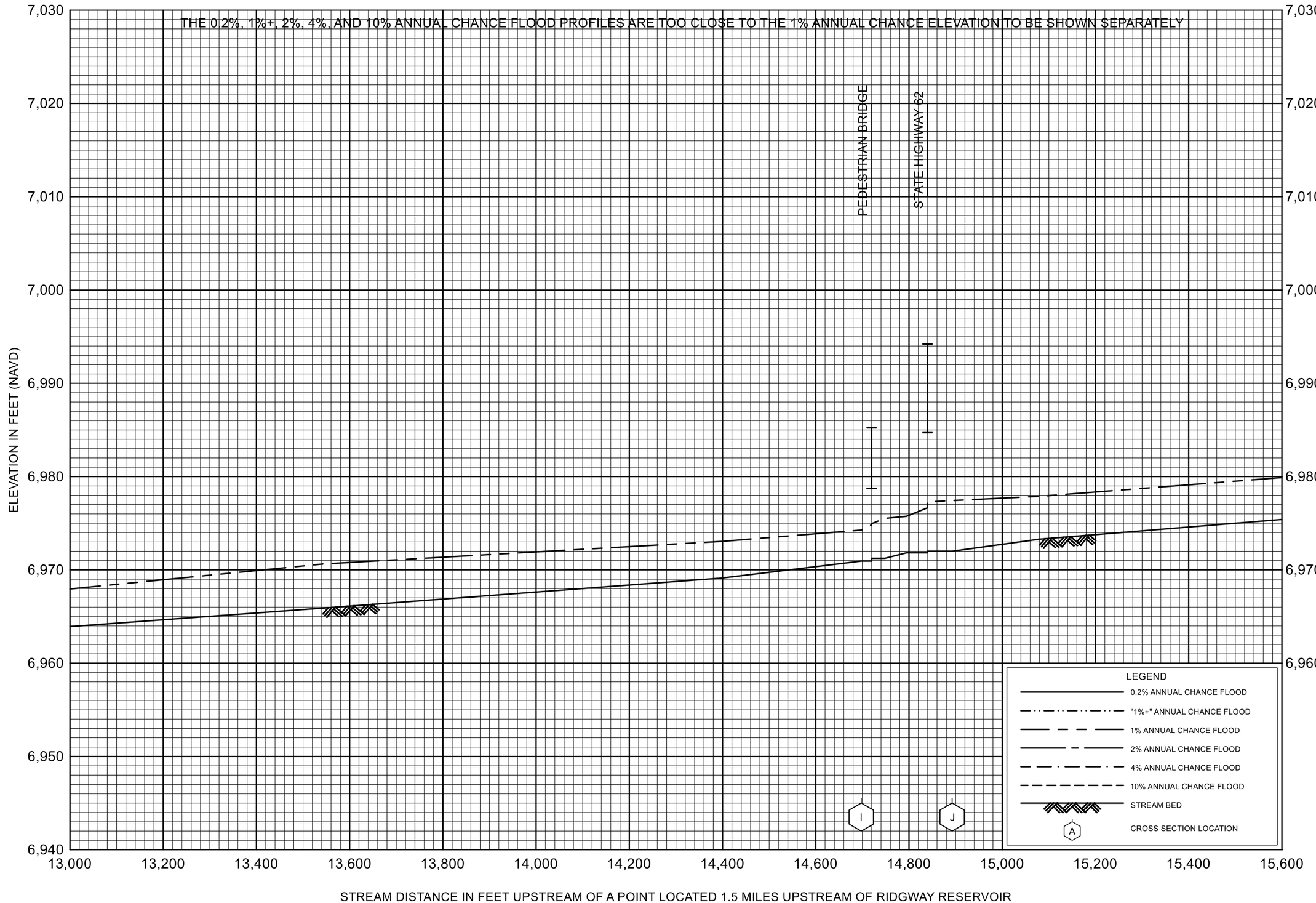

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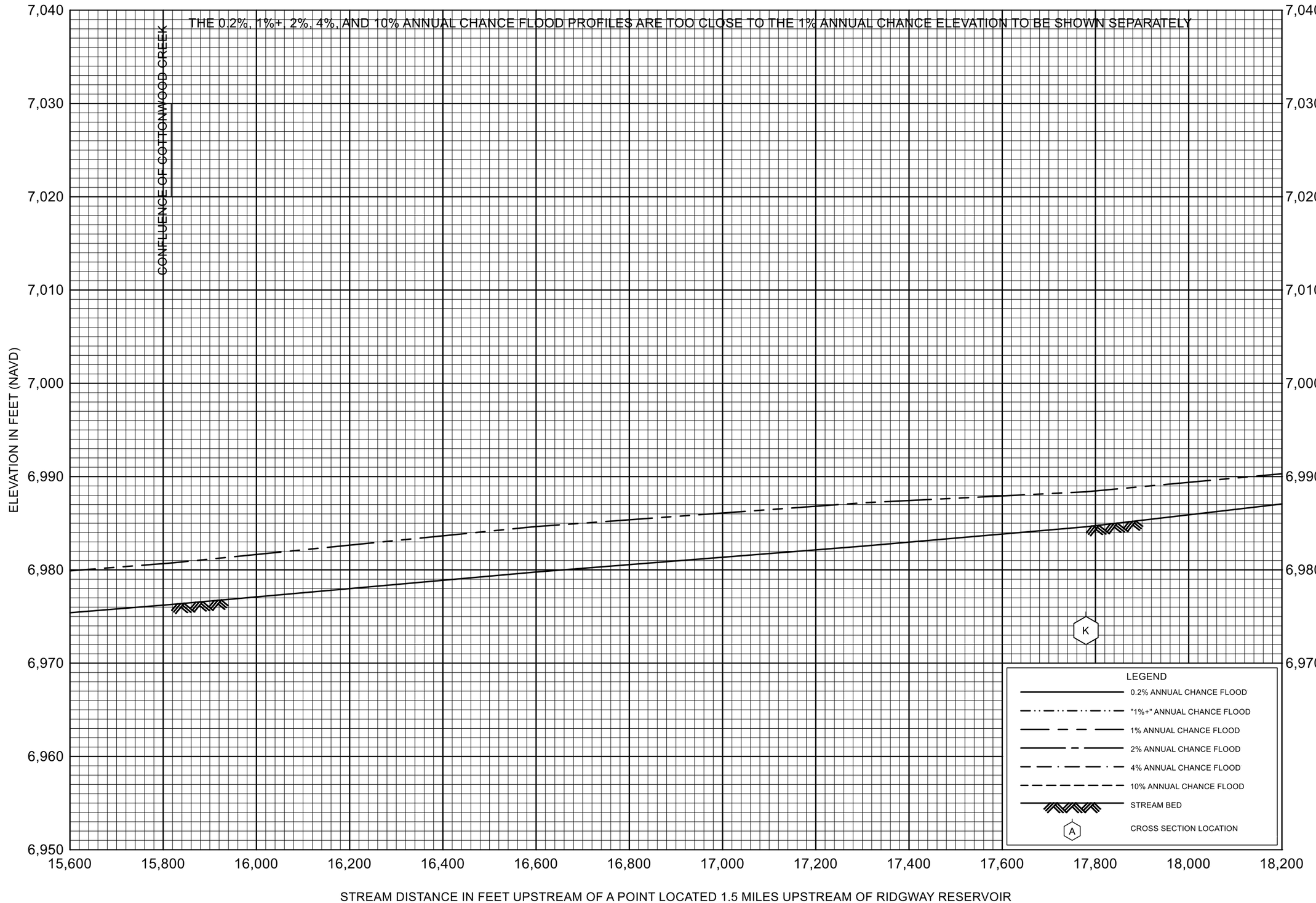

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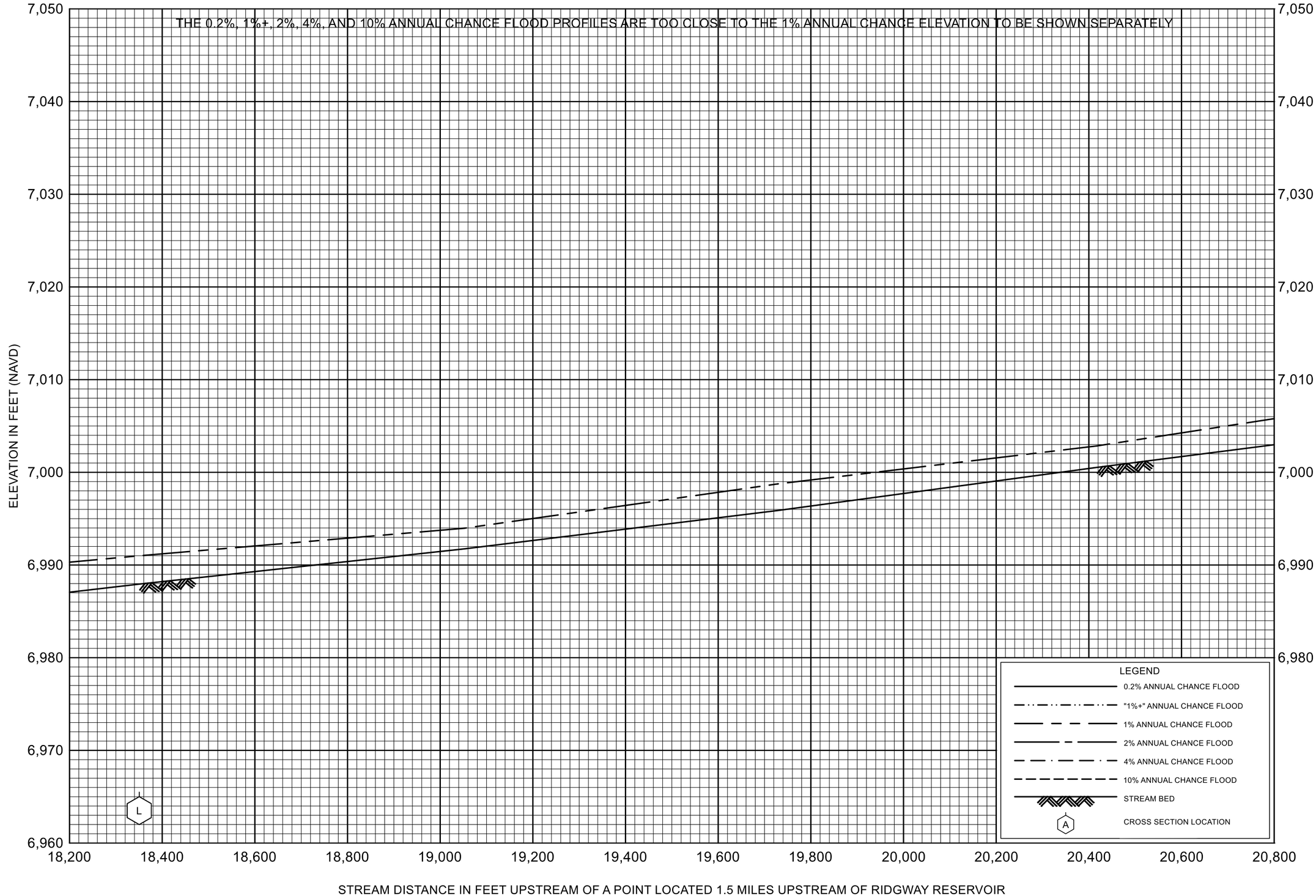

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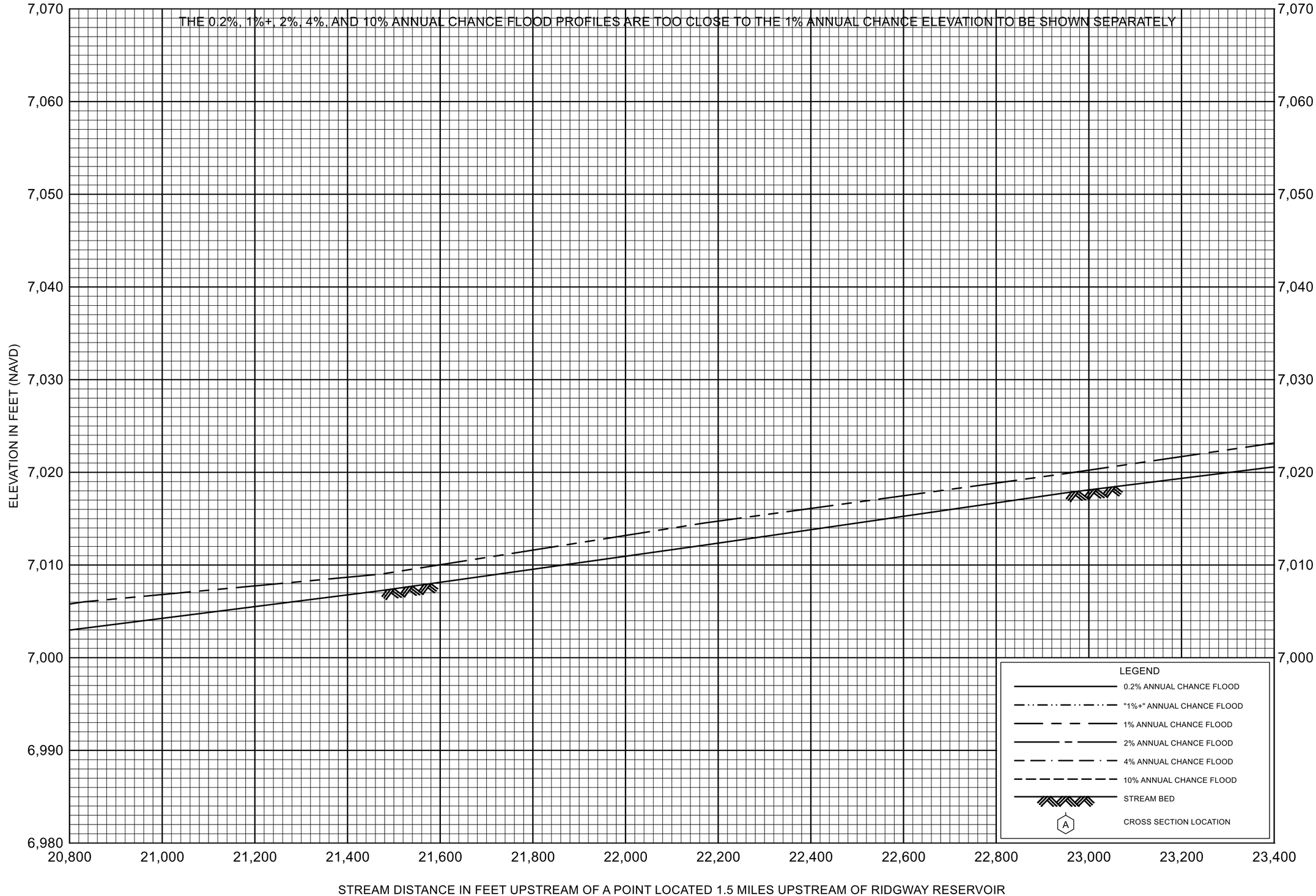

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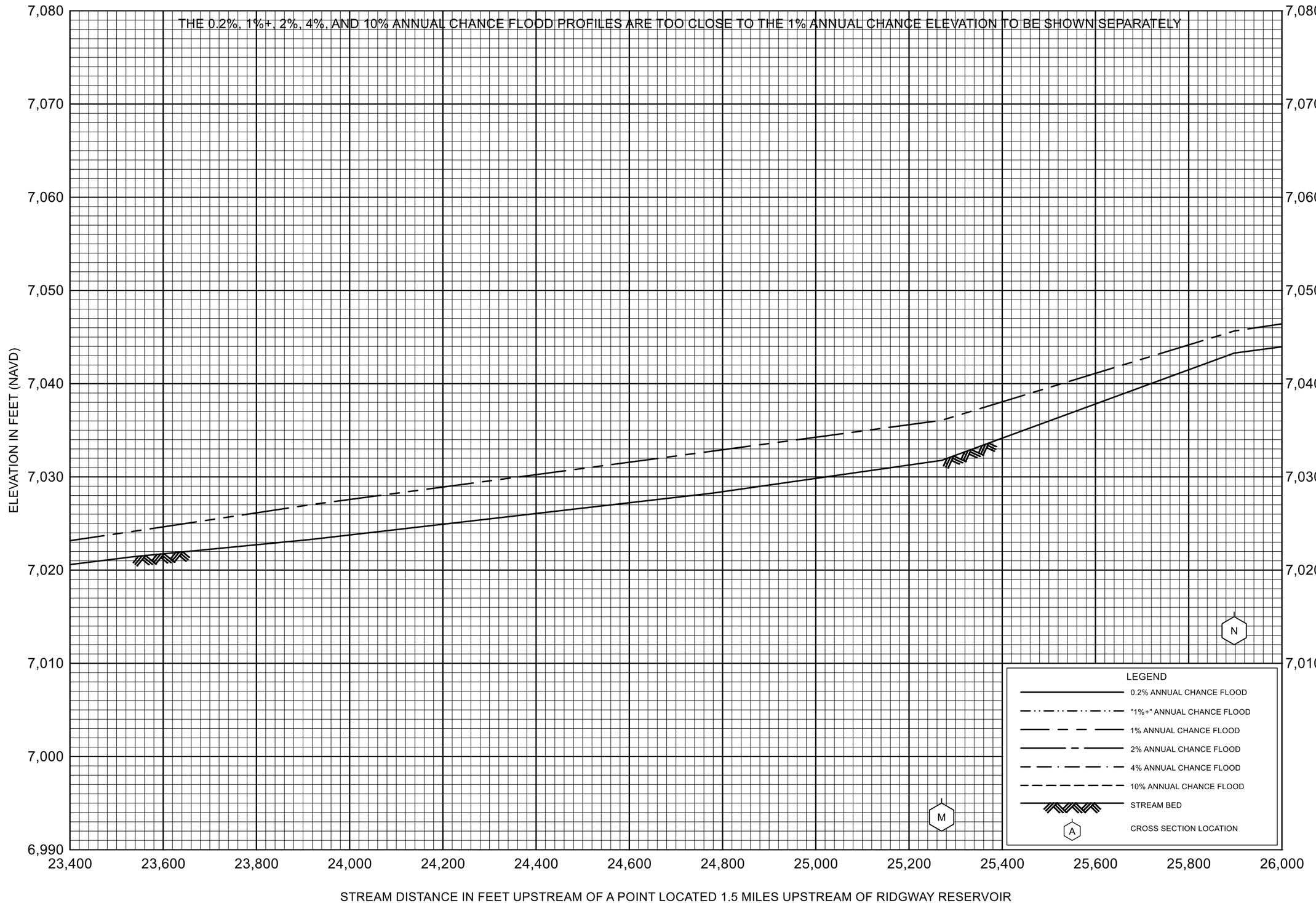
OURAY COUNTY, CO

AND UNINCORPORATED AREAS



FLOOD PROFILES

UNCOMPAHGRE RIVER

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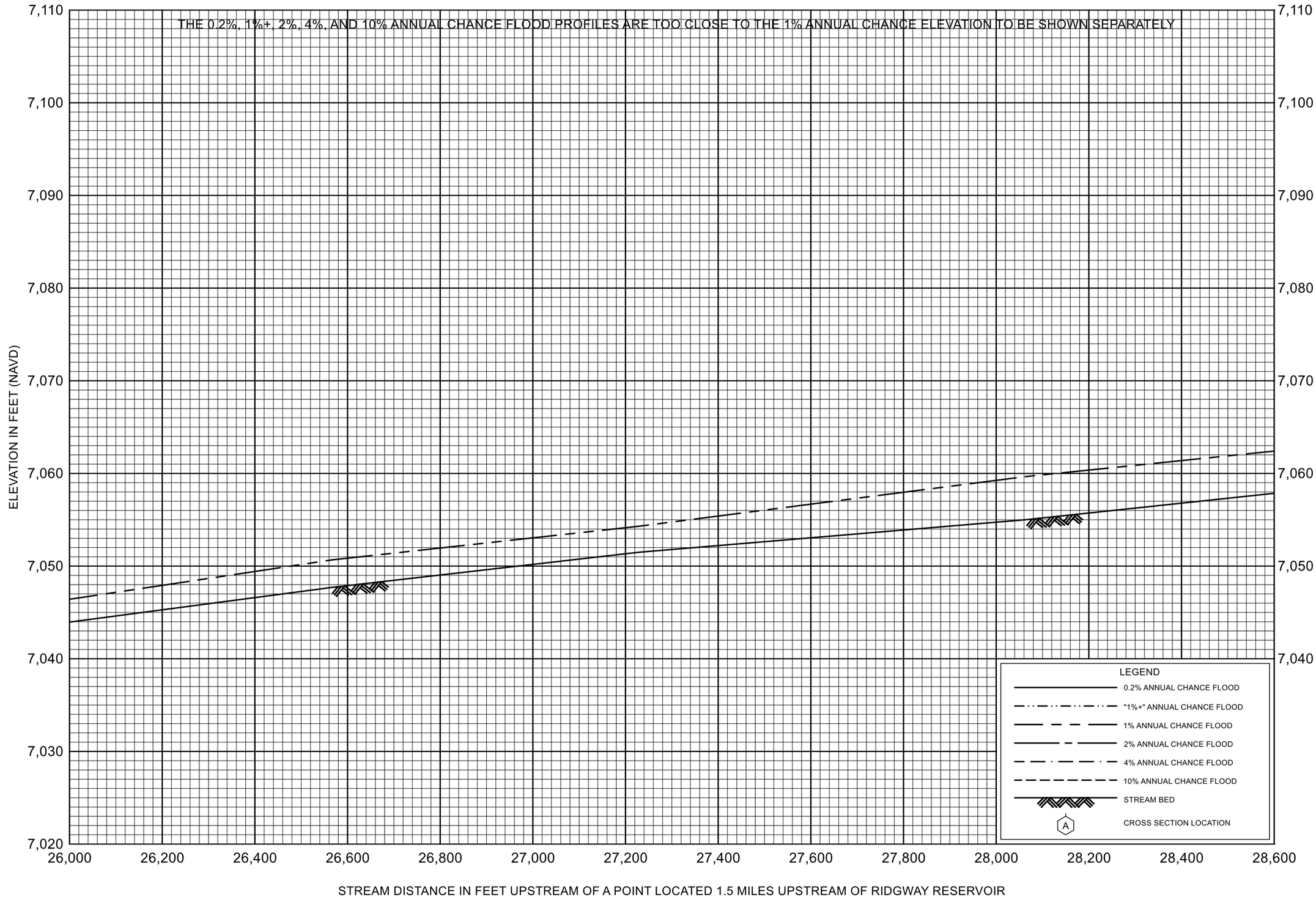


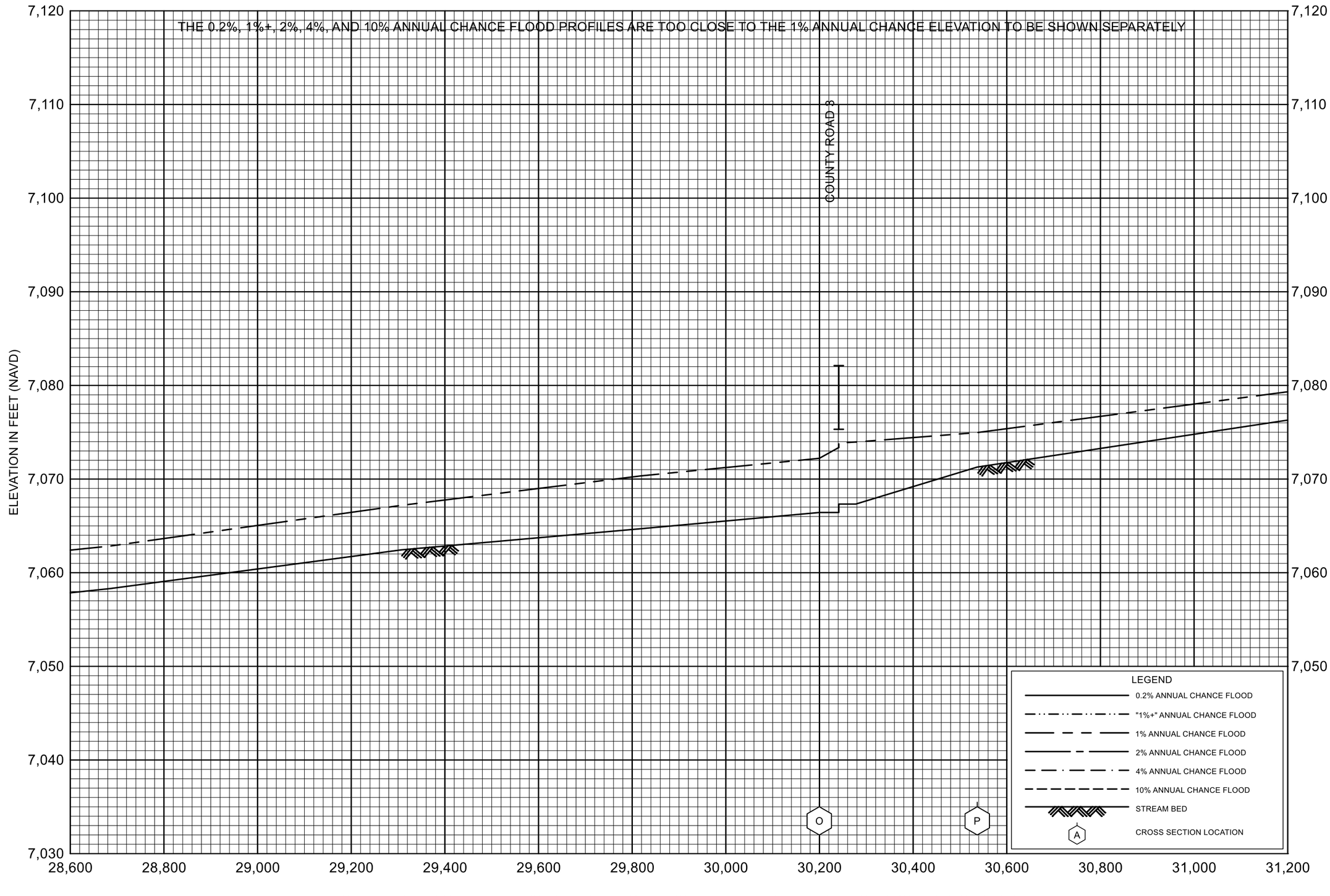
FLOOD PROFILES

UNCOMPAHGRE RIVER

FEDERAL EMERGENCY MANAGEMENT AGENCY

OURAY COUNTY, CO

AND UNINCORPORATED AREAS



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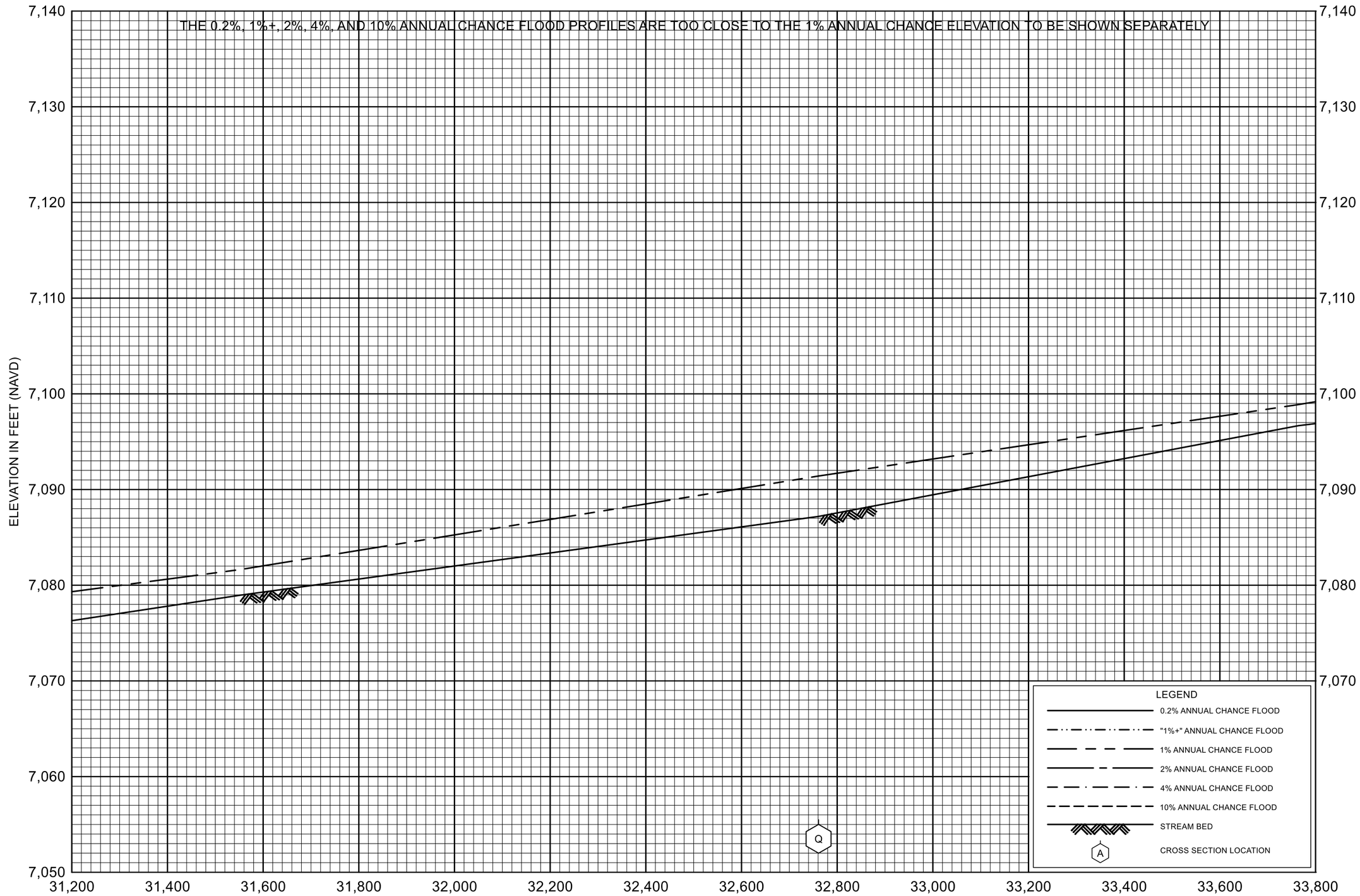

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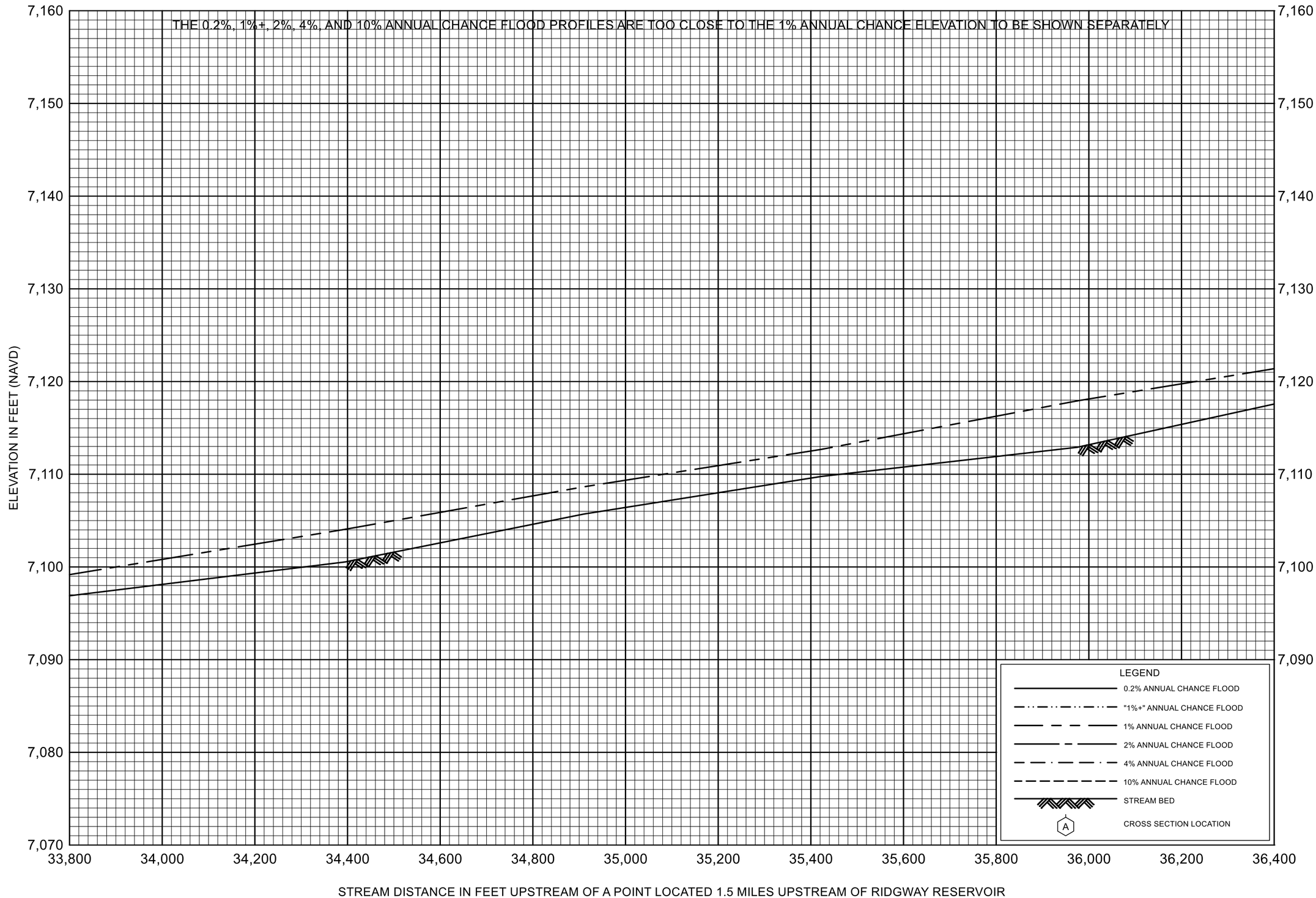

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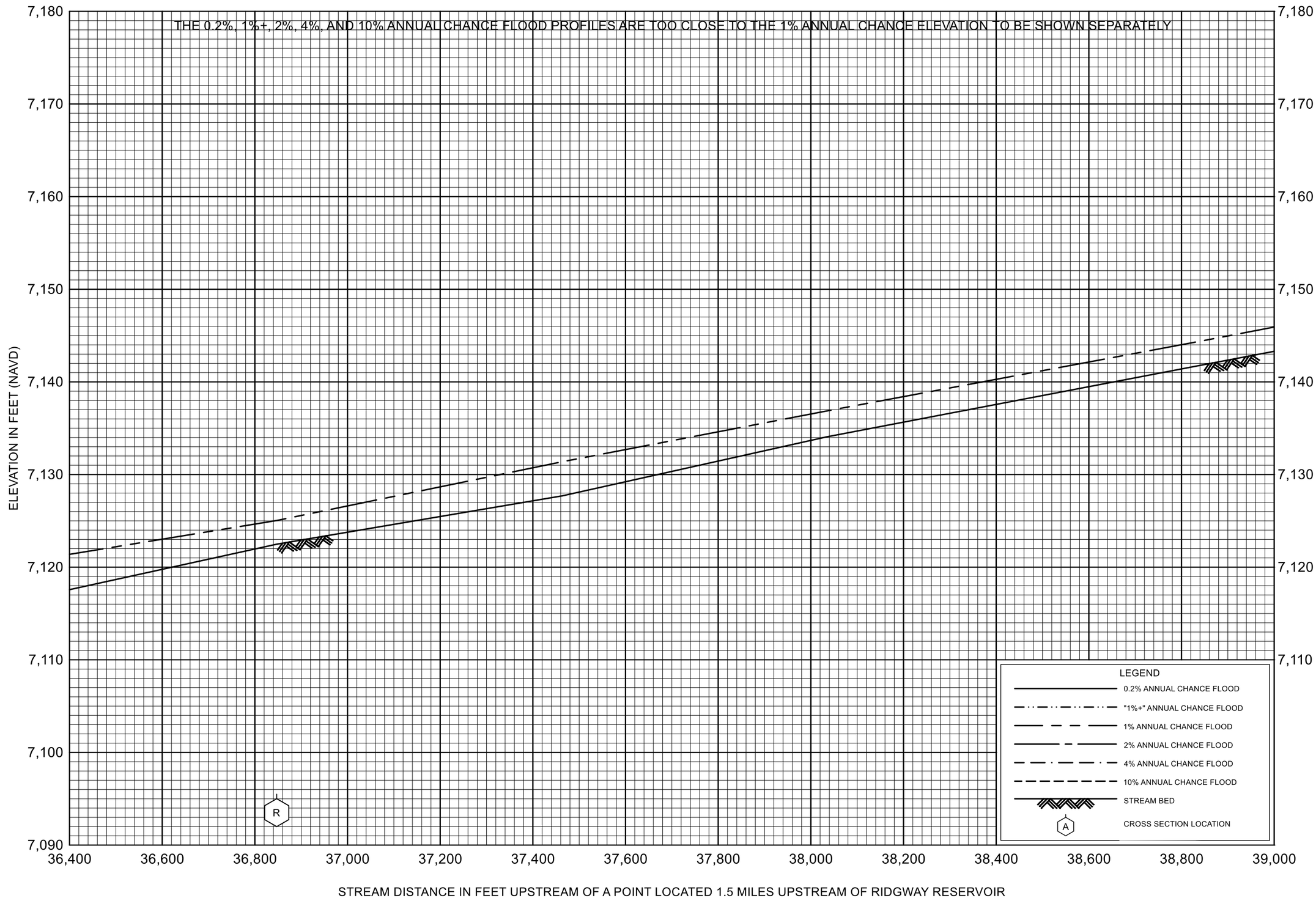

