

**AGENDA
OURAY PLANNING COMMISSION**

Tuesday, March 10, 2026 - 4:00 PM

San Juan Room, 320 6th Ave, Ouray, CO 81427

VIRTUAL OPTION - <https://zoom.us/j/98645657434>

Meeting ID: 986 4565 7434 Passcode: 788405 Or dial: +1 346 248 7799

Ouray Planning Commission Regular Meeting

- Changes to this agenda can be found on the bulletin board at City Hall
- Electronic copies of the Planning Commission 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 City Council, Ouray Economic Development Committee, Beautification Committee, Tourism Advisory Committee, and/or Parks and Recreation Committee may be present at the above noticed Planning Commission 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

- 1. Approval of Dec. 9, 2025 Minutes**
- 2. Approval of Jan. 13, 2026 Minutes**

4. CITIZENS COMMUNICATIONS

5. PUBLIC HEARINGS

- 3. Consideration of a proposed amendment to OMC Section 7-7-K to achieve compliance with the Colorado Department of Local Affairs (DOLA) Proposition 123 Fast-Track requirements.**

6. ACTION ITEMS

- 4. Action on the proposed amendment to OMC Section 7-7-K to achieve compliance with the Colorado Department of Local Affairs (DOLA) Proposition 123 Fast-Track requirements.**

7. DISCUSSION ITEMS

- 5. Community Development Department Updates**

8. ADJOURNMENT



Ouray Planning Commission Regular Meeting

Tuesday, December 9, 2025 4:00 PM

Ouray Community Center, 320 6th Ave, Ouray, CO 81427

1. CALL TO ORDER

2. ROLL CALL

Glenn Boyd:	Present
Mike Fedel:	Present
McKenna Sumrak:	Present
Kevin Schiffer	Present

3. APPROVE MINUTES

N/A

4. CITIZENS COMMUNICATIONS

No citizen communication.

5. DISCUSSION ITEMS

1. Introduction of Headwaters Economics: Ryan Handy and Susan Riggs (Colorado Wildfire Resiliency Code)

Community Development Director Dan Murphy welcome Ryan Handy and Susan Riggs from Headwaters Economics. Mr. Murphy stated he applied for a grant in early October and was awarded the unmatched grant from Headwaters. Ms. Handy and Ms. Riggs will be supporting public outreach and code review.

Ms. Handy presented on who they were; what they are doing to assist with the Colorado Wildfire Resiliency Code (CWRC). Ms. Handy provided background about Headwaters being a non-profit economic research and land use group based out of Bozeman, Montana. She stated the work nationwide with over 100 communities in 14 states, and also do wildfire projects. Headwaters is working on projects from North Carolina to Hawaii helping assess wildfire risk through land use planning and codes.

Ms. Handy presented what can be done to prevent wildfire risk and how the code comes into play; how to communicate to the public and reduce risk; build new homes better and adapt existing homes to survive a fire. Ms. Handy stated Headwaters reached out to the state for special program within Colorado. Headwaters is currently working with 30 communities, mostly on western slope; minimal on Front Range.

Ms. Handy presented more specifics on the CWRC, notably (1) what will the state do with risk map? (2) tackle adopting the code itself by April 1st 2026; and then (3) enforcement / implementation. Ms. Handy stated the code must go into effect by July 2026 based on the law. She said communities in the program meet 1x month with Headwaters experts Nov – May; the City of Ouray is one of the communities. Each meeting results in a to-do list. December meeting is next week.

Ms. Handy stated starting in January communities in the program will be put in cohorts with similar characteristics. She stated most communities in the program are choosing to adopt by reference, which is recommended by Headwaters. The code will integrate by reference into the building code. She stated the state also released a corresponding map that show 3 classifications: low, moderate, and high. Low



mapped areas have less restrictions; high mapped areas have greater restrictions. Communities can do their own map 'ground truthing' but would be very complex to conduct. She stated the state has given limited guidance about creating own maps. Ms. Handy said landscaping portion of the code may require further training for planners and fire departments. She said remote virtual inspections likely can be enforced by demonstrating code compliance, or a signed affidavit. Ms. Handy concluded her presentation.

Commissioner Boyd thanked Ms. Handy for the presentation. He stated he has concerns about the state issued map. He said the map should not be cookie-cutter for Ouray. He stated the map should be more directed at urban vs. rural areas. He asked how would the City enforce non-conforming properties?

