

**AGENDA
OURAY CITY COUNCIL**

Thursday, November 6, 2025 - 4:00 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 Planning Commission 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, Ouray Economic Development Committee, Beautification Committee, Tourism Advisory Committee, Main Streets 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. APPROVE MINUTES
4. CITIZENS COMMUNICATIONS
5. DISCUSSION ITEMS
 1. Introduction - Karp Neu Hanlon, P.C. - Harper Powell, Esq.
 2. Community Development Director - Monthly Update
 3. Colorado Wildfire Resiliency Code - Status Update
 4. Other business
6. PUBLIC HEARINGS
 5. **City of Ouray Land Use Code Amendment: Nonconformities**
Applicant: City of Ouray Community Development Department
Description: Consideration of proposed amendments to the City of Ouray Land Use Code to incorporate provisions related to nonconforming uses, structures, and lots, ensuring clearer standards and improved alignment with current community goals and development practices.
7. ACTION ITEMS
 6. **City of Ouray Land Use Code Amendment: Nonconformities**
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8. ADJOURNMENT



Community Development Department Planning Commission Update November 6, 2025

Members of the Planning Commission,

The Community Development Department is maintaining strong momentum as the first snow of the season begins to fall. Our team remains dedicated to advancing the City's goals and ensuring we continue to meet the needs of our residents through the changing seasons.

Noteworthy updates are outlined below:

- Community Development Director attended the DOLA-hosted "Colorado Wildfire Resiliency Code Implementation Peer Exchange Training 2" on October 1st.
 - Additional training/peer exchanges are scheduled throughout the fall and winter, which I will attend to better understand the newly proposed code language.
 - Next training is scheduled for November 5, 2025.
 - Code work to be completed winter 2025/spring 2026.
- Headwaters Economics Colorado Wildfire Resiliency Code Implementation Program
 - The City of Ouray Community Development Department was selected by Headwaters Economics, a national, independent nonprofit research organization specializing in community development and land management, to participate in its Colorado Wildfire Resiliency Code Implementation Program. Through this program, Headwaters Economics will assist the Community Development Director with public outreach, code drafting, and resource development to support the City's upcoming wildfire resiliency code implementation.
- Community Development Director finalized the *Building Capacity to Streamline and Incentivize Affordable Housing Solutions* grant to the Department of Local Affairs (DOLA):
 - **Local Planning Capacity (LPC) Grant:**
 - This program provides funding to help local governments expand their planning capacity for land use, permitting, and zoning of housing projects. Funds may support staff wages, consultant services, new technologies, code updates, regional coordination, and efforts to track and achieve Prop 123 housing goals.
 - Grant contract was executed by DOLA on September 29, 2025.
 - **Grant Award Amount:** \$160,000.00
 - **City of Ouray Match:** \$40,000.00 or 20%
 - **Project Description of Grant:**
 - The project consists of advancing affordable housing initiatives by implementing software solutions, including an updated Geographic Information System (GIS) platform that will assist in streamlining development review and permitting, and drafting code amendments that support compliance and implementation of new state laws related to land use and housing affordability in Ouray, Colorado.

- **Final Project Report due July, 29, 2027.**
- Community Development Director met with DOLA regarding the identification of the required nine (9) units to fulfill additional Prop 123 requirements.
 - The Swiss Village community will be utilized to fulfill the nine (9) units the City of Ouray is affordable housing commitment.
 - City of Ouray will have a surplus of seven (7) units, excess of the requirement.
- Community Development Director has been in contact with the Colorado Water Conservation Board to obtain pertinent updated Federal Emergency Management Agency (FEMA) documents.
 - Once all finalized documents are obtained, staff will work with marketing/IT to have webpage updated with most recent reports and maps.
- Established a new email account to be used as a central repository for application submittals and general community development inquiries. planning@cityofouray.com
 - The account is live, and a formal notice has been posted on the website.
- Please welcome, Melissa Martin, to the Community Development Department under her new title of Planner Technician!
- Started drafting code amendments for the introduction of the following sections:
 - Non-conformities
 - First review by the Planning Commission was on October 14, 2025
 - Special Events
 - First draft will be sent for legal review prior to Planning Commission consideration in November.
 - Lighting Ordinance
 - Audit of code 'bugs'

Thank you for your commitment to the City of Ouray and its constituents.

Sincerely,



Daniel J. Murphy
Community Development Director



Frequently Asked Questions about the Colorado Wildfire Resiliency Code

Is this really mandatory?