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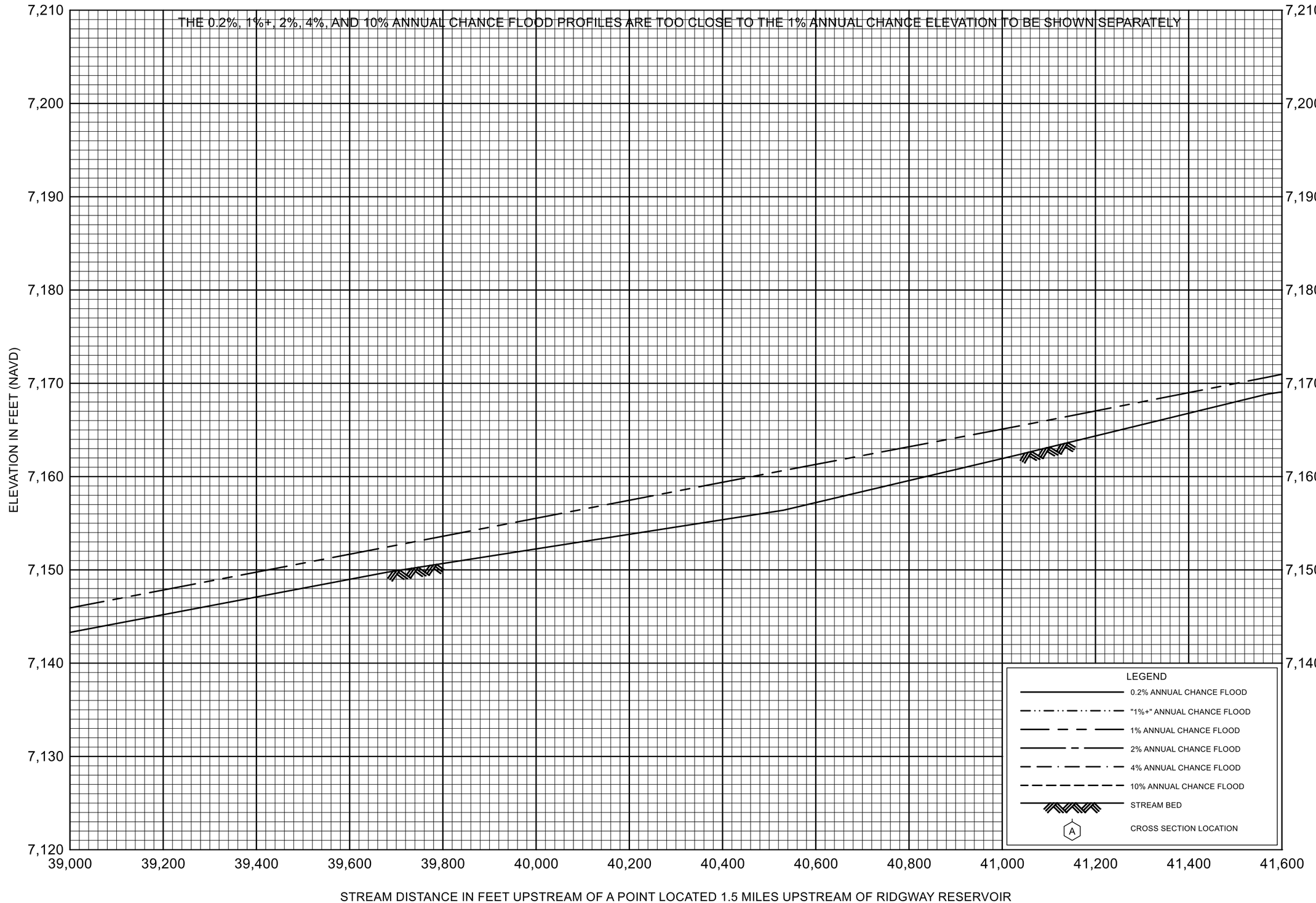

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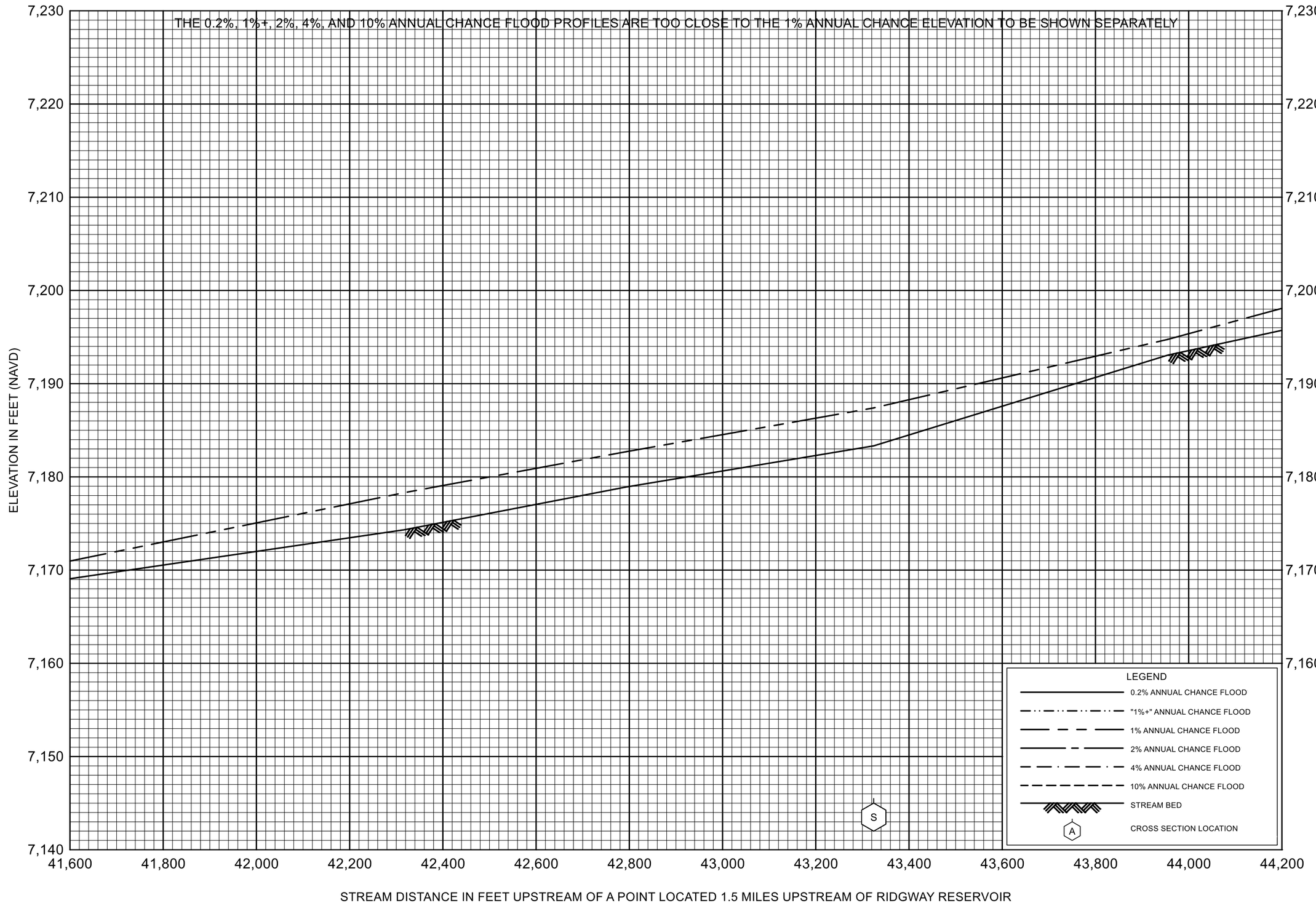

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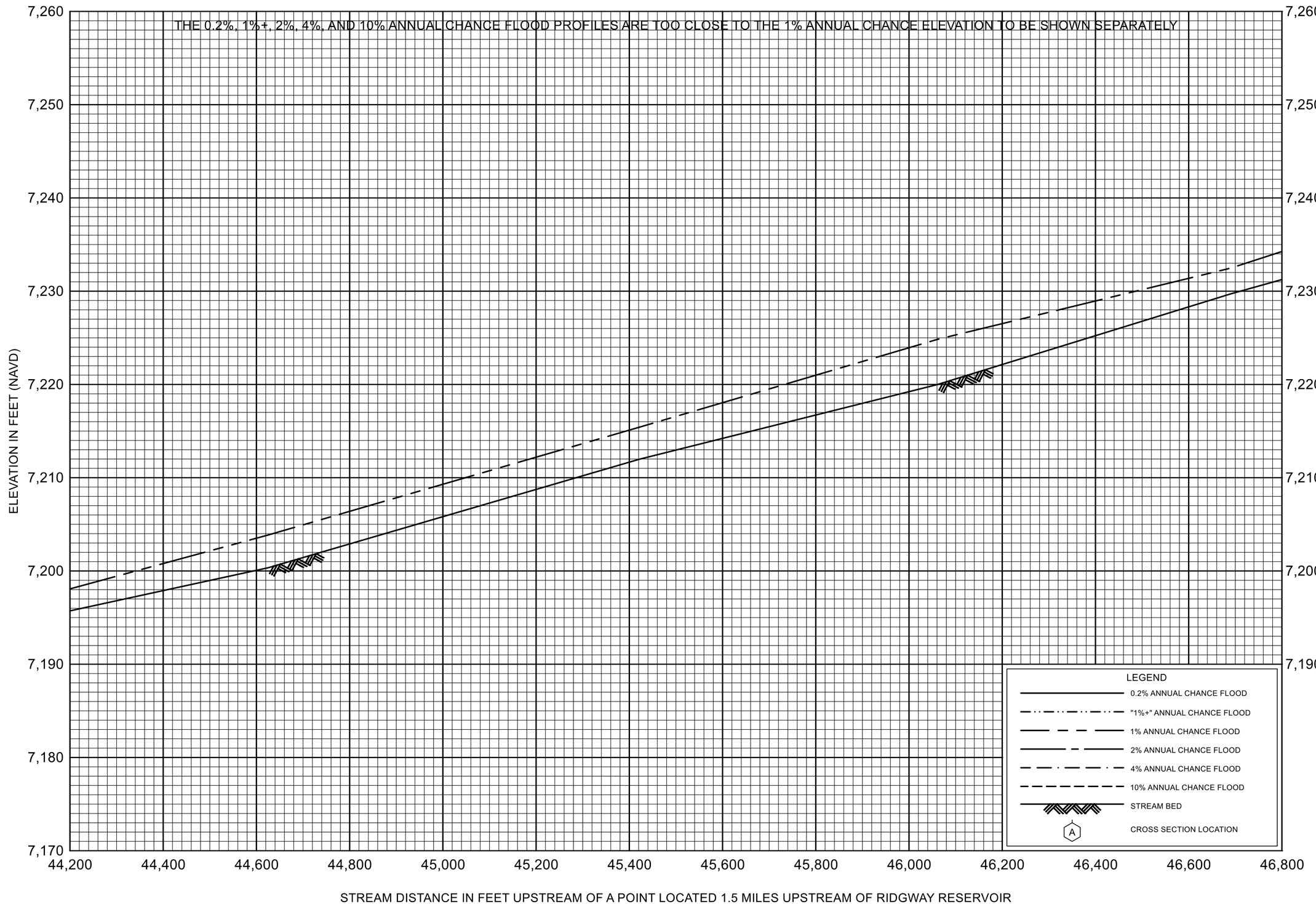

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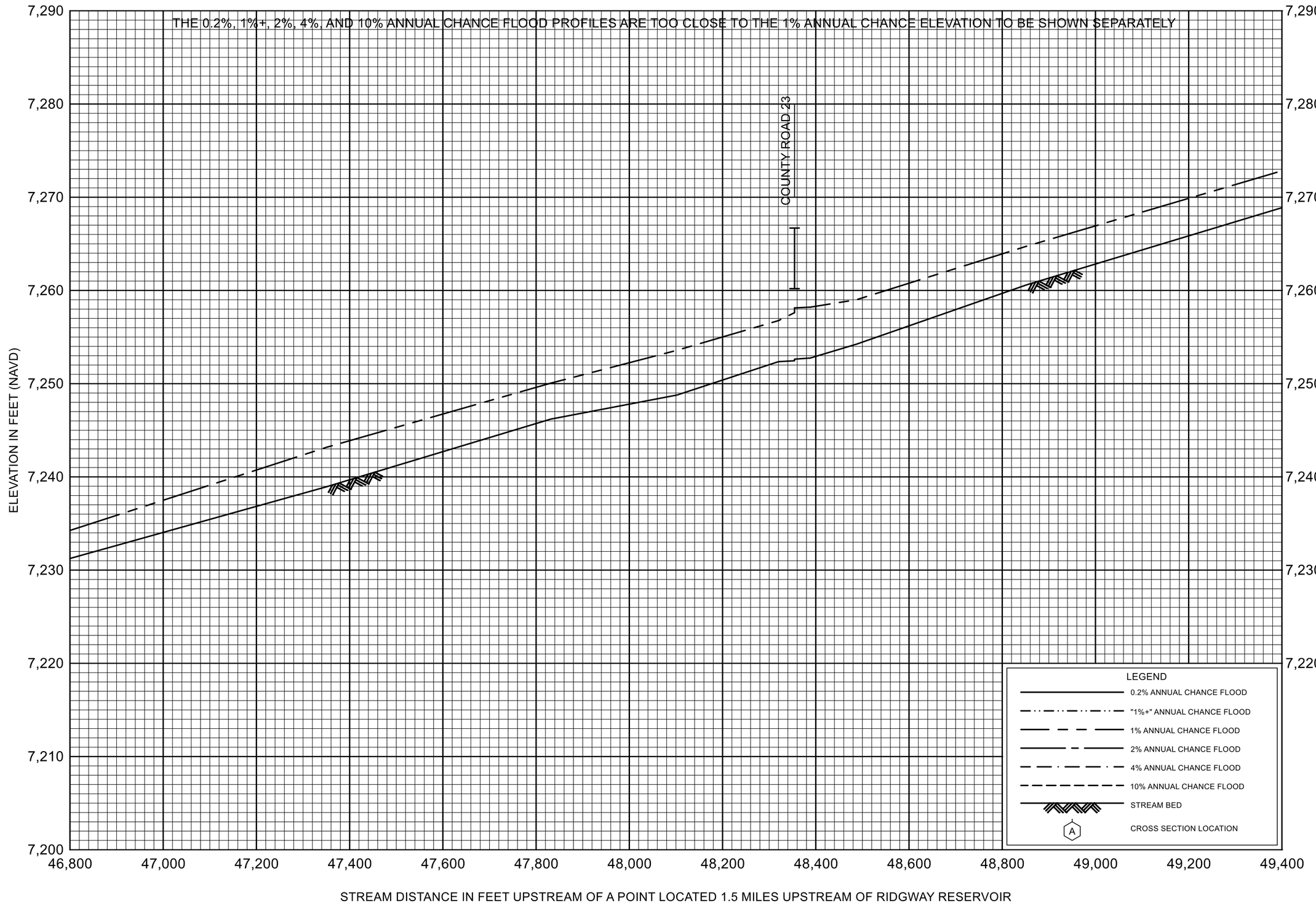

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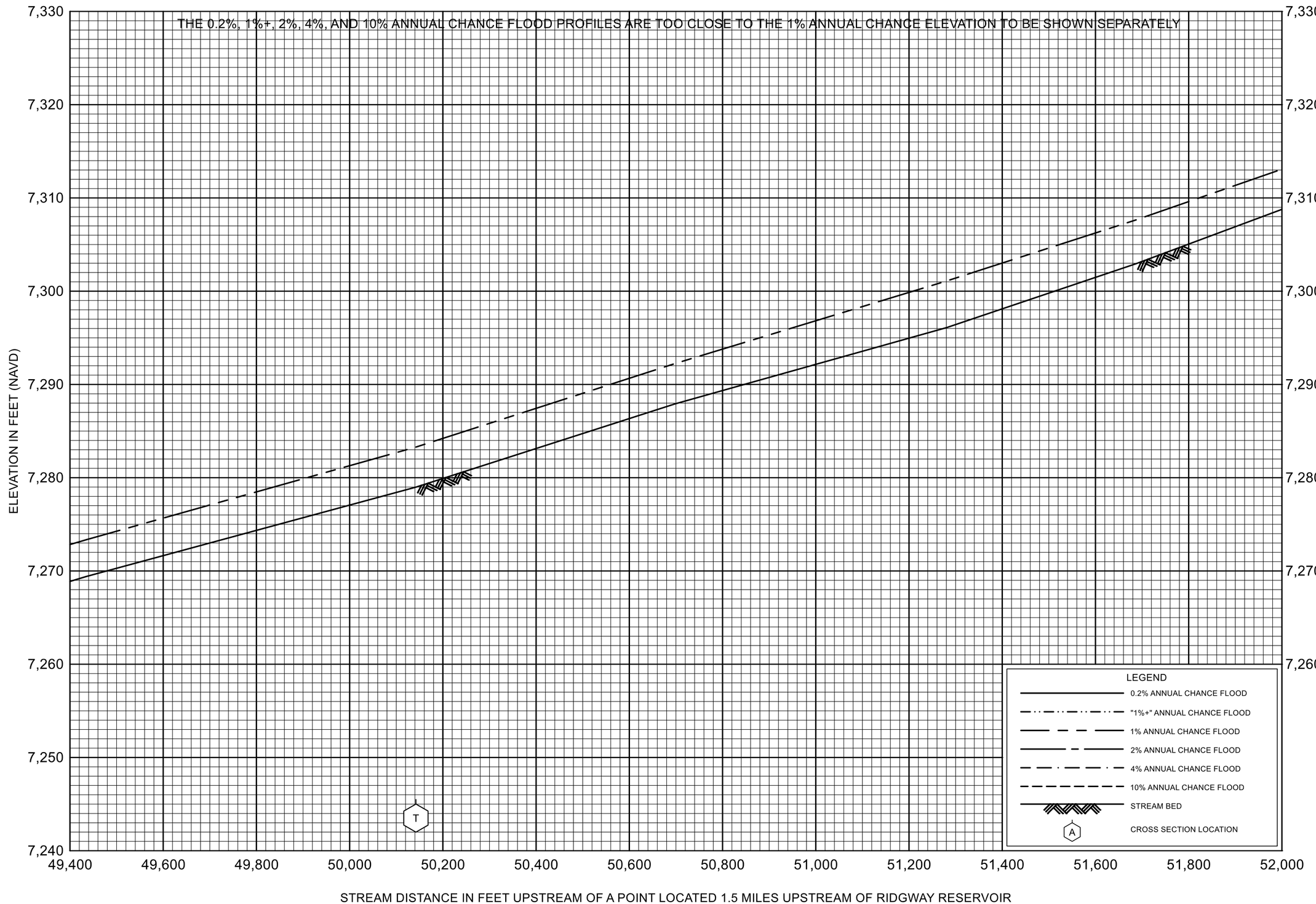

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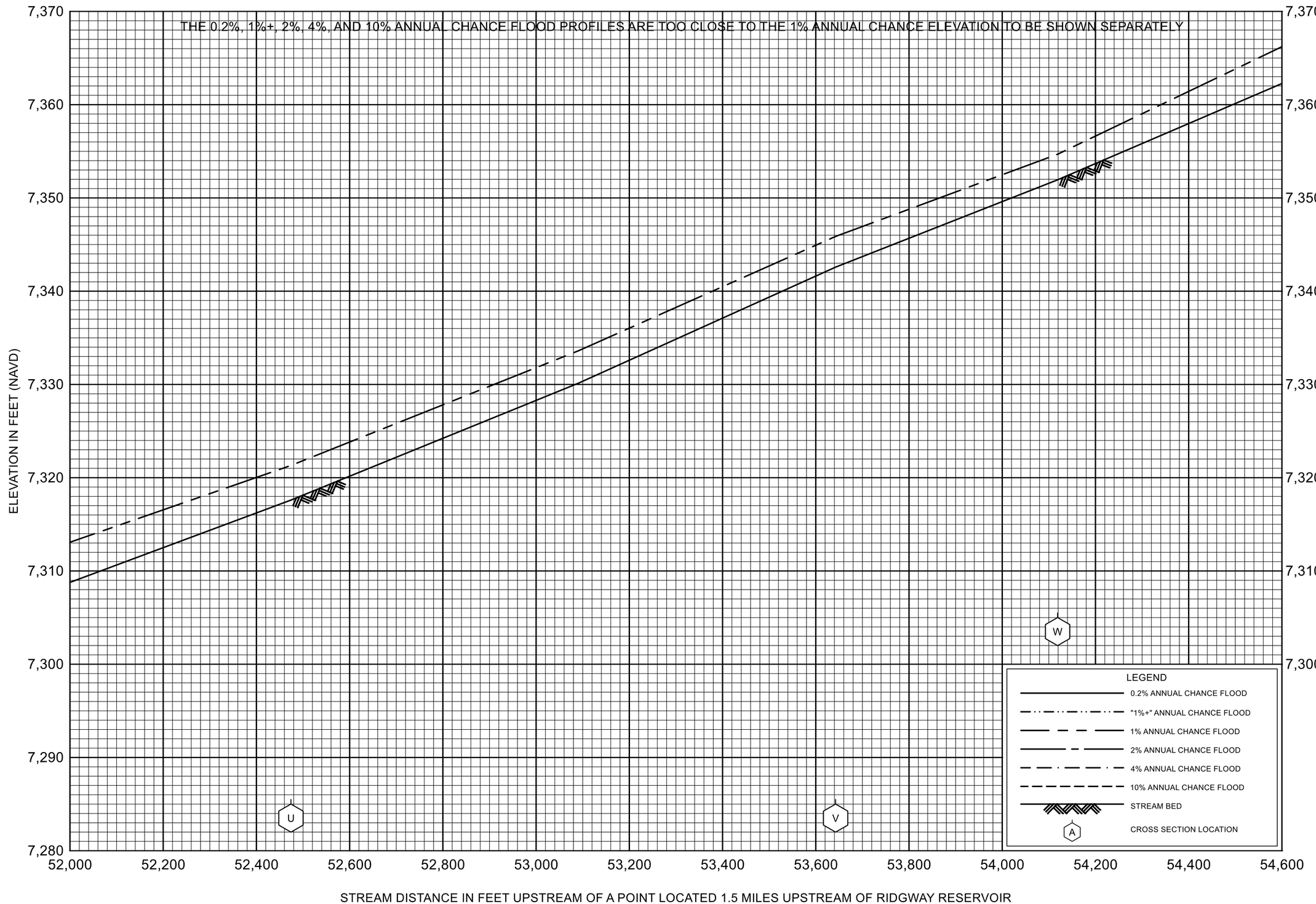

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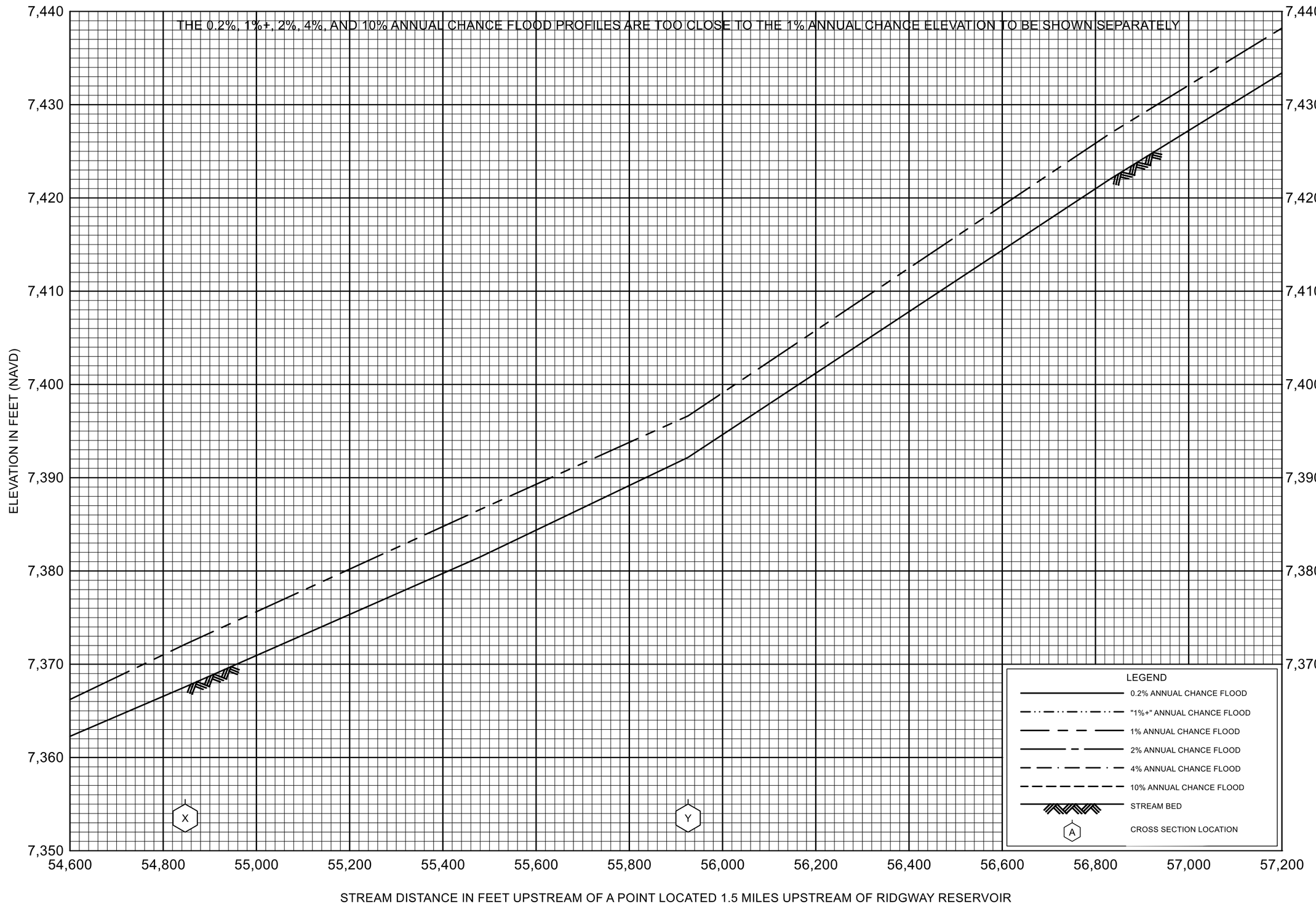

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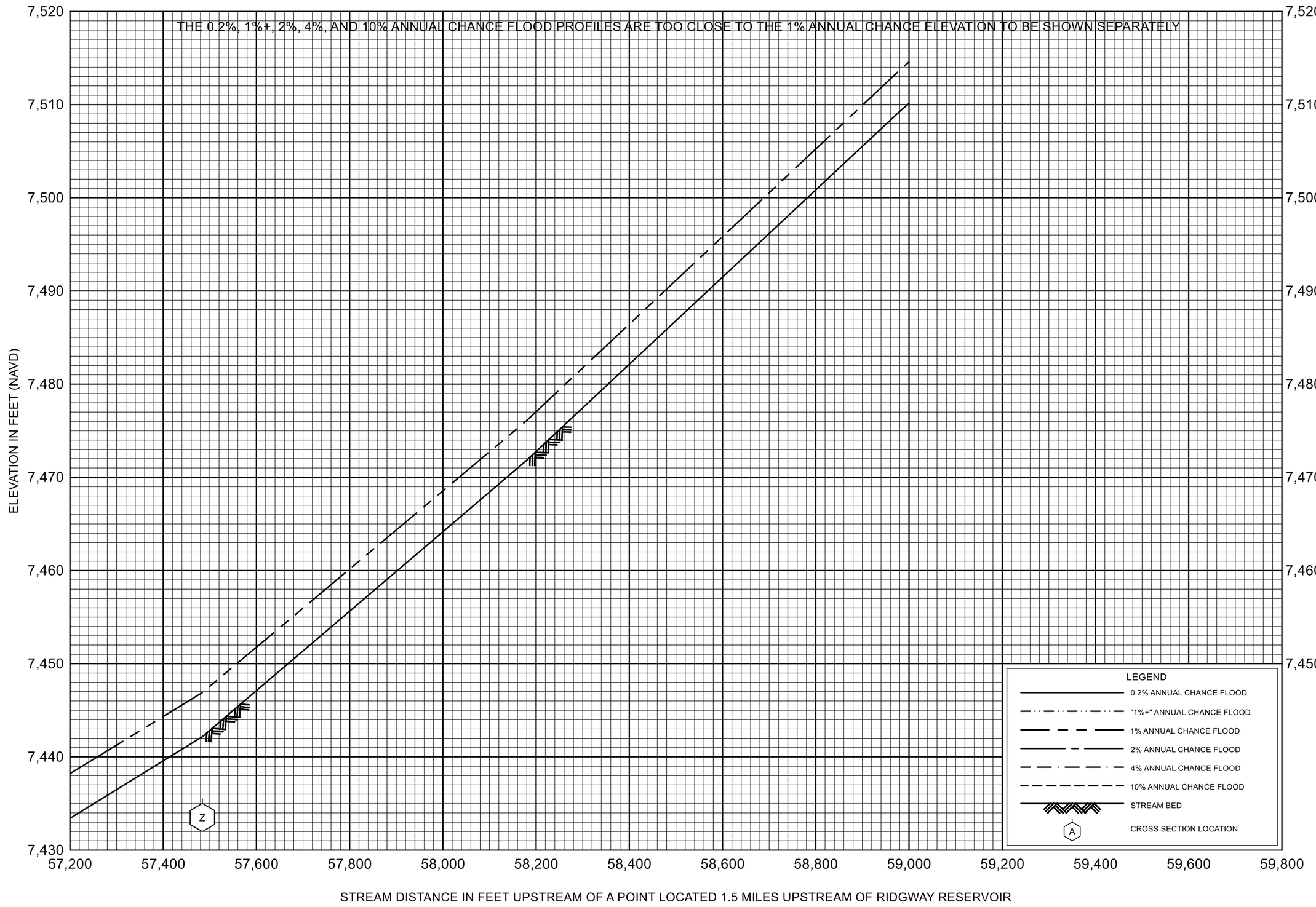

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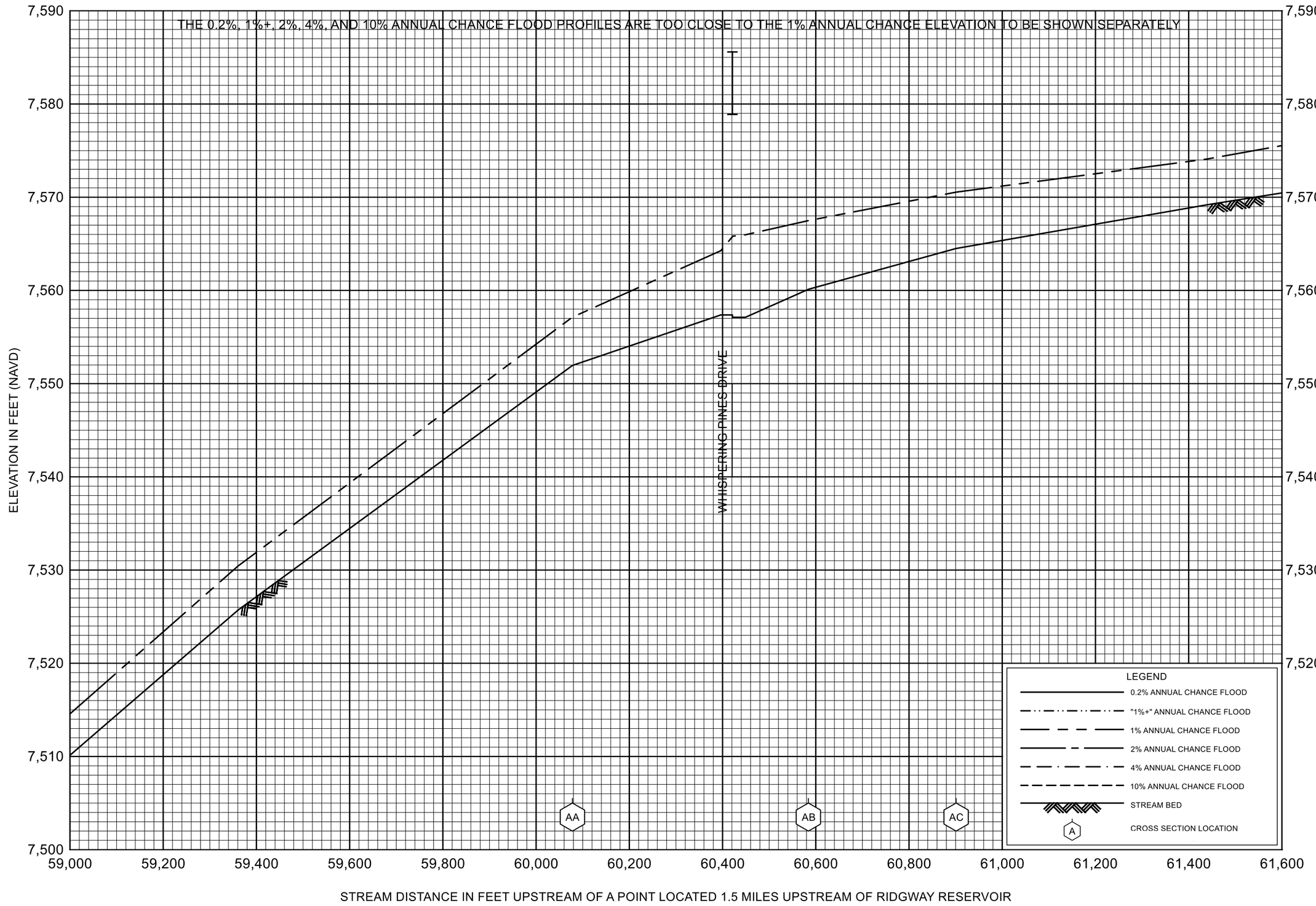