Harper Powell, Esq., the City's consultant attorney, stated adopting by reference still allows the City to add our own language. She also stated the City does plan to adopt by reference, and not re-write the code but make sure it applies to our jurisdiction's needs. Ms. Powell also said she is aware some jurisdictions are debating breaking up the state drafted map.

Ms. Harper then discussed some examples of the exemptions contained in the new code. She provided input regarding the 25% re-roof or building siding that would then require compliance with the proposed code. She also stated that non-conformities do not have to bring their properties into compliance unless they update a portion of the property that triggers code compliance. Ms. Powell did reiterate that the City cannot adopt less strict provisions.

Ms. Handy provided further information regarding the map. She stated there are multiple ways to map out the fire risk area. The drafted map considered intensity, exposure, and susceptibility of structures; also how intense the fire is versus how far it will go. She stated the City of Ouray's wildfire risk is high, and changing the map would not change the local risk.

Commissioner Boyd stated the state map does not account for the City's elevation and topography. Commissioner Fedel agreed with Commissioner Boyd. Commissioner Sumrak and Schiffer want to learn more before asking further questions about the map. Commissioner Boyd encouraged everyone to review the recent wildfire plan adopted by the county and city.

Resident John Wood (431 4th St.) asked what is the likelihood of fires based on?

Ms. Handy provided a responses stating the dataset from the United States Forest Service is based on modeling. Wildfire risk data is updated every few years to help measure risk based on intensity and likelihood.

Resident John Wood (431 4th Street) doesn't see where this is mandatory aside from getting federal funding. He stated some things sound great and some will destroy our community. Mr. Wood stated he is seeing a similar drive happening now to benefit insurance companies. These restrictions are based on communities that are very different than the City. Mr. Wood cautioned the City Ouray to not rush into the adoption; let other communities adopt first and see what happens. He stated affordable housing will suffer if we adopt this early on and it will add costs to housing.

2. Introduction of Housing Services Director: Eva Henson (Home Trust of Ouray County)

Mr. Murphy introduced Eva Henson, Housing Services Director of the Home Trust or Ouray. Ms. Hensen is working with the City, Ridgway and County. The program role will be a hub to assist the community with housing. She stated she will be coming to the City Council regularly including the upcoming 12/15/25 meeting. Ms. Hensen provided a background of herself and experience regarding deed restrictions. She will



help with administration on new and existing homes, DOLA Prop 123 compliance and counts. She stated an agreement between the City, Ridgway and County was signed. She also stated that in August 2023 IGA established the collaboration of Prop 123, and in December of 2024 an IGA (Affordable Housing IGA) established the scope of work.

Commissioner Schiffer asked who else Ms. Hensen is working with at the Home Trust? Ms. Hensen stated Andrea at the Home Trust had been the liaison as well as the director who hired her. Ms. Hensen stated she coordinates with other staff at the Home Trust, but her functions are solely part of her role.

Commissioner Schiffer asked to confirm that the agreement for Ms. Hensen's role is for 2-years. Ms. Hensen confirmed that is correct, and it will be considered for renewal in 2027.

3. Community Development Director Updates

A. CWRC Timeline and Scheduling

Mr. Murphy gave an updated about the CWRC that was just discussed and brought in Headwaters to know who the City is working with. Headwaters will be assisting with community outreach. Susie Riggs, consultant for Headwaters, is also working on the project. Mr. Murphy stated Headwaters has not set up our cohort yet for the CWRC project. Mr. Murphy stated he has asked Headwaters to NOT to be in a cohort with an urban or Front Range areas. He mentioned Headwaters is looking at Blackhawk and other rural areas. Mr. Murphy then stated Eva has been a great resource since signing on and he looks forward to future work with her.

Commissioner Boyd commented that the cohort should also include areas that have similar forest types, and he believes that is more important than urban versus rural.

Mr. Murphy continued on stating he met with legal identifying 3 chapters, 6, 7 and 13, in the Ouray Municipal Code that will need to be cross referenced. He stated his recommendation is that the City will adopt by reference. Mr. Murphy stated the code applies to new developments and will have public meetings regarding progress as the code adoption moves forward. Mr. Murphy stated that because this is a statutory requirement, the City will be moving forward with the code as is unless he is told otherwise, and will be asking the commission and City Council to meet July 2026 deadline.