Yes, according to 24-33.5-1237(2)(d) C.R.S., all communities in Colorado are required to adopt the new Wildfire Resiliency Code. This is intended as a supplement to a community's building and fire codes, if such codes have been adopted. The state code is a minimum code – communities are welcome to exceed the code but cannot implement measures less strict than the code. The code must be fully adopted and implemented (or in effect) by July of 2026.

The code, however, only applies to areas that have mapped wildfire risk (of low, moderate or high intensity) on the Colorado risk map.

What are the differences between the 4/26/26 “adopt” deadline and the 7/26/26 “comply” deadline?

Communities will need to formally adopt the code by April 26, 2026, however, the code does not need to be in effect until July 2026. This means that any new development that is permitted between April and July will not have to comply with the new code's regulations.

Who has to implement the code? Who has to enforce it?

According to 24-4-103(4.5)(a)-(c) C.R.S. the Regulatory Analysis of the Draft Rules 8 CCR 1507-39 concerning the adoption of the 2025 Colorado Wildfire Resiliency Code, governing bodies include: *“(I) The City Council, Town Council, Board of Trustees, or other Governing Body of a city, town, or city and county; (II) The Board of Directors of a Fire Protection District organized pursuant to part 1 of article 1 of Title 32; (III) The Governing Body of an improvement district that provides fire protection services organized pursuant to part 5 of article 20 of Title 30; or (IV) The Board of County Commissioners with respect to the area within a county that is outside the corporate limits of a city or town and outside the boundaries of Fire Protection District.”*

Governing bodies with land use regulatory authority must adopt and implement the code. This means municipal or county governments and their planning, building and community development



departments. Not all fire districts implement building or fire codes, but those that have regulatory authority to do so will also be responsible for implementing and enforcing the new state code.

In addition, Part 2, Section 103 of the code requires the "chief appointing authority of the jurisdiction" to appoint a specific department to be officially in charge of implementation, administration and enforcement. This department can then delegate responsibilities. This will look different for each community, and we can develop enforcement programs during your work with CPAW.

Will we have to amend other parts of our existing code(s)?

Very likely, yes. Communities should make sure that their existing ordinances and land use codes – such as a landscaping or subdivision code/ordinance – don't conflict with the state WRC. The CPAW program will be helping your communities identify potential conflicts.

Amending parts of codes that conflict with the new state WRC will have broad benefits for communities, including for the general public, for developers and for the staff responsible for administration and enforcement.

Can our community choose to be less strict than the CWRC?

No, the Colorado WRC sets the minimum standards. While a community can apply to adopt a local map which impacts the corresponding regulations, a community cannot adopt regulations that are less strict than the Colorado WRC. It is important to note that the state code does allow for some flexibility for alternative materials, design and methods as long as the specific equivalency criteria are outlined and approved.

Can our community choose to be more strict than the CWRC?

Yes. A community is free to expand the map to include undesignated areas or to change designated areas from Class 1 to the more restrictive Class 2. In terms of the actual text of the WRC, a community may also choose to be more restrictive. Note that additional public engagement is recommended if a community would like to take one or both of these approaches.



What are the options for mapping?

The state map identifies three fire intensity classifications - low, moderate, or high. In many communities (but not all) urban areas are not included on the state map. Parcels designated as low intensity follow Class 1 requirements while parcels designated as having moderate or high follow Class 2 requirements.

One option is to adopt the state map as is. Another option is to adopt a more strict version of the state map than includes urban areas and/or class designations that are more restrictive. A third option is to adopt a local map that includes "ground-truthing" of the state map. If this option is pursued, technical documentation is required by a qualified wildfire professional to be submitted to the state for approval. More information about mapping options is provided in a separate document.

The CPAW program cannot generate new maps, but we can connect your community to resources (data layers, etc) to help you pursue a new map. We can also think through the pros and cons of generating a new map, based on the data you decide to use.

Keep in mind that generating a different map from the state's may actually increase, or not materially decrease, your community's wildfire risk. Communities should think carefully about generating an independent and new map. Some things to consider might include your access to data and funding for these maps – if you are required to update your map, will you be able to afford that in the future?

Is the map going to change, or be updated?

The state map will be updated every three years, and any maps that communities produce themselves must be updated on the same timeline.

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Nonconformities

Section 7-12 Nonconformities

A. Purpose

The purpose of this section is to balance the property rights of owners to continue using and maintaining their property with the community's interest in bringing nonconforming uses, structures, lots, signs, and site features into compliance. This section establishes reasonable limits on the expansion, re-establishment after discontinuation or destruction, relocation, and change of use of features that were lawfully established prior to the effective date of the Ouray Municipal Code ("~~OMC~~") but no longer conform to its requirements.