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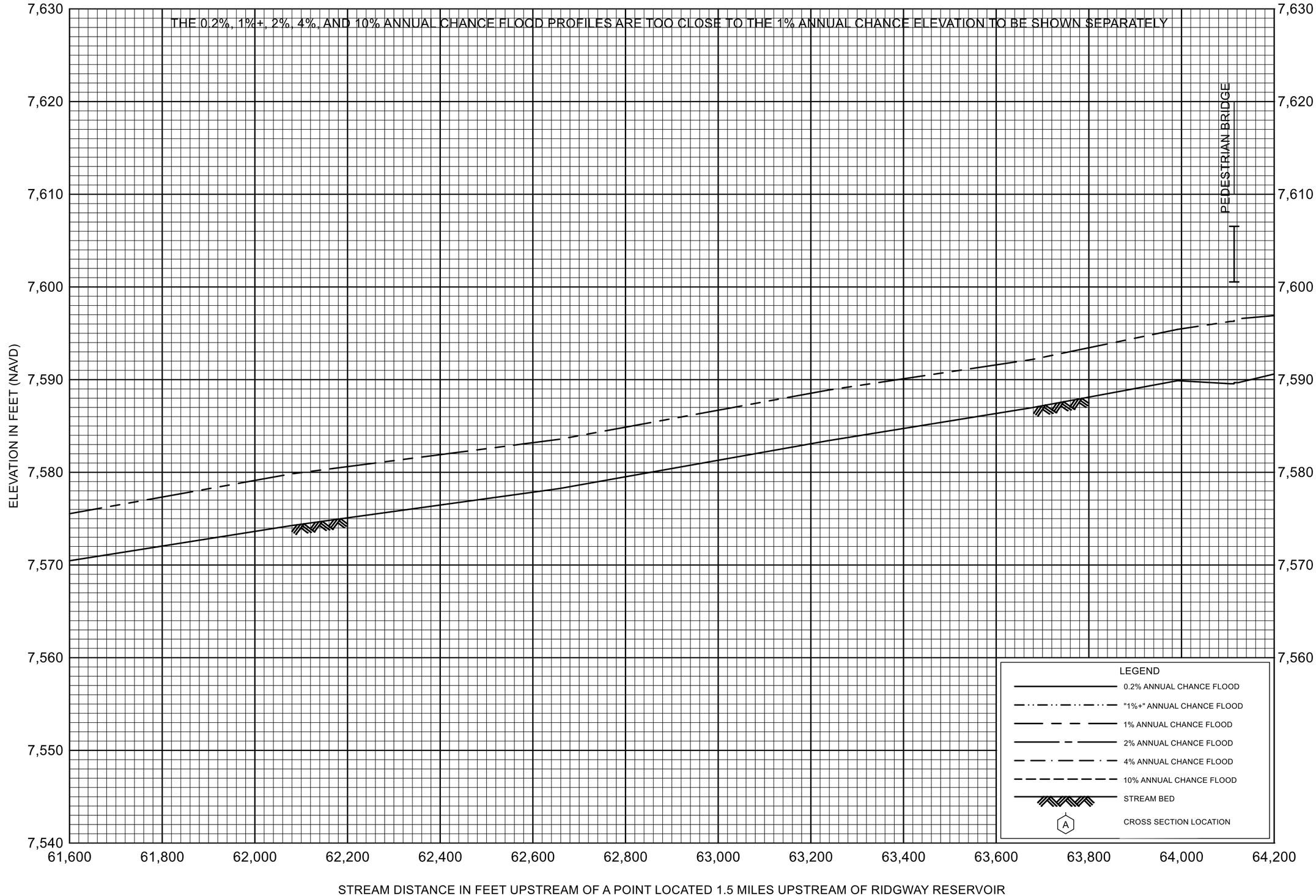

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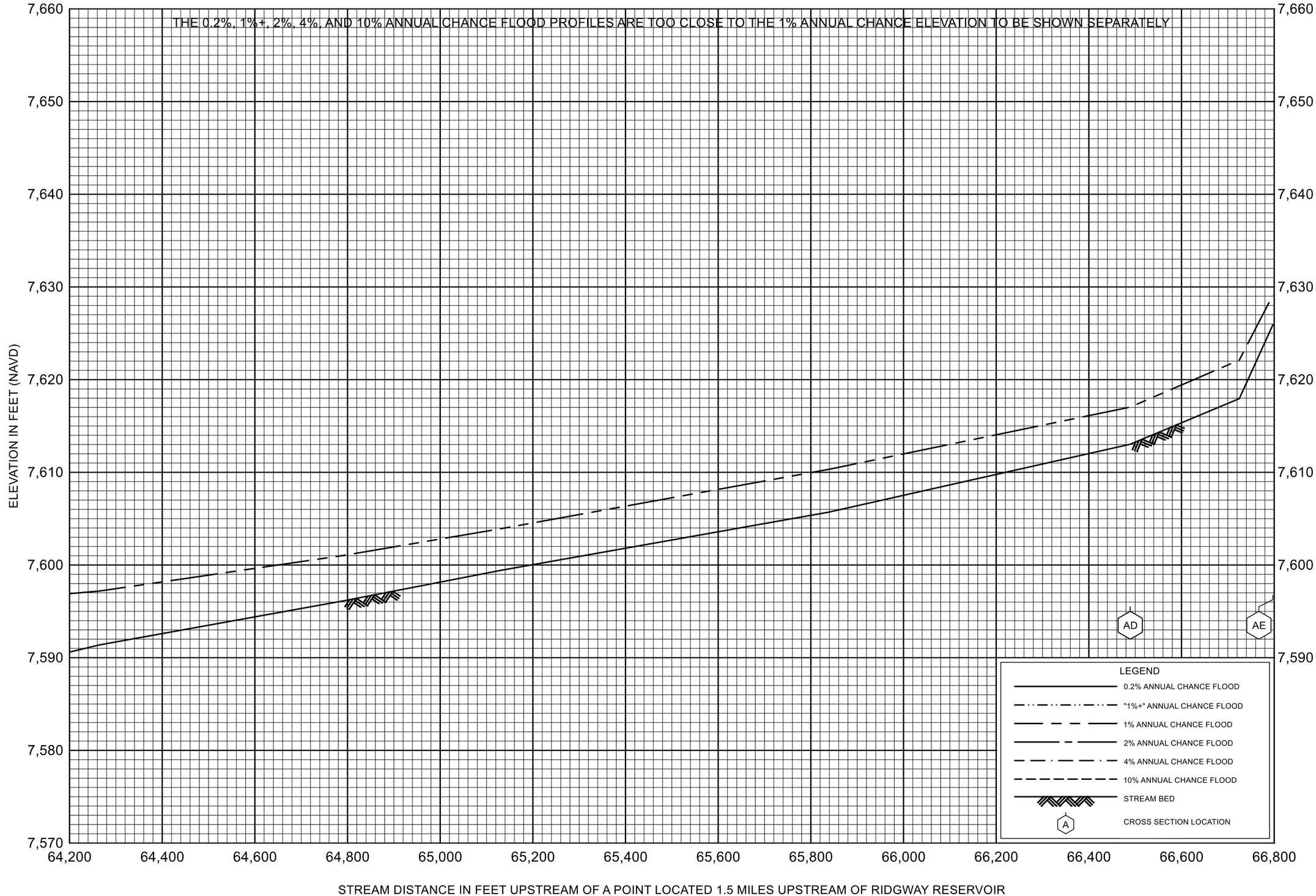

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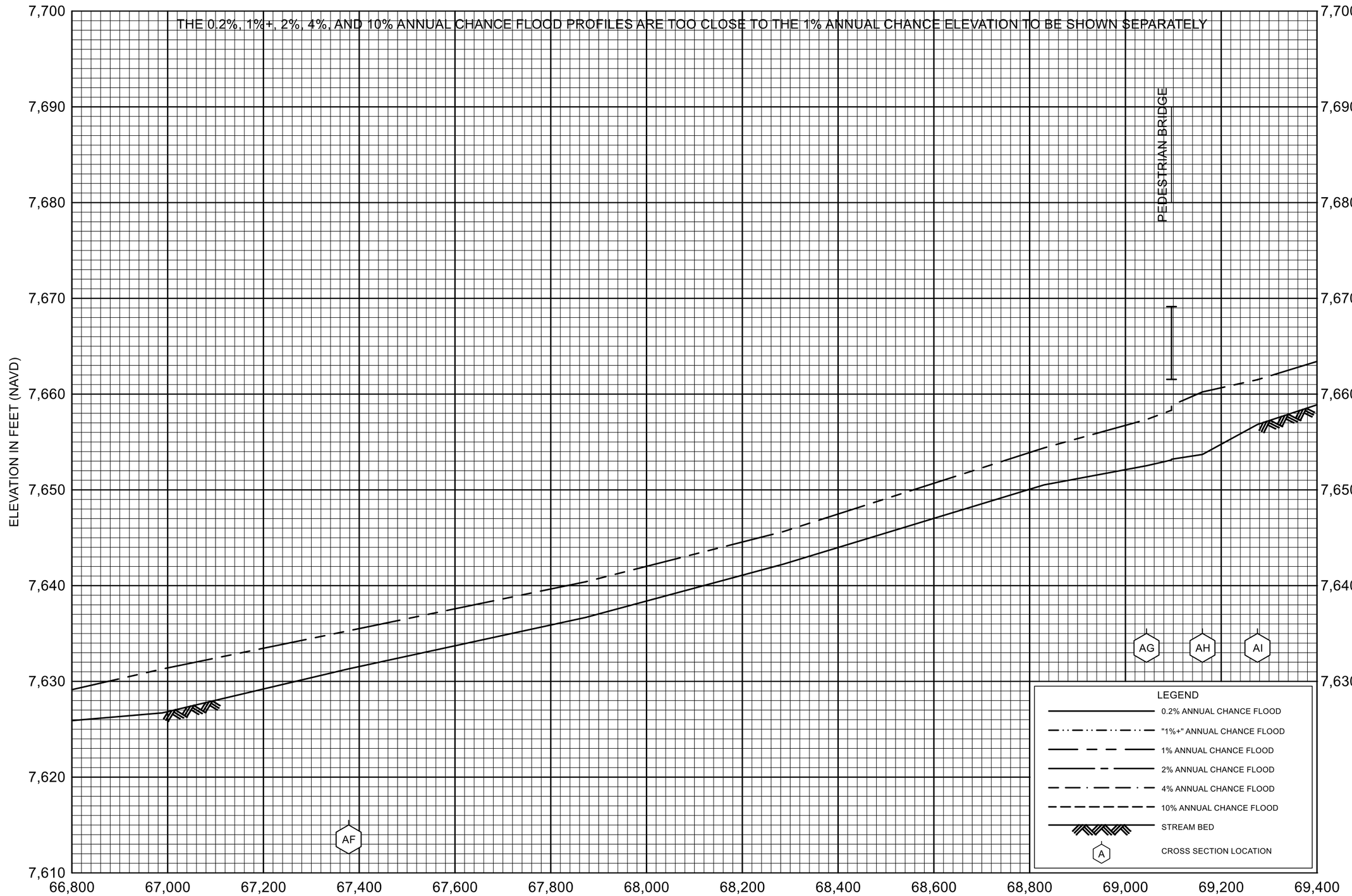

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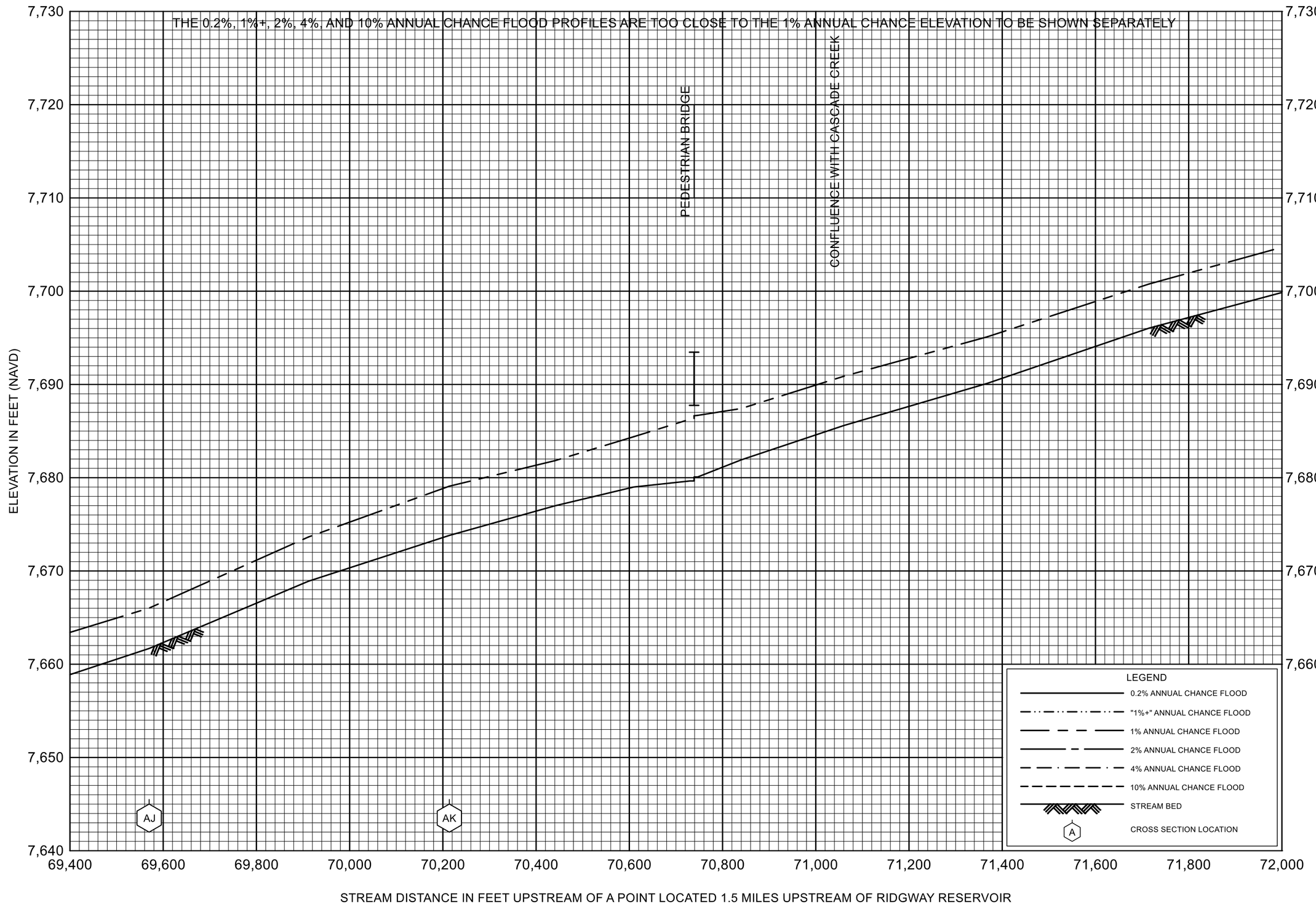

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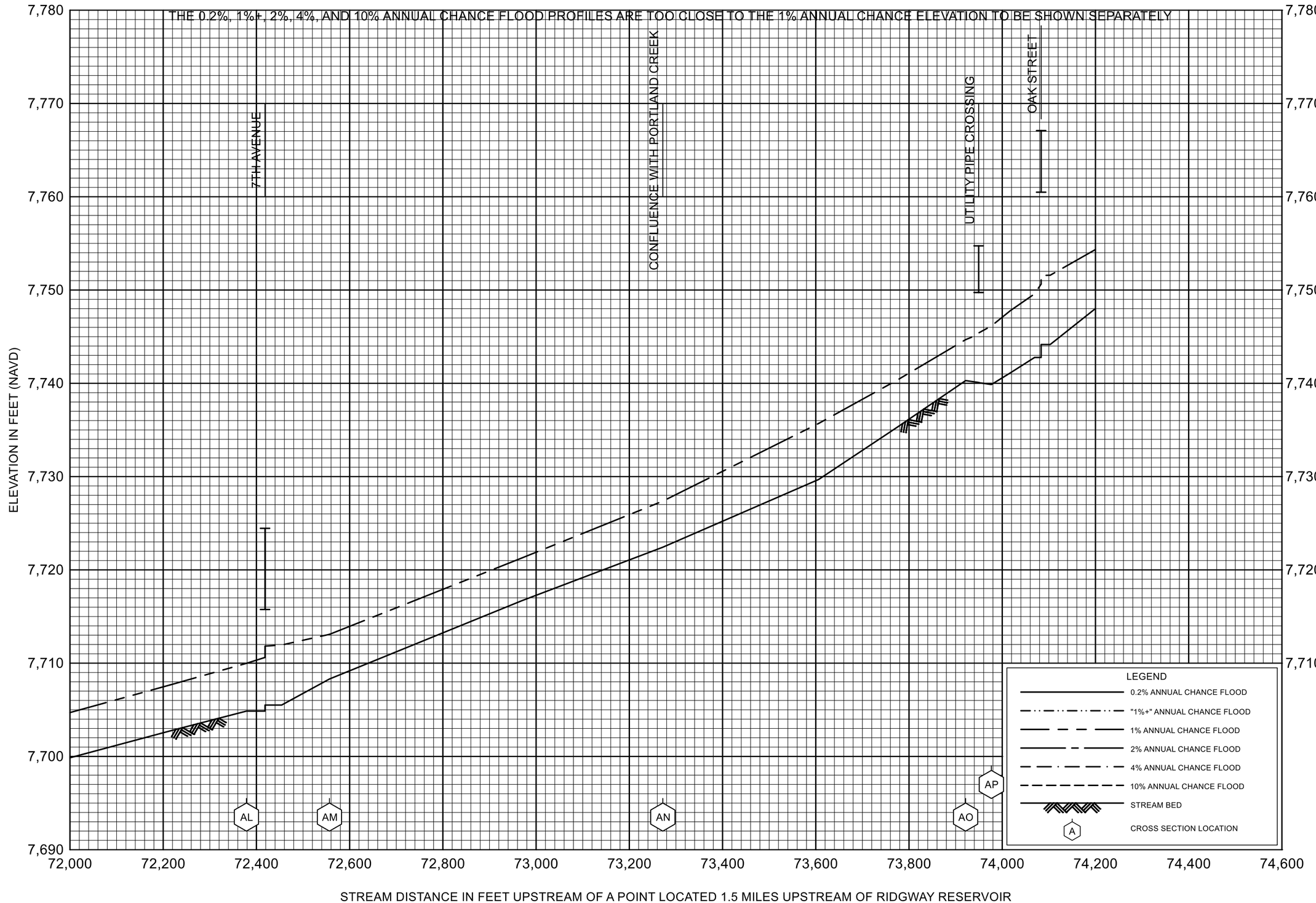

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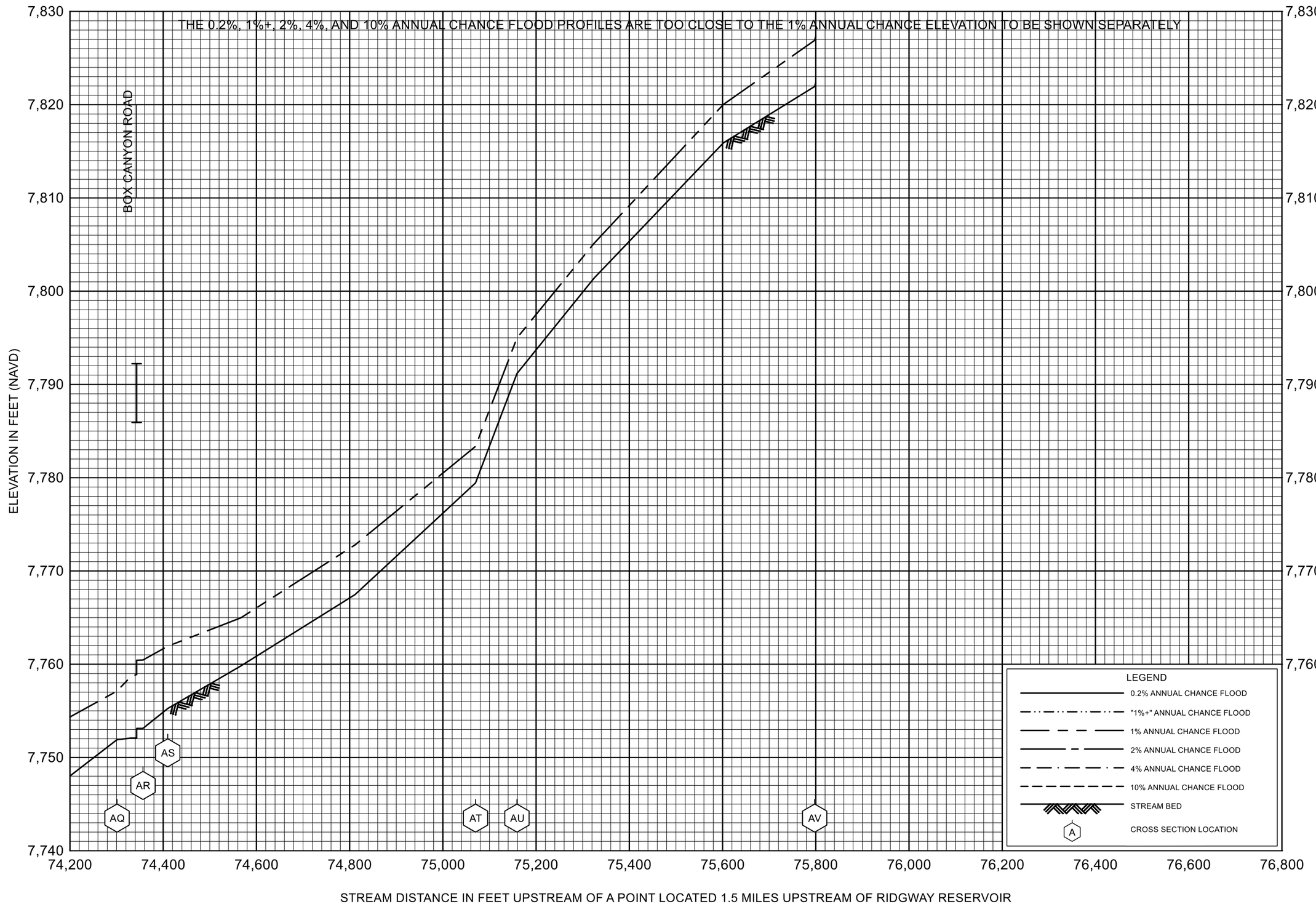

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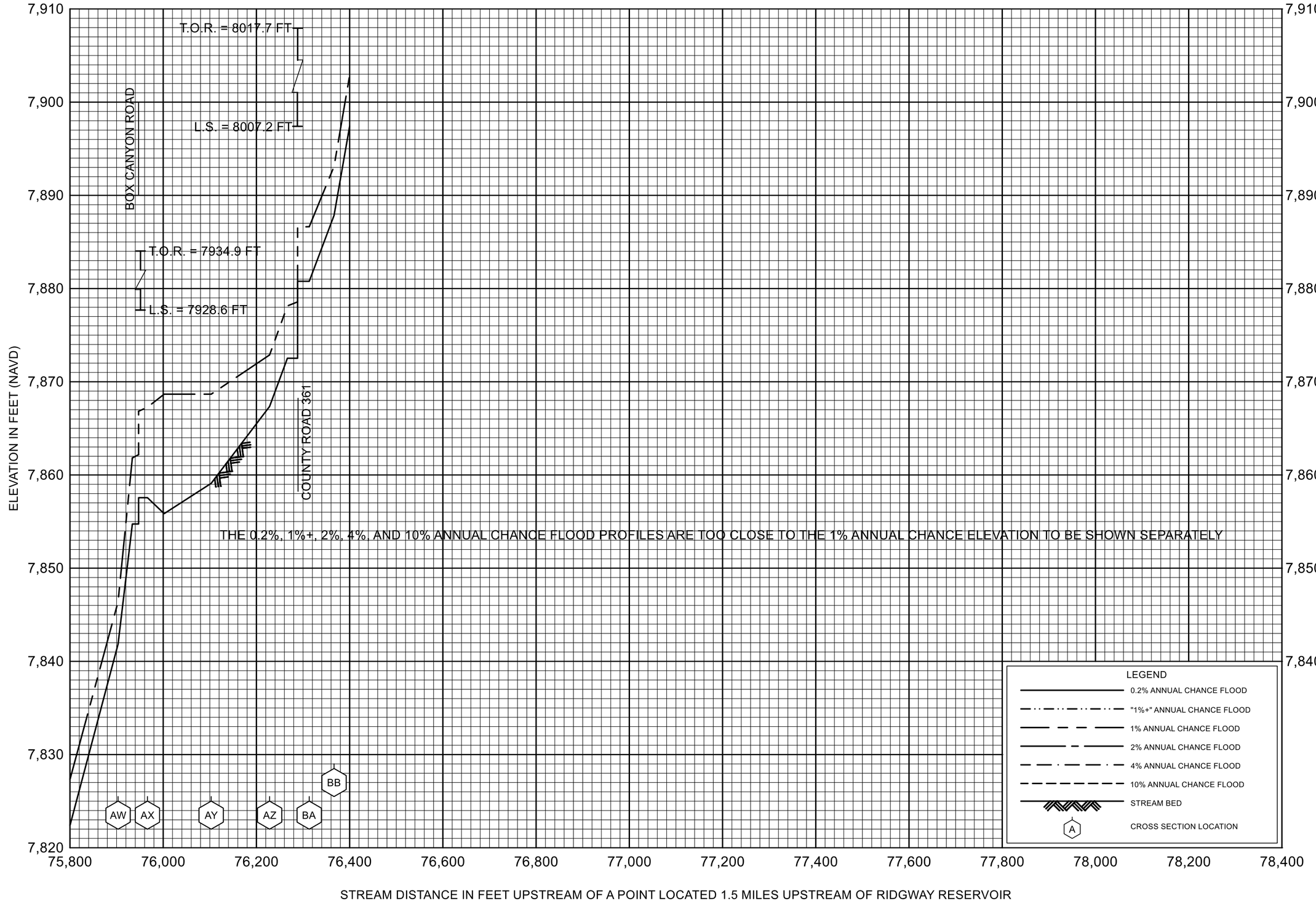

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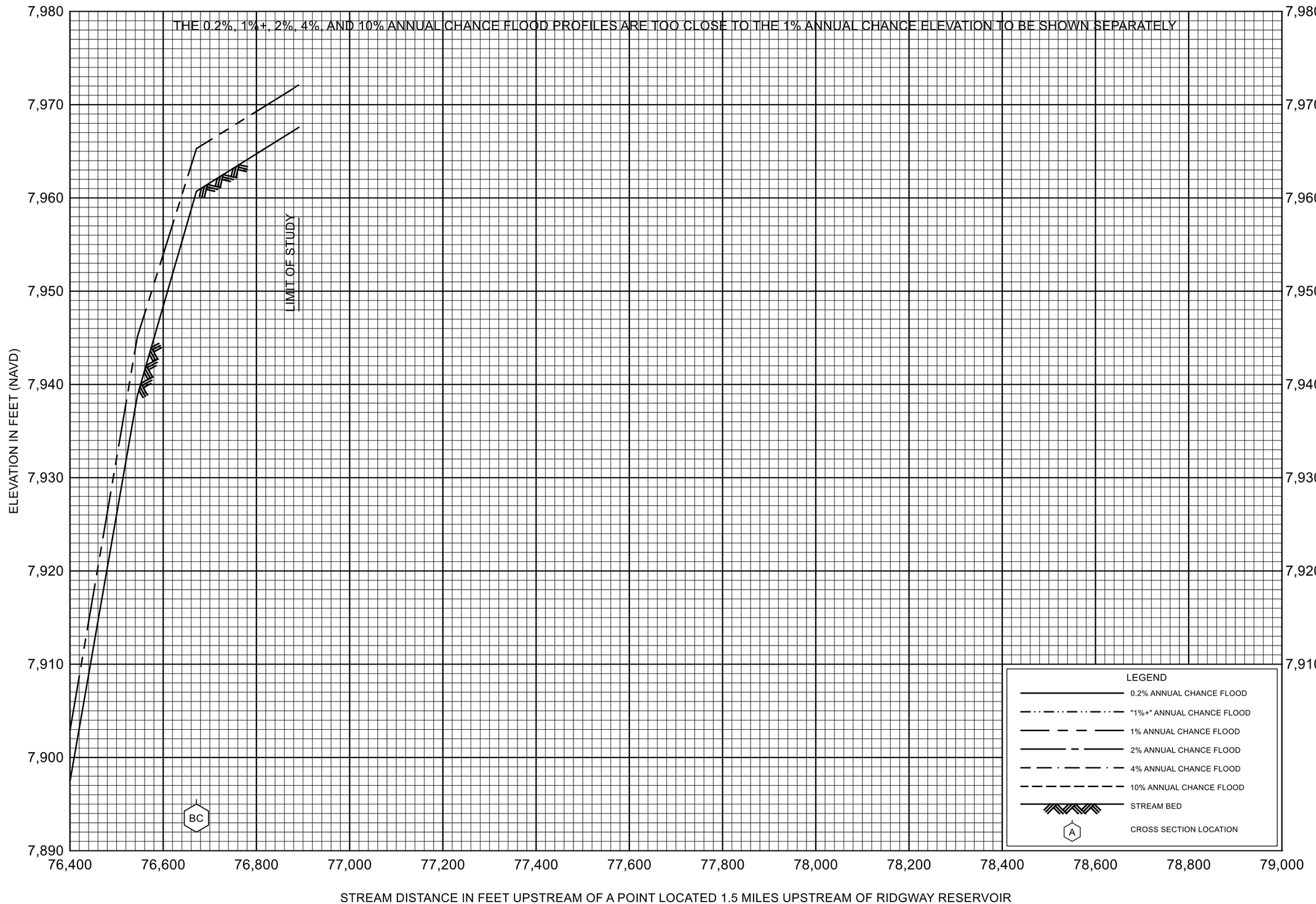

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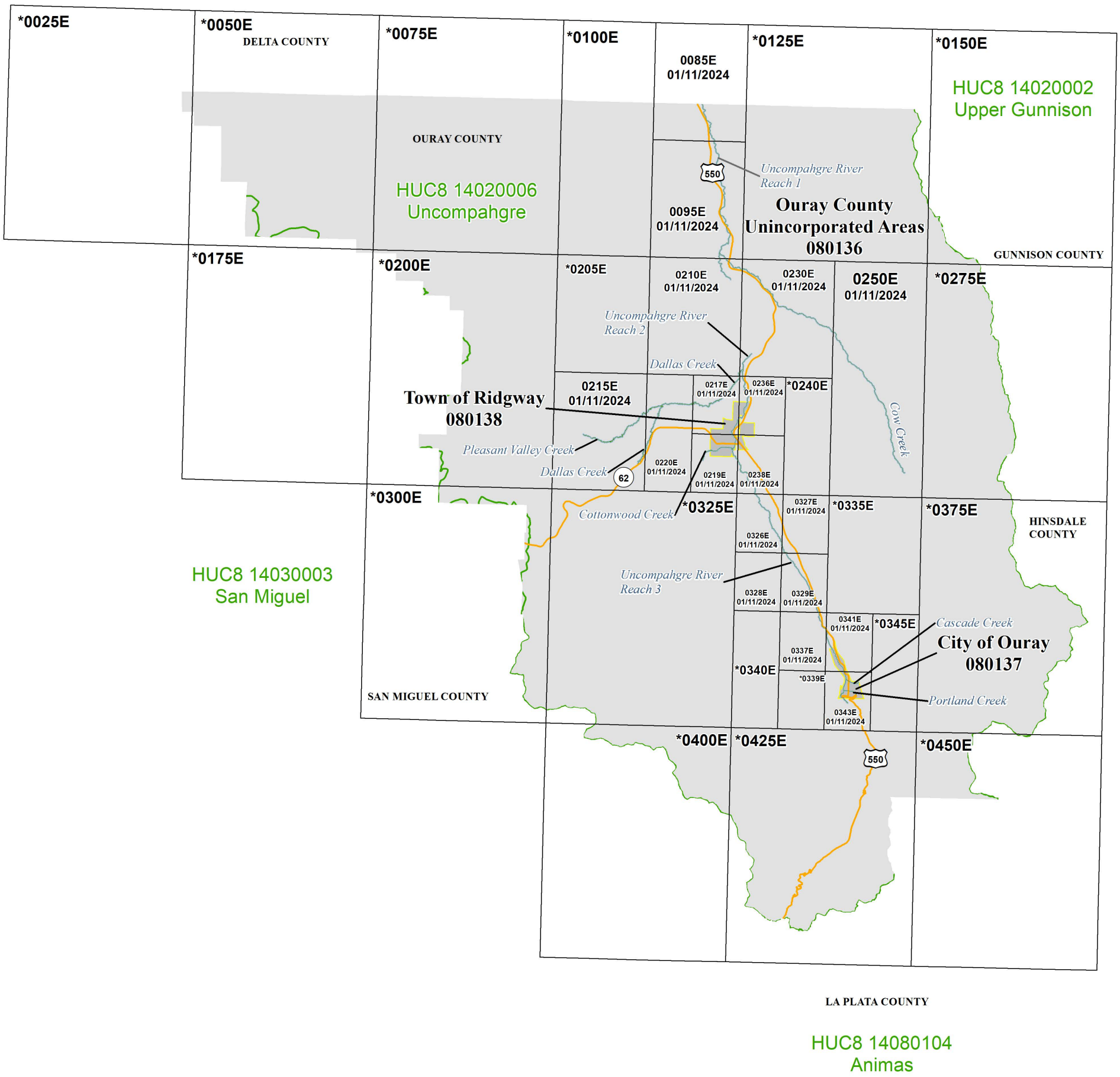


1 inch = 22,083 feet 1:265,000

Miles
0 1 2 4 6 8

Map Projection:
State Plane Colorado South Zone FIPS 0503 Feet;
North American Datum 1983

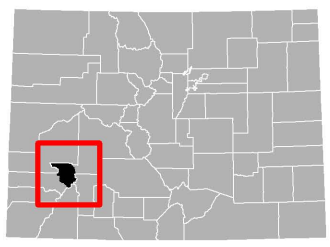
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS

COUNTY LOCATOR



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

OURAY COUNTY, COLORADO and Incorporated Areas

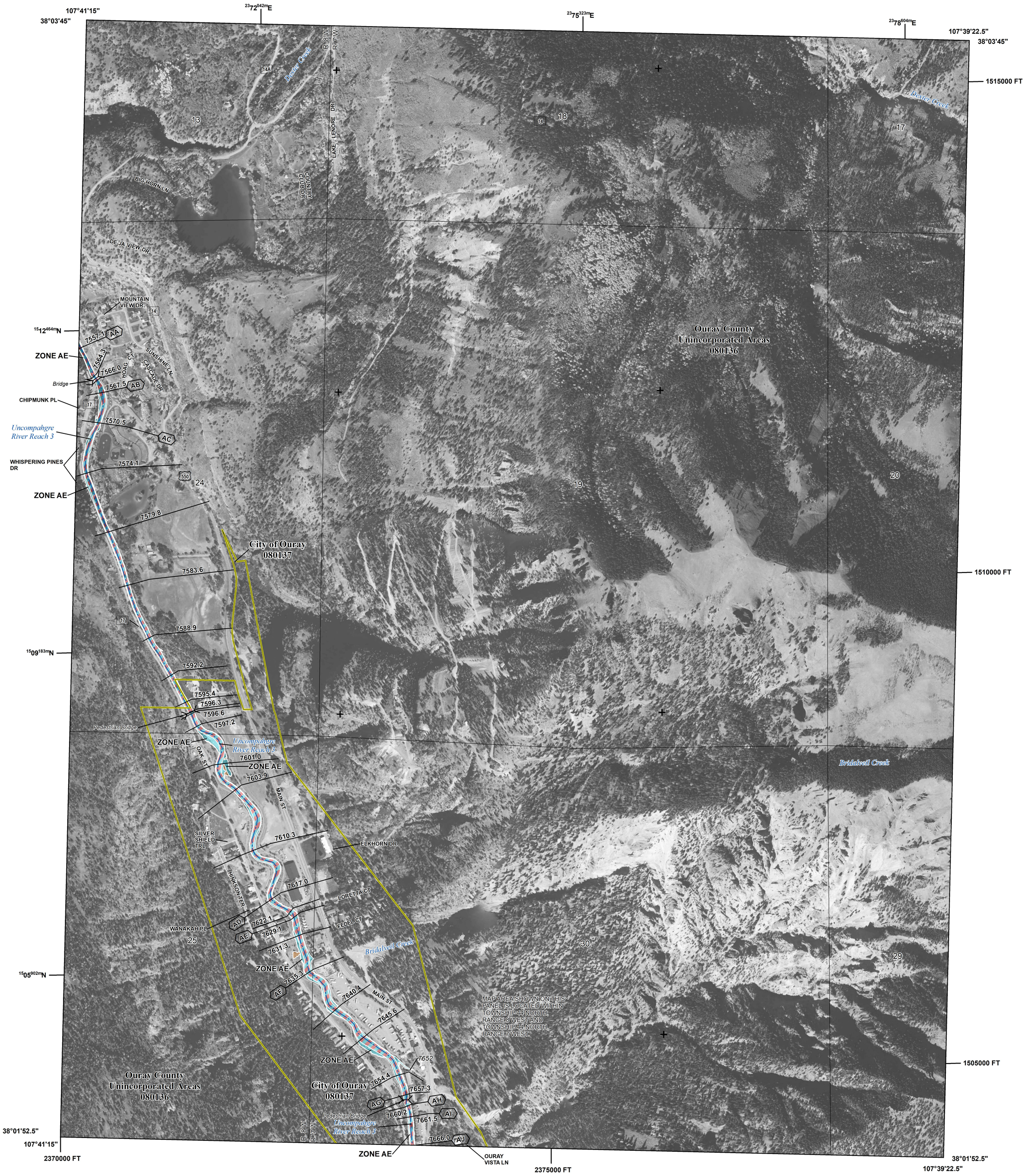
PANELS PRINTED:

0085, 0095, 0210, 0215, 0217, 0219, 0220, 0230, 0236, 0238, 0250, 0326, 0327, 0329, 0337, 0341, 0343

FEMA

MAP NUMBER
08091CIND0A

EFFECTIVE DATE
JANUARY 11, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) *Zone A, V, A99*
	With BFE or Depth *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2 % Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
	Future Conditions 1% Annual Chance Flood Hazard *Zone X*
	Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
OTHER AREAS	NO SCREEN Areas of Minimal Flood Hazard *Zone X*
	Area of Undetermined Flood Hazard *Zone D*
GENERAL STRUCTURES	Channel, Culvert or Storm Sewer
	Accredited or Provisionally Acredited Levee, Dike, or Floodwall
	Non-accredited Levee, Dike or Floodwall
	E 18.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevations (BFE)
	8 Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
OTHER FEATURES	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at https://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on the FIRM was provided by the U.S. Census Bureau, dated 2019; the U.S. Bureau of Land Management, dated 2011; the U.S. Department of Agriculture, dated 2003 and 2017; the State of Colorado Department of Local Affairs, dated 2014; and the U.S. Geological Survey, dated 2013.