Mr. Murphy stated the CWRC will be placed on the January 13th discussion items agenda. He also stated he will distribute the packet the week before Christmas so the planning commission has ample review time. He stated he is preparing doing a public open house on January 20th prior to the City Council meeting. Kailey from the City will promote the open house discussion on social media platforms. Mr. Murphy stated he is hoping to meet targeted dates. Mr. Murphy recommended a February date for action on the code. Mr. Murphy also recommended identifying a second meeting date in case a continuance or more time was needed.

Commissioner Boyd said he is happy to identify a second meeting but the month of February will be tough for his schedule.

Mr. Murphy stated the planning commission will have a month to consider the code after the January discussion meeting.



Commissioner Sumrak stated a second meeting may be beneficial considering the amount of information about the code.

Mr. Murphy identified February 2nd and February 17th but will verify the dates are available.

Melissa Martin, City staff member, stated the San Juan Room is available both of those dates.

Mr. Murphy will send out invites once confirmed.

B. Planning Commission – Vacancies & Alternate

Mr. Murphy stated he has received two inquiries for the planning commission vacant seats but no official applications have been reviewed year. He stated Jenny Hart has moved on to the City Council. Mr. Murphy stated Kailey will release another public notice for applications. Mr. Murphy encouraged commissioners to let their friends know to apply.

Ms. Powell was on the call about adding an alternate, if requested by the planning commission. She stated that it would require a code amendment if the City wanted to add alternate language. She said alternates can be flexible and to possibly allow Council to approve 1-2 planning commission alternates. Alternates could attend all the meeting but only vote if someone is absent. She said they could switch off on who votes but that they are there to step in if someone is absent.

Commissioner Boyd requested to try one alternate first and see how that goes. He said the planning commission has always had a quorum. He believes it's a code change not a charter amendment.

Ms. Powell stated the charter provides the authority to amend the code.

Mr. Murphy agreed to start with one alternate.

Ms. Powell provided guidance that one alternate is ok, but the City Council still could add two.

C. LPC Grant/Prop 123

Mr. Murphy provided an updated about the DOLA LPC Grant status. He stated he has attended government platform meetings and technology demos as part of our award funding. The grant award is for three items: (1) software (2) GIS mapping assistance with the county and (3) consulting costs, as needed. Mr. Murphy discussed various software platform options. He and IT have met with potential software providers. Mr. Murphy recommended a public portal to submit projects but that it has to be cloud based plus internal security measures. He stated City Council would be the body to execute the grant based on his recommendations.

Mr. Murphy then provided an update of Prop 123 Unit count compliance. He stated the City has achieved the compliance number but hasn't submitted counts to DOLA as of yet. The unit count compliance will be done in collaboration with the county and Ridgway. He stated he still intends to use Swiss Village plus additional Waterview units, if needed. Mr. Murphy also stated that if an amendment to the code's affordable housing section was completed, the City could get another \$50k in unmatched funding.



D. Department Administration

Mr. Murphy provided a Community Development Department update. He stated both building inspection consultant groups are up and running but inspections are slowing down due to the time of year and weather. Mr. Murphy stated is was asked to present next month about RVI (remote virtual inspection) technology the City' uses.

Commissioner Fedel stated he does not like RVI technology.

Mr. Murphy then stated he has drafted a special event and lighting ordinance. Both are under internal staff review then would be reviewed by legal before being presented to the planning commission. He also is going to recommend getting public input before scheduling. Mr. Murphy said he will continue attend the CWRC state meetings in the coming months, as well as housing peer exchange meetings hosted by DOLA.

4. Adjournment

Commissioner Fedel adjourned the meeting at 5:32pm.

Mike Fedel, Planning Commission Chairman

ATTEST:

Daniel Murphy, Community Development Director

CERTIFICATION

I, Daniel Murphy, do hereby certify that I am the Community Development Director 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 Planning Commission held on Tuesday, December 9, 2025. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Tuesday, December 9, 2025.

Daniel Murphy, Community Development Director



Ouray Planning Commission Regular Meeting

Tuesday, January 13, 2026 4:00 PM

Ouray Community Center, 320 6th Ave, Ouray, CO 81427

1. CALL TO ORDER

2. ROLL CALL

Glenn Boyd: Present
Mike Fedel: Present
McKenna Sumrak: Present (Zoom)

3. APPROVE MINUTES

Approval of October 14, 2025 Minutes
Approval of November 6, 2025 Minutes

4. CITIZENS COMMUNICATIONS

No citizen communication.

