

# AGENDA

## MISSION

The City of Durango and our employees provide efficient city services, effectively maintain city assets and manage growth, are accountable, ethical and fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.

## VISION

Durango is an authentic, diverse, multigenerational, and thriving community. Our residents value and enjoy our unique natural environment and benefit from the management of our city's resources in a fiscally responsible, environmental, and socially sustainable manner.

## VALUES

- Teamwork
- Dependability
- Professionalism
- Service
- Respect
- Innovation
- Well-Being

## STRATEGIC GOALS

- Affordability & Economic Opportunity (AEO)
- Diversity, Equity, Inclusion (DEI)
- Effective Infrastructure Network (EIN)
- Enhanced Livability & Sense of Place (ELSP)
- Environmental Sustainability & Resilience (ESR)
- Financial Excellence & High Performing Government (FE)
- Engaged & Collaborative Governance (ECG)



The City of Durango encourages the participation of all its citizens in its public meetings. If an accommodation is needed, please contact the City of Durango ADA Coordinator at (970) 375-5005

CITY COUNCIL REGULAR MEETING  
DURANGO CITY HALL, SMITH CHAMBERS  
12/05/2023  
5:30 PM

### MAYOR

Melissa Youssef

### MAYOR PRO-TEM

Jessika Buell

### CITY COUNCILORS

Olivier Bosmans – David Woodruff -  
Gilda Yazzie

### CITY MANAGER

José Madrigal

### ASSISTANT CITY MANAGER

Erin Hyder

### MANAGING DIRECTOR

Bob Brammer, Public Safety

### CITY ATTORNEY

Mark Morgan

### CHIEF FINANCIAL OFFICER

Devon Schmidt

### CITY CLERK

Faye Harmer

### AIRPORT

Tony Vicari, Director

### 911 COMMUNICATIONS

Zeta Fail, Director

### LIBRARY SERVICES

Luke Alvey-Henderson, Director

### PARKS AND RECREATION

Sara Humphrey, Interim Director

### TRANSPORTATION

Sarah Hill, Director

### INFORMATION TECHNOLOGY

Justin Carlton, Director

### PUBLIC WORKS

Allison Baker, Director

### HUMAN RESOURCES

Bonnie Kling, Director

### COMMUNITY DEVELOPMENT

Scott Shine, Director

**CITY OF DURANGO  
CITY COUNCIL REGULAR MEETING  
DURANGO CITY HALL, SMITH CHAMBERS  
12/05/2023  
5:30 PM**

1. CALL TO ORDER AND ROLL CALL 5:30 PM
2. INTRODUCTION OF TRANSLATOR
3. OPENING REMARKS BY MAYOR AND COUNCIL - Information Only
4. PRESENTATIONS/PROCLAMATIONS - Information Only - NO ITEMS
5. CITY MANAGER UPDATES - Information Only
  - 5.1. 2023 Strategic Plan Accomplishments Submitted by Devon Schmidt-All
6. COMMITTEE, BOARD AND LIAISON REPORTS - Information Only - 5:45 PM
  - 6.1. Library Advisory Board Quarterly Report
7. PUBLIC COMMENT ON AGENDA ITEMS ONLY (Items 8, 9 & 11) 5:50 PM
8. CONSENT AGENDA - Action Items without discussion 6:00 PM
  - 8.1. Approval of Meeting Minutes
    - 8.1.1. Approval of Minutes City Council Regular Meeting November 21, 2023
  - 8.2. Final Reading of Ordinances
    - 8.2.1. Final Reading of Ordinance O-2023-0020 (the 2024 Annual Operating Appropriation Ordinance )
    - 8.2.2. Final Reading of Ordinance O-2023-0021 (the 2024 Annual Capital Appropriation Ordinance)
    - 8.2.3. Final Reading of Ordinance O-2023-0022 for Land Use and Development Code Text Amendments Regarding Commission Structure, Processes and Accessory Dwelling Units - AEO & FE– Submitted by Community Development Department
    - 8.2.4. Final Reading of Ordinance O-2023-0023 for Land Use and Development Code Text Amendments Regarding Fair Share Program - AEO and FE – Submitted by the Community Development Department

This meeting is being held in a virtual/In Person format (Durango Resolution R 2022-00017 dated 4/5/2022). Link to the virtual meeting at <http://durangogov.org/zoom>. If this link fails, please copy and paste into your browser.