SCALE

N

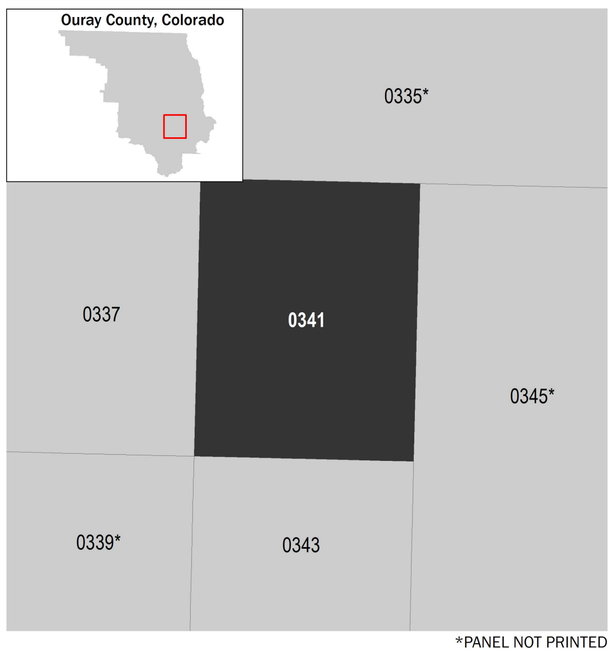
Map Projection:
NAD 1983 StatePlane Colorado South FIPS 0503 Feet;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

OURAY COUNTY, COLORADO
and Incorporated Areas

PANEL 341 OF 450

FEMA

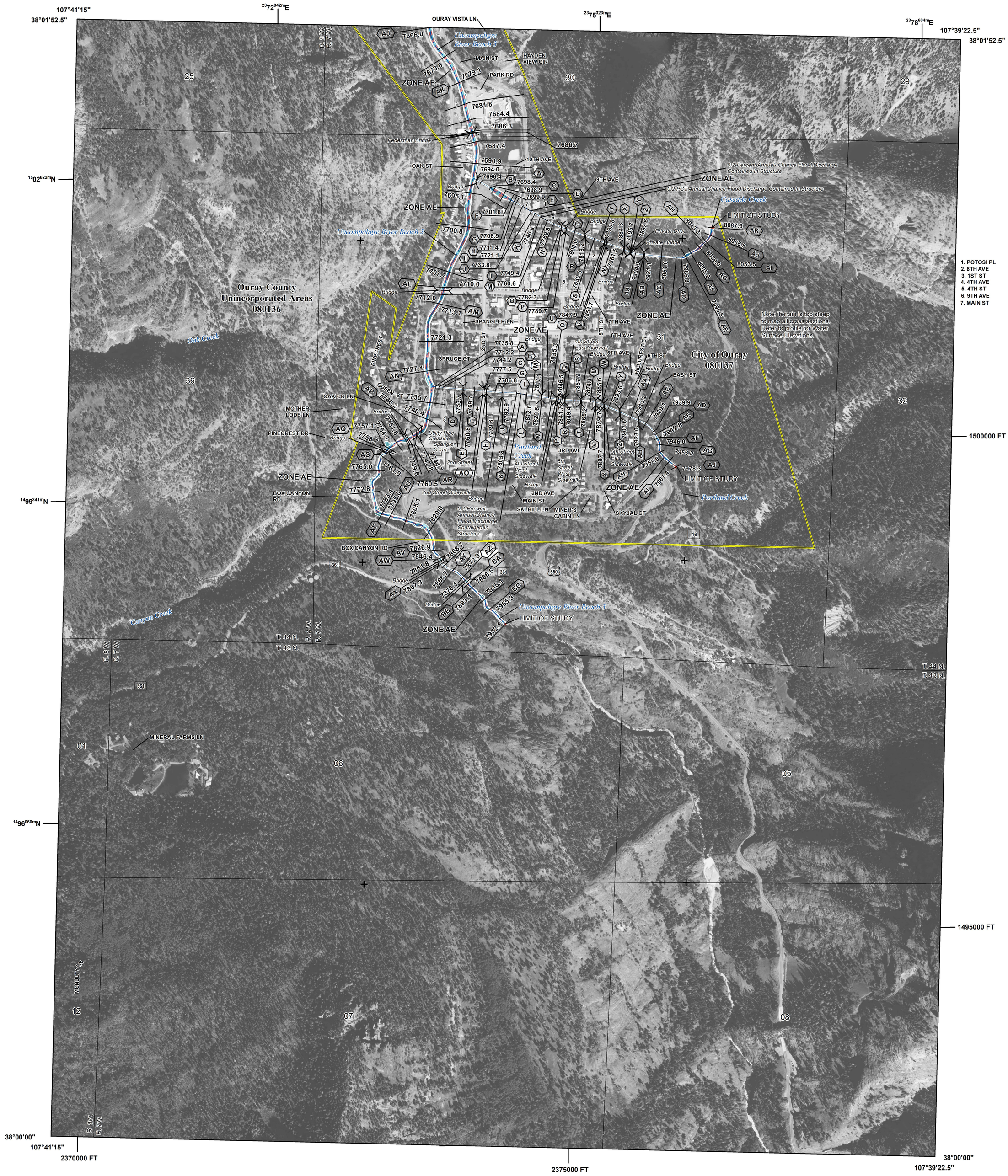
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
OURAY COUNTY	080136	0341	E
OURAY, CITY OF	080137	0341	E

VERSION NUMBER
2.6.4.6

MAP NUMBER
08091C0341E

EFFECTIVE DATE
January 11, 2024



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SCALE

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NAD 1983 StatePlane Colorado South FIPS 0503 Feet;
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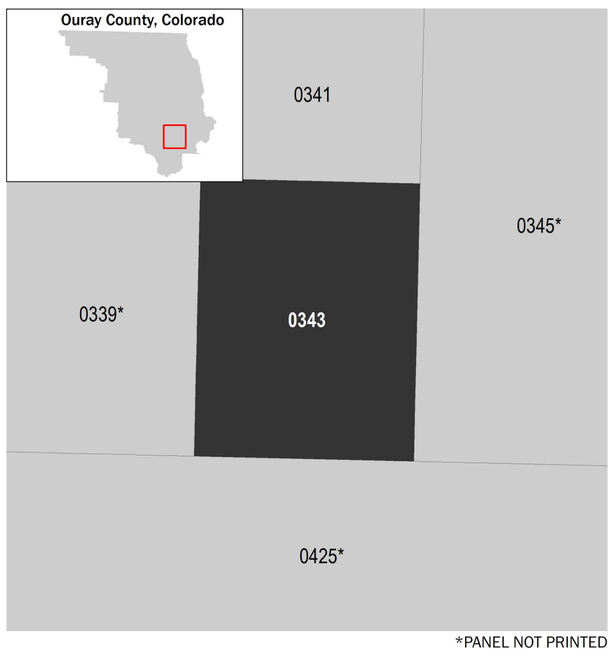
1 inch = 500 feet **1:6,000**

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

OURAY COUNTY, COLORADO
and Incorporated Areas

PANEL **343** OF **450**

FEMA

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
OURAY COUNTY	080136	0343	E
OURAY, CITY OF	080137	0343	E

VERSION NUMBER
2.6.4.6

MAP NUMBER
08091C0343E

EFFECTIVE DATE
January 11, 2024

ORDINANCE NO. 14 (SERIES 2023)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, REPEALING AND REPLACING SECTION 9-10-B OF THE OURAY MUNICIPAL CODE CONCERNING SIMPLIFYING THE RATE STRUCTURE TABLE AND MODIFYING EQR CRITERIA FOR COMMERCIAL USES; AND SECTION 9-10-C ESTABLISHING THE EQR RATES FOR 2024.

WHEREAS, City Council formed an ad hoc committee to study the Water and Sewer Use Rates set forth in Section 9-10-B of the Ouray Municipal code.

WHEREAS, the committee and City staff met on March 21, April 5, and April 24, 2023, to review and discuss proposed changes to the EQR rate structures, including increasing the square footage for office and retail establishments from 1000 to 1500 per .30 EQR, removing .5 EQR per pump for a service station and replacing it with 1 EQR per station, and reducing from 2 EQRs to 1 EQR for the first 20 seats in a tavern/bar/tasting room, and apartment building, small shop, and private swimming pool from the rate structure table, and adding a definition for public laundry facilities.

WHEREAS, staff has established the water and sewer base rates for 2024 and the new rates are reflected herein, along with the removal of monthly water debt surcharge.

WHEREAS, the City Council finds these revisions to the EQR rate table as well as the 2024 rate charges are necessary for the purpose of promoting health, safety, and the general welfare of the City of Ouray.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO, as follows:

SECTION 1: REPEAL AND REPLACE.

Section 10 of Chapter 9, subsection B of the Ouray Municipal Code is repealed and replaced the following:

B. Rate Structure

TYPE OF FACILTY	PER UNIT/SPACE	SERVICE FEE	ADDITIONAL EQR
Single Family Dwelling	1.00	$36.00 per property	
Multiple Family Dwellings/ Duplex/ Condominium	1.00 per unit	$36.00 per unit	.25 per public washing machine

DRAFT

Mobile Home Park	1.00 per space	$36.00 per property	
Recreation Vehicle (RV) Park	1.00 per Manager's Unit; .22 per space with sewer hookup; .11 per all other spaces	$36.00 per property	.25 per washing machine/ 1.00 per dump station
Lodging Business	1.00 per Manager's Unit/ .16 per bed/ .02 per kitchen facility	$36.00 per property	.05 per 1,000 gallons for swimming pools, hot tubs, etc./ .25 per public washing machine/ .03 per bed linens laundered on site
Hospitals Nursing Homes	.20 per bed	$36.00 per property	
Churches	1.00 per parsonage/ .01 per seat	$36.00 per property	.70 per social area or kitchen facility
Private Clubs	.01 per seat	$36.00 per property	.70 per social area or kitchen facility/ 1.00 per bar
Schools	.06 per student	$36.00 per property	
Offices, Retail, Medical Center	.30 per 1,500 sq. ft	$36.00 per property	
Industrial, Manufacturing	.50 per 1,000 sq. ft	$36.00 per property	
Theaters/Arenas	.50 per 1,000 sq. ft	$36.00 per property	
Grocery Store Market	.30 per 1,000 sq. ft	$36.00 per property	
Service Station and Convenience Store	1.00	$36.00 per property	
Car Wash	1.20 per wash bay	$36.00 per property	
Laundry (*Public)	.25 per machine	$36.00 per property	
Taverns/Bar/ Tasting Room	1.00 per 1st 20 seats/ .60 per additional 10 seats	$36.00 per property	
Restaurants/Food Service	2.00 per 1st 20 seats/ .60 per addt'l 10 seats (both indoor and outdoor)	$36.00 per property	
Deli, Ice Cream Parlor	1.00 per 1st 20 seats/ .30 per additional 10 seats	$36.00 per property	
Beauty/Barber Shop	1.00 per facility	$36.00 per property	

Not-For-Profit Museums	1.00 per facility	$36.00 per property	
Daycare	.02 per child capacity	$36.00 per property	
Emergency Response Facility	1.00 per facility	$36.00 per property	

*Public laundry facilities or public washing machines means those that are open to the public and used by people not affiliated with a particular property.

SECTION 2: REPEAL AND REPLACE.

Section 10 of Chapter 9, subsection C of the Ouray Municipal Code is repealed and replaced as follows:

C. Water and Sewer Rates

1. Water Base Rate is 38.90 per month per EQR.

2. Sewer Base Rate is 58.21 per month per EQR.

3. Yearly Service Fees for Water and Sewer are $1.75 each.

4. Water System Upgrade Surcharge is $21.05 per month per EQR.

5. Wastewater Treatment Surcharge is $56.74 per month per EQR.

SECTION 3: REPEAL AND REPLACE.

Section 3 of Chapter 12, subsection A, paragraphs 2 and 3 of the Ouray Municipal Code are repealed and replaced as follows:

2. Refuse Base Rate is $31.48 per month

3. Recycling Base Rate is $12.84 per month.

SECTION 4: EFFECTIVE DATE.

The provisions of this Ordinance shall become effective on January 1, 2024.

SECTION 5: SEVERABILITY.

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by _____vote of the Ouray City Council this 6th day of November 2023.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by _____vote of the Ouray City Council this ___ day of ___ 2023.

CITY OF OURAY, COLORADO

_____
Ethan Funk, Mayor

ATTEST:

_____
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 14 (Series No. 2023), was introduced, read, and passed by the Ouray City Council on first reading on November 6, 2023. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on _____, 2023, and thereafter introduced, read, and adopted by the Ouray City Council on _____, 2023, and thereafter published in the *Ouray County Plaindealer*, as required by law.

_____
Melissa M. Drake, City Clerk

COLORADO MUNICIPAL LEAGUE

CML Analysis of SB23-213, Land Use

▶ INTRODUCTION

Senate Bill 23-213 includes several subjects but primarily focuses on a central theme: municipal zoning laws caused the housing crisis by not permitting unfettered residential construction and by trying to protect communities and resources. The bill attempts to draw a line from local zoning laws affecting individual parcels of land in dozens of municipalities to "regional imbalances" that "affect equity, pollution, infrastructure costs, and quality of life." The bill does not question the state's involvement in actual statewide problems, but asserts that state regulation of hyper-local matters, imposed through over a dozen regulatory actions with insufficient process, will improve these imbalances and presumes that there will not be significant unintended consequences. This analysis is not a complete list of problems in the bill but represents the most significant elements.

▶ CML ANALYSIS: LAND USE BILL WOULD DO LITTLE TO MAKE HOUSING AFFORDABLE

Section 2 of SB23-213 creates a new article 33 in title 29 that imposes top-down standards on some local governments to remove local zoning authority. Despite being titled as requirements for affordable housing, Section 2 doesn't require affordability at all and is premised on speculation that developers will build more housing, either passing savings along to Coloradans or causing a market-based decline in housing costs. Section 2 begins with overbroad and complex definitions and continues to address assessments and planning before imposing mandates and preempting authority to zone land for particular uses.

An uneven strategy

The bill largely applies only to municipalities, and then only to some municipalities and in differing degrees. Municipalities are classified into four basic groups that do not cover all municipalities. The bill's requirements apply to each category, and then subsets of categories, to differing degrees in each part. Identifying where a municipality is classified is a complicated process requiring reference. Whether the bill addresses actual problems in the municipalities included in each category or causes more problems in those municipalities will be difficult to determine. See the last page of this analysis for a list of affected municipalities, reported by Colorado Public Radio.

Geographic Classification of Municipalities

Tier 1 Urban Municipality (T1UM)	Tier 2 Urban Municipality (T2UM)	Rural Resort Job Center (RRJC)	Non-urbanized Municipality (NUM)
In an MPO with a population of at least 1 million	Within an MPO	Not within an MPO	Not within the definition of an urban municipality or a rural resort job center; and
10% of territory in urbanized area with population over 75,000; and	A population between 5,000-25,000; and	A population of at least 1,000	A population of at least 5,000
A population of at least 1,000; ***or***	In a county with a population of at least 250,000	1,200 jobs and a jobs-to-population ratio of at least 64-hundredths; and	
In an MPO with a population under 1 million; and		A transit stop serviced by a transit agency serving two municipalities with at least 20 trips per day	
A population of at least 25,000			

The bill grants broad regulatory authority to DOLA

The bill contemplates dozens of regulatory actions, primarily by DOLA. The bill appropriates $15 million dollars to DOLA; however, it is not clear how that funding will be expended and whether funding for the various regulatory actions is included.

First, the Director of DOLA is tasked with issuing multiple methodologies, guidance, "menus" of strategies, statewide strategic growth objectives, model codes, rules, and minimum standards based on the recommendation of a "multi-agency committee" of executive appointees. Although the bill does not outline a public comment process, DOLA will undergo a rulemaking process that may include a public comment period. The committee's recommendation only involves a limited public process involving public comment, consultation with local governments and experts, and only two hearings, despite having statewide impact and addressing extremely local issues (29-33-108(2)). The bill does not specify which local governments and "local experts" will be consulted, and it is seemingly up to the committee members to choose those experts without any guidelines. There are no requirements to ensure inclusivity, such as meetings during varying hours, meetings in different geographic locations, or outreach to educate and explain proposed recommendations.

Second, the Director of DOLA is granted authority to modify statutory minimum standards relating to accessory dwelling units (ADUs), middle housing, housing in transit-oriented areas, and housing in key corridors. Only token consideration of process is provided.

Third, DOLA is tasked with a substantial amount of new oversight and enforcement responsibility with the receipt, review, and approval of various reports, codes, and draft and final plans.

In addition to DOLA, the Office of Climate Preparedness is directed to develop a natural and agricultural land priorities report that MPOs should apply to achieve connectivity of open space and natural lands and preservation of agricultural land and open space. Counties and municipalities must include natural and agricultural priorities in their master plans in accordance with the state's mandate.

Ambiguous mandates for housing needs assessment & planning

The bill asserts that "assessing and planning for housing needs" is a matter of mixed state and local concern. DOLA will issue methodologies for developing state, regional, and local "housing needs assessments" and then create the assessments every 5 years, beginning December 31, 2024. DOLA will allocate shares of statewide housing needs to regions defined by DOLA and local governments. DOLA will also use local housing needs assessments to mandate "net residential zoning capacities" for key corridors in tier 1 urban municipalities and rural resort job centers (see below for a more detailed analysis).

T1UM, T2UM, and RRJC municipalities must use DOLA's local and regional assessments to inform any required "housing needs plans." DOLA will create guidance for these plans, but the bill includes procedural and extensive, but ambiguous, substantive mandates for their development and adoption, including requirements to describe compliance with the bill's mandates and a "greenfield development analysis." The greenfield development analysis relies on undefined "statewide strategic growth objectives" also developed by DOLA. The bill's limited direct connection to affordability and displacement includes requirements to include a varying number of strategies regarding those issues from state-created "menus" (also developed by DOLA), although RRJC are not required to address displacement. None of the items in the menus provide additional authority to municipalities beyond existing law and given the bill's other restrictions, may inhibit existing authority to plan communities and ensure affordability.

Housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities consistent with state requirements must be included in master plans for T1UM, T2UM, and RRJC.

Counties and municipalities that DOLA groups into rural resort regions are required to participate in "regional housing needs planning process" resulting in a report and commitments that DOLA must review and approve. The bill suggests that this process will encourage participants to address needs through individual or regional strategies, including strategies from "menus" and locations where reduced parking requirements can reduce housing needs. The process will map locations where Article 33's minimum standards for middle housing, transit-oriented areas, and key corridors could meet needs, but later the bill actually indicates that this map would dictate where middle housing standards apply in RRJCs.

Burdensome reporting standards

T1UM, T2UM, and RRJC must collect, track, maintain, and report to DOLA an overwhelming amount of data beginning December 31, 2026. These municipalities must report both the number of permits for new housing and the number of housing construction starts each categorized by structure type, time frames to complete residential permit reviews by housing type, workforce assigned to development review by position time, implementation status of strategies identified in a housing needs plan mandated by the law, zoning information specifying zone districts, allowed uses and densities and "other data," and regional efforts to address housing needs.

“Use by right” would supersede local control

In removing the legislative discretion of municipal governing bodies in making zoning decisions, the bill removes a traditional elements of zoning authority to consider — in their best legislative judgment — consistency with plans, compatibility or harmony of surrounding land uses and development, and strategies for mitigating project impacts. Each of the zoning preemptions also includes a concept of a “use by right,” meaning the development approval relies only on “objective standards” that lack any discretionary component. Objective standards prohibit any personal or subjective judgment by a public body or official and must be “uniformly verifiable or ascertainable by reference to an external or uniform benchmark or criterion” that is known before filing of the proposal. Not only does this inhibit local officials from exercising traditional authority, but it also potentially prevents municipalities making critical changes to land use laws to protect their communities that might apply to a pending project.

Zoning preemption No. 1:
Accessory dwelling units — T1UM, T2UM, RRJC, NUM

The bill declares “an increased supply of housing through accessory dwelling units” to be a matter of mixed state and local concern but reflects inadequate study of how ADUs are treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, an ADU is an internal, attached, or detached “dwelling unit” providing complete independent living facilities for at least one person that is located on the same lot as a primary residence with provisions for living, sleeping, eating, cooking, and sanitation.

By December 31, 2024, a T1UM, T2UM, and RRJC must change their local laws concerning ADUs to meet the bill’s minimum standards (as may be modified by DOLA) or adopt DOLA’s model ADU code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA’s rejection of the jurisdiction’s report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using “objective procedures” and the municipality cannot have any “local law” that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA’s model ADU code will allow ADUs as a “use by right” anywhere a municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide “objective standards” for approval of the units, so that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the ADU is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. DOLA can update minimum standards through rulemaking under an ambiguous “public hearing and comment process.”

ADUs are not required to be permitted on the same lot or parcel as middle housing.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts.

Minimum Standards for ADUs

ADUs of the greater of 800 square feet or 50% of the primary residence must be allowed as a "use by right" anywhere the municipality allows single-unit, detached dwelling units as of January 1, 2023.

Only "objective standards and objective procedures can apply," meaning that officials cannot evaluate local conditions to determine if the ADU will cause an unfair burden or be incompatible.

Municipalities must allow additions to, or conversions of, existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities cannot have local laws that treat ADUs more restrictively, "create unreasonable costs or delays" or make ADUs "infeasible," require that primary residences be owner-occupied, require new off-street parking (in T1UM and T2UM), or require side or rear setbacks of more than 5 feet unless needed for health or safety standards.

Zoning preemption No. 2:
"Middle housing" — T1UM and RRJC

The bill declares "an increased supply of housing through middle housing" to be a matter of mixed state and local concern but reflects inadequate study of how "middle housing" is treated in all subject jurisdictions or what the supply would look like if the bill is enacted. Under the bill, "middle housing" is either a single structure with 2-6 separate dwelling units (duplex through sixplex), a townhome, or cottage cluster. A townhome is a dwelling unit in a row of 2 or more attached dwelling units on individual lots with common walls. A cottage cluster is a grouping of at least 4 detached units with a common courtyard, with each unit being smaller than 901 square feet.

By December 31, 2024, a T1UM, and by December 31, 2026, a RRJC, must change their local laws concerning middle housing to meet the bill's minimum standards (as may be modified by DOLA) or adopt DOLA's model middle housing code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt the minimum requirements by June 30, 2025, for a T1UM, or by June 30, 2027, for a RRJC, or DOLA's rejection of the jurisdiction's report, means the model code goes into effect immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's model middle housing code will allow middle housing as a "use by right" anywhere the municipality allows single-unit detached dwelling units as of January 1, 2023. The code will provide "objective standards" for approval of the units, so that officials cannot evaluate local conditions to determine if the housing will cause an unfair burden or be incompatible. The model code cannot require new off-street parking in any subject jurisdiction, even if the housing is in an area without adequate parking or transit. The model code is not subject to the same minimum standards that apply to municipalities that do not adopt the model code.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Middle Housing

Middle housing of at least 125% of the building area of a single-unit detached dwelling must be allowed as a "use by right" anywhere the T1UM allows single-unit detached dwelling units as of January 1, 2023, or wherever designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Only "objective standards and objective procedures can apply," meaning that officials cannot evaluate local conditions to determine if the middle housing type will cause an unfair burden or be incompatible.

Municipalities must allow additions to or conversions of existing single detached dwelling units and must apply the same design standards that apply to single detached dwelling units.

Municipalities must allow properties to be subdivided using objective standards and procedures.

Municipalities cannot have local laws that treat middle housing more restrictively, "create unreasonable costs or delays" or make middle housing "infeasible," apply minimum setbacks, lot widths, lot depths, lot size standards, or maximum height standards that are more restrictive than single-unit detached dwellings on the same property, require new off-street parking, or impose footprint restrictions differently than single-unit detached dwellings.

DOLA can update minimum standards through rulemaking under an ambiguous "public hearing and comment process." Middle housing is not required to be permitted on the same lot or parcel as an ADU. Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Middle housing requirements will not affect an inclusionary zoning ordinance unless it renders the "development of middle housing financially infeasible." The bill does not define "financially infeasible" and does not explain how a developer must prove that the ordinance makes said development financially infeasible. This could make inclusionary zoning ordinances moot.

Zoning preemption No. 3:
Housing in "transit-oriented areas" — T1UM with fixed rail

The bill declares "an increased supply of housing in transit-oriented areas" to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a "transit-oriented area" is a one-half mile boundary from some part of a fixed-rail transit station, including parcels that have at least 25% of their area within the boundary. Unincorporated parcels are not included.

The focus of this part of the bill is on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2024, a T1UM with a transit-oriented area must change their local laws concerning housing in transit-oriented areas to meet the bill's minimum standards (as may be modified by DOLA) or adopt DOLA's transit-oriented area model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt meet the minimum requirements by June 30, 2025, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's transit-oriented area model code will prohibit new-off street parking in transit-oriented areas for multifamily or mixed-income multifamily development, allow minimum density as a "use by right" for multifamily residential (at least 40 units per acre net density) and mixed-income multifamily (at least 60 units per acre net density). Affordable units must be a similar size. This prevents T1UM jurisdictions from influencing multifamily development according to local standards.

The bill establishes minimum standards that attempt to preempt local law if the model code is not voluntarily adopted.

Minimum Standards for Transit-Oriented Areas

A T1UM must legislatively create a zoning district for the transit-oriented area to allow multifamily housing as a "use by right" with a minimum gross density of 40 units per acre for all eligible parcels. Districts can extend outside the transit-oriented area to meet gross density requirements based on development constraints or other planning for transit-compatible uses.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a transit-oriented area or the residential density limits "infeasible" or require new off-street parking.

DOLA can update minimum standards through rulemaking under an ambiguous "public hearing and comment process." Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Transit-oriented area requirements will not affect an inclusionary zoning ordinance unless it renders the "development of multifamily housing financially infeasible."

Zoning preemption No. 4:
Housing in "key corridors" — T1UM and RRJC

The bill declares "an increased housing supply in key corridors" to be a matter of mixed state and local concern but reflects no study of how any of the subject jurisdictions treat the topic or what the supply would look like if the bill is enacted. Under the bill, a "key corridor" is an extraordinarily broad concept that is not limited to transit corridors and could undermine the zoning and land use plans of an entire municipality. Key corridors include "frequent transit service areas" as mapped by

DOLA (including in some cases anything within one-quarter mile of a bus route with certain service levels). Key corridors also include any parcel in zone districts that permit commercial uses that are supposedly compatible with residential uses and public or institutional uses. Key corridors also include anything zoned for a mix of uses other than industrial. The definitions used in this part are likely inconsistent with many local zoning codes and could capture very large parts of a community.

The bill suggests some option for the municipality that does not adopt a model code to designate their own key corridors. The bill extent of this discretion is not clear, and all minimum standards described for key corridors apply.

The focus of this part of the bill also focuses on multifamily housing (one or more buildings on one lot with separate living units for 3 or more households) and mixed-income multifamily housing (at least 10% of units are set aside for households earning no more than 80% AMI). Although municipalities with inclusionary zoning ordinances can establish their own threshold and set asides, the bill interferes by setting density standards, set asides, and AMI requirements, and inconsistently restricts local inclusionary zoning ordinances based on the financial effect on developers.

By December 31, 2026, T1UM and RRJC must change their local laws concerning housing in key corridors to meet the minimum standards that DOLA must develop or adopt DOLA's key corridor model code. The municipalities must report their compliance by that date, subject to DOLA review and approval. Failure to adopt and meet the minimum requirements by June 30, 2027, or DOLA's rejection of the jurisdiction's report, means the model code goes into effective immediately; no provision is made for who makes this determination or whether it can be disputed. If the model code is adopted, it must be implemented using "objective procedures" and the municipality cannot have any "local law" that would contravene it. The bill does not account for potential citizen referendum and expressly seeks to preempt local zoning ordinances enacted pursuant to Article XX, Section 6 of the Colorado Constitution.

Developed by June 30, 2024, DOLA's key corridor model code will set minimum residential density limits for multifamily housing as a "use by right," an allowable minimum residential density limit for mixed-income multifamily housing at least 50% greater than the multifamily minimum density as a "use by right," requirements for set asides for low- and moderate-income households.

By June 30, 2025, DOLA will establish key corridor minimum standards that attempt to preempt local law if the model code is not voluntarily adopted. The minimum standards appear to be targeted to take over municipal land use planning in broad swaths of territory and must include: guidance to encourage regional strategies for key corridors, a "net residential zoning capacity" for each municipality based on that municipality's local housing needs assessment, and "any additional standards" that DOLA "deems necessary," like a minimum residential density limit and minimum district size.

Minimum Standards for Key Corridors

A T1UM must legislatively create a zoning district within key corridors to allow multifamily housing as a "use by right" that satisfies DOLA's mandated net residential zoning capacity and requirements that DOLA may impose.

A RRJC must allow multifamily housing as a "use by right" wherever a key corridor is designated in the RRJC's regional housing needs plan (even if the RRJC did not approve it).

Municipalities can allow different density within the key corridor if minimum standards are satisfied.

Municipalities cannot have local laws that apply to "create unreasonable costs or delays" or make multifamily in a key corridor "infeasible."

For key corridors only, the bill prohibits new off-street parking in key corridors ***for any use***.

Other exemptions apply for parking spaces required by the Americans with Disabilities Act, short-term rental rules, and historic districts. Key corridor requirements will not affect an inclusionary zoning ordinance unless it renders the "development of multifamily housing financially infeasible."

What's exempt from SB23-213?

Each part of the proposed article 33 of title 29 includes varying degrees of exemptions. Except for ADU requirements, a common exemption is for "standard exempt parcels," or those that are outside an urbanized area, not served by domestic water or sewer treatment, have an agricultural zoning designation as of January 1, 2023, are noted as a "high risk, high very high, or very high risk" for wildfire by the state forest service (which does not appear to include much land covered by the bill), or in a floodway or 100-year floodplain identified by FEMA. The bill does not account for other local conditions.

For transit-oriented areas, standards also do not apply in park and open space or on properties subject to conservation easements. For key corridors, standards also do not apply on a site that is on or adjacent to a site used or permitted for industrial use or designated for heavy industrial use in a master plan adopted before 2023.

"Unreasonable costs or delays" and feasibility

Each of the zoning preemptions includes a dangerous concept that preempts any local land use law that "individually or cumulatively create unreasonable costs or delays" or that would make the permitting, siting, or construction of the housing type "infeasible." This language recklessly exposes municipalities to significant liability, could undermine local efforts to create affordable housing, and risks forcing the public to bear burdens that should be borne by developers. It is unclear whether safety standards, impact fees, fees for water or municipal services, or other important local standards could fall prey to this type of language. Several provisions in the middle housing, transit-oriented areas, and key corridor parts also suggest that financial burdens on developers imposed by local inclusionary zoning ordinances will invalidate those local laws.

Interference

Each of the zoning preemptions includes another dangerous concept that would preempt a municipality from amending, developing, or even interpreting a local law "in a manner that would interfere with the intent" of the part. Broad and careless language could have significant unintended consequences and expose municipalities to significant risk.

Parking burdens

Each zoning preemption prohibits a municipality from requiring new off-street parking as part of a housing development approval. The "key corridor" provision appears to prohibit parking requirements for any development approval in a key corridor, not just housing. The bill does not limit these restrictions to any guarantee of public transit availability. The bill does not identify where cars will go or how municipalities are to address the burdens on public streets, public safety, and quality of life. Each zoning mandate permits parking standards required by the Americans with Disabilities Act.

Water, wastewater, and stormwater burdens

Each zoning preemption allows a municipality to apply to DOLA for an unclear "extension of applicable requirements" based on deficient water, sewer, or stormwater "services." The bill does not seem to account for any other burden on public infrastructure or services. To obtain the extension, the municipality must have a plan to remedy the deficiency on a specific timeline and must show that it cannot serve other, less efficient housing types than those provided in the mandate. The provisions do not account for pre-existing service obligations to those other housing types or rights of their owners. These provisions also do not consider long-term planning and suggest that municipalities must fund development to accommodate the state mandate.

Manufactured & modular housing

Section 3 requires the division of housing to create a report by June 30, 2024, on "opportunities and barriers" in current state law concerning manufactured homes, modular homes, and tiny homes.

Sections 4 and 6 remove financial assurance requirements for manufacturers of factory-built structures (not necessarily limited to residential structures). Under current law, those assurances are payable to the division if the manufacturer fails to deliver a structure or refund a down payment or ceases doing business.

Section 5 adds "final construction plan reviews" to the scope of quality assurance representatives approved by the Division of Housing relating to factory-built structures. The impact of this addition is not clear.

Section 11 amends current law to mandate that municipalities address manufactured and modular housing in the same manner as site-built homes. Municipalities must use "objective standards" and an administrative review process equivalent to site-built homes, unless a subjective review process is used for site-built homes. More restrictive standards than are applied to site-built homes are prohibited, including zoning and subdivision laws and "other regulation affecting development" such as requiring permanent foundations, minimum floor space, home size or sectional requirements, "improvement location standards," and side yard or setback standards. Despite allowing for equivalency with site-built homes, the bill removes existing language that ensures authority to enact consistent zoning, developmental, use, aesthetic, or historical standards that are applicable to existing and new housing. The categorization of municipalities in Section 2 does not apply to these amendments.