5. DISCUSSION ITEMS

1. Colorado Wildfire Resiliency Code – Review and Discussion

Community Development Director Dan Murphy presented the 2025 Colorado Wildfire Resiliency Code. Provided general background about the code's foundation and information about the state compelling municipalities to adopt the code. Mr. Murphy also presented background information that he has been engaging the planning commission members since October 2025 about the code's pending status.

Mr. Murphy stated the code is required by statute to adopt. Multiple jurisdictions have adopted this already. CWRC is mandatory for cities with a mapped wildfire risk. Formal adoption by April 2026 and implementation by July 2026. Failure to adopt this may impact future grant funding opportunities. Mandatory/statutory requirement to adopt. City would consider adopting the minimum standards. The City can be more strict but not less strict. Mr. Murphy also presented the wildfire map from the state. All of the City of Ouray is within moderate and high intensity areas noted on the map.

Mr. Murphy provided an overview of the code. Chapter 1 - all exceptions are housed. Speaks to admin authority. Chapter 2 speaks to definitions. Chapter 3 discusses mapping, identification and how the map was created. Chapter 4 is focused on structure hardening / construction standards. The City is subject to the Class 2 hardening structures standards. Chapter 5 is for site development and 'zones' around houses.

Commissioner Boyd expressed concerns regarding the map. Stated what is relevant to the Front Range cities is not the same in our area as far as intensity and related elements due to the City's elevation and topography.

Commissioner Fedel expressed concerns about increases to housing cost if the code is implemented. Mr. Fedel also concurred with Mr. Boyd's concern's regarding the state map. Mr. Fedel stated the adoption of this code will hurt the goals stated in the community plan specific to housing.



Commissioner Sumrak asked if the code is mandatory. Ms. Sumrak also questioned that in addition to funding, what the consequences of not adopting the code are.

Mr. Murphy provided the responses, notably which the CWRC is state mandated and specific guidance about what would occur if municipalities do not adopt hasn't been formally provided.

Mr. Boyd provided information that the county/city already have a community wildfire plan. Mr. Boyd also presented the question about what would occur if the City did not adopt the CWRC. Mr. Boyd asked what would happen if a house were to burn and the City did not have the code adopted; is the City liable.

Mr. Murphy reiterated the consequences of not adopting are unknown at this time. He stated the code is being mandated by the state.

Mr. Murphy provided an overview of certain areas, including exemptions from compliance with the CWRC, Section 102.10. Mr. Murphy did note the application of the code will be challenging due to the small historic lot sizes in the City; existing fences on small lots; homes close together. Mr. Murphy clarified the code is applicable to new construction only not exempt from the stated provisions, and is not retroactive.

Ms. Sumrak asked about whether the appendices within the CWRC would be adopted as well or if they are optional. Mr. Murphy stated the intention would be to adopt them with the CWRC as is.

Mr. Boyd stated he believes state and federal funding is unlikely to be available. Mr. Boyd asked how do we ensure properties are complying with the code. He also stated wildfires do need to be handled appropriately. Mr. Fedel agreed that the City needs to do something but homeowners that have a problem should fix the problem.

Ms. Sumrak asked if other funding would be lost (e.g., Prop 123) if the code was not adopted. She also asked about insurance for homeowners. Mr. Murphy stated that the state has provided guidance insurance companies should not be able to utilize the information, but was unclear about specific impacts to homeowners insurance.

Mr. Boyd thanked Mr. Murphy for the presentation and discussion, and clarified City Council will have the final say.

Mr. Murphy stated the CWRC will be an action item for the planning commission on February 2nd. The meeting date had to be rescheduled, instead of February 10th, due to scheduling conflicts to ensure a quorum. Mr. Murphy also stated he would be hosting a public open house on January 20th about the CWRC; to answer questions and provide informational documents.

6. PUBLIC HEARINGS

None

7. ACTION ITEMS

None

8. ADJOURNMENT

5:26PM



Mike Fedel, Planning Commission Chairman

ATTEST:

Daniel Murphy, Community Development Director

CERTIFICATION

I, Daniel Murphy, do hereby certify that I am the Community Development Director 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 Planning Commission held on Tuesday, January 13, 2026. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this Tuesday, January 13, 2026.