- 8.3. Adoption of Resolution(s) by Consent NO ITEMS
- 8.4. Approval of Other Administrative Items
  - 8.4.1. A Resolution Approving the 2024 Pay and Classification Plans - FEHPG - Submitted by Bonnie Kling, Human Resources
- 8.5. Land use and Development Action Items NO ITEMS
- 9. ITEMS PULLED FROM THE CONSENT AGENDA - Action Item with discussion
- 10. LAND USE AND DEVELOPMENT - Action Items with Discussion
  - 10.1. WITHDRAWN - A Public Hearing for 1943 W. 2nd Ave Minor Subdivision Preliminary Plan – AEO – Submitted by Community Development Department
- 11. RESOLUTIONS - CONSIDERATION OF ADOPTION - Action Items with discussion 6:25 PM
  - 11.1. A Resolution Authorizing an Application for the Borrowing of Funds by the Airport Enterprise Fund from the Colorado State Infrastructure Bank for Terminal Improvements at the Durango-La Plata County Airport - EIN - Submitted by Tony Vicari
  - 11.2. A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting An Operating Budget For The City Of Durango, Colorado, For The Calendar Year Beginning On The First Day Of January 2024 And Ending On The Last Day Of December 2024 Submitted by Devon Schmidt- FEHPG
  - 11.3. A Resolution Summarizing Expenditures And Revenues For Each Fund And Adopting A Capital Budget For The City Of Durango, Colorado For The Calendar Year Beginning On The First Day Of January 2024 And Ending On The Last Day Of December 2024 Submitted by Devon Schmidt- FEHPG
  - 11.4. A Resolution to Amend the 2023 Budget for the Purpose of Budget Adjustments to the 2023 Appropriations Submitted by Devon Schmidt-FEHPG
  - 11.5. A Resolution Adopting the 2023 Multimodal Transportation Plan - EIN
  - 11.6. A Resolution Authorizing the 2024 Contract with Visit Durango for Sustainable Marketing Efforts and Welcome Center Management Submitted by Tom Sluis - FEHPG
- 12. FIRST READING OF ORDINANCES - CONSIDERATION OF ADOPTION AND PUBLIC HEARING - Action items with discussion 7:00 PM
  - 12.1. A Public Hearing and First Reading of an Ordinance to Approve a License Agreement, Including a Lease, Between Tesla, Inc. Regarding Electric Vehicle Superchargers at the Durango Transit Center - ESR Submitted by Marty Pool
- 13. PUBLIC COMMENT ON NON-AGENDA ITEMS - No discussion 7:15 PM
- 14. INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING - Action Item with limited discussion 7:25 PM
  - 14.1. Request for Public Hearing for the Road Naming of City Right of Way Dedicated as Part of the Downtown Fire Station – Powerhouse Subdivision (January 2, 2024) - ELSP – Submitted by Community Development Department

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15. OTHER NEW BUSINESS - Non-Dispositive with limited discussion

15.1. Approval of 2024 City Council and Study Session Meeting Dates

15.2. An update on the Resolution Levying General Property Taxes To Help Defray The Costs Of Government For The City Of Durango, Colorado For The 2024 Budget Year Submitted by Devon Schmidt- FEHPG

15.3. A Resolution Reprimanding And Reproaching Councilor Olivier Bosmans For Acting In A Manner Unbecoming Of A Councilor, Bringing Disrepute To The Durango City Council And Issuing A Letter Of Apology To The City Manager And His Staff Submitted by Councilor Yazzie

16. REQUESTS FOR EXCUSED ABSENCES

17. ADJOURNMENT 8:00 PM

*NOTE THAT ALL TIMES ARE APPROXIMATIONS*

The public may view the meeting live on Zoom at [durangogov.org/zoom](https://durangogov.org/zoom) or on YouTube at <https://www.youtube.com/@CityofDurango6512>. An email link for public comment is located at [DurangoGov.org/meetings](https://DurangoGov.org/meetings) at the top of the page as well as on the agenda itself under Public Participation. Comments must be submitted no later than noon on the Monday preceding the meeting. Each email should contain the corresponding agenda item in the subject line of the email if there is one. The sender's full name and address should be included for the record. If comment by email is not possible, comments may also be placed in the drop box located in front of City Hall no later than noon on the Monday preceding the meeting. All written comments will be provided to the Council for review. Written comments may be read into the record and/or attached to the minutes of the meeting at the direction/discretion of Council. Email comments should be directed to: [PublicComment@durangogov.org](mailto:PublicComment@durangogov.org).

Members of the public who wish to provide verbal comments can use the Virtual Meeting Information at the top of this agenda to join the meeting. Please ensure you have the Zoom app installed on your computer or mobile device prior to the meeting (<https://zoom.us/download>). The mayor will provide additional details during the meeting when public comment is accepted.



## 2023 Strategic Plan Accomplishments

### Financial Excellence and High-Performing Government

- Distinguished Budget Presentation Award, Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- 15 Green Belts, 3 Black Belts
- 12 months of not missing daily, weekly, and monthly deadlines while overcoming surprises and setbacks to successfully serve customers and complete the utility billing cycles.
- 639 water meter and radio repairs and replacements.
- Improved forms, documents, webpages, online payments, and processes to serve our customers, citizens, and the public.
- Point of Sale systems upgrade that will bring compliance and security for customers
- Upgraded enterprise applications, increasing functionality, and availability, including the OnBase application suite, Help desk ticketing software, cyber security software, GIS systems, and partial migration of the City's phone system to Microsoft Teams.
- Installed new IT infrastructure, including improvements to the City-owned fiber network, server upgrades, network communication upgrades, and audio/visual enhancements (hybrid meeting hardware).
- Continued development of technology replacement program, replacing 90 end-user computers, increasing workforce productivity and system security.
- Developed new community engagement strategy – Connect & Engage Durango, Hired a Community Engagement Specialist
- Completed the Annual Comprehensive Financial Report on time with one finding
- Implemented the Budgeting for Outcomes process to identify the various programs and services that should be funded to achieve different community outcomes
- Remote work platform upgraded for workforce productivity and reduced infrastructure costs
- Full staffed City Attorney's Office to assist in legal duties such as research, reviews, and streamlining legal processes.
- Continued to draft and review legal documents within 48 hours for simple matters and within ten days for complex matters
- Updated agenda format for City Council to streamline council meetings and provide opportunities for everyone to participate
- Restructure of Finance
- Assisted in restructuring Boards & Commission to improve Council and staff efficiencies
- Developed a new community engagement strategy – Connect & Engage Durango Hired Community Engagement Specialist