Preemption of planned unit development zoning

Section 7 amends the Planned United Development Act at CRS 24-67-105(5.5) to provide that PUDs with residential uses cannot restrict ADUs, middle housing, housing in transit-oriented areas, or housing in key corridors in a manner prohibited by the proposed article 33 of title 29. It is not clear whether this applies only to PUDs in jurisdictions covered by proposed article 33 or more broadly.

Preemption of residential occupancy limits

Section 8 creates CRS 29-20-110 that would preempt counties and municipalities from placing residential occupancy limits on "dwellings" that differentiate between occupants based on family relationship (other than short term rental restrictions). Here, a "dwelling" is defined as any improved property used or intended to be used as a residence, but in Section 2 a different definition of "dwelling" is used. (a single unit providing complete independent living facility

No commitment to use state-controlled property for affordable housing

Section 10 permits statutory municipalities to sell municipal property held for a government purpose (other than park property) without an election if the purpose is to develop affordable housing. The categorization of municipalities in Section 2 does not apply to these amendments. The state makes no commitment to the use of state-controlled property for affordable housing in the bill.

A narrowing of municipal zoning authority

In addition to Section 2's broad preemptions and mandates, Section 13 bluntly narrows the traditional zoning authority of municipalities by prohibiting T1UM and T2UM from imposing minimum square footage requirements for residential units unless "necessary for health and safety" in the municipality. The bill would not allow those municipalities to address issues relating to their communities' welfare.

Undefined process for creating master plans

Sections 9 and 12 amend Titles 30 and 31 regarding county and municipal master plans. The categorization of municipalities in Section 2 does not apply to these amendments. Counties and municipalities must ensure an undefined "inclusive process" by consulting with housing authorities, nongovernmental organizations, and local governments in the creation of the master plan. Master planning already involves heavy public engagement.

Counties and municipalities must include, for plans after June 30, 2024, water items including the location and extent of water supply, a water supply element and conservation policies, and priorities for natural and agricultural land in accordance with the state's natural and agricultural land priorities report. Counties over 250,000 in population must include a "greenfield development analysis."

Section 12 also addresses the inclusion of housing needs plans, a greenfield development analysis, and a concept of natural and agricultural land priorities following the state's natural and agricultural land priorities report.

DOLA must receive draft and final plans and is required to review plans for compliance.

New reporting requirements for water loss accounting

Section 14 requires covered entities (including municipal and special district water providers) to provide and validate water loss audit reports to the Colorado Water Conservation Board. The board will adopt standards for validation of reports, technical qualifications, and methods by January 1, 2025. Some funding is provided for assistance in validation and for technical training and assistance to guide water loss programs.

Invalidation of HOA housing decisions

Section 15 would invalidate common interest community limitations on ADUs, middle housing, housing in transit-oriented areas, and housing in key corridors.

Transportation planning and grants. Section 16 requires the transportation commission to include "statewide strategic growth objectives relating to regionally significant transportation projects" in the ten-year plans for existing and future transportation systems created under CRS 43-1-106(15)(d). It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 17 requires the department of transportation to ensure that grant prioritization criteria are "consistent with state strategic growth objectives" by December 31, 2024. It is not clear whether those objectives are the same created by DOLA under Section 2.

Section 18 requires regional transportation plans and the statewide transportation plan under CRS 43-1-1103, beginning December 31, 2024, to address and ensure consistency with state strategic growth objectives. At least for the regional plans, the objectives are those determined by DOLA under the proposed CRS 29-33-107.

Section 19 requires that projects funded from the multimodal transportation options under CRS 44-4-1103 be "consistent with state strategic growth objectives." It is not clear whether those objectives are the same created by DOLA under Section 2.

Inadequate funding

Section 20 appropriates $15 million for DOLA to provide technical assistance under the proposed CRS 29-33-111(3). The extensive amount of code revision, reporting, plan development, and compliance with various mandates required by the bill in covered municipalities has an unknown cost that would certainly exceed this funding. The funding will not address impacts

to infrastructure, public services, and quality of life in municipalities or litigation costs arising from the bill. The funding does not address the major overhaul of DOLA's mission and authority.

Safety clause prevents voters from weighing in

Section 21 includes a safety clause, preventing voters from exercising the right of referendum. Local zoning ordinances on the same issues covered by the bill are subject to the reserved constitutional power of referendum.

▶ SUPPLEMENTAL INFORMATION

Communities by tier level

Urban Municipalities Tier 1	Urban Municipalities Tier 2	Rural Resort Job Centers	Non-Urban Municipalities
Denver region: Arvada, Aurora, Boulder, Brighton, Broomfield, Castle Pines, Castle Rock, Centennial, Cherry Hills Village, Columbine Valley, Commerce City, Denver, Edgewater, Englewood, Erie, Federal Heights, Glendale, Golden, Greenwood Village, Lafayette, Lakewood, Littleton, Lochbuie, Lone Tree, Longmont, Louisville, Northglenn, Parker, Sheridan, Superior, Thornton, Westminster, Wheat Ridge **North Front Range:** Greeley, Fort Collins, Loveland, Windsor **Pikes Peak:** Colorado Springs, Fountain **Grand Valley:** Grand Junction **Pueblo Area:** Pueblo	**Denver region:** Dacono, Fort Lupton, Firestone, Frederick **North Front Range:** Evans, Berthoud, Johnstown, Tinmath, Eaton, Miliken, Severance **Pikes Peak:** Monument	Aspen, Avon, Breckenridge, Crested Butte, Dillon, Durango, Frisco, Glenwood Springs, Mountain Village, Silverthorne, Snowmass Village, Steamboat Springs, Telluride, Vail, Winter Park	Alamosa, Brush, Canon City, Carbondale, Cortez, Craig, Delta, Eagle, Fruita, Fort Morgan, Gunnison, Gypsum, La Junta, Lamar, Montrose, Rifle, Sterling, Trinidad, Wellington

This table lists communities by tier level, according to a document provided by Rep. Steven Woodrow.

Tier-level table published by Colorado Public Radio, *https://bit.ly/3FVlYio*.

2023

COLORADO LAWS ENACTED

AFFECTING MUNICIPAL GOVERNMENTS

100 YEARS

CML

COLORADO MUNICIPAL LEAGUE

1923-2023

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The Colorado Municipal League is continuing its commitment to its members by providing information they need as inexpensively and easily as possible.

FOREWORD

On May 8, 2023, the General Assembly adjourned sine die. The 2023 legislative session was one of the most challenging sessions in many years, as far as protecting municipalities from state preemption and unfunded mandates. Key issues included land use, housing, employment, criminal justice, and accessibility. I am proud of the work done by the advocacy and legal teams to provide the highest level of service to CML's 270 member cities and towns.

During the 2023 Legislative Session, the CML Advocacy Team followed 288 bills. CML supported 62 pieces of legislation with an 80% passage rate. Additionally, CML opposed 43 pieces of legislation, 67% of which were either defeated or amended to remove CML's opposition. Each year, CML analyzes the laws passed by the General Assembly that affect cities and towns. Colorado Laws Enacted Affecting Municipal Governments focuses on selected acts that have a particular significance for municipal operations, services, and powers — it is not a comprehensive listing of all new legislation enacted into law affecting municipal government.

For information or assistance on any legislative questions, contact CML at 303-831-6411 or 866-578-0936. CML is continuing its commitment to its members by providing the information they need as inexpensively and easily as possible. 2023 Colorado Laws Enacted Affecting Municipalities will be available to all for free — along with several past years' editions — online at *cml.org*.

KEVIN BOMMER,
CML EXECUTIVE DIRECTOR

CML ADVOCACY TEAM

LEGISLATIVE ADVOCACY MANAGER
HEATHER STAUFFER
Heather is responsible for advocating municipal interests before the state legislature. Her issues include building codes; natural resources and environment; elections; governmental immunity; oil and gas; open meetings/open records; severance tax/FML/energy impact; water and wastewater/water quality; and wildfire. She also assists in training and answering inquiries for other municipal officials on various topics. Heather joined CML in July 2019.

LEGISLATIVE & POLICY ADVOCATE
JACLYN TERWEY
Jaclyn is responsible for advocating municipal interests before the state legislature. Her issues include historic preservation; economic development; employment and labor; taxation and fiscal policy; retirement/pensions; lottery and gaming; municipal debt and finance; telecom/broadband/IT; and utilities. She also assists in training and answering inquiries for other municipal officials on various topics. Jaclyn joined CML in January 2022.

LEGISLATIVE & POLICY ADVOCATE
MEGHAN MACKILLOP
Meghan is responsible for advocating municipal interests before the state legislature. Her issues include transportation and transit; public health; substance abuse; affordable housing; land use and annexation; air quality; sustainability; and municipal courts. She also assists in training and answering inquiries for other municipal officials on various topics. Meghan joined the League in January 2021.

LEGISLATIVE & POLICY ADVOCATE
MOLLIE STEINEMANN
Mollie is responsible for advocating municipal interests before the state legislature. Her issues include beer and liquor; criminal justice; immigration; public safety; purchasing; regulated substances; and special districts. She also assists in training and answering inquiries for other municipal officials on various topics. Mollie joined CML in November 2022.

Air QUALITY

HB23-1210

Carbon Management
https://leg.colorado.gov/bills/HB23-1210

The act directs the Colorado Energy Office (CEO) to contract with a qualified organization to develop a carbon management roadmap by January 1, 2024. Carbon management is defined as any combination of capturing carbon dioxide emissions before they reach the atmosphere or removing carbon dioxide from the atmosphere for use or storage. The act specifies guidelines for the roadmap, including sectors to study and stakeholders to consult. The contracted, qualified organization must create the roadmap and submit it to CEO for feedback by September 1, 2024. After receiving public feedback, the qualified organization must finalize the roadmap by February 28, 2025, and CEO must present it to the legislature during the 2025 legislative session. During the subsequent two years, CEO must update the legislature on any progress made in achieving the roadmap's goals and any recommendations to improve its implementation. In addition, the act expands the eligibility criteria of CEO's Industrial and Manufacturing Operations Clean Air Grants Program to include some types of carbon management projects. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

Beer and LIQUOR

HB23-1061

Alcohol Beverage Retail Establishment Permit
https://leg.colorado.gov/bills/hb23-1061

The act expands the art gallery permit into a retail establishment permit that is available to art galleries, and any business that sells goods or services to the public, has a physical location in Colorado, receives less than 50% of its gross sales from food, has no more than 25 employees and retail sales of no more than $5 million per year, and does not educate children, provide childcare, hold a liquor license, sell firearms, motor vehicles, marijuana, gasoline, or diesel fuel. Establishments that receive this permit can serve alcohol up to 24 days per year. Effective: August 7, 2023. Lobbyist: Mollie Steinemann.

SB23-264

Alcohol Beverage Festival Participation
https://leg.colorado.gov/bills/sb23-264

Under current law, certain liquor licensees may obtain a permit to hold up to nine festivals per year, and other licensees may jointly participate in the festival with the permitted licensee. The act makes the following changes to the festival permit:

- changes the deadline to apply for a permit from 10 business days before the festival to 30 calendar days;
- increases the state permit fee from $25 to $50 and requires that it be paid for each festival held;
- clarifies that the nine festivals are during a calendar year, beginning January 1, 2024; and
- allows a licensee to participate in up to 52 total festivals per year, including up to nine festivals held under the licensee's own permit.

Effective: June 1, 2023. Lobbyist: Mollie Steinemann.

BROADBAND & TELECOM

SB23-183

Local Government Provision of Communication Services
https://leg.colorado.gov/bills/sb23-183

The act eliminates the need for local government elections to authorize spending public funds on broadband infrastructure, allowing municipalities to provide middle mile services and access federal resources without the voting requirement. Starting May 1, municipalities can apply for grants. **Effective: May 1, 2023.** Lobbyist: Jaclyn Terwey.

Building CODES

HB23-1057

Amenities for all Genders in Public Buildings
https://leg.colorado.gov/bills/hb23-1057

Renovations: The act requires that on or after January 1, 2024, in buildings wholly or partially owned by a public entity (including municipalities) in which a publicly-accessible restroom is scheduled for a renovation, the public entity must renovate the bathroom to ensure that any single-stall restroom is not a gender-specific restroom, or renovate the bathroom to allow the use of a multi-stall restroom by any gender if certain facility features are met pursuant to the International Plumbing Codes or codes adopted by the State Plumbing Board. On or after July 1, 2025, the same standards apply for areas of public buildings that are only accessible to employees and/or students.

On or after January 1, 2024, in buildings wholly or partially owned by a public entity, in which a publicly-accessible restroom is scheduled for a renovation, the public entity must ensure that a caregiver has access to at least one baby diaper changing station in a single-stall non-gendered restroom,

non-gendered multi-stall restroom, in both gender specific restrooms, or in an easily accessible location with equivalent privacy and amenities as a restroom.

"Renovations" include construction to a restroom for which a permit is required other than for a repair and that changes the structure by increasing the square footage; installing or modifying a plumbing or electric system; adding, gutting, or removing exterior restroom walls; or installing a heating, ventilation, or air conditioning system. A "renovation" does not include repairs or replacements of fixtures or features of the restroom to restore something that is damaged, deteriorated, or broken.

New Construction: On or after January 1, 2024, newly constructed buildings wholly or partially owned by a public entity must have single stall restrooms that are not gender specific or multi-stalled restrooms available for use by any gender on each floor where restrooms are publicly accessible. Public entities must also ensure that there is access to at least one baby diaper changing station on each floor where there are restrooms, in a single-stall non-gendered restroom, non-gendered multi-stall restroom, in both gender specific restrooms, or in an easily accessible location with equivalent privacy and amenities as a restroom. On or after July 1, 2025, the same standards apply for newly constructed public buildings for restrooms that are only accessible to employees. New buildings that are slated for construction after January 2024 but have already gone through the design review process are exempt from these requirements.

Signage Requirements: Beginning July 1, 2024, but no later than July 1, 2026, public buildings that are wholly or partially owned or leased by a public entity must ensure that restrooms with diaper changing stations are labeled, non-gendered restrooms are labeled with pictograms void of gender, and building entrances and central directories are updated to identify the location of baby changing stations and location of non-gendered bathrooms. State agencies without available appropriations are not subject to this requirement; local entities are not entitled to a similar exemption.

Exemptions: The act's requirements for diaper changing stations and single-stall restrooms do not apply to buildings designated as certified historic structures or for projects that have completed design review and have been budgeted and finally approved by a governing body as of August 7, 2023. The diaper changing station provisions of the act are not required if the permitting entity or building inspector determines that compliance would result in a failure to comply with standards governing accessibility rights for persons with disabilities.

Complaints: Employees working in a building subject to the act who are aggrieved by a discriminatory or unfair practice of failing to comply with the provisions of the act can file a charge with the Colorado Civil Rights Division. Effective: August 7, 2023. Lobbyist: Heather Stauffer.

See also: SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements); WILDFIRE (SB23-166: Establishment of a Wildfire Resiliency Code Board).

Consumer PROTECTION

HB23-1192

Additional Protections in Consumer Code
https://leg.colorado.gov/bills/hb23-1192

The act modifies existing laws related to unfair and anticompetitive practices. It extends the period during which price gouging is prohibited during and after a declared emergency disaster, and repeals and reenacts the "Colorado Antitrust Act of 1992" as the "Colorado State Antitrust Act of 2023." Provisions of the Antitrust Act are updated, which include considering facilitation or aiding and abetting of antitrust violations as a violation itself, granting the attorney general the authority to request discovery from relevant individuals or entities, allowing public inspection of investigatory or intelligence records related to the act under certain circumstances, permitting the court to compensate individuals injured by antitrust violations in civil actions brought by the attorney general, increasing the maximum civil penalty for violations, and clarifying the statute of limitations for commencing civil actions. Notably, the attorney general is exempted from the statute of limitations. **Effective: June 7, 2023.** Lobbyist: Meghan MacKillop.

Criminal JUSTICE

CRIMINAL OFFENSES

HB23-1135

Penalty for Indecent Exposure in View of Minors
https://leg.colorado.gov/bills/hb23-1135

Under current law, indecent exposure is a class 1 misdemeanor but, if the perpetrator has two prior indecent exposure convictions, then it is a class 6 felony. The act makes the perpetrator's first indecent exposure offense a class 6 felony if the person who commits indecent exposure knew there was a child under 15 years of age in view of the act and the person is more than 18 years of age and more than 4 years older than the child. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

HB23-1167

Reporting of Emergency Overdose Events
https://leg.colorado.gov/bills/hb23-1167

Under current law, "Good Samaritan" laws make a person immune from arrest and prosecution of certain criminal offenses if the

person reports a drug or alcohol overdose event to an emergency responder and cooperates with law enforcement and emergency responders. The act extends "Good Samaritan" immunity to someone who aids or seeks aid for the person who suffered the emergency drug or alcohol overdose. The act also extends "Good Samaritan" immunity to: (1) unlawful possession of a controlled substance if the material, compound, mixture, or preparation contains a synthetic opiate, and (2) to unlawful distribution or transfer of the controlled substance for the purpose of consuming all of the controlled substance with another person at a time substantially contemporaneous with the transfer, if the distribution or transfer involves certain controlled substances. Additionally, the act makes it a level 1 drug misdemeanor rather than a level 3 or level 4 drug felony for unlawful distribution, dispensing, transfer, or sale of certain controlled substances where the person reports the overdose, remains at the scene, and provides identification to emergency responders. **Effective: May 1, 2023.** Lobbyist: Mollie Steinemann.

HB23-1219

Waiting Period to Deliver a Firearm
https://leg.colorado.gov/bills/hb23-1219

The act establishes a waiting period for the delivery of a firearm by a seller to a purchaser. Sellers must wait three days or until required background checks are completed, whichever occurs later in time. Violations are civil infractions punishable by a fine of $500 for the first offense and ranging from $500 to $5,000 for subsequent offenses. Finally, the act clarifies the authority of local governments to establish a waiting period longer than described in the act. **Effective: October 1, 2023.** Lobbyist: Mollie Steinemann.

HB23-1286

Increase Penalty Cruelty Police and Service Animals
https://leg.colorado.gov/bills/hb23-1286

The act modifies the monetary penalties for second and subsequent convictions for cruelty and aggravated cruelty to animals and service animals. For subsequent convictions of cruelty or aggravated cruelty to animals, offenders are required to pay a minimum fine of $1,000, and pay a minimum fine of $2,000 for subsequent convictions for cruelty or aggravated cruelty to service animals. For both offenses, offenders are also required to complete an anger management treatment program or other appropriate treatment program. Finally, if a person is convicted of cruelty or aggravated cruelty to service animals, courts must order restitution for owners. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

HB23-1293

Felony Sentencing Commission Recommendations
https://leg.colorado.gov/bills/hb23-1293

The act increases and decreases certain felony offense classifications, removes certain offenses, modifies offenses, adds new crimes, and removes mandatory sentences for certain felony offenses. The full breakdown of changes can be found starting on page 2 here. **Effective: October 1, 2023.** Lobbyist: Mollie Steinemann.

SB23-034

Definition of Serious Bodily Injury
https://leg.colorado.gov/bills/sb23-034

The act amends the definition of "serious bodily injury" in Title 18 to include penetrating knife or gunshot wounds. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann.

SB23-095

Unlawfully Aiming Laser Device at Aircraft
https://leg.colorado.gov/bills/sb23-095

The act makes it unlawful to knowingly aim the beam of a laser device at an aircraft in flight or on the ground, punishable as a class 6 felony. Exceptions are provided for authorized individuals conducting research, flight tests, or training, and if the laser device is used to send an emergency distress signal. The act applies to offenses committed on or after July 1, 2023. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann.

SB23-097

Motor Vehicle Theft and Unauthorized Use
https://leg.colorado.gov/bills/sb23-097

The act decouples the value of a vehicle from the charges associated with theft of that vehicle. This act modifies and reclassifies these crimes by establishing three degrees of motor vehicle theft and bases the classification of the crime on the circumstances around the crime rather than vehicle value, as follows:

- first degree motor vehicle theft, a class 3 felony, for a person who has two prior convictions of auto theft;
- second degree motor vehicle theft, a class 4 felony, for a person who knowingly obtains another's vehicle without authorization and there are vehicle alterations or damages, among other circumstances; and
- third degree motor vehicle theft, a class 5 felony, for a person who knowingly obtains or receives another's vehicle and knows the act was without authorization.
- Finally, the act creates the offense of unauthorized use of a motor vehicle, a class 1 misdemeanor, when a person obtains or exercises control over the vehicle without owner authorization; did not commit a criminal offense, other than a misdemeanor traffic offense; and the motor vehicle is returned to the owner or recovered by law enforcement within 24 hours, with no damage to the motor vehicle.

Effective: July 1, 2023. Lobbyist: Mollie Steinemann.

SB23-169

Increasing Minimum Age to Purchase Firearms
https://leg.colorado.gov/bills/sb23-169

The act prohibits, with certain exceptions, the purchase of firearms by persons under 21 years of age and selling firearms to such persons. Exceptions to this prohibition are made for persons who are:

- an active member serving in the US armed forces, while on duty;
- a peace officer serving with an employing law enforcement agency, while on duty; or
- certified by the Peace Officer Standards and Training (POST) board.

Violations of the prohibition are a class 2 misdemeanor for purchasers, a class 2 misdemeanor for private sellers, or a class 1 misdemeanor for licensed dealers. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-249

False Reporting of Emergency
https://leg.colorado.gov/bills/sb23-249

The act makes falsely reporting a mass shooting or an active shooter a class 6 felony. The act also expands the crime of false reporting of an emergency to include when a threat causes a shelter-in-place order or results in the initiation of a standard response protocol. Finally, the act adds false reporting of an emergency that is a bias-motivated crime to the Victim's Rights Act. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-279

Unserialized Firearms and Firearm Components
https://leg.colorado.gov/bills/sb23-279

The act creates the new crime of unlawful conduct involving an unserialized firearm, frame, or receiver. A first offense is a class 1 misdemeanor, and subsequent offenses are class 5 felonies. Under this act, it is unlawful to:

- knowingly possess or transport an unfinished frame or receiver, unless imprinted with a serial number by a federal firearm licensee;
- knowingly sell, offer to sell, transfer, or purchase an unfinished frame or receiver, unless imprinted with a serial number by a federal firearm licensee;
- knowingly possess, purchase, transport, or receive a finished firearm, or frame, or receiver of a firearm, that does not have a serial number imprinted by a federal firearm licensee;
- knowingly sell, offer to sell, or transfer a finished firearm, or frame or receiver of a firearm, that does not have a serial number imprinted by a federal firearms licensee; and
- manufacture, or cause to be manufactured, including through the use of a three-dimensional printer, a frame or receiver of a firearm.

The act provides exceptions for federal firearm licensees to complete serialization. Licensees must also conduct required background checks before returning newly serialized items to owners, and, if the transfer is denied, surrender the items to a law enforcement agency. Licensees must also keep serialization records, allow law enforcement to inspect these records, and not give false information when making these records. Owners must have unserialized firearms and components imprinted with a serial number by January 1, 2024. Additionally, the act adds unlawful conduct involving an unserialized firearm, frame, or receiver to the list of misdemeanor convictions that are cause for a firearm transfer denial, and the list of felony convictions that make it unlawful for a person to possess a weapon. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

See also: TRANSPORTATION (HB23-1123: Move Over or Slow Down Stationary Vehicle; HB23-1267: Double Fines Speeding Trucks on Steep Grades; SB23-012: Commercial Motor Carrier Enforcement Safety Laws; HB23-1014: Yield to Larger Vehicles in Roundabouts; SB23-028: Penalty for Commercial Vehicle Offenses; SB23-200: Automated Vehicle Identification Systems).

GRANT FUNDING

HB23-1107

Crime Victim Services Funding
https://leg.colorado.gov/bills/hb23-1107

The act continues the Crime Victim Service Fund indefinitely, which was scheduled to repeal on July 1, 2027. The act also requires a transfer of $3 million from the General Fund to the State Domestic Violence and Sexual Assault Services Fund in the Department of Human Services. Qualified law enforcement agencies may be eligible for the funds. **Effective: May 25, 2023.** Lobbyist: Mollie Steinemann.

SB23-160

Sunset Continue Community Crime Victims Grant Program
https://leg.colorado.gov/bills/sb23-160

The act continues the Community Crime Victims Grant Program in the Colorado Department of Public Health and Environment, which was scheduled to repeal on Sept.1, 2023, for five years until Sept. 1, 2028. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-257

Auto Theft Prevention Cash Fund
https://leg.colorado.gov/bills/sb23-257

The act expands eligibility for auto theft prevention grants issued by the Automobile Theft Prevention Authority Board to include victim support or technology enhancement programs. On July 1, 2023, the act requires a $5 million transfer from the General Fund to the Auto Theft Prevention Cash Fund

to implement a statewide education program on auto theft, implement programs supporting victims of auto theft, provide additional overtime for law enforcement agencies, implement an auto theft prosecution program, enhance and upgrade auto theft tracking, or to cover any direct or indirect costs associated with awarding these funds. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

See also: PUBLIC SAFETY (HB23-1102: Alcohol and Drug Impaired Driving Enforcement; HB23-1270: Creation of Urgent Incident Response Fund; SB23-277: Public Safety Programs Extended Uses).

LAW ENFORCEMENT OPERATIONS

HB23-1042

Admissibility Standards for Juvenile Statements
https://leg.colorado.gov/bills/hb23-1042

The act makes any statement or admission of a juvenile presumptively inadmissible in court if a law enforcement official or agent knowingly communicates any untruthful information or belief, as defined in statute, during the custodial interrogation, unless the prosecution can prove that the statement was made voluntarily despite the deception. The Peace Officer Standards and Training Board must develop a virtual training program for law enforcement officials to take place prior to February 28, 2024. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

HB23-1043

Emergency or Continued Placement with Relative or Kin
https://leg.colorado.gov/bills/hb23-1043

The act clarifies procedures for emergency and nonemergency continuing placement of a child by a county department of human services or law enforcement. For emergency placements, the county or law enforcement must perform an initial criminal history record check and if the individual has certain criminal convictions, the child shall not be placed in that home. Adults who fail to submit fingerprints within seven days of a placement will be notified by county departments of human services and have 72 hours to file a motion in court to retain that placement; if the individual fails to file a motion, the county or law enforcement must remove the child from the physical custody of that individual. If the results of the fingerprint-based criminal history record check show the individual has certain criminal convictions, the county or law enforcement must remove the child from the custody of that individual. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

HB23-1086

Due Process Civil Asset Forfeiture Act
http://leg.colorado.gov/bills/hb23-1086

The act updates reporting requirements in the Department of Local Affairs' (DOLA) civil asset forfeiture report. Changes include collecting certain information on the outcome of the forfeiture proceeding, including if the owner defaulted or was an innocent owner, or if the property was forfeited by court order, settlement, or plea agreement. The act also requires DOLA to report on the estimated value of the property seized. Local law enforcement agencies, including district attorneys, are required to submit this information to DOLA to satisfy the new reporting requirements. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

HB23-1143

Federal Authorize Firearms for DACA Peace Officers
https://leg.colorado.gov/bills/hb23-1143

The act permits the Peace Officer Standards and Training (POST) Board to promulgate rules allowing an eligible immigrant to be a certified peace officer or a reserve peace officer, and allows interested law enforcement agencies to amend their written firearm policies to authorize the use of a firearm by an eligible immigrant, in compliance with federal law. Eligible immigrants are defined as persons who have been formally granted and maintain valid deferred action for childhood arrivals (DACA) status with the federal Immigration and Naturalization Service. Eligible immigrants are authorized to enroll in peace officer training academies if they are employed by a law enforcement agency that has a compliant firearm policy. Law enforcement agencies that are interested in employing eligible immigrants must notify the POST Board that an eligible immigrant is compliant with firearm policies while attending a training academy. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

HB23-1155

Advisement During Custodial Interrogation
https://leg.colorado.gov/bills/hb23-1155

The act codifies requirements for advisements given during custodial interrogations pursuant to Miranda v. Arizona. The act requires that, for a statement made during a custodial interrogation to be admissible against a defendant in a criminal trial, the defendant must be advised in a manner that reasonably conveys the following warnings prior to making the statement:

- you have the right to remain silent;
- anything you say can and will be used against you in a court of law;
- you have the right to consult a lawyer prior to questioning and have the lawyer present during questioning;
- if you cannot afford to hire a lawyer, a lawyer will be appointed to represent you before any questioning if you request one; and
- you can stop the interview and request to remain silent or request a lawyer at any time before or during questioning.

Effective: July 1, 2023. Lobbyist: Meghan MacKillop.

HB23-1199

Forensic Medical Evidence Process Improvements
https://leg.colorado.gov/bills/hb23-1199

The act requires the Department of Public Safety to establish a statewide system that allows victims of sexual assault to monitor the status of evidence obtained from their forensic medical evidence examinations. Every state or local law enforcement agency, medical facility, crime laboratory, or other entity that supplies, performs, analyzes, stores, or destroys examinations must participate in the system. The system must track certain information about stages of evidence analysis based on whether or not the victim consents to having the evidence analyzed and must also provide victims with certain information about navigating the criminal justice system and community resources. The system must be operational by June 30, 2025. The act also allows a law enforcement agency to request reimbursement of costs associated with the collection of forensic evidence for a victim covered through the sexual assault victim emergency payment program. **Effective: May 25, 2023.** Lobbyist: Mollie Steinemann.

HB23-1249

Reduce Justice-involvement for Young Children
http://leg.colorado.gov/bills/hb23-1249

The act implements reporting requirements for various agencies and providers related to juveniles involved in the criminal justice system. These agencies include the state Department of Human Services, county collaborative management programs, and district attorneys. Law enforcement may elect to refer a justice-involved juvenile to a county collaborative management program to receive services, but they are not required to do so. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-054

Missing and Murdered Indigenous Relatives Office
https://leg.colorado.gov/bills/sb23-054

The act expands the reporting requirements and activities of the Office of the Liaison for Missing and Murdered Indigenous Relatives. The additional duties include reviews of sentencing for violent crimes against indigenous people, additional reporting and training, and establishing an employee as the point of contact for indigenous families in need of assistance with the judicial process in a case involving a missing or murdered indigenous person. This liaison will have access to criminal justice records and law enforcement must comply with a request for data under the scope of this bill, to the extent consistent with CORA and the CCJRA. **Effective: June 2, 2023.** Lobbyist: Mollie Steinemann.

SB23-070

Mandatory School Resource Officer Training
https://leg.colorado.gov/bills/sb23-070

The act requires the Department of Law, beginning by August 1, 2024, to annually convene a training meeting for school resource officers and school officials to discuss bast practices for responding to Safe2Tell reports, including defining roles, communication about a report, outcome reporting, and training resources to improve school resource officers' support of students and school staff. **Effective: April 27, 2023.** Lobbyist: Mollie Steinemann.

SB23-075

Deletion of Child's Name from Criminal Justice Records
https://leg.colorado.gov/bills/sb23-075

The act requires the redaction of the name and any identifying information of a child victim or child witness in any criminal justice records. Any person may petition the district court for the disclosure of the name and identifying information of a child victim or child witness. Following notice and a hearing, the court may authorize the disclosure of such information upon a showing of good cause, meaning that the public interest substantially outweighs the harm of the privacy interest. Traffic offenses are excluded from the requirements of the act. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann.

SB23-148

Illegal Drug Laboratory Property and Certification
https://leg.colorado.gov/bills/sb23-148

The act requires the Colorado Department of Public Health and Environment to create a public database of residences used as illegal drug laboratories involving methamphetamine by January 1, 2024. Law enforcement agencies that discover illegal drug laboratories involving methamphetamine must report their findings to the department. The notice must include the property address, the name of the property owner, and any other information required by forthcoming rules. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-170

Extreme Risk Protection Order Petitions
https://leg.colorado.gov/bills/sb23-170

Under current law, a family or household member and a law enforcement officer or agency can petition for an Extreme Risk Protection Order (ERPO). The act expands the list of who can petition for an ERPO to include licensed medical care providers, licensed mental health-care providers, licensed educators, and district attorneys. The act does not otherwise change existing ERPO procedures. **Effective: April 28, 2023.** Lobbyist: Mollie Steinemann.

SB23-188

Protections for Accessing Reproductive Health Care
https://leg.colorado.gov/bills/sb23-188

The act codifies protections for healthcare providers and facilities that provide reproductive (abortion care) or gender-affirming healthcare services in compliance with Colorado

law. For municipalities, there are also some land use and law enforcement considerations. The act:

- Prohibits government employees from using any time or resources to engage in out-of-state investigations of legally protected healthcare activities as defined in the act;
- Prohibits a peace officer from knowingly arresting or participating in the arrest of a person who engages in a legally protected healthcare activity, unless the acts forming the basis for arrest constitute a criminal offense;
- Prohibits search warrants to search and seize property that relates to an investigation into a legally protected healthcare activity;
- Prohibits the issuance of a summons in a case when prosecution is pending, or when a grand jury investigation has started/is about to start for a criminal violation of law of another state involving a legally protected healthcare activity;
- Prohibits ex parte orders for wiretapping or eavesdropping to obtain any wire, oral, or electronic communication that relates to an investigation into a legally protected healthcare activity;
- Declares that access to outpatient clinical facilities providing reproductive healthcare is a matter of statewide concern and that, for zoning and land use planning, reproductive health facilities fall within the meaning of medical office use, medical clinic use, healthcare use, and other facilities that provide outpatient services. Zoning ordinances must recognize the provision of outpatient reproductive healthcare as a permitted use in any zone in which the provision of general outpatient healthcare is recognized as a permitted use.

Effective: April 14, 2023. Lobbyist: Mollie Steinemann.

SB23-203

Authorize Department of Corrections Inspector General to Apprehend Fugitives
https://leg.colorado.gov/bills/sb23-203

The act gives the inspector general in the Department of Corrections the authority to arrest a fugitive upon request of the department or a law enforcement agency. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-254

Search Warrant Procedures
https://leg.colorado.gov/bills/sb23-254

The act establishes limitations and requirements for search warrants executed by law enforcement officers. First, the act requires that no-knock warrants only be issued when there is a credible threat to the life of a person. Second, unless the court authorizes a no-knock warrant or there is a life-threatening emergency, the act requires officers to comply with the following requirements when executing a search warrant:

- execute the warrant between 7 a.m. and 7 p.m.;
- readily identify themselves as a law enforcement officer;
- wear and activate a body-worn camera;
- knock and announce presence;
- allow a reasonable amount of time for occupants to arrive at the door; and
- delay entry when the officer reasonably believes an occupant is moving to open the door.

Finally, the act requires the last four actions listed above to be performed for warrantless entries of dwellings unless the officer is working undercover, there is a life-threatening emergency, or the officer is in hot pursuit of a fleeing suspect. **Effective: June 6, 2023.** Lobbyist: Mollie Steinemann.

See also: MUNICIPAL COURTS (HB23-1222: Cases of Domestic Violence in Municipal Court); PUBLIC SAFETY (HB23-1102: Alcohol and Drug Impaired Driving Enforcement); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization).