Daniel Murphy, Community Development Director

320 6th Avenue
PO Box 468
Ouray, Colorado 81427



CITY OF
OURAY
COLORADO

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info@cityofouray.com

To: Planning Commission
From: Dan Murphy, Community Development Director
Date: March 10, 2026
Agenda Item: Proposed Amendment to OMC Sec. 7-7-K

REQUEST:

Consideration of a proposed amendment to OMC Sec. 7-7-K to achieve compliance with the Colorado Department of Local Affairs (“DOLA”) Proposition 123 (“Prop 123”) Fast-Track requirements.

INTRODUCTION:

Prop 123, approved by voters in 2022, created a statewide program to support the development of affordable housing through dedicated funding and regulatory incentives. As part of this initiative, DOLA established the Prop 123 Fast-Track process, which requires participating local governments to adopt qualifying land use regulations that allow certain affordable housing developments to proceed through an expedited review. Fast-Track requirements are intended to reduce regulatory barriers, shorten approval timelines, and increase housing supply while maintaining local standards for health, safety, and welfare.

ANALYSIS:

Beginning in late 2023, City Council and staff conducted a comprehensive review of affordable housing incentives available to local governments, including participation in classes and educational opportunities focused on state and federal programs that support the development of affordable housing within the community. As part of this effort, City Council held work sessions on November 18, 2024, and February 3, 2025, to evaluate deed restrictions and building incentives as a permitted use within the R-2 zoning district and the Mixed-Use Overlay District.

These discussions culminated in the adoption of OMC Section 7-7-K, along with the City’s deed restriction template, both of which are included in the attached materials. Based on this work, the City of Ouray enacted Ordinance No. 1, Series 2025, on March 6, 2025.

Since then, many communities moved to accelerate adoption of the Prop123 Fast-Track requirements after DOLA announced an incentive of up to \$45,000 for jurisdictions with an approved expedited review process. After extensive coordination with DOLA, along with staff and legal review, the attached proposed amendment to the code section was drafted. The amendment demonstrates compliance with the Fast-Track requirements and would allow the City to pursue up to \$45,000 in unmatched funding.

BUDGET / STAFF IMPACT:

Adoption of the proposed amendment would help establish clearer and more predictable review timelines, providing greater certainty for applicants and supporting a more efficient development review process. The amendment is intended to align local procedures with state Fast-Track

requirements and improve overall administrative clarity. No direct budgetary impacts are expected as a result of this amendment.

ORGANIZATIONAL ALIGNMENT:

The proposed amendment, as well as the City's existing code language, aligns with the Community Plan by supporting opportunities for housing development, including affordable housing projects. By establishing clearer review standards and providing an expedited pathway for qualifying projects, the amendment helps advance the Community Plan's goals of increasing housing availability, encouraging a diversity of housing types, and reducing barriers to the development of affordable housing within the community.

RECOMMENDED ACTION OR PROPOSED MOTION:

The City is pursuing all reasonable available avenues, including alignment with the goals and requirements of Prop 123, to further support the development of affordable housing within the community. Local governments must adopt and submit documentation of a compliant Fast-Track review process to DOLA in order to remain eligible for future Prop 123 funding and associated incentives.

Accordingly, staff recommends adoption of the proposed OMC Sec. 7-7-K amendment with the intent of achieving compliance with the Fast-Track requirements and pursuing the additional incentive funding available through the program.

ATTACHMENT(S):

- Resolution No. 1, Series 2025
- Sec. 7-7-K Affordable Housing Amendment V4 022326 - Blackline
- Sec. 7-7-K Affordable Housing Amendment V4 022326 – Redline

CITY OF OURAY

ORDINANCE NO. 01 (Series 2025)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OURAY, COLORADO ADDING CHAPTER 7-7-K OF THE OURAY MUNICIPAL CODE TO REGULATE AFFORDABLE, ATTAINABLE, OR WORKFORCE HOUSING; AND ADOPTION OF AN OFFICIAL DEED RESTRICTION AND COVENANT AGREEMENT TEMPLATE BY REFERENCE TO BE EXECUTED AS A REQUIREMENT OF THESE REGULATIONS.

WHEREAS, Staff and the City Council have spent the previous two years studying affordable housing incentives by local governments and attending various classes and educational opportunities to learn what incentives are offered at the state and federal level for building affordable housing stock within the local community;

WHEREAS, City Council held a properly noticed work session on November 18, 2024 and February 3, 2025 to discuss deed restrictions and building incentives as a permitted use in the R-2 zone and within the Mixed-Use Overlay District and City Council further discussed these deed restriction regulations at the regular City Council meeting held on January 21, 2025;

WHEREAS, this Ordinance is adopted for the health, safety, and welfare of the public.