## 2023 Strategic Plan Accomplishments

- Baldrige Examiner Training for Executive Leadership Team
- Positive Intelligence Training for the Executive Leadership Team
- Lead the transition of multiple City Attorney's
- Strengthened community partnership with the Southern Ute Indian Tribe
- Pay plan restructuring
- Police Department Pay Plan Restructuring
- High Deductible Addition to Health Offerings, HSA & voluntary benefits
- Continuation of GMLS
- Healthcare Smart Consumer Series

### Affordability and Economic Opportunity

- Secured 229 affordable and workforce housing units in the following projects that include city incentives for set aside affordable and workforce units:
  - Residences at Durango (Best Western) – 21383 Hwy 160 W (120 rental units) - \$4 million grants and Private Activity Bond Allocation ('21, '22, and '23) to create 120 rent-restricted units 30-60% AMI
  - Twin Buttes Parcel – 271 Twin Buttes Avenue (30 ownership units) – anticipate development fee offsets and Twin Buttes Transfer Fees to create 30 deed-restricted ownership units 70-120% AMI
  - BLD Apartments - Lot 1R-R3-A and Lot 1R-R3-B of the Crader subdivision (25 rental units) – anticipate 5% development fee offsets for 25 rent-restricted units 80-100% AMI
  - Gauge Apartments – 1275 Escalante Drive (14 rental units) - \$26,654 in exchange for 14 rent-restricted units for 80-120% of AMI households
  - Gauge Apartments – 1275 Escalante Drive (30 rental units) - Leasing for Locals Program to reduce rents to affordable for 80%-100% AMI households
  - Animas City Park Overlook Townhomes – (10 ownership units) - \$600K in exchange for ten deed-restricted units 125% AMI
  - Durango Crossings (utilizing city-owned land) – 1500 Florida Road (minimum 50% of units will be below-market ownership/rental) – approx. Six acres of city land 70% AMI-120% AMI.
- Demonstrated leadership amongst all municipalities in the state by being in the first tier of entities to opt into Proposition 123 as an additional funding source for affordable housing with a baseline commitment to create 184 units over the next three years.
- Hosted multiple landowner meetings to discuss annexation of the La Posta area and used dedicated ARPA funding to advance preliminary designs for crucial infrastructure to serve future development.



## 2023 Strategic Plan Accomplishments

- Invested over \$900,000 through various Community Development grant programs into community-based projects to achieve arts & culture objectives, property improvements, and infrastructure updates.
- Successfully administered the Urban Renewal Authority, including monitoring and disbursing funds for the Animas City Park Overlook mixed-income housing project, discussing potential partnerships with multiple developers, and overseeing the MidTown PEAK Grant program.
- Participated in the National League of Cities City Inclusive Entrepreneurship program by completing and committing to participate in a second phase to support entrepreneurship in the community.
- Received a Downtown Excellence Award from Downtown Colorado Inc. for the North Main Gateway URA Area and the Animas City Park Overlook Townhomes Project.
- Staff presented at the Economic Development Council of Colorado statewide and Atlanta National League of Cities conferences.
- Drafted and gained approval for various Code Amendments related to Boards and Commissions reconfiguration and development review process improvements.
- Facilitated an extensive customer engagement process and service delivery tracking program to develop a Department-specific Customer Service Strategy
- Supported staff training and professional development in various ways, including attendance at state and national conferences, webinars, lending library, and sharing of professional resources.
- Received a \$120,000 grant from DOLA HB21-1271 Innovative Affordable Housing Planning Grant (IHOP) to update the Fair Share Administrative Manual, feasibility study, and implementation.
- Prepared draft of an updated Fair Share Housing program
- Processed 140 development projects and permit applications
- Processed 270 total building permits, equating to \$52.6 million in construction value
- Gained approval of housing-related Code Amendments about ADUs and launched the ADUs for Locals Rebate Program.
- Established a new Affordable Housing Fee Offset Policy, partly to comply with Proposition 123 state legislation.
- Tracked State and Federal funding opportunities, coordinated with other entities, and submitted for applicable programs.
- Coordinated \$1.8M CDBG Grant with HomesFund for homeownership assistance programs.
- Advanced negotiations on a new Three Springs Development Agreement and contributed \$400,000 to initiate infrastructure design work to enable development in Three Springs Village Two.



## 2023 Strategic Plan Accomplishments

- In coordination with the Southern Ute Indian Tribe, prepared and submitted a request for \$8M in federal funding for Three Springs Village Two Workforce Housing Partnership from Senator Bennet and Senator Hickenlooper's offices.
- Completed a variety of updates to the website to enhance services and improve transparency, including housing needs, housing data, housing incentives, additional resources, and housing projects.
- Received an 'Innovative Partnerships & Collaboration' Honor Award from the Colorado Chapter of the American Planning Association for the Animas City Park Overlook Townhomes mixed-income housing project.
- Hired a new Chief Building Official and facilitated mentorship by an outgoing Official with over 30 years of experience.