OTHER

SB23-073

Sunset EPIC Advisory Board
https://leg.colorado.gov/bills/sb23-073

The act repeals the Evidence-based Practices Implementation for Capacity Program (EPIC) Advisory Board, which was scheduled to sunset on September 1, 2023. EPIC is a collaborative effort of five agencies in Colorado that "seeks to change the way correctional agencies conduct daily business by changing the ways that correctional staff interact with offenders." As of July 1, 2021, the EPIC Resource Center had closed. This act makes conforming changes in statute to effectuate its repeal. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-074

Sunset Modify Human Trafficking Prevention Training
https://leg.colorado.gov/bills/sb23-074

The act continues the human trafficking prevention training through the Department of Public Safety for 7 years, until September 1, 2030. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-157

Sunset Offender Reentry and Education Programs
https://leg.colorado.gov/bills/sb23-157

The act continues the Work and Gain Education & Employment Skills Program in the Department of Corrections, which was scheduled to repeal on September 1, 2023. The act also requires the Department of Corrections to track long-term recidivism rates and other data for persons who were formerly incarcerated who participated in reentry services and programs. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

SB23-164

Sunset Process Sex Offender Management Board
https://leg.colorado.gov/bills/sb23-164

The act continues the Sex Offender Management Board (SOMB) in the Department of Public Safety, which was scheduled to repeal on September 1, 2023, for five years until Sept. 1, 2028. In addition, the act also makes the following changes to the SOMB:

- requires the SOMB to perform a compliance review of at least 10% of treatment providers every two years;
- requires treatment to be responsive to the age, developmental status, cultural or racial characteristics, sexual orientation, and gender identify or expression of the offender;
- requires the SOMB to revise the Sex Offender Release Guideline Instrument for use by the State Board of Parole by December 1, 2023;
- requires the Division of Criminal Justice in the DPS to work with a third-party vendor to take and forward fingerprints for service provider applications;
- requires supervising officers to follow the guidelines and standards development by the SOMB; and
- requires agencies supervising sex offenders (not including those in the Division of Youth Services) to provide offenders access to the complete list of treatment providers and allows an offender to change treatment providers or agencies once within 90 days of the court imposing the sentence or the offender's release on parole.

Effective: June 5, 2023. Lobbyist: Mollie Steinemann.

Economic DEVELOPMENT

SB23-006

Creation of the Rural Opportunity Office
https://leg.colorado.gov/bills/sb23-006

The act codifies the Rural Opportunity Office in the Colorado Office of Economic Development and International Trade (OEDIT). The main duties and responsibilities of the office are:

- Serving as the central coordinator of rural economic development programs and initiatives.
- Working with coal transitioning communities to explore business and economic development opportunities.
- Making recommendations that inform the Governor's policy on rural economic development matters.
- Measuring the success of program outreach and conduct research on whether rural communities receive more statewide funding as a result of the office's efforts.

Effective: May, 20, 2023. Lobbyist: Heather Stauffer.

SB23-175

Financing of Downtown Development Authority Projects
https://leg.colorado.gov/bills/sb23-175

The act allows municipalities to adopt 20-year extensions for property tax increment financing arrangements for downtown development authorities (DDA). The extensions are allowed following an initial 30-year period and a one-time 20-year extension under current law. The act continues a default split of incremental revenue established during the one-time 20-year extension under current law with 50% allocated to the municipality that established the DDA and 50% allocated to other governmental entities that levy property taxes within the boundary of the DDA. As under current law, a municipality and a tax entity may agree to allow the DDA to retain more than 50%. The act also requires that the base value of the DDA advance by one year during each year of the automatic and recurring 20-year extension periods. The act allows a municipality and a DDA to enter into an intergovernmental agreement that allows a municipality to delegate the power to incur debt to the DDA, and enable the DDA to pledge money for the payment of the debt. Finally, two additional seats are added to the DDA board to include a county commissioner and a representative of the school district in which the DDA is located. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-283

Mechanisms for Federal Infrastructure Funding
https://leg.colorado.gov/bills/SB23-283

Senate Bill 22-215 created the IIJA Cash Fund and provided procedures for expenditures from the fund, including providing

funding to local governments for local match requirements of federal grant programs created by the IIJA. This act appropriates additional funding to the fund. **Effective: May 22, 2023.** Lobbyist: Meghan MacKillop.

ELECTIONS

HB23-1185

Requirements for Recall Elections and Vacancies
https://leg.colorado.gov/bills/hb23-1185

The act (Sections 1-5) makes conforming changes in Title 31 regarding council or board vacancies. The act also clarifies how a vacancy will be filled if there are not enough members of the governing body to establish a quorum. In such situations, the act directs the municipal clerk to call anelection, subject to cancellation if the governing body obtains a quorum and can fill the vacancy before the election date.

The act (Sections 6-8) also addresses municipal recall petitions and elections. The act:

- requires that members of a municipal recall committee be registered electors of the municipality, but circulators can continue to be from any place;
- clarifies that signature requirements for a recall election for an office filled by more than one person are determined by looking to the most recent election for that office, even if the person subject to recall was not elected at that election;
- requires the petition to include the municipality and county of an elector;
- confirms that disassembly of a petition section or an entire petition render the section or petition, respectively, invalid;
- clarifies the process for a clerk's review of a submitted petition to clearly bifurcate the initial review and final determination to account for the potential for a protest;
- repeals requirements to send a copy of a protest to the county clerk and for the county clerk and recorder to prepare a list of registered electors for the protest;
- clarifies that nomination petitions for successors may be circulated for 20 calendar days after the date a recall election is set;
- confirms ballot requirements for recall elections;
- confirms how to determine the election outcomes and terms for offices held by more than one person;
- provides that if an incumbent is not recalled, the votes for a successor are not recorded and unofficial results are not disclosed. The act further clarifies deadlines and procedures for circulating and filing petitions and filing protests.

Effective: August 7, 2023. Lobbyist: Heather Stauffer.

HB23-1245

Campaign Practices for Municipal Elections
https://leg.colorado.gov/bills/hb23-1245

The act establishes the maximum contribution a person can make to a candidate for a municipal office is $400 and the maximum contribution a small donor committee can make to a candidate for municipal office is $4,000 per election. For municipalities with a population of 1,000 or more, reports must be filed with the municipal clerk no later than 60 days, 30 days, and 15 days before and 30 days after an election; reports for runoff elections must be filed no later than 15 days before an election and 15 days after. Reports must be filed annually in off-election years on the first day of the month in which the anniversary of an election occurs. Reporting requirements are extended to independent expenditure committees. Reporting requirements for municipalities with a population under 1,000 are not changed.

The record retention period for campaign finance reports is extended from one to ten years. If the candidate is elected, the time period is extended from one to six years after the candidate leaves office. Clerks are required to make these reports publicly available without charge either on a website or for in-person inspection. This does not require the use of a website. While this act appears to restrict the charging of a research and retrieval fee if the records are sought for in-person inspection, clerks are allowed to charge appropriate fees for requests for these records if printouts or photographs are requested. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-276

Modifications to Laws Regarding Elections
https://leg.colorado.gov/bills/sb23-276

The act changes the amount that counties are reimbursed for election costs. Beginning July 1, 2024, the Department of State will pay 45% of the cost that a county incurs in the conducting of any election with state-certified ballot content. The increase in funding for counties may have a trickle-down effect on the price municipalities pay in coordinated election agreements.

The act (Section 52) amends the Section 117 of the Fair Campaign Practices Act to confirm the time after which public funds can be expended in connection with referred measures and recall measures. For recalls, the restriction applies when the petition has been submitted for approval for circulation on an approved form, whereas existing law focused on the certification of the measure for submission to voters.

The act (Section 54) prohibits a county clerk or designated election official who is administering an election and the department of state from using an appropriation of state or federal money to pay for advertising expenses that feature a person who is a declared candidate for a federal, state, or local office. This excludes official notices and communications required or authorized by law and ongoing or routine communications.

Otherwise, the act makes changes to the Title 1 uniform election

code. These changes will not impact elections conducted pursuant to Title 31 municipal election or home-rule election codes, but there are a few changes that municipalities who coordinate their elections should be aware of including requirements for the number and location of voter service and polling centers and drop boxes (VSPC). The act allows VSPC and drop boxes to be located on campuses of private institutions of higher education and increases the number of VSPCs and drop boxes on campuses of private and state institutions of higher education. It also clarifies the number of in-person voting days at a VSPC on an Indian reservation and clarifies that a VSPC may be in a multi-use building where alcohol is served so long as it is in a separate part of the building. The act also allows counties with fewer than 15,000 active voters to have two, rather than three, election judges at each VSPC. The act allows any form of identification currently allowed to be presented in digital format for Title 1 elections.

Effective: June 6, 2023, Section 53 and Section 33 take effect January 1, 2024, and Sections 17, 18, 27 take effect July 1, 2024. Lobbyist: Heather Stauffer.

Employment & LABOR

HB23-1006

Employer Notice of Income Tax Credits
https://leg.colorado.gov/bills/hb23-1006

The act establishes that for tax years beginning in 2023 and beyond, employers (including municipal employers) are required to provide written notice of the availability of the Federal Earned Income Tax Credit, the state Earned Income Tax Credit, the Federal Child Tax Credit, and the State Child Tax Credit, in conjunction with or within a week of providing the annual statement of total compensation paid and income tax withheld for the previous calendar year. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1045

Employee Leave for Colorado National Guard Service
https://leg.colorado.gov/bills/hb23-1045

The act clarifies existing law military leave by changing the maximum amount of leave from fifteen days to "the equivalent of three weeks of work" on the employee's regular schedule. The act also permits the use of any available paid leave or unpaid leave for this purpose. **Effective: March 10, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1076

Workers' Compensation
https://leg.colorado.gov/bills/HB23-1076

The act modifies workers' compensation benefits and creates additional avenues to prehearings at the Division of the Independent Medical Examiner. Workers' compensation benefits resulting from reason of mental impairment claims are increased from 12 weeks to 36 weeks. Expedited hearings are permitted for employees whose temporary total disability benefits are terminated based on an authorized medical provider's release to return to regular employment. The act also changes rules around artificial devices, updates provisions related to independent medical examinations, removes limits on medical treatments for reasonable and necessary medical benefits related to maximum medical improvement, and increases the amount of attorney fees that are presumed unreasonable. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1305

Continue Health Benefits in Work-related Death
https://leg.colorado.gov/bills/HB23-1305

In 2018, the General Assembly created the Police Officers' and Firefighters' Continuation of Benefits Board to facilitate the continuation of medical benefits for one year for the

dependents of any person who dies in a work-related death, if the person was directly involved with offering police or fire protection services. The act eliminates the requirement that an employer must contribute to the Law Enforcement Officers' and Firefighters' Continuation of Benefits Fund to be eligible for the continuation of benefits for dependents of an employee who died in a work-related death. **Effective: June 1, 2023.** Lobbyist: Jaclyn Terwey.

SB23-017

Additional Uses Paid Sick Leave

https://leg.colorado.gov/bills/sb23-017

The act expands allowable uses for accrued paid sick leave under 2020's Healthy Families and Workplaces Act, excluding public health emergency leave, to include when the employee needs to care for a family member whose school or place of care has been closed due to unexpected occurrences like inclement weather or loss of power, heating, or water; when the employee has to evacuate their residence because of unexpected occurrences; or to grieve, attend memorial services, or deal with financial and legal matters that arise from the death of a family member. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-046

Average Weekly Wage Paid Leave Benefits

https://leg.colorado.gov/bills/sb23-046

The act requires the Division of Family and Medical Leave Insurance in the Colorado Department of Labor and Employment to calculate a covered individual's weekly benefit amount under 2020's Paid Family and Medical Leave Insurance Act based on the individual's average weekly wage from all jobs worked in the base period, instead of only the jobs from which the individual is taking leave. **Effective: March 23, 2023.** Lobbyist: Jaclyn Terwey.

SB23-051

Conforming Workforce Development Statutes

https://leg.colorado.gov/bills/sb23-051

The act codifies the current duties of the Office of Future of Work. The office must report policy recommendations to the governor at least once a year. The act also modifies statutes related to apprenticeships to conform with federal rules promulgated under the National Apprenticeship Act, including clarifying the duties of the state apprenticeship agency and two advisory councils. **Effective: March 23, 2023.** Lobbyist: Jaclyn Terwey.

SB23-053

Restrict Governmental Nondisclosure Agreements

https://leg.colorado.gov/bills/sb23-053

This act prohibits public employers (including municipalities (Section 4)) from requiring non-disclosure agreements as a condition of employment or continued employment and declares such provisions to be unenforceable and against public policy. "Non-disclosure agreement" is not defined, but a "condition of employment" is defined to includes policies that an employee or applicant must agree to abide by to be hired or retained, which could include settlement agreements if employment is continued. The act includes substantial exceptions for provisions necessary to prevent the disclosure of certain information. However, no non-disclosure agreement can prohibit the release of information required to be released under the Colorado Open Records Act. The act permits non-disclosure agreements with third parties relating to an employee's work for the employer.

The act includes anti-retaliation protections for employees. "Materially adverse employment-related actions" are deemed to be prima facie evidence of retaliation. An employer that enforces or attempts to enforce a provision deemed against public policy by a court is liable for attorneys fees and costs in defending an action.

The act provides that settlement agreements between public employers and employees must be signed by both the employer and the employee. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-058

Job Application Fairness Act

https://leg.colorado.gov/bills/sb23-058

Beginning July 1, 2024, this act prohibits an employer from requiring or requesting age-identifying information on an initial application, such as birthdate or graduation year. An employer may still request and receive transcripts, certifications, and other materials, if the employer provides notice that the applicant may redact the age-identifying information. The act does not prohibit seeking age-identifying information after the initial application or requesting that applicant's verify compliance with age requirements of bona fide occupational qualifications relating to public or occupational safety, federal law or regulation, or state or local laws based on bona fide occupational qualifications. The act is enforceable only through administrative complaints, with graduated penalties ranging from warnings to $2,500. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-105

Ensure Equal Pay for Equal Work

https://leg.colorado.gov/bills/sb23-105

This act amends the 2019 "Equal Pay for Equal Work Act." The act defines "career development," "career progression," "job opportunity," and "vacancy" to clarify job posting requirements of C.R.S. § 8-5-201. The act expands job posting requirements but clarifies that they only apply to job opportunities and not career development or career progression. Job opportunities require "good faith" disclosure of compensation, benefits, and the date the application window is anticipated to close. After selecting a person to fill a job opportunity, the employer must make "reasonable efforts" to announce certain information about the person within 30 days to employees that will work with the person. Special notice requirements apply for positions with career progression.

The act adds an administrative remedy and investigatory authority in the Division of Labor Standards and Statistics relating to violations of C.R.S. § 8-5-102, which relates to sex-based wage discrimination. The act extends the period of back pay relief from 3 to 6 years, but does not modify the 2-year statute of limitations. The administrative remedy does not limit the private action authorized by existing law. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-111

Public Employees' Workplace Protections

https://leg.colorado.gov/bills/sb23-111

The act grants certain rights, enforceable by administrative action, to certain public employees (including municipal employees) relating to the expression and employee organization. The act includes the right to:

- Discuss or express the employee's views regarding representation, workplace issues, or rights under the act;
- Engage in protected, concerted activity for the purpose of mutual aid or protection;
- Fully participate in the political process while off duty and not in uniform (including speaking with their governing body on terms and conditions of employment and any matter of public concern and engaging in political activities like private citizens); and
- Organize, form, join, or assist an employee organization (or refrain from doing so).

The act contains no definitions related to these rights. The act amends the 2013 Colorado Firefighter Safety Act to provide firefighters with the same rights, potentially conflicting with the more restrictive provisions of that existing law. The act prohibits covered public employers from taking various actions relating to public employees who exercise these rights or who file complaints or provide information under the act. The act prohibits employers from interfering in the administration of an employee organization. The act does not contain considerations relating to public management traditionally found in First Amendment jurisprudence.

The act provides for administrative enforcement of complaints of "unfair labor practice" charges and "other leads" by the Division of Labor Standards and Statistics. Complaints must be filed within six months of a violation. The act grants the division authority to publish rules and to provide alternative dispute resolution or adjudicate charges as provided in the Labor Peace Act (C.R.S. § 8-3-101 et seq.). The act provides for limited appellate review of administrative decisions in the Court of Appeals.

While act takes effect in August, the authority to adjudicate unfair labor practice charges is not effective until July 1, 2024. **Effective: August 7, 2024.** Lobbyist: Jaclyn Terwey.

SB23-172

Protecting Opportunities and Workers' Rights Act

https://leg.colorado.gov/bills/sb23-172

This act rejects the "severe and pervasive" standard applied to workplace harassment claims and defines harassment to be any unwelcome physical or verbal conduct or any communication directed to an individual or group because of their membership, or perceived membership, in a protected class. The act must be subjectively offensive to the claimant and be objectively offensive to a reasonable member of the same protected class. The act further defines when conduct, including isolated instances, constitutes a violation. The act permits an affirmative defense against harassment claims

In addition, the act:

- Conditions affirmative defenses to harassment claims on the employer having a harassment prevention program, as defined through the act, that the employee failed to use;
- Includes marital status as a protected class;
- Clarifies the nature of the reasonable accommodation that an employer must provide for a disability;
- Requires that employers preserve certain personnel or employment records made, kept, or received by the employer for at least five years after the date it was made or received or the date of the personnel action or resolution of a charge of discrimination or lawsuit.
- Requires employers to maintain a repository of written or oral complaints of discriminatory or unfair employment practices including the date of the complaint, the complaining party's identify, if know, the alleged perpetrator's identity, and the substance of the complaint. These are not public records under the Colorado Open Records Act but are also deemed personnel records not subject to inspection;
- Declares non-disclosure provisions of any agreement with an employee to be void unless it applies equally to all parties, includes certain provisions, and includes a specific addendum. Each time an employer includes a nondisclosure provision in an agreement is a violation making the employer liable for actual damages, a $5,000 penalty, and attorney fees;
- Provides that evidence of nondisclosure agreements involving the same conduct is evidence to support punitive damages.

Effective: August 7, 2023. Lobbyist: Jaclyn Terwey.

SB23-292

Labor Requirements for Energy Sector Construction

https://leg.colorado.gov/bills/sb23-292

The act creates a category of public works projects called energy sector public works projects, which consist of projects that generate, transmit, or distribute electricity or natural gas, and are built by a public utility with some public funding or approved by a cooperative electric association. These projects must comply with the apprenticeship and prevailing wage requirements established by Senate Bill 19-196. The act specifies the parameters with which projects must comply and

exceptions from these requirements, which include projects supported by federal funds and those that include a project labor agreement. The act also applies these labor standards to certain other state projects. **Effective: January 1, 2024.** Lobbyist: Jaclyn Terwey.

See also: INFORMATION TECHNOLOGY (SB23-244: Technology Accessibility Cleanup); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization); YOUTH (HB23-1196: Remedies at Law for Violating Colorado Youth Act).

Environment & NATURAL RESOURCES

SB23-192

Sunset Pesticide Applicators' Act
https://leg.colorado.gov/bills/sb23-192

The act implements the recommendations of the Department of Regulatory Agencies from its sunset review of the "Pesticide Applicators' Act" and continues the act for 11 years, until September 1, 2034. Among changes in the act, it requires a local government that adopts an ordinance about pesticides to submit information to the commissioner about the ordinance. The act does not change or increase the authority that local governments currently have to regulate pesticide application in their municipalities.

The act updates various definitions to align with Federal guidelines and updates notifications and types of properties that can be included in requirements for the state's registry of pesticide-sensitive persons. The act requires that on or before July 1, 2024, the Department of Agriculture develop a searchable database of all properties that are located within 250 feet of a residential property listed on the registry for applicators to search. Applicators are required to notify pesticide-sensitive persons of pesticide application. The act also increases the maximum civil penalty for violation of the act from $1,000 to $2,500 for a first violation and up to $5,000 for a second violation. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-266

Neonicotinoid Pesticides as Limited-Use Pesticides
https://leg.colorado.gov/bills/sb23-266

The act requires that on or before January 1, 2024, the Commissioner of Agriculture adopt rules designating neonicotinoid pesticides as limited-use pesticides. Designation of this kind means that only licensed dealers can sell these products. To the extent that municipalities use these products for pest management, this may impact the availability of such products and who can use them. There are several exceptions listed in statute including some indoor pest control products and bait station traps and scatter bait and insect strips. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-285

Energy & Carbon Management Regulation in Colorado
https://leg.colorado.gov/bills/sb23-285

Beginning July 1, 2023, the act renames the Oil and Gas Conservation Commission to the Energy and Carbon Management Commission and expands its regulatory authority to include the authority to regulate a broader scope of energy and carbon management areas beyond oil and gas. The act authorizes the commission to regulate deep geothermal operations (deeper than 2,500 feet). Like oil & gas operations, local governments have siting authority for deep geothermal operations and state regulations of deep geothermal operations shall not impair, alter or negate the ability of a local government to regulate land use related to intrastate underground natural gas storage facilities. Prior to obtaining a permit from the commission to construct a well for deep geothermal operations, an applicant must provide evidence of any applicable siting application to the local government with jurisdiction over the deep geothermal operations, unless the local government does not regulate the siting of such operations.

The state engineer in the Division of Water Resources retains the authority to regulate shallow geothermal operations and the act clarifies jurisdiction, property rights, permitting authority and requirements, fees, and scope of geothermal management districts for shallow geothermal operations.

The act directs the commission to conduct a study and develop recommendations concerning the regulation and permitting of the underground storage of hydrogen, the transportation of hydrogen through pipelines. The act directs the commission to consult with local governments among other stakeholders on this study.

Current law states that the property right to geothermal resources that lack sufficient fluid to transport commercial amounts of energy to the surface is an incident of ownership of the overlying surface unless expressly severed. Under the act, for property rights acquired on or after July 1, 2023, the property right to a geothermal resource associated with non-tributary groundwater is also an incident of ownership of the overlying surface unless expressly severed. Further, geothermal resources associated with non-tributary groundwater cannot be transferred separately from the non-tributary groundwater. **Effective: July 1, 2023.** Lobbyist: Heather Stauffer.

See also: YOUTH (HB23-1058: Child-occupied Facility Lead-based Paint Abatement).

Governmental IMMUNITY

HB23-1032

Remedies Persons with Disabilities
https://leg.colorado.gov/bills/hb23-1032

The act establishes that a person need not exhaust administrative remedies before filing a lawsuit for disability discrimination. The act requires that in certain civil suits, an individual with a disability is entitled to a court order requiring compliance along with either actual monetary damages or a statutory fine. The act also extends prohibitions on an individual with a disability being excluded from participation in, or denied the benefits of, services, programs, or activities to places of public accommodation. This new requirement primarily affects private businesses since sporting and recreational facilities, public transportation facilities, swimming pools, etc. are already included as entities that cannot deny access to an individual with a disability under Colorado law. **Effective: May 25, 2023.** Lobbyist: Heather Stauffer.

HB23-1296

Create Task Force Study Rights Persons Disabilities
https://leg.colorado.gov/bills/hb23-1296

The act creates the Task Force on the Rights of Coloradans with Disabilities in the Colorado Civil Rights Division (CCRD) in the Department of Regulatory Agencies (DORA). The task force is comprised of at least 15 members, including the Lieutenant Governor, representatives from disability rights advocacy organizations, legal experts, and representatives of the various state departments. The task force must be appointed by August 1, 2023, and will create four issues subcommittees which will include subcommittees to recommend a rewrite of Colorado's disability laws, to study and recommend policies around physical and programmatic "basic access" within state and local government for persons with disabilities, and to study housing and outdoor "basic access." The task force is authorized to report on "any other issue relating to accessibility." The Governor will appoint at least four members who represent local and state government to serve on the government subcommittee and at least four members who represent government or business interests to the rewrite subcommittee. The subcommittees will report to the task force by the end of 2024. The task force shall produce a final report, including policy recommendations, to the governor and general assembly on or before January 30, 2025. **Effective: May 25, 2023.** Lobbyist: Heather Stauffer.

HB23-1306

Public Use of Elected Officials' Social Media
https://leg.colorado.gov/bills/hb23-1306

The act establishes a statutory standard for the use of "private social media" by state and local elected officials to allow them to permanently or temporarily restrict or ban an individual from the elected official's private social media account for bullying, harassment, or intimidation in the local elected official's sole discretion. The act also states that it is not intended to infringe upon any right guaranteed by the First Amendment of the United States Constitution or the Colorado Constitution, or to prevent the expression of any religious, political, or philosophical views. A word of caution, the topic of private social media being used by elected officials is set to be addressed by the United States Supreme Court and, as such, this state law is no guarantee that officials and their municipalities will avoid liability for acting in reliance on the statute. Local social media policies and procedures should always be followed, and consultation with municipal attorneys is advised. **Effective: June 5, 2023.** Lobbyist: Heather Stauffer.

SB23-247

Division of Civil Protections and Rights in Department of Law
https://leg.colorado.gov/bills/sb23-247

The act creates the Division of Civil Protections and Rights in the Department of Law in connection with recent legislation that has increased civil rights protections, including investigating violations by governments, employee rights, and fair housing laws. The purpose of the Division is to assist with internal operation management to better manage resources. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

See also: BUILDING CODES (HB23-1057: Amenities for All Genders in Public Buildings); EMPLOYMENT (SB23-053: Restrict Governmental Nondisclosure Agreements; SB23-105: Ensure Equal Pay for Equal Work; SB23-058: Job Application Fairness Act; SB23-105: Ensure Equal Pay for Equal Work; SB23-111: Public Employees' Workplace Protections; SB23-172: Protecting Opportunities and Workers' Rights Act); INFORMATION TECHNOLOGY (SB23-244: Technology Accessibility Cleanup); YOUTH (HB23-1196: Remedies at Law for Violating Colorado Youth Act).

HOUSING

HB23-1068

Pet Animal Ownership in Housing
http://leg.colorado.gov/bills/hb23-1068

The act protects pet owners by:

- prohibiting homeowner insurance and fire insurance providers from changing premiums on, refusing to issue, cancelling, or refusing to renew a policy based on the breed of dog kept at a home, unless the premium amount is based on sound underwriting and actuarial principles;
- requires specific protocols during evictions when a pet is present; and,
- excluding pets from the personal items against which a landlord may place a lien for unpaid rent.

● Additionally, a landlord cannot demand a security deposit over $300 from a prospective or current tenant as a condition of allowing a pet in the home. A landlord cannot demand or receive additional pet rent over $35 per month, or 1% of the tenant's monthly rent, whichever is greater. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1095

Prohibited Provisions in Rental Agreements

http://leg.colorado.gov/bills/hb23-1095

This act updates the requirements for rental agreements. It prohibits including certain clauses in a written rental agreement, such as penalties resulting from eviction notices or actions due to a violation of the agreement. Fee-shifting clauses in rental agreements require a determination of prevailing party status and reasonable fees. Several provisions are prohibited unless specific exceptions apply, including jury trial waivers, certain class or collective action waivers, and waivers of the implied covenants of good faith and fair dealing and quiet enjoyment. The agreement cannot impose fees, damages, or penalties for a tenant's failure to provide notice of nonrenewal, except for the set monthly payment. The act also restricts charging tenants excessive fees or markups for services and disallows recouping costs for processing such services. Lastly, it prevents providers under voucher or subsidy programs from pursuing eviction solely based on nonpayment of utilities. The act specifies that some of the new prohibitions do not apply to rental agreements for mobile homes in mobile home parks, duplexes or triplexes, or accessory dwelling units where the landlord resides in one of the units or premises. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1099

Portable Screening Report for Residential Leases

http://leg.colorado.gov/bills/hb23-1099

The act requires landlords, with certain exceptions, to accept portable tenant screening reports from prospective tenants. The screening report must be prepared by a consumer reporting agency within the previous 30 days, at the tenant's expense, and provided directly to the landlord. The report should include information such as employment verification, income, rental and credit history, and criminal background. If a tenant provides a screening report, the landlord cannot charge application fees or fees to access or use the report. Prior to collecting any tenant information that would generate an application fee, the landlord must inform the prospective tenant about accepting screening reports and the prohibition on charging application fees. Landlords are not obligated to accept screening reports or provide the required advisements if they don't accept multiple application fees at a time for a dwelling unit. If a rental application results in the landlord obtaining a consumer report, the landlord must provide a copy to the prospective tenant and inform them of their right to dispute the report's accuracy with the reporting agency. Violations of the act may result in the landlord being liable for a penalty of $2,500, plus court costs and attorney fees. However, if the landlord rectifies the violation within 7 calendar days of receiving notice, they are only required to pay a penalty of $50 and are not liable for further damages. The act also authorizes the attorney general to independently initiate and bring legal action to enforce the "Rental Application Fairness Act." **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1120

Eviction Protections for Residential Tenants

https://leg.colorado.gov/bills/hb23-1120

The act mandates that landlords and residential tenants must engage in mandatory mediation before initiating an eviction action if the tenant receives certain forms of cash assistance. However, participation in mediation is not required if the tenant did not disclose receiving cash assistance, if the complainant is a nonprofit organization offering mediation opportunities, or if the complainant is a landlord with a limited number of rental properties. Additionally, the act prohibits law enforcement officers from executing eviction orders against tenants receiving cash assistance for at least 30 days after a judgment, except in cases of substantial violations or for landlords with five or fewer rental properties. The act requires written demands to inform tenants receiving cash assistance of their right to mediation before the landlord files an eviction complaint. Furthermore, written rental agreements must include a statement indicating that discrimination based on the source of income is prohibited, and landlords must accept any lawful and verifiable source of payment. The act also prohibits rental agreements from waiving mandatory mediation or including clauses that allow landlords to recover costs associated with mediation. The Judicial Department is required to report the number of mediations, the outcomes of those mediations, and the cost of the mediations to the General Assembly. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

HB23-1184

Low-Income Housing Property Tax Exemptions

https://leg.colorado.gov/bills/HB23-1184

The act clarifies and expands the current property tax exemption for property acquired by nonprofit housing providers for the development of low-income housing. The act clarifies that property may qualify for the property tax exemption, through construction on the property, until the property is sold or transferred. Additionally, the definition of "low-income" applicants is expanded to include individuals or families who are at or below 100% of the area median income or, if the property is in a rural resort community, at or below 120% of the area median income, rather than 80% of the area median income. The act creates a property tax exemption for property held by community land trusts and nonprofit affordable homeownership developers to be used for a strictly charitable purpose. To qualify for the exemption, the property must be split into a separate taxable parcel from the improvements on the property and leased to the owner of the improvements as an affordable

homeownership property. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1232

Extend Housing Toolkit Timeframe

https://leg.colorado.gov/bills/HB23-1232

The act clarifies that funding for the Local Government Affordable Housing Development Incentives Grant Program, and for the Affordable Housing Guided Toolkit and Local Officials Guide Program in the Department of Local Affairs (DOLA) may be expended before July 1, 2025, without additional appropriation from the General Assembly. The act also clarifies that the Division of Housing in the DOLA may award multiple grants to multiple grant recipients for multiple regional navigation campuses in the Denver metropolitan area to respond to and prevent homelessness. **Effective: May 17, 2023.** Lobbyist: Meghan MacKillop.

HB23-1253

Task Force to Study Corporate Housing Ownership

https://leg.colorado.gov/bills/hb23-1253

The act creates the task force on corporate housing ownership within the State Demography Office. The act directs the task force to:

- examine housing ownership by corporate entities and residential real estate transactions by corporate entities in Colorado since January 1, 2008, including purchases resulting from foreclosures;
- determine a methodology by which to examine the impacts of corporate acquisition and ownership of residential property, with a focus on single-family homes, condominiums, and townhomes;
- gather and analyze data, reports, and public records related to corporate ownership of housing;
- make legislative recommendations to mitigate any negative impacts related to corporate ownership of housing that are identified by the task force; and
- report to legislative committees certain information concerning the impacts of corporate ownership of housing.

The task force must report its findings to the legislative committees of reference with jurisdiction over housing matters by October 1, 2025. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1254

Habitability of Residential Premises

https://leg.colorado.gov/bills/HB23-1254

The act expands conditions covered under the warranty of habitability for residential premises to include damage due to an environmental public health event. The act requires a landlord to have a residential premises remediated to a condition that complies with applicable standards for the remediation and clean-up of residential premises after damage due to an environmental public health event and clarifies landlord responsibilities regarding the warranty of habitability and how a tenant must give notice to a landlord if there are habitability issues with the tenant's residence. The act prohibits a landlord from retaliating against a tenant for making a good faith complaint about the conditions of the residential premises and provides conditions by which a tenant may terminate a lease if a habitability issue is not remediated. The act also specifies conditions by which certain vulnerable populations may terminate a lease if the residential premises has been damaged due to an environmental public health event that would be detrimental to the health, safety, or quality of life of those vulnerable populations. **Effective: May 12, 2023.** Lobbyist: Meghan MacKillop.

HB23-1304

Prop 123 Affordable Housing Programs

https://leg.colorado.gov/bills/hb23-1304

In the 2022 general election, voters approved Proposition 123, which established new affordable housing programs funded by income tax revenue. The allocated revenue is divided into two funds: the Affordable Housing Financing Fund (60% of the revenue) and the Affordable Housing Support Fund (40% of the revenue). The Office of Economic Development and the Division of Housing are responsible for administering these programs. This act amends the programs by allowing tribal governments to participate, transferring administration to the division of local government, permitting OEDIT to use financing funds for administrative expenses, clarifying income and rent calculations, specifying unit counting for the 3% growth obligation, establishing a process for rural resort communities to adjust income percentages, exempting federal coronavirus funds from maintenance of effort requirements, and requiring annual reports on the programs. **Effective: June 5, 2023.** Lobbyist: Meghan MacKillop.

SB23-001

Authority of Public-private Collaboration Unit for Housing

https://leg.colorado.gov/bills/SB23-001

This act expands the functions of the Public-private Collaboration Unit in the Department of Personnel, which promotes public-private partnerships for efficient completion of public projects. The unit is now authorized to undertake additional functions related to public projects that provide housing. Specifically, the unit is allowed to accept gifts, grants, and donations, with monetary contributions credited to the unused state-owned real property fund and utilize proceeds from real estate transactions and revenue from public-private agreements. Additionally, the unit can act as an agent on behalf of the department in real estate transactions involving state-owned property, including purchases, transfers, exchanges, sales, dispositions, and leases. The governor's approval is required for the department to receive the deeded property from a state public entity. The act also establishes a process for using requests for information to solicit public projects. **Effective: May 20, 2023.** Lobbyist: Meghan MacKillop.

SB23-035

Middle-income Housing Authority Act
https://leg.colorado.gov/bills/SB23-035

The act clarifies the power of the middle-income housing authority (authority) created by Senate Bill 22-232 to enter into public-private partnerships and specifies that an affordable rental housing project can include commercial space incidental to the housing. Only the affordable rental housing component of such a project qualifies to for the tax exemptions for such projects. Senate Bill 22-232 purported to exempt all income and assets of the authority from state and local income, property, and sales and use taxes.

The act also allows for the transfer of the interest in an affordable rental housing project to an entity other than the authority within a public-private partnership. The authority is authorized to issue bonds to finance the affordable rental housing component, and these bonds can be payable from the revenue and assets of the affordable rental housing component or solely from the authority's revenue or assets, as required by current law. In addition, the act expands the board of directors of the authority from 14 to 16 members. Two nonvoting members will be added, appointed by the senate majority leader and the house majority leader. If they are from the same political party, the appointment from the house will be made by the house minority leader. **Effective: June 2, 2023.** Lobbyist: Meghan MacKillop.

SB23-184

Protections for Residential Tenants
https://leg.colorado.gov/bills/sb23-184

The act limits landlords from using certain financial and rental history information about prospective tenants during the rental application process, and places other requirements on landlords concerning rental applications. Specifically, under the act, a landlord must:

- not inquire about the amount of income, except to verify that it exceeds 200% of annual rent, or credit score, if an applicant uses a housing subsidy;
- not inquire about applicant income for applicants not using a housing subsidy except to determine whether annual income equals or exceed 200% of annual rent; and
- not require applicant income greater than 200% of annual rent if an applicant is not using a housing subsidy.

Violations of these provisions constitute an unfair housing practice, with remedies allowed by law. Additionally, landlords are liable for an initial penalty of $50 to an aggrieved party for violations, and another statutory penalty of $2,500 if a violation is not cured within seven calendar days. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

IMMIGRATION

HB23-1100

Restrict Government Involvement in Immigration Detention
https://leg.colorado.gov/bills/hb23-1100

The act prohibits state and local governments from entering into an agreement to detain individuals in an immigration facility operated by a private entity, sell property for the purpose of establishing an immigration detention facility operated by a private entity, pay a private entity for the operation of an immigration facility, receive a payment related to the detention of individuals in an immigration facility from a private entity, or give financial incentive or benefit to a private entity or person that operates a detention facility. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann.