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

SECTION 1: ADDITION

Section 7-7-K of Chapter 7 is added as follows:

K. Affordable, Attainable, or Workforce Housing

1. Applicability

- i. The incentives apply to any application for Development Review under OMC 7-5 submitted to the City for the development or re-development of a parcel of land where five (5) dwelling units or less will be located.
- ii. These incentives shall be a use by right within the Residential – High Density (R-2) zone district or the Mixed-Use Overlay District.
- iii. These regulations require a deed restriction and covenant to be executed by the real property owner which will run with the land and be binding on all successors or assigns. A copy of the Official Deed Restriction and Covenant Agreement, as amended from time to time, shall be maintained in the City Clerk’s office available for public inspection.
- iv. The terms contained in the Official Deed Restriction and Covenant agreement are incorporated herein by reference and are required to be met by Applicant.

2. Incentives

- i. Increased Density. The maximum density for each Dwelling Unit shall be 1,500 sq. ft.
- ii. Reduced Off-Street Parking. The off-street parking requirements shall be reduced by one (1) parking space for every five (5) required off-street parking spaces under Table 7-8-E. To the extent these parking requirements cause a hardship in accordance with Section 7-5-D-4, a variance may be requested.
- iii. Reduced Permit Fees. Applicants that add three (3) or more dwelling units that are restricted by deed under these regulations shall receive a fifty percent (50%) reduction in the Building Permit fees assessed by the City.
- iv. EQR Off-Set Program. To the extent that the City of Ouray maintains an EQR off-set program where dwelling unit occupants are afforded credits toward the City water and sewer utility invoices, any qualified

occupants residing in dwelling units permitted herein shall automatically be enrolled in such a program.

- v. Permit Process Priority. To the extent City staff has adequate time, any application submitted under these regulations shall receive priority in the City land use review process.

SECTION 2: EFFECTIVE DATE


The provisions of this Ordinance shall become effective thirty (30) days following publication.

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 5 to 0 vote of the Ouray City Council this 18th day of February 2025.

CITY OF OURAY, COLORADO



Ethan Funk, Mayor

ATTEST:



Melissa M. Drake, City Clerk

INTRODUCED, READ, AND ADOPTED on second reading by 5 to 0 vote of the Ouray City Council this ~~the day of February~~ 2025.

3RD DAY OF MARCH

CITY OF OURAY, COLORADO



Ethan Fink, Mayor

ATTEST:

Melissa M. Drake
Melissa M. Drake, City Clerk

CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 01 (Series No. 2025), was introduced, read, and passed by the Ouray City Council on first reading on February 18, 2025. The Ordinance was published, in summary, in the *Ouray County Plaindealer* on FEB. 20, 2025, 2025 and thereafter introduced, read, and adopted by the Ouray City Council on MAR. 6, 2025, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake
Melissa M. Drake, City Clerk



Ouray Municipal Code Section 7-7 Use Regulations

A. Table of Allowed Uses

P = Permitted Use		Blank Cell = Prohibited Use					
L = License Required							
C = Conditional Use							
Use Category	Use Type	R-1	R-2	C-1	C-2	P-1	P-2
Residential Use							
Household Living	Dwelling - Single-Family	P	P	C*	C*		
	Dwelling - Duplex	P	P	C*	C*		
	Dwelling - Multifamily		P	C*	C*		
	Dwelling - Modular	P	P	C	C		
	Dwelling - Manufactured			C	C		
	Dwelling - Mobile Home			C	C		
	Timeshares		C	C	C		
	Accessory Dwelling Unit (ADU)	P	P	C*	C*		
	<u>Affordable, Attainable, and Workforce Housing</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		
* * * *							