B. Applicability

This section applies to any uses, buildings, lots, signs, or site features that were legally established before the ~~Ouray Municipal Code ("OMC")~~ went into effect but no longer meet its current requirements. It is intended to allow property owners to continue using and maintaining their property while protecting the health, safety, and welfare of the community. Any legal nonconformity existing as of the effective date of the OMC will remain a legal nonconformity, so long as the situation that resulted in the nonconforming status under the previous OMC continues to exist.

C. Authority to Continue

Nonconformities may continue to be used and occupied, subject to the regulations set forth in this section, or unless the nonconformity is terminated as provided in this section.

D. Change of Ownership

Changes of ownership, tenancy, or management of property with an existing nonconformity shall not be impacted subject to the provisions of this section.

E. Destruction

A nonconforming structure or use that is damaged or destroyed by a natural disaster may be rebuilt or restored provided that the cost of reconstruction does not exceed fifty percent (50%) of the fair market value of the structure ~~(as determined by the County Assessor)~~ immediately prior to the damage or destruction, the owner obtains a building permit within twelve (12) months of the damage or destruction, and a certificate of occupancy or other final inspection is issued within two (2) years of the issuance of the building permit.

F. Discontinuance and Abandonment

Any nonconforming use that is discontinued ~~for, or a nonconforming structure that remains vacant~~ for a period of one (1) year, shall be considered to have been abandoned. All nonconforming rights shall cease and the use of the premises ~~shall~~ must be brought into conformance with ~~this Code~~ the OMC.

G. Ordinary Repairs and Maintenance

1. Repairs or maintenance of nonconformities are permitted and encouraged, provided that the minor repairs and maintenance do not increase the extent of nonconformity.
2. For purposes of this section, Ordinary Repairs and Maintenance shall mean:
 - a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness of a structure without expanding the structure;
 - b. Maintenance of land areas to protect against environmental hazards; and
 - c. Repairs that are required to remedy unsafe conditions that cause a threat to public health, safety or welfare.

H. Nonconforming Lots

1. A nonconforming lot may be used for any use permitted in the zoning district in which it is located, provided all other applicable requirements of this code including, but not limited to, setbacks, height, and density are met to the maximum extent feasible.

~~No nonconforming lot shall be combined or altered in a manner that increases its nonconformity.~~

2. No lot or parcel of land, nor any portion of such lot or parcel, shall be transferred, conveyed, sold, subdivided or acquired so as to create a new nonconformity or to circumvent any provisions of the OMC, or so as to leave any lot below the minimum requirements for lot width or lot area applicable to the underlying zoning district. No building permit shall be issued for any lot or parcel of land that has been transferred, conveyed, sold, subdivided or acquired in violation of this section.

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I. Nonconforming Uses

1. No existing use or portion of a building that contains a nonconforming use shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered in any manner that increases existing nonconformities.
2. Any nonconforming use may be changed to a conforming use and once the change is made, the use shall not be changed back to a nonconforming use in the future.

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J. Nonconforming Structures

1. Any building or structure that is determined to be legally nonconforming as a result of the adoption of the OMC may continue to be occupied in accordance with this section.
2. Ordinary repairs and maintenance are permitted pursuant to the standards set forth in Section 7-12-G above.
3. Any legal nonconforming structure may request a one-time alteration, extension or expansion so long as the request does not result in a greater than ten (10) percent increase to the following ~~measurable~~ measurable characteristics of the existing nonconforming use or portion of the structure that is nonconforming:
 - a. Gross floor area; and

b. Height.

4. Expanding the height of a structure (in conformance with height restrictions in the OMC) where the existing non-conformity relates to a setback, site coverage, or impervious surface site coverage, shall not be a violation of this paragraph.

4.5. Notwithstanding the foregoing, no nonconforming structure shall be altered in a manner that increases the nonconformity of the structure. N

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Definitions Nonconformities OMC Sec. 7-4

Nonconforming Lot or Parcel means a lot or parcel of land which as the result of the adoption of dimensional regulations contained within this chapter fails to meet the minimum dimensional requirements for the Zoning District in which it is located.

Nonconforming Structure means a structure which was originally constructed in conformity with zoning and building code or ordinances in effect at the time of its development, but which no longer conforms to the dimensional or other requirements imposed by the chapter for the Zoning District in which it is located.

Nonconforming Use means the use of land or a building or structure which was originally established in conformity with the zoning and building code or ordinances in effect at the time of its development, but which is no longer allowed as a permitted or conditional use under the regulations imposed by this chapter for the Zoning District in which it is located.





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