Information TECHNOLOGY

SB23-244

Technology Accessibility Cleanup
https://leg.colorado.gov/bills/sb23-244

The act amends the 2021 digital accessibility bill, House Bill 21-1110. The act requires the Office of Information Technology to engage in formal rulemaking to establish rules regarding accessibility standards for state and local government IT systems. The act expands the references on which the rulemaking may be based and appears to preserve the existing interpretation that current law applies to all digital media. The act clarifies that for a claim brought against a public entity for violation of accessibility standards, the violation must be considered a single incident and not a separate violation if the violation occurred on a single digital product including a website or an application. The act also amends the definition of "accessible" and "accessibility" to specify that digital content must "reasonably" enable an individual to access the same information, engage in the same interactions, and enjoy the same services offered to other individuals. **Effective: April 20, 2023.** Lobbyist: Heather Stauffer.

LAND USE

HB23-1255

Regulate Local Housing Growth Restrictions
https://leg.colorado.gov/bills/hb23-1255

The act amends the Local Government Land Use Control Enabling Act of 1974 to target local growth caps by prohibiting local land use laws that, within any calendar or fiscal year, explicitly limit the growth of population in a jurisdiction or the number of development permits or applications for residential development (including mixed use development with residential components) that can be submitted, reviewed, approved, or issued. The act defines "law" broadly to include ordinances, policies, plans, and guidelines, among other things, provided they regulate the use or division of property. The act does not mandate the approval of any application and does not preclude land use laws generally, affordability requirements, short term rental regulations, or denying an application for any reason. The act purports to extend to statutory and home rule local governments.

The act permits temporary, non-renewable laws that would otherwise violate the act in limited circumstances: following a declared disaster emergency in the jurisdiction; to develop or amend land use plans or laws covering residential development; or to "provide for" extending or acquiring public infrastructure, public services, or water resources. Such a law can be effective for up to 24 months in a 5-year period. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1287

County Regulation Related to Short-term Rentals
https://leg.colorado.gov/bills/hb23-1287

The act clarifies that a county's authority to regulate short term rentals applies to lodging units available for less than 30 days and excludes hotel units from the scope of this authority. Additionally, the act changes "internet hospitality service" to "vacation rental service" in statute. A county may require an owner or owner's agent to include a rental license or permit number in any listing for a short-term rental unit on the agent's website. A board may also require the service to remove a listing from any digital platforms, within seven days, if the owner of the listed rental unit has a local short-term rental license or permit suspended or revoked; has been issued a notice violation or similar legal process for not possessing a valid local short-term rental license or permit; or the county has a prohibition on short-term rentals that applies to the lodging unit. To facilitate a vacation rental service's ability to comply with a county ordinance, a county, upon request of the owner of a hotel unit or a vacation rental service on which the hotel unit is listed, is required to provide written verification that the hotel unit is exempt from the ordinance because it is not a lodging unit. **Effective Date: August 7, 2023.** Lobbyist: Meghan MacKillop.

See also: CRIMINAL JUSTICE (HB23-188: Protections for Accessing Reproductive Health Care); ENVIRONMENT/ NATURAL RESOURCES (SB23-285: Energy & Carbon Management Regulation in Colorado); HOUSING (HB23-1304: Prop 123 Affordable Housing Programs); REGULATED SUBSTANCES (SB23-290: Natural Medicine Regulation and Legalization); SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements); UTILITIES (HB23-1234: Streamlined Solar Permitting and Inspection Grants); WATER (SB23-178: Water-wise Landscaping in HOA Communities).

Lottery & GAMING

SB23-165

Sunset Division of Racing and Racing Commission
https://leg.colorado.gov/bills/sb23-165

The act continues the Division of Racing and the Colorado Racing Commission until September 1, 2032, and implements the recommendations of the Department of Regulatory Agencies' 2022 Sunset Review. The act modifies the statutory definition for in-state simulcast facility and repeals redundant greyhound kennel inspection requirements. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

Miscellaneous Governmental OPERATIONS

HB23-1156

Public Airport Authority Act Modernization
https://leg.colorado.gov/bills/hb23-1156

This act amends the public airport authority (PAA) code to:

- require a local government that terminates a PAA to assume all outstanding financial and contractual obligations, assume the operations and maintenance of the airport, and take full fee title ownership;
- clarify that members of a PAA board of commissioners do not receive compensation;
- require a majority vote of a PAA board of commissioners to authorize expenditures greater than $250,000;
- authorize a PAA to remove hazards and encroachments, impose fees on airport users, and regulate commercial activities conducted within a PAA;
- allow a PAA to request that a county or municipality levy a tax for the authority's benefit;

- allow a PAA to request that a county or municipality adopt or modify certain existing zoning regulations;
- clarify that tenants or users of a PAA airport are not entitled to the tax exemptions that apply to airport authorities; and
- modify the definition of "local government official" to include a member of the board of commissioners of any PAA.

Effective: August 7, 2023. Lobbyist: Mollie Steinemann

HB23-1271

Lunar New Year Day as an Observed State Holiday
https://leg.colorado.gov/bills/hb23-1271

The act establishes the first Friday in February as "Lunar New Year Day," an observed state holiday. Observed holidays, unlike legal holidays, do not impact hours worked for state or local employees. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-052

Municipal Priority Lien Surviving Treasurer's Deed
https://leg.colorado.gov/bills/sb23-052

The act specifies that a county treasurer must accept for collection a lien levied on a property for costs associated with weeds, brush, and other removal from a property, including from alleys behind and sidewalk areas in front of a property if the municipality has filed a notice of lien with the county clerk within 4 months of abatement of a nuisance and a municipality certifies the amount of the unpaid assessment to the county treasurer within one year of filing the notice of lien for recording. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-153

Sunset Revised Uniform Law on Notarial Acts
https://leg.colorado.gov/bills/sb23-153

The act continues the Revised Uniform Law on Notarial Acts until 2032. The act repeals the requirement that a certificate evidencing a notarial act performed by a notary public indicate the date of expiration of the notary public's commission. The act also repeals statutory fees for notarial acts performed by a notary public and requires the secretary of state to adopt rules that prescribe or establish caps for fees that a notary public may charge for notarial acts. The act further establishes requirements and limitations for the use of interpreters in the facilitation of notarial acts and limits the liability of a notarial officer for errors in interpretation made in the facilitation of a notarial act. **Effective: May 17, 2023.** Lobbyist: Heather Stauffer.

Municipal COURTS

HB23-1132

The Court Data-sharing Task Force
https://leg.colorado.gov/bills/hb23-1132

The act creates the Task Force on Data Sharing Between State Courts and Municipal Courts to evaluate data-sharing practices between state and municipal courts. The task force must investigate current data sharing and access to court data systems, consider processes for sharing data and providing access to court data systems statewide, and consider safety measures or integration of systems to protect sensitive data in court systems. Task force members include the judicial department (including the state court administrator), municipal courts (including a municipal prosecutor and a municipal public defender), the Colorado District Attorney's Council, the Colorado State Public Defender, the Office of the Child Protection Ombudsman, and domestic violence or sexual assault advocates. The task force shall report its findings and recommendations to the judiciary committees of the House of Representatives and the Senate on or before January 8, 2024. **Effective: June 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1151

Clarifications to 48-hour Bond Hearing Requirement
https://leg.colorado.gov/bills/hb23-1151

Current law requires an individual who is in jail to be brought before a judge for a bond hearing on any state and municipal charges within 48 hours of arriving at the jail. The act clarifies the circumstances when the 48-hour requirement does not apply because the individual is unable to attend court. When an arrestee is unable to attend court within the 48-hour requirement, the sheriff shall create a list of those individuals, the date of the individual's arrest, and the location where the individual is in custody. The sheriff shall document the length of the delay, the reason for the delay, and the efforts to abate a delay caused by an emergency. The act requires the sheriff to make the in-custody arrestee available to appear as soon as an emergency has sufficiently abated. The act also clarifies that the 48-hour requirement applies regardless of whether:

- the individual is held in custody in a jurisdiction other than the one that issues the arrest warrant;
- money bond was previously set ex parte; or
- the in-custody arrestee did not appear for a first appearance.

Effective: October 1, 2023. Lobbyist: Meghan MacKillop.

HB23-1182

Remote Public Access to Criminal Court Proceedings
http://leg.colorado.gov/bills/hb23-1182

The act requires all courts in Colorado to provide real time

remote access for the public to observe any criminal court proceeding conducted in open court, unless:

- the court does not have the technology available to do so;
- the court has ordered that the public is excluded from the proceeding;
- technology, staffing, or internet issues limit or prevent remote observation; or

after a request, the court makes findings that:

- the remote observation of live proceedings risks compromising the safety of any person, the defendant's right to a fair trial, or the victim's rights; and
- there is no less restrictive alternative that preserves the public interest in remote observation.

The act also requires the court to post links on its website for the remote observation and requires courts to take reasonable steps to ensure that no audio or visual transmission of privileged, confidential communications occurs, to include posting an on-screen warning that any recording of the proceedings without a court order is prohibited. If a proceeding is subject to a sequestration order, the court should take reasonable steps to ensure compliance with the sequestration order. If a court does not have the sufficient existing staff or technology to allow remote observation to the public but later obtains such staff or technology, the act requires the court to comply with the act within 90 days after obtaining the necessary staff or technology. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

HB23-1222

Cases of Domestic Violence in Municipal Court
https://leg.colorado.gov/bills/hb23-1222

Beginning January 1, 2024, the act requires a municipality that has a municipal ordinance that criminalizes an act of domestic violence to adopt an ordinance establishing:

- protections and rights for victims, victims' families, and witnesses equivalent to certain protections under the Victim Rights Act;
- sentencing guidelines;
- conditions of probation;
- conditions of release on bond;
- guidelines and standards that are consistent with the guidelines and standards adopted by the domestic violence offender management board; and
- a requirement that the prosecuting attorney who initially meets with the victim after the charges are filed makes a reasonable effort to remain as the prosecuting attorney throughout the proceeding.

For cases of domestic violence, a municipal court must issue a protection order and report the issuance of the order to the Colorado Bureau of Investigation (CBI). The court must also enter the information into the Colorado Crime Information Center (CCIC) database and the National Crime Information Center (NCIC) database and search the CBI, CCIC database, and the NCIC database to determine if a defendant has a history of domestic violence. The act states that a municipal domestic violence offense is a misdemeanor for the purposes of complying with federal law and authorizes any affected person to enforce compliance with the act by notifying the crime victim services advisory board of any noncompliance by a municipal court. If the board determines that the report of noncompliance has a basis in fact and cannot be resolved, the act requires the board to refer the report to the governor, who shall request that the attorney general file suit to enforce compliance. Beginning January 2025 and each year thereafter until January 2029, the act requires the department of public safety to report during the department's "SMART Act" hearing the total number of reports and inquiries submitted to CBI, the CCIC database, and the NCIC database. **Effective: January 1, 2024.** Lobbyist: Meghan MacKillop.

SB23-072

Sunset Defense Counsel First Appearance Program
https://leg.colorado.gov/bills/SB23-072

The Defense Counsel on First Appearance Program was created in House Bill 18-1353 to award grants to local governments to reimburse costs associated with providing defense counsel to defendants at their first appearance in municipal courts. This act extends the program until September 1, 2028. **Effective August 7, 2023.** Lobbyist: Meghan MacKillop.

Open Meeting & RECORDS

SB23-286

Access to Government Records
https://leg.colorado.gov/bills/sb23-286

The act makes various updates to the Colorado Open Records Act (CORA). The act makes procedural changes, including:

- Restricting a custodian from requiring a requester to produce identification in most scenarios;
- Specifying that a custodian must transmit public records in a digital format if the record is available in that format, unless otherwise agreed;
- Prohibits the conversion of digital records into a non-searchable format except where otherwise required;
- Prohibits charges of per-page fees for providing digital records;
- Requires agencies to accept fees by credit card or electronic payment, if other services can be paid in that manner, and permits the agency to pass along a service charge or fee imposed by the processor.

The act makes substantive changes, including:

● Permitting a custodian to deny inspection of telephone numbers and home addresses provided by a person to an elected official for the purposes of future electronic communications;

● Except where otherwise restricted by CORA (except C.R.S. § 24-72-203(3)(a)(X) and (X.5)), requires the disclosure of records of sexual harassment complaints made against an elected official and the results or report of investigations conducted by or for the official's government if the investigation finds the elected official culpable for any act of sexual harassment. The identity of and any other information that would identify the accuser, victim, accused who is not an elected official, or witness must be redacted. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

Public & Behavioral HEALTH

HB23-1236

Implementation Updates Behavioral Health Administration
https://leg.colorado.gov/bills/HB23-1236

The act involves the transfer of administrative responsibilities in the behavioral health sector within various departments. It designates the Department of Human Services as responsible for certain administrative functions previously held by the Behavioral Health Administration (BHA) and the Office of Behavioral Health (OBH). The act also expands the role of the BHA as the overseeing agency for the behavioral health-care system in Colorado and allows the BHA to seek and accept gifts, grants, or donations for program administration. The act also extends the licensing and operating deadlines for behavioral health entities to December 31, 2023, and emphasizes the inclusion of services addressing language and cultural barriers for underserved populations. The act establishes regional subcommittees and expands the BHA's responsibilities for jail-based behavioral health services and care navigation programs. It appropriates funds to the 988 crisis hotline cash fund and clarifies certain rights of detained individuals, regardless of their location prior to transportation to a mental health facility. Finally, the act adjusts the licensing timeline for mental health residential facilities and the operation of behavioral health entities without a license. **Effective: May 16, 2023.** Lobbyist: Meghan MacKillop.

Public SAFETY

HB23-1102

Alcohol and Drug Impaired Driving Enforcement
https://leg.colorado.gov/bills/hb23-1102

The act expands high-visibility drunk driving enforcement programs to include both alcohol and drug-impaired driving. It requires the Transportation Commission to annually allocate $1.5 million from the State Highway Fund to the Office of Transportation Safety in the Department of Transportation for distribution to local governments that implement high-visibility alcohol and drug-impaired driving enforcement. Law enforcement agencies that obtain funding must comply with various reporting and training requirements and must follow specific guidelines regarding how they conduct enforcement episodes. If a law enforcement agency fails to comply with the requirements, it must return the funding to the state. **Effective: June 5, 2023.** Lobbyist: Mollie Steinemann.

HB23-1237

Inclusive Language Emergency Situations
https://leg.colorado.gov/bills/hb23-1237

The act directs the University of Colorado's Natural Hazards Center to conduct a study to assess what counties, municipalities, sheriff's offices, fire districts, and local 911 agencies need to be able to provide emergency alerts in a minority language by July 1, 2024, and what local 911 agencies need in order to provide live interpretation during a 911 call by July 1, 2024. The division must consult with the Division of Homeland Security and Emergency Management in the Department of Public Safety and submit its study report by January 8, 2024. **Effective: May 12, 2023.** Lobbyist: Mollie Steinemann.

HB23-1270

Creation of Urgent Incident Response Fund
https://leg.colorado.gov/bills/hb23-1270

The act creates the Urgent Incident Response Cash Fund for use by the Division of Homeland Security and Emergency Management in the Department of Public Safety (DPS). The fund consists of any state appropriations or transfers, and any gifts, grants, or donations received by DPS. The DPS may make expenditures from the fund for reimbursing state agencies and local governments for the costs of responding to urgent incidents that do not rise to the level of statutorily defined disasters or emergencies. There will be forthcoming rulemaking to determine the process for local governments to receive reimbursements. **Effective: June 1, 2023.** Lobbyist: Mollie Steinemann.

SB23-277

Public Safety Programs Extended Uses
https://leg.colorado.gov/bills/sb23-277

The act modifies four grant programs in the Department of Public Safety. The act allows the Department of Public Safety to spend the money remaining from the previous Crime Prevention Through Safer Streets Grant Program through July 1, 2027. The act extends the Law Enforcement Workforce Recruitment, Retention, and Tuition Grant and the State's Mission for Assistance in Recruiting and Training Policing Grant Program through July 1, 2027. Finally, the act allows the Behavioral Information and Data-Sharing Program to extend the program appropriation for use in FY 2023-2024. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann.

See also: CRIMINAL JUSTICE (HB23-1219: Waiting Period to Deliver a Firearm; SB23-169: Increasing Minimum Age to Purchase Firearms; SB23-170: Extreme Risk Protection Order Petitions; SB23-279: Unserialized Firearms and Firearm Components); REGULATED SUBSTANCES (HB23-1021: Embargo and Destroy Marijuana; SB23-271: Intoxicating Cannabinoid Hemp and Marijuana); SUSTAINABILITY (SB23-280: Hazardous Material Mitigation); WILDFIRE (HB23-1075: Wildfire Evacuation & Clearance Time Modeling).

Regulated SUBSTANCES

HB23-1015

Taxation Tobacco Products Remote Retail Sales
https://leg.colorado.gov/bills/hb23-1015

The act makes several adjustments to the remittance of taxes on tobacco and nicotine products. The act separates the tobacco tax treatment of out-of-state retailers into two distinct but parallel tax treatments. The act excludes cigars and pipe tobacco from the existing definition of "delivery sale," and defines "remote retail sale" for sales of cigars and pipe tobacco from out-of-state retailers. Remote retail sales will be taxed in the same manner as delivery sales. The act clarifies how the "manufacturer's list price" should be calculated in specific instances. For a manufacturer who is also a remote retail seller or a delivery seller of tobacco or nicotine, the act sets the manufacturer's list price equal to the cost to manufacture the product. This act codifies current practice. **Effective: January 1, 2024.** Lobbyist: Mollie Steinemann

HB23-1021

Embargo and Destroy Marijuana
https://leg.colorado.gov/bills/hb23-1021

The act authorizes the Department of Revenue (DOR) to issue and lift administrative holds on the movement of regulated marijuana products pending an investigation. The act also gives DOR the authority to embargo marijuana products when required for the health, safety, or welfare of the public, and order the destruction of marijuana products after notice and a hearing opportunity is provided. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

HB23-1279

Allow Retail Marijuana Online Sales
https://leg.colorado.gov/bills/hb23-1279

The act allows retail marijuana stores to accept online payments. An individual must be physically present at the store to take possession of marijuana products purchased online, unless the purchase is connected to a lawful delivery order. The act clarifies that stores must follow the same protocols and requirements for online sales as in-person sales, including age and identity verification, and providing warning and educational materials. **Effective: August 7, 2023**. Lobbyist: Mollie Steinemann

SB23-199

Marijuana License Applications and Renewals
https://leg.colorado.gov/bills/sb23-199

The act clarifies that the Department of Revenue (DOR) must retain application fees and local licensing authorities may choose whether to retain application fees for marijuana license applications that are denied; the DOR may refund the licensing fee. Additionally, the act allows the department to renew, for up to one year, a state marijuana license that has not yet received local jurisdiction approval prior to the expiration of the state license. An applicant must submit a renewal application and demonstrate good cause as to why local jurisdictional approval has not yet been obtained. The renewed license is conditional upon local jurisdictional approval. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann

SB23-271

Intoxicating Cannabinoid Hemp and Marijuana
https://leg.colorado.gov/bills/sb23-271

The act modifies the regulation of the manufacture, production, distribution, and storage of cannabinoids and compounds derived from hemp and marijuana, including synthetic cannabinoids. Cannabinoids and compounds are divided into the following classifications for hemp and marijuana derived cannabinoids:

- intoxicating cannabinoids;
- nonintoxicating cannabinoids; and
- potentially intoxicating compounds.

The Department of Revenue (DOR) is responsible for the regulation and enforcement of marijuana-derived cannabinoids and compounds, and the Colorado Department of Public Health and Environment (CDPHE) is responsible for the regulation and enforcement of hemp-derived cannabinoids and compounds.

The act requires that manufacturers of intoxicating or potentially intoxicating products derived from marijuana obtain a license under the Marijuana Code. The act charges CDPHE and DOR with adopting rules related to labeling, regulation of synthetic cannabinoids, sales limits, definitions or classification of intoxicating products, and other regulations required. **Effective: June 7, 2023.** Lobbyist: Mollie Steinemann

SB23-290

Natural Medicine Regulation and Legalization
https://leg.colorado.gov/bills/sb23-290

In 2022, Colorado voters passed Proposition 122, which required the Department of Regulatory Agencies (DORA) to establish a regulatory framework for the administration of certain natural psychedelics in licensed facilities and to decriminalize the use of certain natural psychedelics. This act reorganizes and amends the voter-approved legislation, but largely retains the broadly permissive personal use provisions as well as restrictions on local control related to personal use and licensed administration and cultivation. With regard to regulated activities, DORA must start accepting "facilitator" licensure applications by December 31, 2024, which covers the cultivation, manufacturing, testing, storage, distribution, transport, transfer, and dispensation of regulated natural psychedelics. The act outlines types of business licenses, which include a health center license, cultivation facility license, manufacturer license, testing facility license, and any other licenses determined necessary by the division, and occupation licenses and registrations for owners, staff, and contractors who work or have access to restricted areas. The act preempts local laws that would conflict with its provisions and expressly prohibits local governments from prohibiting licensed facilitators and licensed entities from operating in their jurisdictions. Local governments continue to be able to regulate the time, place, and manner of the operation of licensed entities.

As in Proposition 122, the act immediately decriminalizes the personal cultivation, use, and giving away of certain natural psychedelics if the person is twenty-one years of age or older and only within the context of counseling, spiritual guidance, beneficial community-based use and healing, supported use, or related services. Personal cultivation is acceptable in locked rooms no larger than 12x12 feet. The act clarifies the impact of personal use standards on employers and confirms that employers can have policies relating to the use of or impairment from natural medicine in the workplace.

The act allows those under the age of 21 to be fined up to $100 or attend four hours of substance use education or counseling, and creates new crimes including:

- facilitating without a license (a class 2 misdemeanor);
- open consumption of natural psychedelics (drug petty offense and a fine of up to $100 and up to 24 hours of public service);
- illegal cultivation (drug petty offense and a fine of up to $1,000); and
- unlicensed and illegal manufacturing (level 2 drug felony)

Peace officers may apprehend individuals for violations of this act. **Effective: July 1, 2023.** Lobbyist: Mollie Steinemann

Retirement & PENSIONS

HB23-1106

FPPA Board's Noncompounding Authorization
https://leg.colorado.gov/bills/HB23-1106

The act allows the Fire and Police Pension Association (FPPA) board to determine the form in which cost of living adjustments may be paid, including non-compounding payments. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-056

Compensatory Direct Distribution to PERA
https://leg.colorado.gov/bills/sb23-056

The act requires the State Treasurer to issue a warrant to the Public Employees' Retirement Association (PERA) in the amount of the balance of the PERA Payment Cash Fund, plus $10 million from the General Fund. The payment is intended to recompense PERA for interest earnings on the repealed July 1, 2020, direct distribution payment, in addition to the partial recompensation provided in previous legislation. **Effective: June 2, 2023.** Lobbyist: Jaclyn Terwey.

Special DISTRICTS

HB23-1062

Metropolitan District Tax for Parks and Recreation
https://leg.colorado.gov/bills/hb23-1062

The act allows a metropolitan district to levy a sales tax to provide parks or recreational facilities or programs, alongside other allowable uses. This applies to any area of the district that is not also within the boundaries of an incorporated municipality. **Effective: August 7, 2023.** Lobbyist: Mollie Steinemann.

HB23-1105

Homeowners' Association & Metropolitan District Homeowners' Rights Task Forces
https://leg.colorado.gov/bills/hb23-1105

The act creates two task forces: the HOA Homeowners' Rights Task Force (HOA task force) and the Metropolitan District Homeowners' Rights Task Force (metro district task force) in

the Department of Law. The task forces are comprised of state legislators, representatives of state agencies, and members of the public, including HOA homeowners, local government and metro district officials, attorneys, and others with relevant experience. The city council position on the metro district task force will likely be recommended by CML.

HOA task force: The task force must convene by July 1, 2023, and is required to:

- study issues regarding HOA homeowners' rights, including homeowners' associations fining authority and practices, foreclosure practices, and communications with homeowners;
- review HOA homeowners' complaints as reported to the HOA Information and Resource Center in the Department of Regulatory Agencies;
- prepare an interim report regarding its findings and conclusions by October 15, 2023; and
- prepare a final report to relevant legislative committees by January 15, 2024.

Metro district task force: The task force must convene by November 1, 2023, and is required to:

- study issues confronting metropolitan district homeowners' rights and consider the HOA task force's findings and conclusions as they relate to metropolitan district homeowners' rights; and
- prepare and submit a report regarding its findings and conclusions by March 15, 2024.

Effective: May 24, 2023. Lobbyist: Mollie Steinemann.

SB23-110

Transparency for Metropolitan Districts
https://leg.colorado.gov/bills/sb23-110

The act makes changes to service plan requirements submitted for proposed metropolitan districts and establishes new rules to increase transparency around outstanding projects and debt. The act requires that:

- an organizing metropolitan district include a maximum mill levy and maximum debt issuance in a service plan;
- beginning 2023, active metropolitan districts that have residential units and were organized after January 1, 2020, conduct an annual meeting with information about outstanding projects and debt, and allow for questions from the public;
- prior to issuing debt to a director of a metropolitan district on or after January 1, 2024, a registered municipal advisor certifies that the debt's interest rate, prior to issuing debt, is the lesser of the current market interest rate or the AAA general obligation municipal bond rate plus 400 basis points; and
- residential property sellers in a metropolitan district provide the purchaser with the official website established by the metropolitan district.

Effective: August 7, 2023. Lobbyist: Mollie Steinemann.

SUSTAINABILITY

HB23-1161

Environmental Standards for Appliances
https://leg.colorado.gov/bills/HB23-1161

The act expands and updates the water and energy efficiency standards for various appliances and fixtures sold in the state, including showerheads, urinals, water closets, faucets, lamps, hot food holding cabinets, portable electric spas, residential ventilating fans, and spray sprinkler bodies. The act also establishes new standards, beginning January 1, 2026, for air purifiers, commercial ovens, electric storage water heaters, electric vehicle supply equipment, gas fireplaces, irrigation controllers, tub spout diverters, showerhead tub spout diverter combinations, residential windows, doors, skylights, and thermostats. The act removes standards for air compressors, general service lamps, and uninterruptible power supplies, and requires the Department of Public Health and Environment (CDPHE) to promulgate rules establishing standards for appliances and devices not currently subject to the standards by January 1, 2026. The act requires the executive director of CDPHE to verify major retailers' and distributors' compliance with the standards and report any violations to the attorney general.

Manufacturers are exempt from demonstrating compliance with the law if their products are listed in the state appliance standards database. Additionally, the act creates the "Clean Lighting Act" to phase out the sale of fluorescent light bulbs containing mercury. The act also establishes standards for heating and water heating appliances, including emission limits and testing protocols. The executive director may update emission standards to maintain consistency with other states' standards. By January 1, 2023, the executive director of CDPHE must conduct an analysis to determine if greenhouse gas emissions from water heaters and furnaces are declining, and if not, the executive director will propose rules to align with reduction goals. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1194

Closed Landfills Remediation Local Governments Grants
https://leg.colorado.gov/bills/hb23-1194

The act creates the closed landfill remediation grant program to help eligible local governments pay the costs of environmental remediation efforts and landfill management. On and after July 1, 2024, the department of public health and environment (CDPHE) is required to administer the grant program in accordance with rules promulgated by the solid and hazardous waste commission (commission). CDPHE, in consultation with a 5-person advisory committee created in the act, may award grants from money in the closed landfill remediation grant program fund, which is also created in the act. On or before February 1, 2026, and on or before each February 1 every three years thereafter, the commission must evaluate the current and future financial needs of the grant program and make written recommendations to the general assembly regarding funding. Additionally, CDPHE

must prepare and post on its website an annual report that summarizes the use of all grant money awarded under the grant program in the preceding fiscal year. The grant program is repealed effective September 1, 2033, subject to a sunset review by the department of regulatory agencies. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1233

Electric Vehicle Charging & Parking Requirements

https://leg.colorado.gov/bills/HB23-1233

The act includes several provisions concerning electric vehicle charging stations, including electric code requirements, local parking minimum requirements, property tax provisions, and potential charging stations at rest areas. The State Electrical Board must adopt rules requiring that applicants for an electrical permit must comply with the Model Electric Ready and Solar Ready Code, created by HB22-1362. The model codes require multifamily buildings to have charging equipment installed. The rules created by the State Electrical Board, which are effective March 1, 2024, supersede any local government building codes. If a site development plan application is submitted to a local government and has been approved before the effective date of the new rules, the local government may determine how to apply the requirements. With respect to parking regulations, current law prohibits a lease agreement or a homeowner's association from preventing a tenant from installing an electric vehicle charging station on leased or owned property. The act expands the prohibition to parking spaces that are assigned to the resident or otherwise available to the resident. It further prohibits parking restrictions for plug-in vehicles.

The act asserts a statewide interest in minimum parking requirements and specifies how parking spaces served by charging stations must be counted towards local government minimum parking requirements. The act prohibits local governments from prohibiting the installation or utilization of charging stations except when addressing safety concerns.

Additionally, from tax years 2023 through 2029, electric vehicle charging stations are exempt from property tax. The act also clarifies that the state can install electric vehicle charging stations on interstate highway rights-of-way if federal law changes to allow this practice. **Effective: May 23, 2023.** Lobbyist: Meghan MacKillop.

HB23-1285

Store Use of Carryout Bags & Sustainable Products

https://leg.colorado.gov/bills/HB23-1285

In 2021 the General Assembly passed HB21-1162, which instituted a 10-cent fee on single use bags, with a portion of the fee going to local governments. This act amends that law by advancing the start date for remitting carryout bag fees to local governments from 2024 to 2023. The act also permits stores to retain fees and utilize the revenue for purchasing reusable bags or for any recycling, composting, or other waste diversion programs and related outreach and education activities if the respective municipality or county has not established a fee collection process. **Effective: June 1, 2023.** Lobbyist: Meghan MacKillop.

HB23-1294

Pollution Protection Measures

https://leg.colorado.gov/bills/hb23-1294

The act updates procedures and requirements for how the Air Quality Control Commission (AQCC) in the Department of Public Health and Environment (CDPHE) and the Colorado Oil and Gas Conservation Commission (COGCC) in the Department of Natural Resources regulate pollution control measures. Specifically, the act updates the CDPHE's public notice requirements for certain construction permit applications, renewable operating permit applications, and public hearings. It also requires the AQCC, within 30 days of receiving a complaint, to notify the complainant of the steps and status of the investigation. Additionally, a person may submit a complaint to the COGCC alleging a violation related to oil and gas regulation. The COGCC must then investigate, unless the complaint appears to be trivial, falsified, or frivolous or if the complaint is withdrawn. The act updates what must be considered and submitted by oil and gas applicants regarding cumulative impacts. Finally, the act creates an interim Committee on Ozone Air Quality. The committee may meet up to six times and may introduce up to five bills or resolutions during the 2024 legislative session. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

SB23-191

CDPHE Organics Diversion Study

https://leg.colorado.gov/bills/SB23-191

The act requires the Department of Public Health and Environment to conduct a study on the impacts, benefits, and feasibility of diverting organic materials from landfills. The study will explore how to utilize existing projects to inform broader organics diversion efforts statewide. The study will evaluate the environmental benefits, review necessary infrastructure, create parameters and toolkits for local governments, recommend policies and regulations, assess informational resources, and identify opportunities for end-market development of diverted organic materials. The department must submit a report on the study's findings by August 1, 2024. **Effective: May 17, 2023.** Lobbyist: Meghan MacKillop.

SB23-253

Standards for Products Represented as Compostable

https://leg.colorado.gov/bills/SB23-253

The act establishes standards for products marketed in the state as compostable. Starting July 1, 2024, producers cannot represent a product as compostable unless it has received certification and complies with specific labeling standards. Beginning January 1, 2024, producers of non-certified compostable products are prohibited from using certain tinting, color schemes, labeling, or words that could mislead consumers. Producers of plastic products are also prohibited from using language or images that imply the product will biodegrade in a landfill. Producers must provide information and documentation of compliance

upon request, and the Department of Public Health and Environment, in collaboration with local governments, will conduct education and outreach activities to inform the public about these standards. The department will establish a forum for filing complaints against producers violating the standards. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

SB23-280

Hazardous Material Mitigation
https://leg.colorado.gov/bills/sb23-280

The act establishes the Fuels Impact Enterprise in the Department of Transportation, which imposes a fuels impact reduction fee on fuel manufacturers to fund the Fuels Impact Reduction Grant Program. The fee is collected per gallon of fuel products delivered and deposited into the enterprise fund until it reaches $15 million. The grants provided under the program support hazardous mitigation corridors and transportation projects related to emergency responses and environmental mitigation. The Clean Fleet Enterprise, created by Senate Bill21-260, is required to impose a heavy-duty diesel vehicle registration fee for certain vehicles, until December 31, 2032. The fee applies to heavy-duty diesel vehicles with model years between 2010 and 2014 and cannot exceed $30. Revenue from this fee will be distributed to the Diesel Truck Emissions Reduction Grant Program to decommission diesel trucks and replace them with newer model trucks. The act also modifies the fee collected for the Perfluoroalkyl and Polyfluoroalkyl Substances Cash Fund, extending the collection period and changing the distribution of the fee revenue to support various departments and programs related to hazardous materials and transportation. Other provisions of the act include extending authorization for the Division of Oil and Public Safety to use the Petroleum Storage Tank Fund, allowing reimbursement from the fund for remediation expenses, making hazardous materials troopers eligible for firefighter cancer benefits, conforming hazardous materials routing regulations, and phasing out certain diesel trucks on state projects. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

TAXATION

HB23-1017

Electronic Sales & Use Tax Simplification System
https://leg.colorado.gov/bills/hb23-1017

The act requires the Department of Revenue (DOR) to undertake modifications to the electronic sales and use tax simplification system (SUTS). The modifications include various simplifications, improvements, data accessibility, and additional filing options and features to assist both retailers and local jurisdictions that use SUTS. The act also prohibits the DOR from imposing a convenience fee or other charge for payments through SUTS, except for credit cards, and from passing the charges on to local taxing jurisdictions. Lastly, the act requires that the DOR create a campaign to promote SUTS and to solicit feedback from stakeholders to enhance SUTS. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1052

Modify Property Tax Exemption for Veterans with Disabilities
https://leg.colorado.gov/bills/hb23-1052

The act makes conforming statutory changes to reflect the expansion of the Veterans with Disabilities property tax exemption to include qualified veterans with individual unemployability status if voters approve a related constitutional amendment in 2024. In most cases, to have that status, a veteran must be unable to remain employed because the veteran either has at least one service-connected disability rated at 60% or more disabling or has two or more service-connected disabilities with at least one disability rated at 40% or more disabling and a combined rating of 70% or more disabling. The act also requires a veteran who has individual unemployability status to be treated equivalently to a veteran who has 100% permanent disability when determining eligibility for any state veterans' benefit. **Effective: January 1, 2025.** Lobbyist: Jaclyn Terwey.

HB23-1272

Tax Policy that Advances Decarbonization
https://leg.colorado.gov/bills/HB23-1272

Beginning in tax year 2024, the act makes various modifications to many state tax policies some of which have implications for municipalities. The act extends two state income tax credits for purchases and leases of electric and plug-in hybrid electric passenger vehicles and trucks. As under current law, the act allows the purchaser of a vehicle to assign the credit to the motor vehicle dealer or financer. If the purchaser assigns the credit to the dealer or financer, the purchaser must be compensated for the full value of the tax credit, excluding a service fee of up to $250. Dealers and financers may register for advance payments of the credit, in which case they must file a quarterly report to the Department of Revenue (DOR) who will then issue the credit. Beginning in 2024, the act allows purchasers who are exempt from taxation to qualify for the credit, which may benefit them if they then assign the credit to a dealer or financer.