### Enhanced Livability and Sense of Place

- Completed park improvements at Hillcrest View Park. Completed park improvements at Pioneer Park. Completed Facility Inventory and Future Needs Assessment
- Completed Parks Inventory and Future Needs Assessment
- Addition of seven miles of natural surface trails and bike-specific trails to the city trail system in partnership with Durango Mesa Foundation
- Addition of 49.42 acres of The Waters Family Sacred Heart of Jesus
- Initiated update of Inventory of Urban Forest and Community Forestry Management Plan
- Initiated Schneider Park Improvements
- Initiated design for irrigation system replacement at Greenmount Cemetery. Maintained a 60% or higher customer retention at Recreation Programs
- Implemented Chapman Hill Improvements and Recreation Center Improvements
- Launched the Lock-It-Or-Loose-It campaign about locking up personal property and motor vehicles
- Library record number of attendance with Summer Reading
- Library double growth over the year in participation metrics
  - ✓ ~290,000 Visitors!
  - ✓ ~14,000 program attendees
  - ✓ ~320,000 circulated items
- Library created an Internal Communication Plan.
- Library created Customer Service Plan.
- Library created draft 2024-2026 Durango Public Library Strategic Plan.
- Library partnered with many local coalitions and cooperatives to communicate library services, including:
  - ✓ Coordinated Entry System- Responsible for serving County unhoused





## 2023 Strategic Plan Accomplishments

- ✓ La Plata Youth Services- Provides mental health and other supportive service to La Plata youth
- ✓ La Plata Language Justice Workgroup- Works for education and services around equity and access for all languages.
- ✓ La Plata Healthcare Improvement Alliance-Accessibility- Looks at solutions and resources around healthcare education and access.
- Partnered with local bars and pubs to develop an accountability system for overservice and underage service.
- Partnered with liquor stores to ensure responsible sales and elimination of “minnies.”
- Collaborated with the municipal court system to restructure.
- Partnered with compassionate non-profits to locate short-term housing for those in need. Created a communication system to know availability and bed space to ensure our laws are enforced under court precedence.
- Enhanced school safety and outreach by adding one more SRO officer.
- Utilized an opiate grant to investigate and reduce opioid overdoses, impacts, and related crime, helping increase fentanyl seizures by 50% over 2022 in partnership with HSI.
- Created and operationalized the Open Space Ranger program to expand education and enforcement to broader reaches of the City.
- Restructured to create an Operations Support Services Sergeant to oversee non-sworn, uniformed personnel to develop efficiencies and direction to enhance quality of life.
- Created a Threat Assessment/Management team to proactively enhance public safety focus on potential threats.
- Acquired an armored rescue vehicle to enhance the safety response to critical incidents.
- Newly structured training program to increase productivity, improve organizational culture, and enhance personnel retention rates for 911.
- Complete overhaul and redesign of written directives, policies, and procedures for the 911 Center.
- Supervisor promotions for leadership team that will define career paths and increase 911 organizational stability.
- Restructured wage program to reduce turnover, increase morale, and retain talented professionals in public safety communications.
- Updated Strategic plan for the 911 Center to include workload analysis and a five-year plan for staffing and infrastructure.
- Implemented a feedback form for all 911 client agencies to provide information regarding operational questions
- Established cross-functional teams to address Criminal Justice Information Security and 911 Addressing for La Plata County.
- Improved security measures for critical infrastructure at the 911 building.



## 2023 Strategic Plan Accomplishments

- Leveraged Managed Services to improve operational effectiveness through technology for existing dispatch systems.
- Began process to update paging systems for all public safety client agencies. This will allow for faster and more comprehensive notifications on certain critical events.
- Initiated a new call processing process with intuitive software to streamline operational effectiveness and improve service levels.
- Completed update of hiring processes to include best practices for selection tools regarding public safety dispatchers.
- Began creating resources to detail infrastructure for the 911 Center. This information was lost through administrative changes and will now be documented in the future.
- Implemented a monthly customer survey to be conducted that will provide client agencies with feedback from citizens who placed calls to our center for public safety concerns.
- Hosted the first-ever Open House for our city partners and client agencies to visit the 911 center and interact with staff.
- Improved transparent communications through bi-weekly, monthly, and quarterly updates to staff on 911's current projects.
- Expanded existing wellness program to include a resiliency portion that proactively encourages self-care for employees who experience stress daily.

### Effective Infrastructure Network

- Adopted Parking Management Plan
- Implemented Peak Demand Parking program
- Implemented free parking pilot program
- Implemented DuranGO! Evening transit service
- Expanded Hwy 160 route to include Crestview neighborhood
- Increased transit ridership over 2022 by approximately 25%
- Implemented Free Fare Summer from June-August
- Began development of the Zero Emission Vehicle Transition Plan for Transit
- Adopted Multimodal Transportation Plan (pending 12/5 adoption)
- Launched Way to Go Durango! On new platform
- Hosted Safe Routes to School events at Durango High School, Escalante Middle School, Riverview Elementary (2), Park Elementary
- Hosted Clean Commute Week, Float to Work Day, Winter Bike to Work Day
- Hosted public meetings for Capital Improvement Projects
- Completed design phase of 32nd Street Traffic Calming Project
- Awarded Safe Streets and Road For All grant to improve roadway safety
- Initiated construction of Phase 1A of the Terminal Expansion project
- Completed design of Phase 1B of the Terminal Expansion project