K. Affordable, Attainable, or Workforce Housing

1. Applicability

- a. **This section applies to application types identified in subsection “b” for which fifty percent (50%) or more of the residential units in the development constitute Affordable Housing, Attainable Housing, or Workforce Housing as defined by OMC Sec. 7-4. In the event of a conflict between OMC Sec. 7-4 and state law, the project shall comply with the definition of “affordable housing” set forth in CRS § 29-32-101.** The incentives apply to any application for Development Review under Section ~~7-5~~ submitted to the City for the development or re-development of a parcel of land where five (5) dwelling units or less will be located.
- b. **The incentives provided below shall apply to the following application types including, but not limited to:**
 - i. **Residential site development permits submitted to the City in accordance with OMC Sec. 7-5-D-2;**
 - ii. **Residential conditional use permits set forth in OMC Sec. 7-7-A;**
 - iii. **Building permit applications;**
 - iv. **Mixed-use developments with fifty percent (50%) or more residential units; and**
 - v. **Variance requests or special use permits submitted to the City in accordance with OMC Sec. 7-5 for the development or redevelopment of a parcel that qualifies under this section.**
- c. ~~b-~~ These incentives shall be a use-by-right **Permitted Use** within the **Residential (R-1) and Residential – High Density (R-2) Zoning Districts** ~~zone district and a~~ **Conditional Use within the Commercial (C-1) and Commercial – Industrial (C-2) Zoning Districts** ~~or the Mixed-Use Overlay District.~~
- d. ~~e-~~ These regulations require a deed restriction and covenant to be executed by the real property owner which will run with the land and be binding on all successors or assigns. A copy of the Official Deed Restriction and Covenant Agreement, as amended from time to time, shall be maintained in the City Clerk’s office available for public inspection.
- e. ~~d-~~ The terms contained in the Official Deed Restriction and Covenant agreement are incorporated herein by reference and are required to be met by Applicant.
- f. **In accordance with C.R.S. § 29-32-105(2)(d), developers qualifying for Expedited Review pursuant to subsection 7-7-K-2-e may opt out of Expedited Review at any time during the review process, subject to written notice to the Administrator.**
- g. **The Expedited Review Timeline set forth in Section 7-7-K-2-e may be extended for an additional period not to exceed ninety (90) days at the request of the applicant; to comply with state law or a court order; or to accommodate a review period required by another local government, tribal government, or**

agency, whether internal or external, for any component of the application requiring such approval, pursuant to C.R.S. § 29-32-105(2)(b). Additionally, the City may extend the Expedited Review Timeline pursuant to C.R.S. § 29-32-105(2)(c).

2. *Incentives*

- a. *Increased Density.* The maximum density for each Dwelling Unit shall be 1,500 sq. ft.
- b. *Reduced Off-Street Parking.* The off-street parking requirements shall be reduced by one (1) parking space for every five (5) required off street parking spaces under Table 7-8-E. To the extent these parking requirements cause a hardship in accordance with Section 7-5-D-4, a variance may be requested.
- c. *Reduced Permit Fees.* Applicants that add three (3) or more dwelling units that are restricted by deed under these regulations shall receive fifty percent (50%) reduction in the Building Permit fees assessed by the City.
- d. *EQR Off-Set Program.* To the extent that the City of Ouray maintains an EQR off-set program where dwelling unit occupants are afforded credits toward the City water and sewer utility invoices, any qualified occupants residing in dwelling units permitted herein shall automatically be enrolled in such a program.
- e. **Expedited Review Timeline** ~~Permit Process Priority.~~ **An application determined to be complete pursuant to OMC Sec. 7-5-C-2-f and submitted under these regulations shall be reviewed by the appropriate decision-maker pursuant to OMC Section 7-5-4-b and Table 7-5-B. The Administrator shall issue a final decision of approval, approval with conditions, or denial within ninety (90) calendar days, or as specified under C.R.S. § 29-32-105, after submission of a complete application.** ~~To the extent City staff has adequate time, any application submitted under these regulations shall receive priority in the City land use review process.~~



Ouray Municipal Code Section 7-7-~~K~~ Use Regulations

A. Table of Allowed Uses

<u>P = Permitted Use</u>		<u>Blank Cell = Prohibited Use</u>					
<u>L = License Required</u>							
<u>C = Conditional Use</u>							
<u>Use Category</u>	<u>Use Type</u>	<u>R-1</u>	<u>R-2</u>	<u>C-1</u>	<u>C-2</u>	<u>P-1</u>	<u>P-2</u>
<u>Residential Use</u>							
<u>Household Living</u>	<u>Dwelling - Single-Family</u>	<u>P</u>	<u>P</u>	<u>C*</u>	<u>C*</u>		
	<u>Dwelling - Duplex</u>	<u>P</u>	<u>P</u>	<u>C*</u>	<u>C*</u>		
	<u>Dwelling - Multifamily</u>		<u>P</u>	<u>C*</u>	<u>C*</u>		
	<u>Dwelling - Modular</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		
	<u>Dwelling - Manufactured</u>			<u>C</u>	<u>C</u>		
	<u>Dwelling - Mobile Home</u>			<u>C</u>	<u>C</u>		
	<u>Timeshares</u>		<u>C</u>	<u>C</u>	<u>C</u>		
	<u>Accessory Dwelling Unit (ADU)</u>	<u>P</u>	<u>P</u>	<u>C*</u>	<u>C*</u>		
	<u>Affordable, Attainable, and Workforce Housing</u>	<u>P</u>	<u>P</u>	<u>C</u>	<u>C</u>		
<u>****</u>							