The act modifies the ad valorem (AV) credit allowed under the state's severance tax on oil and gas. Under current law, taxpayers are able to claim a tax credit equal to 87.5% of the ad valorem (real property) taxes assessed or paid to a local government on oil and gas production. Starting in tax year 2025 under current law, the AV credit will be calculated on a per-well basis by applying the prior year's mill levy to the current year's gross income multiplied by the statewide oil and gas assessment rate of 87.5%, and then taking 87.5% of that amount, or 76.56% of each well's current year gross income multiplied by the previous year's mill levy. Under the act, the AV credit will be reduced from 87.5% to 75% of the ad valorem taxes assessed

or paid to a local government on oil and gas production in tax years 2024 and 2025. In tax year 2026, the AV credit will be calculated as 65.625 percent (75% of the assessment rate of 87.5%) of each well's current year gross income multiplied by the previous year's mill levy. In 2027, the AV credit will be calculated as under current law. **Effective: May 11, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1284

Modifications to the Property Tax Deferral Program
https://leg.colorado.gov/bills/HB23-1284

Under current law, a homeowner may not defer tax on a home that is income-producing. The act exempts homeowners from this restriction if they are 65 and older, called into military service, or a surviving spouse who chooses to continue to defer property taxes. The act also allows homeowners who are called into military service and have a loan guaranteed by the U.S. Veterans Administration to choose to defer property taxes if the value of deferred taxes and all other liens on the property exceed the current legal limit, which is 90% of the home's actual value. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1311

Identical Temporary TABOR Refund
https://leg.colorado.gov/bills/HB23-1311

If the ballot measure referred in Senate Bill 23-303 (Proposition HH) is approved by voters, then House Bill 23-1311 requires any amount that would otherwise be refunded via the six-tier sales tax refund mechanism to instead be refunded on returns for tax year 2023 in equal amounts to all taxpayers who qualify for the six-tier sales tax refund. **Effective: January 1, 2024.** Lobbyist: Jaclyn Terwey.

SB23-108

Allowing Temporary Reductions in Property Tax Due
https://leg.colorado.gov/bills/sb23-108

The act amends C.R.S. § 39-1-111.5 to authorize local governments to use temporary property tax credits or mill levy reductions for the purpose of providing temporary property tax relief, subject to annual renewal, and return to their prior taxing levels without requiring a vote of the people. The act does not modify the statutory authority to provide TABOR refunds through temporary property tax credits or temporary mill levy rate reductions. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-143

Retail Delivery Fees
https://leg.colorado.gov/bills/sb23-143

The act exempts businesses that have $500,000 or less in retail sales in the prior year from having to pay the Retail Delivery Fee ($0.27/delivery) created by Senate Bill 21-260. The seller may choose to pay this fee on behalf of the purchaser, in which case the Retail Delivery Fee does not need to be itemized on a receipt or bill of sale. **Effective: May 4, 2023.** Lobbyist: Jaclyn Terwey.

SB23-156

Sunset Private Letter Ruling & Information Letter
https://leg.colorado.gov/bills/sb23-156

The act indefinitely continues the authority of the Department of Revenue (DOR) to issue private letter rulings and information letters, which is currently scheduled to repeal on September 1, 2023. The act also implements the recommendations in the sunset report, allowing the DOR to extend the 90-day deadline to issue a ruling if the taxpayer agrees to the extension and to issue letters and rulings for any issue related to a tax or fee administered by the department. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-303

Reduce Property Taxes and Voter-approved Revenue Change
https://leg.colorado.gov/bills/sb23-303

This act refers Proposition HH to the ballot in November 2023. Proposition HH temporarily lowers the assessment rates for both residential and nonresidential properties and provides all residential properties with a $50,000 reduction in value for the 2023 tax year and a $40,000 reduction in value for the 2024 tax year. The act creates a distinction between owner-occupied and non-owner-occupied housing, starting in the 2025 tax year, which will result in slightly higher property taxes for non-owner-occupied homes due to these properties not being afforded the continuing $40,000 reduction in actual value. The Senior Homestead exemption is increased to $140,000 starting in the 2025 tax year and the act makes the exemption portable.

Starting in 2023, growth in revenue limits for local property taxes (except for school districts and home rule cities and counties) is limited to the rate of inflation in the Denver-Aurora-Lakewood CPI (based on the most recently published estimate of inflation for the prior calendar year), over the prior year's property tax revenue. Local governments can exceed the cap if the governing body, on an annual basis, votes to do so following notice, a public hearing, and public comment. CML obtained an amendment to make clear that a local government's decision to increase the revenue growth limit on an annual basis is a final decision that is not subject to appeal.

The ballot question increases the state's TABOR cap, thereby reducing TABOR refunds. This revenue will be used to partially backfill the property tax revenues that local governments will lose out on as a result of the various reductions that will go into effect. A portion of the state revenue will go to fund K-12 education. Lost property tax revenue resulting from reduced mill levies (e.g., due to the local property tax limit in the act) will not be reimbursed. Additionally, once a municipality reaches an increase of 20% or more in the assessed value of real property from the 2022 tax year, they will no longer be eligible for backfill. Fire Districts, EMS and Hospital Districts will receive 50% of their backfill amount if they go over the 20% increase

in assessed value, and are at the front of the line for available dollars. **Effective: May 24, 2023, except provisions which go into effect if Proposition HH passes at the general election in November 2023.** Lobbyist: Jaclyn Terwey.

SB23-304

Property Tax Valuation
https://leg.colorado.gov/bills/sb23-304

The act makes changes to the valuation of property by county assessors. In addition to the methods specified in current law, the act requires that assessors consider the following when determining a property's actual value: current use, existing zoning or government land use, or environmental regulations and restrictions, multiyear leases or other contractual agreements affecting the use of or income from the property, easements and reservations of record, and covenants, conditions, and restrictions of record. Current law requires that assessors provide to a taxpayer the data used to determine their actual property value upon request. The act specifies that the primary method and rates used to value the property must be included in that data. The act also requires that counties with a population of at least 300,000 use an alternative protest and appeal procedure to handle objections and protests to property valuations, beginning January 1, 2024. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SJR23-004

Uniform Sales and Use Tax on Construction Material
https://leg.colorado.gov/bills/sjr23-004

The resolution urges CML to bring a group together to discuss ways to simplify the construction materials sales and use tax remittance process. The resolution requests that CML update the Sales and Use Tax Simplification Task Force on its coordination efforts by August 2023. **Effective: May 17, 2023.** Lobbyist: Jaclyn Terwey.

See also: HOUSING (HB23-1184: Low-Income Housing Property Tax Exemptions); REGULATED SUBSTANCES (HB23-1015: Taxation Tobacco Products Remote Retail Sales); SPECIAL DISTRICTS (HB23-1062: Metropolitan District Tax for Parks and Recreation); SUSTAINABILITY (HB23-1233: Electric Vehicle Charging & Parking Requirements).

TRANSPORTATION

HB23-1014

Yield to Larger Vehicles in Roundabouts
http://leg.colorado.gov/bills/hb23-1014

The act requires a driver to yield the right-of-way to a driver of a truck, bus, emergency vehicle, or recreational vehicle that generally has a total length of more than 35 feet or a total width of more than 10 feet (large vehicle) when entering, exiting, or driving in the circulatory lanes in a roundabout. The act also requires that when two drivers of large vehicles enter, exit, or drive in the circulatory lanes in a roundabout at the same time, the driver on the right must yield the right-of-way to the driver on the left. A person who fails to yield commits a class A traffic infraction and is subject to a fine of $70 and an $11 surcharge. **Effective: October 1, 2023.** Lobbyist: Meghan MacKillop.

HB23-1101

Ozone Season Transit Grant Program Flexibility
https://leg.colorado.gov/bills/hb23-1101

The act updates the eligibility requirements for the Ozone Season Transit Grant Program by allowing transit agencies operating in regions with different peak ozone periods to designate an alternate "ozone season," expands grant funding to include marketing expenses, rider surveys, and expanding free services or routes, and permits agencies to receive additional funding despite previous lower amounts. The act also requires the department of transportation to complete a study and report of the boundaries of the transportation planning regions (TPRs) of the state, the membership of the transportation advisory committee and the special interim transit and rail advisory committee, and the consistency and transparency of the transportation planning process across the TPRs. The study must include consideration of specified matters and shall not include any recommendation that, if adopted, would reduce the number of rural TPRs. Before June 1, 2024, the transportation commission, taking into consideration the findings of the study, is required to initiate updates to its rules concerning the statewide transportation planning process and TPRs. The act requires, beginning September 1, 2023, that the governing body of the transportation planning organization for each TPR include at least one voting representative to represent all transit agencies in the TPR. The act increases the maximum rate of sales or use tax, or both, that a regional transportation authority (RTA) may impose, with voter approval, from 1% to 2%, and it makes permanent the existing power of a RTA to impose, with voter approval, a uniform mill levy of up to 5 mills. **Effective: April 28, 2023.** Lobbyist: Meghan MacKillop.

HB23-1123

Move Over or Slow Down Stationary Vehicle
https://leg.colorado.gov/bills/hb23-1123

The act requires a motor vehicle driver to move to one lane apart from any stationary motor vehicle when the stationary motor vehicle has its hazard lights activated, at least two lanes move in the same direction, and the driver can move to the lane apart. If a driver cannot move to be one lane apart from the stationary motor vehicle, the driver must slow down and drive at a safe speed. The act also clarifies that the law applies to public utility service vehicles operated by the public utility or by an authorized contractor of the public utility. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1217

Motor Vehicles Tows & Crime Victims
https://leg.colorado.gov/bills/HB23-1217

The act requires the transportation legislation review committee (committee) to analyze the issue of an owner of a motor vehicle that was nonconsensually towed because the vehicle was stolen or because the owner was the victim of a certain serious crime. The committee may take testimony and is required to make legislative recommendations to the general assembly on the issue. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

HB23-1267

Double Fines Speeding Trucks on Steep Grades
https://leg.colorado.gov/bills/hb23-1267

The act allows the Department of Transportation to establish steep downhill grade zones within the public highways of the state where the downhill grade is 5% or greater and where there are safety concerns related to commercial motor vehicle drivers exceeding the posted speed limits. The act subjects a commercial motor vehicle driver who commits a speeding violation in a steep downhill grade zone to doubled fines and surcharges. If the department establishes a steep downhill grade zone, the department must erect signs identifying the zone and notifying commercial motor vehicle drivers that increased fines are assessed for speeding in the zone. The act also creates the mountain highways commercial motor vehicle safety account within the highway users tax fund and requires the state treasurer to credit one-half of the amount of each doubled fine and surcharge to the account for the department to pay costs associated with providing educational outreach and public information about runaway truck events, the purchase and implementation of equipment for the purpose of reducing the frequency of runaway truck events, and the completion of studies to reduce the frequency of runaway truck events and improve overall commercial motor vehicle safety on state highways that pass through the state's mountains. **Effective: January 1, 2024.** Lobbyist: Meghan MacKillop.

HB23-1276

Scope of Bridge and Tunnel Enterprise
https://leg.colorado.gov/bills/HB23-1276

The Bridge and Tunnel Enterprise (BTE) in the Department of Transportation completes tunnel projects and finances, repairs, reconstructs, replaces, and maintains designated bridges in the state. A designated bridge is a bridge that is part of the state highway system, and that the department has identified as structurally deficient or functionally obsolete and has rated as poor. The act expands the scope of the BTE to include the completion of preventative maintenance bridge projects, which are projects that involve a treatment or strategy to extend the service life of a fair-rated or good-rated bridge by preventing, delaying, or reducing deterioration. The act authorizes the BTE to repair, reconstruct, replace, and maintain a bridge that the department has rated as fair if the fair-rated bridge is included as part of a project to repair, reconstruct, replace, or maintain a designated bridge. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

SB23-012

Commercial Motor Carrier Enforcement Safety Laws
https://leg.colorado.gov/bills/SB23-012

The act changes the amount of civil penalties that may be levied on commercial motor carriers for failure to comply with rules for the safe operation of commercial vehicles by tying the amount of civil penalties to the amount of federal civil penalties for interstate commercial motor carriers. The act also authorizes the Department of Revenue to enter both the motor carrier and its vehicles as out-of-service in the federal motor carrier safety administration system of record and cancel or deny registration of a commercial motor carrier that fails to cooperate with the completion of a safety compliance review within 30 days. **Effective: August 7, 2023, except some provisions take effect April 1, 2024.** Lobbyist: Meghan MacKillop.

SB23-028

Penalty for Commercial Vehicle Offenses
https://leg.colorado.gov/bills/sb23-028

In 2021, Senate Bill 21-271 adjusted misdemeanor penalties for a variety of offenses, including changing the penalty for certain offenses involving the operation of a commercial vehicle from a misdemeanor to a class A traffic infraction. Despite making this change, Senate Bill 21-271 retained language describing the punishment for the former misdemeanor offense. **Effective: June 6, 2023.** Lobbyist: Meghan MacKillop.

SB23-059

State Parks & Wildlife Area Local Access Funding
https://leg.colorado.gov/bills/SB23-059

The act requires the Parks and Wildlife Commission to promulgate rules authorizing a local government to request that a state park or wildlife area charge an additional per vehicle fee, not to exceed $2, to visit a park within the jurisdiction beginning January 1, 2025. The fee will be distributed, minus an administrative deduction, from the new local access route cash fund to local governments to maintain and operate local access routes. The fee will be adjusted every five years for inflation or deflation. The Division of Parks and Wildlife is required to collaborate with local governments to identify and study issues surrounding local access route transportation infrastructure and funding deficits and sources of funding for the routes. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

SB23-094

School Transportation Task Force
https://leg.colorado.gov/bills/SB23-094

The act creates the Colorado School Transportation Modernization Task Force to create a report containing findings and recommendations to improve public school transportation services for students. The task force must analyze the costs and benefits associated with requiring school buses to have automated vehicle identification systems to record vehicles that unlawfully pass a stopped bus. The task force must submit its findings to the General Assembly by January 31, 2024. **Effective: May 16, 2023.** Lobbyist: Meghan MacKillop.

SB23-200

Automated Vehicle Identification Systems
https://leg.colorado.gov/bills/sb23-200

The act expands the use of Automated Vehicle Identification Systems (AVIS) to permit the use of AVIS systems in areas designated as an AVIS corridor, subject to certain adoption procedures, signage standards, and operating and reporting requirements. The act removes the requirement that a person be present during the operation of an AVIS system. The act establishes adoption standards for any new AVIS systems after July 1, 2023, including public announcement of the system and a period where only warnings can be issued. The act also modifies provisions for the service of process, reduces notice deadlines, establishes content standards for notices, updates signage standards, and restricts the retention, use, and disclosure of AVIS data. The act expressly states that a collection action cannot commence unless certain notices were personally served. **Effective: June 5, 2023.** Lobbyist: Meghan MacKillop.

SB23-268

Ten-year Transportation Plan Information
https://leg.colorado.gov/bills/sb23-268

This act increases transparency requirements for projects approved by the Transportation Commission by requiring the Colorado Department of Transportation to include certain information regarding projects identified in the ten-year transportation plan. For each transportation project identified in the ten-year plan, the commission must identify the time frame during which the project is expected to be completed; the total estimated amount of funding required to complete the project; and funding that has been allocated for the project or is anticipated to be allocated for the project. The act also instructs the commission to provide a designated and readily available CDOT contact to state and local government elected officials, without creating a new position or hiring additional personnel. **Effective: September 1, 2023.** Lobbyist: Meghan MacKillop.

UTILITIES

HB23-1039

Electric Resource Adequacy Reporting
https://leg.colorado.gov/bills/HB23-1039

The act requires each load-serving entity in the state, or its designated wholesale electric supplier, to create a resource adequacy annual report by April 1 each year, beginning in 2024. The reports must be published online and delivered to the entity's regulatory oversight entity, which in turn must submit them to the Colorado Energy Office by April 30. Finally, the Colorado Energy Office must compile the reports received and publish a statewide resource adequacy aggregate annual report each year by July 1. The act specifies further reporting requirements and exemptions. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1234

Streamlined Solar Permitting and Inspection Grants
https://leg.colorado.gov/bills/HB23-1234

This act creates a $1 million grant program in the Colorado Energy Office (CEO) to assist local governments with implementing free automated solar permitting and inspection software for residential solar energy systems. The application and review process must be created, allowing grants to be awarded no later than June 30, 2024. Grantees are required to implement software within 180 days, and make annual reports to the state. The CEO must make progress reports annually to relevant legislative committees each January from 2025 through 2033. **Effective: May 11, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1247

Assess Advanced Energy Solutions in Rural Colorado
https://leg.colorado.gov/bills/HB23-1247

The act directs the Colorado Energy Office (CEO) to conduct two studies of electric transmission and advanced energy solutions. The studies must include specific energy generation and storage solutions, regional economic impacts, and potential, prerequisite regulatory changes. One study must focus on parts of Montrose County; the other must focus on southeastern Colorado. CEO must submit its findings and recommendations to the General Assembly and the Just Transition Office in the Department of Labor and Employment by July 1, 2025. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1252

Thermal Energy
https://leg.colorado.gov/bills/HB23-1252

The act authorizes the Colorado Energy Office to award grants for retrofitting existing buildings for installation of geothermal systems for heating and cooling under the single-structure

geothermal grant program, and for generating geothermal energy through direct air capture technology under the geothermal electricity generation grant program. The act also establishes labor standards for thermal energy public projects that a state agency or a state institution of higher education procures. The act adds thermal energy as an eligible clean heat resource for helping to meet clean heat targets. A gas utility that the commission regulates is authorized to apply for review and approval of the use of thermal energy networks in the gas utility's service area. A gas utility that the Public Utilities Commission regulates and that serves more than 500,000 customers is additionally required to propose pilot thermal energy network projects for the commission's review and approval. The commission shall initiate a proceeding on or before January 1, 2025, to determine if rule-making or legislative changes are needed to facilitate the development of thermal energy in the state. The act repeals the "Geothermal Heat Suppliers Act," which requires geothermal heat suppliers to obtain operating permits from the commission. **Effective: August 7, 2023.** Lobbyist: Meghan MacKillop.

SB23-016

Greenhouse Gas Emission Reduction Measures
https://leg.colorado.gov/bills/sb23-016

The act requires the Colorado Energy Office (CEO) to work with communities to support reaching greenhouse gas emission reduction goals, deployment of clean energy and storage, beneficial electrification, and land use patterns that reduce energy consumption and greenhouse gas pollution. CEO will support advancing energy codes and provide technical assistance. The benchmarking for building efficiency recommendations from the task force are delayed from June to September of this year. Greenhouse gas reduction goals are added for 65% reduction by 2035, 75% reduction by 2040, 90% reduction by 2045, and 100% reduction by 2050 compared to 2005 levels. A tax credit is offered through the retail purchase of an electric lawn mower, leaf blower, trimmer or snowblower of 33% at the point of sale. The act expands the definition of a "project" for the Colorado Electric Transmission Authority and requires local expedited review processes, as practicable, to the authority's rebuilding, renovating, or reconditioning of transmission lines. Local governments are also allowed to regulate impacts and siting of Class VI injection wells. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-198

Clean Energy Plans
https://leg.colorado.gov/bills/sb23-198

This act establishes a requirement for wholesale power providers who have not previously filed a Clean Energy Plan to file a plan to achieve greenhouse gas emission reductions 80% below their 2005 levels by 2030. As originally drafted, the measure would have required Colorado Springs Utilities and Platte River Power Authority to make additional interim reductions by 2027, but the act was amended to remove this requirement. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-291

Utility Regulation
https://leg.colorado.gov/bills/sb23-291

The act updates transparency, rulemaking, and rate filing requirements for certain electric and gas utilities. Investor-owned gas utilities must file a gas price risk management plan with the Public Utilities Commission (PUC) by November 1, 2023. The plan must include proposals for reducing the volatility of fuel costs that are recovered pursuant to an annual gas cost adjustment filing and a maximum per-month fuel cost. When submitting a gas infrastructure plan, utilities must include additional information on system pipes. The PUC must establish by rule mechanisms to align the financial incentives of investor-owned gas utilities with customers regarding fuel costs, including a mechanism to incentivize electricity production cost efficiency by January 1, 2025. The act prohibits gas utilities from offering incentives to property owners for establishing new gas service. Subject to rules adopted by the PUC, gas utilities may not charge a customer a fee or penalty for terminating gas service. The PUC must investigate how residential development drive natural gas infrastructure costs and the impacts on nonparticipating, income-qualified customers. The investigation must include a hearing for public comment to determine whether alternative cost-recovery mechanisms are appropriate. The Colorado Energy Office (CEO) must commission a study with an independent third party to evaluate the risk of stranded or underutilized natural gas infrastructure and its impact on ratepayers by July 1, 2024. The CEO must submit the results to the PUC, which must consider updating rules or depreciation schedules as determined by the study. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

WATER

HB23-1242

Water Conservation in Oil & Gas Operations
https://leg.colorado.gov/bills/hb23-1242

The act creates reporting requirements for oil & gas operators around volume, disposal, and type of water being used in operations. Reports also require information on the supply of water whether it be industrial, commercial, municipal, or agricultural water sources. The act also directs the Colorado Oil and Gas Conservation Commission to adopt rules to require a statewide reduction in freshwater usage and increase in recycled or reused produced water at oil and gas locations on or before December 31, 2024. The act also creates the Colorado Produced Water Consortium to make recommendations for policies around the use of recycled and reused produced water within oil and gas operations. The consortium includes two representatives who serve on a governing body of a local government. **Effective: June 7, 2023.** Lobbyist: Heather Stauffer.

HB23-1257

Mobile Home Park Water Quality
https://leg.colorado.gov/bills/hb23-1257

The act addresses water quality in mobile home parks by creating a water quality testing program within the Department of Public Health and Environment (CDPHE), directing the department to develop an action plan to address water quality in mobile home parks, and establishing a grant program which CDPHE administers. Municipalities can apply for funding through the Mobile Home Water Quality Grant Program to help address water quality issues and wastewater problems identified during water quality testing. Grants will be awarded annually beginning July 1, 2025. **Effective: June 5, 2023.** Lobbyist: Heather Stauffer.

SB23-150

Labeling of Disposable Wipes
https://leg.colorado.gov/bills/sb23-150

The act requires that by December 31, 2023, manufacturers, wholesalers, suppliers, or retailers of disposable premoistened wipes sold in Colorado must be labeled with "do not flush" symbols on the packaging to deter consumers from flushing wipes down toilets leading damage of municipal sewer systems. A covered entity that violates these requirements commits a deceptive trade practice under the Colorado Consumer Protection Act. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-178

Water-wise Landscaping in HOA Communities
https://leg.colorado.gov/bills/sb23-178

Under current law, a homeowner's association (HOA) may not prohibit the use of xeriscape, nonvegetative turf grass, or drought-tolerant vegetative landscapes to provide ground covering to property for which a unit owner is responsible. There is an exception in current law authorizing an association to adopt and enforce design or aesthetic guidelines or rules that apply to nonvegetative turf grass and drought-tolerant vegetative landscapes. The act adds criteria around that exception stating that an HOA cannot prohibit the use of nonvegetative turf grass in the backyard of a unit owners property and cannot require the use of hardscape on more than 20% of the landscaping are of a unit owners property. An HOA must allow a unit owner an option that consists of at least 80% drought tolerant plantings and not prohibit vegetable gardens in the front, back, side yard of a unity owners property. The act also requires an HOA to permit the installation of at least three garden designs that are preapproved by the association for installation in front yards within the common interest community. To be preapproved, a garden design must adhere to the principles of water-wise landscaping or be part of a water conservation program operated by a local water provider. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-237

Transfer to Water Plan Implementation Cash Fund
https://leg.colorado.gov/bills/sb23-237

The act transferred $12.6 million dollars from the State's Severance Tax Operational Fund to the Water Plan Implementation Fund. This transfer does not impact the local government portion of severance tax funds. Funds in the Water Plan Implementation fund can be used to fund Colorado Water Conservation Board water plan grants which municipalities are eligible for and expenditures to ensure compliance with interstate water compacts. **Effective: April 20, 2023.** Lobbyist: Heather Stauffer.

SB23-238

Small Communities Water and Wastewater Grant Funding
https://leg.colorado.gov/bills/sb23-238

The act expands the use of the Small Communities Water and Wastewater Grant Fund by the Department of Public Health and Environment to include a state match as required by the federal Infrastructure Investment and Jobs Act. This is estimated to require $6 million to secure $60 million in federal funds with expenditures taking place in fiscal year 2023-24. **Effective: April 24, 2023.** Lobbyist: Heather Stauffer.

SB23-270

Projects to Restore Natural Stream Systems
https://leg.colorado.gov/bills/sb23-270

The act creates a rebuttable presumption that a minor stream restoration project does not cause material injury to a vested water right and therefore does not need to be heard in water court. If a water right holder believes a stream restoration project has caused material injury to their water right, they may challenge this rebuttable presumption by presenting evidence of the material injury in the appropriate division water court. Minor stream restoration projects are defined as:

- stabilization of banks of a natural stream to allow water to flow downstream with materials that allow water to flow downstream,
- mechanical grading of ground surface along a natural stream system without exposing groundwater, diverting surface water, or collecting storm water,
- stabilizing an ephemeral or intermittent stream by installing structures that may increase surface area or infiltration.
- daylighting a natural stream that had been piped or buried.
- reducing the surface area of a natural stream to address historical flows; or
- installing structures or reconstructing a channel in a stream system to recover from wildfire or flood impacts. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-274

Water Quality Control Fee-setting by Rule
https://leg.colorado.gov/bills/sb23-274

Currently, the Water Quality Control Commission fees are set in statute and require legislation to change. The act allows fee setting authority for drinking water fees assessed on public water systems, municipal separate storm sewers systems, wastewater site application and wastewater on-site treatment system permit fees to be set by CDPHE's Water Quality Control Commission. The act requires the commission, after engaging with stakeholders, to set the fees by rule by October 31, 2025. The existing fees remain in place until January 1, 2026, unless the commission adopts rules to phase-in the new fees earlier. In addition, fees established for the disposal of biosolids are currently set in statute. The commission must establish the fees by rule beginning July 1, 2026. **Effective: May 17, 2023.** Lobbyist: Heather Stauffer.

SB23-295

Colorado River Drought Task Force
https://leg.colorado.gov/bills/sb23-295

The act establishes the Colorado river drought task force. The task force is charged with developing recommendations for state legislation that provides additional tools for the Colorado Water Conservation board to collaborate with the Colorado River Conservation District, Southwest Water Conservation District, and other stakeholders to develop programs to address drought in the Colorado river basin and interstate compact commitments. The task force must begin meeting no later than July 31, 2023, and can hold up to 12 meetings in the 2023 legislative interim. The task force must produce written recommendations to the water resources and agriculture review committee. **Effective: May 20, 2023.** Lobbyist: Heather Stauffer.

WILDFIRE

HB23-1075

Wildfire Evacuation & Clearance Time Modeling
https://leg.colorado.gov/bills/hb23-1075

The act requires the Office of Emergency Management to study the efficacy and feasibility of local or interjurisdictional emergency management agencies with jurisdiction in wildfire risk areas integrating evacuation and clearance time modeling into their emergency management plans. The study will be completed by December 1, 2023. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

HB23-1174

Homeowner's Insurance Underinsurance
https://leg.colorado.gov/bills/hb23-1174

The act requires the State Insurance Commissioner to prepare an annual residential reconstruction consumer information report on the cost of reconstructing homes in Colorado which will be posted on the Division of Insurance's website each year by April 15. The act also prohibits an insurer from canceling or refusing to renew a homeowners insurance policy unless they have contacted the person 60 days in advance, except for cancellations due to nonpayment. An insurer must also offer law and ordinance coverage equal to 20% of the limit of the insurance for the dwelling and extended replacement-cost coverage in an amount of insurance that is at least 50% of the limit of the insurance for the dwelling. On or after January 1, 2025, the act requires the insurer to provide additional information to the applicant or policy holder at application and renewal of a replacement cost homeowners insurance policy in order to increase transparency for coverage. The act also requires insurers to consider additional factors as a basis for establishing a reconstruction cost for a dwelling. **Effective: August 7, 2023, except for provisions that take effect January 1, 2025.** Lobbyist: Heather Stauffer.

HB23-1240

Sales Use Tax Exemption Wildfire Disaster Construction
https://leg.colorado.gov/bills/hb23-1240

The act creates an exemption from state sales and use taxes for the sale, storage, use or consumption of construction and building materials used for rebuilding or repairing residential structures that have been damaged or destroyed by wildfire. A qualified homeowner can claim a refund for each qualified residential structure and claims for refunds must be filed by the homeowner on or before June 30, 2028.

Local governments with jurisdiction to issue a building permit in an area affected by a declared wildfire disaster may issue a wildfire rebuild exemption certificate to a homeowner for an exemption of state sales and use tax. The wildfire rebuild exemption certificate will be provided to qualifying local governments by the Department of Revenue. On or before September 30, 2023, and on or before September 30 of each calendar year thereafter through September 30, 2025, a local government shall provide the department with an electronic report of the number of wildfire rebuild exemption certificates issued by the local government for the preceding calendar year. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

HB23-1273

Creation of Wildfire Resilient Homes Grant Program
https://leg.colorado.gov/bills/hb23-1273

The act creates the Wildfire Resilient Homes Grant Program in the Department of Public Safety (CDPS). Homeowners may apply and receive grants for retrofitting projects to make homes or structures more resilient to wildfires by retrofitting or

otherwise improving a house or other existing nonresidential structures with best practice techniques for structure hardening in order to make them more resilient to wildfire risk. **Effective: August 7, 2023.** Lobbyist: Heather Stauffer.

SB23-013

Fire Investigations
https://leg.colorado.gov/bills/sb23-013

The act requires the Director of the Division of Fire Prevention and Control within the Department of Public Safety to report on the investigation of wildland fires in the state to the wildfire matter review committee in the state legislature. The act also creates the fire investigation fund to fund fire investigations. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

SB23-166

Establishment of a Wildfire Resiliency Code Board
https://leg.colorado.gov/bills/sb23-166

The act creates the Wildfire Resiliency Code Board in the Department of Public Safety. By July 1, 2025, the board must define and identify which areas of the state lie within the Wildland Urban Interface (WUI) and adopt statewide minimum codes and standards for "hardening structures and reducing fire risk in the defensible space surrounding structures" in the WUI. The codes must apply to "permitting and inspections for new construction of structures or defensible space" around them and for certain external additions and repairs.

Within three months of the board's adoption of the state codes, local governments in the WUI with authority to adopt building or fire codes must adopt codes that meet or exceed the state minimum codes. Local codes must require compliance within three months. A governing body may petition the board for modifications of the state minimum code within its jurisdiction. The board may review a governing body's codes to determine compliance, and governing bodies must cooperate and provide requested information. If a governing body does not have rules and regulations for the enforcement of a code adopted by the board, the body may request inspections and enforcement from the Division of Fire Prevention and Control, which may charge the local governing body a reasonable fee for that support. The act also states that governing bodies may petition the board for a modification of local codes. The act asserts that it applies to statutory and home rule municipalities.

The board will consist of 21 members, including 6 members representing local governments, which will be appointed no later than September 30, 2023. **Effective: May 12, 2023.** Lobbyist: Heather Stauffer.

SB23-263

General Fund Loan Natural Disaster Mitigation Enterprise
https://leg.colorado.gov/bills/sb23-263

The Natural Disaster Mitigation Enterprise was created in the Department of Public Safety (DPS) in 2021 to administer a grant program, provide public education, and supply technical assistance to local governments concerning natural hazard mitigation. The enterprise is a state-owned business and funded by fees charged to insurance companies providing specific types of property and hazard insurance. Fee revenue to the enterprise will begin in FY 2023-24. The act transfers $95,000 from the General Fund to the Natural Disaster Mitigation Enterprise Fund in DPS. The transfer is a loan from the state treasury to the enterprise to defray costs until the enterprise receives fee revenue, or revenue bond proceeds. **Effective: June 6, 2023.** Lobbyist: Heather Stauffer.

YOUTH

HB23-1058

Child-occupied Facility Lead-based Paint Abatement
https://leg.colorado.gov/bills/hb23-1058

The act aligns Colorado and federal law definitions of "child-occupied facility" for the purposes of lead-based paint abatement applicability. A building or portion of a building visited by a specific child two or more days a week can now qualify as a child-occupied facility if each visit totals three or more hours, instead of the prior threshold of six or more hours. Existing law also requires that the building have been constructed before 1978, be regularly visited by the same child under 7 years of age and be visited by the child at least sixty hours in a year. This could have impacts for municipalities who provide child-care. **Effective: March 31, 2023.** Lobbyist: Heather Stauffer.

HB23-1091

Continuation of Child Care Contribution Tax Credit
https://leg.colorado.gov/bills/HB23-1091

This act extends the state childcare contribution tax credit that is currently available through tax year 2024 to taxpayers who make a monetary contribution to promote childcare in Colorado. The credit is nonrefundable, meaning that the amount claimed cannot exceed a taxpayer's income tax liability for a given year. The credit is equal to the lesser of 50% of the total contribution, up to $100,000 per taxpayer per year or the taxpayer's actual income tax liability. Qualifying contributions include those to facilities, schools, or programs that provide childcare, programs that train childcare providers, and grant or loan programs for parents requiring financial assistance for childcare purposes. The Department of Revenue will also collect reports to measure the effectiveness of the tax credit and study possible improvements. **Effective: August 7, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1196

Remedies at Law for Violating Colorado Youth Act
https://leg.colorado.gov/bills/HB23-1196

The act amends the "Colorado Youth Employment Opportunity Act of 1971" to allow aggrieved parties, including children and parents of children, to pursue legal and equitable remedies, including tort remedies, and remedies under the Workers Compensation Act, if the injury occurred in a week when the employer intentionally required the minor to work hours in violation of article 12 of title 8 or when the minor was engaging in work prohibited by that article. Economic damages for tort claims must be reduced by compensation and benefits received through a worker's compensation insurance policy. **Effective: July 1, 2023.** Lobbyist: Jaclyn Terwey.

HB23-1223

Task Force to Prioritize Grants Target Population
https://leg.colorado.gov/bills/HB23-1223

The act creates a task force in the Colorado Department of Public Health and Environment (CDPHE) to establish shared goals, objectives, and guidelines for governmental agencies and community-based agencies to reduce youth violence, suicide, and delinquency risk for target communities. The task force must be convened by December 31, 2023, and identify target communities in the state where disproportionately high levels of youth violence, suicide, and delinquency risk factors exist. After identifying target communities, the task force must consult with local government entities that have received state-level grants in the area of youth suicide, violence prevention and intervention, and reducing youth risk factors. Starting July 1, 2025, and for three years thereafter, the task force will work to prioritize, align, and pool government resources, and work to prioritize the distribution of existing and new government grants to target communities. In addition, the task force must create a streamlined grant application; a common application form; a clearinghouse of resources; and a job description for a support employee to provide technical support and assistance to grant applicants. The task force must present preliminary findings to the General Assembly in January 2024 and present its final report by January 2025. **Effective: June 7, 2023.** Lobbyist: Jaclyn Terwey.

SB23-269

Colorado Preschool Program Provider Bonus Payments
https://leg.colorado.gov/bills/sb23-269

The act creates the Colorado Universal Preschool Program Provider Participation Bonus Program within the Department of Early Childhood (CDEC). The program provides a one-time bonus payment to preschool providers that are participating in the Colorado Universal Preschool program and have not previously participated in the Colorado state-run preschool program. Providers may receive an additional bonus payment if they maintain or increase their capacity to serve infants and toddlers between April 1, 2022, and April 1, 2024, or are in low-capacity preschool areas. The bonus must be used to implement the preschool program or maintain or expand infant and toddler care. **Effective: June 2, 2023.** Lobbyist: Jaclyn Terwey.

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Future Agenda Items/Work Sessions

- Affordable Housing EQR Utility Offset Program (Next Meeting)
- Housing Committee Formation for Rural Homes, LLC (Deed Restriction Exceptions) – On Agenda with Future Development Agreement
- Adopt Updated Zoning Map (Overlay District) (December)
- Alcohol at the pool (Delayed Until Alternative Heat Source Report Decision)
- (Non-Land Use) Code Revisions
- Additional Fee & Fine Schedules
- Workforce & Attainable Housing
- Alcohol – Entertainment/Consumption District on Main Street (In discussions)
- Water Conservation Incentive
- Dark Sky Ordinance
- Huckstering Permit Re-examine Permit and Fees
- Short-Term Parking Signs Resolution (Staff Creating List)