## 2023 Strategic Plan Accomplishments

- Executed new concession agreements for in-terminal Advertising, Food & Beverage, and News & Gifts concession services
- Completed design of Phase 1 of landside parking development
- Completed design of the Wastewater Treatment Facility Upgrade project
- Updated the Airport True Market study to support ongoing air service development
- Completed financial analysis and developed a funding strategy to support Phase 1B of the Terminal Expansion project
- Installed electric vehicle charging stations in the airport's credit card parking lot
- Upgraded exterior lighting to LED fixtures
- Partnered with La Plata County to begin construction of a Doppler weather radar station on airport property
- Ordered a new Aircraft Rescue Firefighting (ARFF) truck
- Using Stormwater Master Plan Ph. 3 – prioritized projects to develop a 5-year SW CIP plan.
- Initiated design of first stormwater CIP since 2017
- N. College Road/Storm Redesign to 100% plans – the project went to bid
- Completed CR250/251 ROW & Easement Acquisition
- 32nd Street EDB – phased construction was awarded, and construction is to start
- Participated in the La Plata County Hazard Mitigation Plan update
- Participated in Cross Functional Team with Community Development about clear and transparent development review process
- Participated in Durango Mesa Annexation and design meetings
- Annexation complete
- Emergency Egress road 100% plans
- Conceptual Plans for new entrance road design
- Conceptual plans for water and sewer utility alignments
- Participated in Three Springs Village 2 Development Agreement update
- Participated in the La Posta Area Plan update
- Conceptual Road design plans
- Conceptual Sewer alignment
- Participated in the Downtown Next Steps project
- Assisted in the MidTown URA and redesign project
- Partnered with CDOT and La Plata County on the Grandview Access Control Plan
- Engineering Inspection accomplished several large projects, including Crader Lot 5, Gauge Apartments, Downtown Durango Hotel, Twin Buttes – Wild Chives, Miller Middle School, Animas City Park Overlook, Mild to Wild, Atmos SSIR (3 phases)
- Performed 90 project reviews, including 49 with drainage reviews



## 2023 Strategic Plan Accomplishments

- 25 Drainage Report reviews
- Reviewed and approved 27 stormwater management plans
- Issued 7 COD Stormwater Quality Permits
- Implemented a Stormwater Module in Lucity to track construction stormwater permit inspections.
- Conducted 106 Routine Inspections of active construction – all including follow-up reports
- Hosted Construction Stormwater Classes for local professionals
- Provided Durango Restaurant Association with information on outdoor grease storage best management practices. Hoping to reduce illicit discharges associated with grease storage.
- Developed an operator response template to help developers respond to compliance orders. There is a response requirement when noncompliance with a stormwater permit is documented during a routine inspection.
- Conducted industrial stormwater permit training for Santa Rita and Trash and Recycle staff. A new industrial stormwater permit was issued and will be effective in July 2024.
- Increased education and outreach this year: Children's Water Festival, Hosted booth at the farmers market, Presented for Water Connections event at FLC, Participated (and were awarded funds) in 3rd Graders mock council
- Updated Utility Condition Assessment Data using water model/GIS for 5-year CIP planning
- Conducted municipal facility stormwater inspections of Parks and Rec shop, Centennial Yard, and City Service Center. Updated their associated Runoff Control Plans.
- Issued 181 Right-of-way Construction and Excavation Permits
- Issued 140 Revocable Right-of-way Permits
- Issued 138 Building Permits
- Issued 15 Onsite Excavation Permits
- Permitted 5 Retaining Wall (Only if not with a building permit)
- Three additional projects are in negotiations (Common Threads, 250/251, Lake Nighthorse Entrance).
- Four projects were put out to bid and received no bids (College & 8th Safety and N College Street/Water/Wastewater); these are going back out to bid this winter.
- Helped other departments/divisions with bid packages, submittal reviews, and site reviews for projects that have not come to the CIP division, either because they are still in design or are being handled as maintenance by those departments/divisions.
- Developed and implemented a new internal design review process for CIPs.
- Putting final touches on a new locked Invitation for Bid form with fillable fields to increase consistency and minimize errors.



## 2023 Strategic Plan Accomplishments

- Scaled up CIP for more work, including hiring trucks, desks, tools, safety plan, and project hour reporting system. This is in anticipation of the higher workload expected with different divisions/departments hiring design project managers.
- CIP Design completed: Upper Ramada Lift Station, Raw Sludge Pumping Station, Filter Effluent to Waste, Animas Pre-Oxidation Treatment Process.
- C&D: Employee engagement: Hired 4 C&D techs this year and are hiring seven more by the end of 2023, bringing us up to the entire staff for the first time in 3 years. Strategic Plan; Completed city-wide sewer central assessment with INFOSENSE LLC, completing 477,648 feet of sewer mains and working on a new data-driven clean program for the City's 100+ miles of sewer mains. Working on LCRR for the State and also just received a grant from the State to help out. Customer Service: We continue to handle all customer calls promptly and professionally.
- Wastewater: Employee Engagement; Created a new Senior tech position to make Utilities divisions uniform, and provide internal promotional opportunities for dedicated employees. Strategic Plan: Exceeding CDPHE permit requirements, improving Animas River quality downstream of the facility. Customer Service: Hosted 19 tours in 2023, participated in WaterWorld at Fort Lewis, designed and constructed an improved septage receiving station, and received 987k gallons (YTD) of septage from county members.
- CIP design completed for Water, Strategic Plan Achievement: Animas pre-oxidation treatment process for winter pumping operations from the Animas River when manganese concentrations are elevated.
- Water: Employee Engagement; Promoted new Section Manager and Supervisor. Strategic Plan Achievement; Commissioned new Residuals Management process. Completed Phase I of Timberline, Rockridge and Wildcat Tank improvements. Completed South Vault control improvements. Customer Service: Treated and delivered 1,233 Million Gallons (estimated through the end of 2023) well below CDPHE's drinking water maximum contaminant standards.
- Completed 7th street project with D&S Narrow Gauge Railroad.
- Installed 878 Sq.Ft of Thermoplastic markings on city roadways.
- Swept 10,117 miles of city roadways.
- Painted 18,876 ft of curb line throughout the city.
- Painted 1226 parking stalls throughout the city.
- Organized ATTSA Traffic Control Technician and Traffic Control Supervisor classes and certification
- Complete overhaul of storm ponds up at snow dump site completed.
- Repaired 935 street signs.
- Patched 1,407 potholes throughout city roadways.
- Main Ave. bumpouts were installed and removed.