K. Affordable, Attainable, or Workforce Housing

1. Applicability

- a. ~~This section applies to application types identified in subsection “b” for which fifty percent (50%) or more of the residential units in the development constitute Affordable Housing, Attainable Housing, or Workforce Housing as defined by OMC Sec. 7-4. Affordable Housing or Attainable Housing submitted under this section shall meet the definition set forth in OMC Sec. 7-4.~~ In the event of a conflict between OMC Sec. 7-4 and state law, the project shall comply with the definition of “affordable housing” set forth in CRS § 29-32-101.
- b. The incentives provided below shall apply to the following application types including, but not limited to:
 - i. Residential site development permits submitted to the City in accordance with OMC Sec. 7-5-D-2;
 - ii. Residential conditional use permits set forth in OMC Sec. 7-7-A;
 - iii. ~~Building permit applications;~~
 - iv. Mixed-use developments with fifty percent (50%) or more residential units; and
 - v. ~~Residential~~ Variance requests or special use permits submitted to the City in accordance with OMC Sec. 7-5 for the development or redevelopment of a parcel that ~~elects to participate~~ qualifies under this section.
- c. These incentives shall be a ~~use-by-right~~ Permitted Use within the Residential (R-1) and Residential – High Density (R-2) Zoning Districts or the Mixed-Use Overlay District and a Conditional Use within the Commercial (C-1) and Commercial – Industrial (C-2) Zoning Districts.
- d. These regulations require a deed restriction and covenant to be executed by the real property owner which will run with the land and be binding on all successors or assigns. A copy of the Official Deed Restriction and Covenant Agreement, as amended from time to time, shall be maintained in the City Clerk’s office available for public inspection.
- e. The terms contained in the Official Deed Restriction and Covenant agreement are incorporated herein by reference and are required to be met by Applicant.
- f. In accordance with C.R.S. § 29-32-105(2)(d), developers qualifying for Expedited Review pursuant to subsection 7-7-K-2-e are not required to utilize the fast-track review process. The City recognizes that a developer may opt ~~in to or opt-out of fast-track~~ Expedited Review at any time during the review process, subject to written notice to the ~~local government~~ Administrator.
- g. The ~~review~~ Expedited Review ~~†~~ Timeline set forth in Section 7-7-K-2-e may be extended for an additional period not to exceed ninety (90) days at the request of the applicant; to comply with state law or a court order; or to accommodate a review period required by another local government, tribal government, or agency, whether

internal or external, for any component of the application requiring such approval, pursuant to C.R.S. § 29-32-105(2)(b). Additionally, the City may extend the Expedited Review Timeline pursuant to C.R.S. § 29-32-105(2)(c).

2. Incentives

- a. Increased Density. The maximum density for each Dwelling Unit shall be 1,500 sq. ft.
- b. Reduced Off-Street Parking. The off-street parking requirements shall be reduced by one (1) parking space for every five (5) required off street parking spaces under Table 7-8-E. To the extent these parking requirements cause a hardship in accordance with Section 7-5-D-4, a variance may be requested.
- c. Reduced Permit Fees. Applicants that add three (3) or more dwelling units that are restricted by deed under these regulations shall receive fifty percent (50%) reduction in the Building Permit fees assessed by the City.
- d. EQR Off-Set Program. To the extent that the City of Ouray maintains an EQR off-set program where dwelling unit occupants are afforded credits toward the City water and sewer utility invoices, any qualified occupants residing in dwelling units permitted herein shall automatically be enrolled in such a program.
- e. ~~Permit Process Priority~~Expedited Review Timeline. An application determined to be complete pursuant to OMC Sec. 7-5-C-2-f and submitted under these regulations shall be reviewed by the appropriate decision-maker pursuant to OMC Section 7-5-4-b and Table 7-5-B., and t~~The Director-Administrator~~ shall issue a final decision of approval, approval with conditions, or denial within ninety (90) calendar days, or as specified under C.R.S. § 29-32-105, after submission of a complete application.