## 2023 Strategic Plan Accomplishments

- Hauled 477 loads during spring cleanup and 307 loads during fall clean up.
- Mulched 260 yards of material during spring and fall cleanup.
- 9th Street storm drain repair. The collapsed pipe was the cause of the leak.
- Bladed 5650 feet of alleyways.
- Implemented a pilot program for leaf recycling during fall cleanup.
- Conducted snow rodeo for streets division snowplow staff.
- Cleaned 6,800 feet of ditch area.
- Hired 8 new street operators in 2023 to reach full staff capacity.
- Added 14 new commercial trash accounts.
- Added 10 new commercial recycling accounts.
- Completed full-can maintenance on all trash and recycle dumpsters on the FLC campus.
- Cost savings estimated 2023 by diverting material from the landfill \$100,440.00.
- Continuing education and outreach.
- Conducted 3 tours of the Durango Recycle Center
- Completed 1100 work orders.
- In the process of hiring 2 Solid Waste Operators
- Graffiti removal
- Continue to explore other recycling markets to help lower processing costs on recycling material.

### Environmental Sustainability and Resilience

- Council approved the energy performance contract (EPC), and improvements are now underway across city facilities.
- Successfully rolled out Durango's first e-bike rebate program with grant funding secured through CDOT Office of Innovative Mobility (OIM)
- Establishing a Sustainability Cross-Functional Team
- Completing the installation of four new Level-2 charging stations at the library with grant funding secured from the Charge Ahead Colorado program.
- Establishing an effective process for annual data collection alongside community engagement and feedback to inform the 2023 Sustainability Action report – a process established through the adoption of the Sustainability Plan.
- Complete the greenhouse gas (GHG) inventory and refine the sustainability indicator tracking process.
- Securing federal/state grant funding alongside necessary match funding appropriations to install new EV fast-charging stations at the Transit Center
- Securing USDA grant funding to support an organics waste study and plan to be completed in 2024/25.
- Successful completion of Green Durango Grant projects.



## 2023 Strategic Plan Accomplishments

- Supporting the Four Corners Office of Resource Efficiency (4CORS) administration of the green business certification program with at least 15 businesses participating and utilizing city-funded rebates.
- Supporting the expansion of composting service through a public-private partnership with Table to Farm Compost and a market study funded by CDPHE.
- Analyzing and implementing updates to the EV parking requirements in the City's land use and development code (LUDC).
- Continuing to expand the pumpkin and leaf drop-off program in conjunction with CSU Extension and Table to Farm Compost.
- Secure a beneficial electrification grant through the Colorado Energy Office to fund HVAC improvements for Carnegie.
- Roll out nearly 500 bear-resistant wildlife containers through a grant-funded partnership with Bear Smart
- On schedule to divert 4,200 tons of recycled material from the landfill
- 29,600 recycling transactions at the Durango Recycle Center public drop-off area. This includes all different recycling programs offered at this drop-off point.

### Engaged Collaborative Governance

- Expansion plan and information on food tax and sales tax programs
- Growth across all social media platforms, including the website, reached 1.9 million pageviews in the last 12 months.
- City brand strengthened through aggressive messaging campaign of branded products for public-facing city employees.
- Greater engagement with social media platform comments.
- Close coordination with local media on coverage of city-related news.
- Incorporated ADA-compliant Web personalization options on the city website.
- Numerous public forums sponsored for various departments to increase engagement.

### Diversity, Equity And Inclusion

- Translation services are implemented in Municipal Court, providing monthly in-person court-certified Spanish translation.
- Hosted nine educational DEI trainings
- Launched fare payment app to improve transit user experience
- Updated hardware onboard Durango Transit buses to improve ADA accessibility
- Parks Improve user experiences with bi-lingual signage, sign icons, and e-reader-friendly website
- Implemented Google translate on the city webpage to extend outreach
- Translation offered at all city council meetings

## **QUARTER 1**

### **Wednesday, January 18<sup>th</sup>, 2023**

**Actions:** The Board finalized the 2023 Meeting Schedule

**Discussion:** The Board discussed collaboration with other libraries in the area. The Board discussed the concern of methamphetamine exposure in the library after the recent closure of the Boulder and Englewood Libraries due to meth exposure. The Board discussed the LAB's role in a potential ballot initiative.

**Public Comment: 0**

### **Wednesday, February 22<sup>nd</sup>, 2023**

**Actions:** The Board agreed to continue The Library Community Champion program. Thanks again to the Friends for supporting it.

**Discussion:** The Board discussed the County's PowerPoint presentation regarding the library district process.

**Public Comment: 1**

### **Wednesday, March 15<sup>th</sup>, 2023**

**Actions: N/A**

**Discussion:** The Board had a robust discussion regarding the library district status, outlook and funding.

**Public Comment: 1**

## **QUARTER 2**

### **Wednesday, April 19<sup>th</sup>, 2023**

**Actions: N/A**

**Discussion:** The Friends are designing a website for their bookstore. Ms. Arment shared a PTRC report with the Board. The Board reviewed Board member terms.

**Public Comment:**

### **Wednesday, June 14<sup>th</sup>, 2023**

**Actions:** The Board appointed Ms. Martinez-Evans and Ms. Moran to the Library Community Champion selection committee.

Mr. Alvey-Henderson will send the library's Strategic Plan to the Board for comment. The Board nominated Ms. Pontius as the new Chair. Ms. Moran will continue as the Vice-Chair.

**Discussion:** Same as above.

**Public Comment:** 0

### **QUARTER 3**

**Wednesday, August 16th, 2023**

**Actions:** N/A

**Discussion:** The Board discussed ongoing issues related to the Library District.

**Public Comment:**

**Wednesday, September 20th, 2023**

**Actions:** Durango Reading Club was nominated as this year's Library Community Champion.

**Discussion:** The Board discussed the 250/150 Committee. More information has been requested from Mr. Alvey-Henderson regarding the library's involvement with the celebration events.

**Public Comment:** 0

### **QUARTER 4**

**Wednesday, November 15th, 2023**

**Actions:** The Board set the 2024 Meeting Schedule. The Board approved the 2024-2026 Durango Public Library Strategic Plan.

**Discussion:** The Board discussed the 250/150 Celebration and possible roles for Board members. The Board heard a presentation on Banned Books and the library's reconsideration policy.

**Public Comment:** 1

**CITY OF DURANGO  
CITY COUNCIL REGULAR MEETING  
DURANGO CITY HALL, SMITH CHAMBERS  
11/21/2023  
5:30 PM**

**CALL TO ORDER AND ROLL CALL**

Mayor Youssef called the meeting to order at 5:30 p.m. Present at roll call were Mayor Melissa Youssef, Mayor Pro Tem Jessika Buell, Councilor Dave Woodruff, Councilor Olivier Bosmans, and Councilor Gilda Yazzie. Also present were City Manager José Madrigal, Assistant City Attorney Jim Martin, and Chief Deputy Clerk Ben Florine. City Attorney Mark Morgan joined the meeting via Zoom.

**INTRODUCTION OF TRANSLATOR/OPENING REMARKS BY MAYOR AND COUNCIL**

Due to technical difficulties the beginning of the meeting was not recorded. The audio portion of the recording began during the update which follows this item. The minutes for the above items are taken from the Clerk notes.

Council did not have any opening remarks.

Mayor Youssef requested the introduction of the translator; however, the translator was having difficulties hearing the room audio. Mayor Youssef noted that when the translator was available, they could introduce themselves.

**CITY MANAGER UPDATES**

Community Engagement Manager Klancy Nixon provided an update on ongoing community outreach efforts and events, including information on the upcoming Connect and Engage Forum next week with a budget presentation.

**PRESENTATIONS/PROCLAMATIONS**

**Mayor's Youth Advisory Commission Introduction and Updates**

Mayor Youssef provided an outline of the purpose of the Mayor's Youth Advisory Commission and the benefits for the youth of Durango.

Chief Deputy Clerk Ben Florine introduced two members of the Mayor's Youth Advisory Commission. Ethan McGinnis and Willa Anderson, co-chairs of the group, gave an update on the group's activities.

**COMMITTEE, BOARD AND LIAISON REPORTS**

Councilor Woodruff attended the Chamber of Commerce meeting; Mayor Pro Tem Buell attended the Economic Alliance meeting. Councilor Yazzie attended the Regional Housing Alliance meeting and the Library Advisory Board meeting. Councilor Yazzie and Councilor Woodruff also attended the Mock Council Meeting for the Park Elementary Third Graders. Mayor Youssef noted the joint meeting with the Southern Ute Tribal Council, and she attended the Airport Commission meeting.

**PUBLIC COMMENT ON AGENDA ITEMS ONLY**

No public comment was offered.

**CONSENT AGENDA**

**Approval of Meeting Minutes**

**Approval of Minutes November 7, 2023 City Council Regular Meeting**

**Final Reading of Ordinances - NO ITEMS**

**Adoption of Resolution(s) by Consent - NO ITEMS**

**Approval of Other Administrative Items**

**Appointment of an Additional Applicant to the Mayor's Youth Advisory Commission - Submitted by the Ben Florine**

**Land use and Development Action Items - NO ITEMS**



## **ITEMS PULLED FROM THE CONSENT AGENDA**

No items were removed from the consent agenda.

*Mayor Pro Tem Buell made a motion to approve the consent agenda. The motion was seconded by Councilor Woodruff. A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

## **RESOLUTIONS - CONSIDERATION OF ADOPTION**

### **A Resolution Approving Updates to the Fair Share Administrative Manual - AEO & FE- Submitted by Community Development Department**

Scott Shine, Community Development Director gave an overview of the next three Land Use items and their direct ties to the City's strategic plan. Eva Henson, Housing Innovation Manager provided an overview of the red line changes proposed in the Fair Share Administrative Manual. The changes proposed include changing the no third party subsidies and utilizing housing funds to facilitate and incentivize unit construction.

*Mayor Pro Tem Buell made a motion to approve the proposed changes to the Fair Share Manual. The motion was seconded by Councilor Yazzie.*

Council discussion ensued regarding the long process in getting the Fair Share Manual updated. Julie Cooley, city resident and Neighbors in Need board member, spoke in favor of expanding the Fair Share program and suggested waivers for parking spaces for lower income housing.

*A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

## **FIRST READING OF ORDINANCES - CONSIDERATION OF ADOPTION AND PUBLIC HEARING**

### **A Public Hearing & First Reading Of An Ordinance Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amounts And For The Purpose As Set Forth Below, For Operating Expenditures For The City Of Durango, Colorado, CO -FE- Submitted by Devon Schmidt**

Chief Financial Officer Devon Schmidt provided a presentation of the Operating Budget and several projects anticipated within the organization in 2024. The public hearing was opened, no public comment was offered, and the public hearing was closed.

*Mayor Pro Tem Buell made a motion to approve the Operating Budget Ordinance. The motion was seconded by Councilor Woodruff.*

Councilor Bosmans raised several concerns saying the budget is unrealistic. He said the budget is 48 million dollars "off" and the budget is overly complicated. He is also concerned about the high number of internal transfers.

Councilor Yazzie said she is impressed by OpenGov and finds it to be an excellent, transparent budget and finance program. Councilor Woodruff thanked staff for the budget retreat and their patience with his questions.

Councilor Bosmans moved for an additional three minutes of discussion. The motion died for lack of a second.

*A roll call vote was taken, and the motion passed with Councilor Bosmans voting in opposition.*

**The motion passed: 4 in favor; 1 opposed; Abstain 0; Absent 0**

### **A Public Hearing & First Reading Of An Ordinance Appropriating Sums Of Money To The Various Funds And Spending Agencies, In The Amounts And**

**For The Purpose As Set Forth Below, For Capital Expenditures For The City Of Durango, Colorado**

**Budget Year- FE - Submitted by Devon Schmidt**

Chief Financial Officer Devon Schmidt provided a presentation of the Capital Budget and outlined various projects planned by City Departments. The public hearing was opened, no public comment was offered, and the public hearing was closed.

*Mayor Pro Tem Buell made a motion to approve the Capital Expenditure Ordinance. The motion was seconded by Mayor Youssef.*

Councilor Bosmans raised concerns regarding the unrealistic amount of capital projects saying that 99 million dollars' worth of projects cannot be completed in one year and the funds could be put to better use. He said he is also concerned about the amount of money spent on consultants.

Councilor Bosmans moved for an additional three minutes of discussion. The motion died for lack of a second.

*A roll call vote was taken, and the motion passed with Councilor Bosmans voting in opposition.*

**The motion passed: 4 in favor; 1 opposed; Abstain 0; Absent 0**

**A Public Hearing & Introduction of Ordinance for Land Use and Development Code Text Amendments Regarding Procedures, Commission Structure and Accessory Dwelling Units - FE– Submitted by Community Development Department**

Scott Shine, Community Development Director and Lily Oswald Code Enforcement officer gave a presentation regarding the amendments proposed. The changes include Community Development Board and Commission reconfiguration, process and Public hearing updates and minor additional dwelling unit (ADU) updates. The proposal for boards and commissions is to combine the Planning Commission, the Design Review Board and the Land Use Board of Adjustment be combined into one Community Development Commission to streamline the building approval process. The proposed board would include seven members, two of which would have architecture, design or planning experience. Ms. Oswald noted the sunseting of the Creative Economy Commission in mid-2024, and no changes anticipated to the Urban Renewal Authority or the Historic Preservation Board.

Ms. Oswald outlined the proposed realignment of approvals, moving minor adjustments to be approved administratively rather than by Council. Changes to the wall requirements, parking requirements and floor area calculations are proposed for ADU's.

The Mayor opened the public hearing. Julie Cooley, city resident suggested "doing away" with the ADU regulation to open housing options. No other comments were offered, and the public hearing was closed.

*Mayor Pro Tem Buell made a motion to approve the first reading of the ordinance. The motion was seconded by Councilor Yazzie.*

Councilor Woodruff asked who the "administrator" would be; Ms. Oswald and Mr. Shine confirmed that person would be the Community Development Director, however Daniel Murray would likely be the staff liaison for the new board. Councilor Woodruff was also concerned about larger projects not coming before City Council. Ms. Oswald and Mr. Shine said the code allows the administrator to refer the decisions to Council and that all appeals would come before Council.

Councilor Bosmans said the redline version made the changes clear and said these changes will speed up the processes.

*A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

**A Public Hearing & Introduction of Ordinance for Land Use and Development Code Text Amendments Regarding Fair Share Program - AEO and FE – Submitted by the Community Development Department**

Eva Henson, Housing Innovation Manager gave a presentation on the proposed amendments to the Fair Share program including reducing the barrier of no third-party subsidies.

The Mayor opened the public hearing. No public comment was offered. The Mayor closed the public hearing.

*Mayor Pro Tem Buell made a motion to approve the first reading of the ordinance. The motion was seconded by Councilor Woodruff.*

*A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

**PUBLIC COMMENT ON NON-AGENDA ITEMS**

Adam Howell, city resident, spoke in opposition to the recently issued cease and desist order issued by the City Attorney's office. He said first amendment rights of residents are being ignored.

**INTRODUCTION OF ORDINANCES AND REQUEST FOR PUBLIC HEARING  
A Request for Public Hearing and Introduction of Ordinance Concerning a License Agreement Between Tesla, Inc. and the City of Durango Regarding Electric Vehicle Superchargers at the Durango Transit Center – ESR Submitted by Marty Pool**

*Mayor Pro Tem Buell made a motion to approve the public hearing request. The motion was seconded by Councilor Bosmans. A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

**A Request for Public Hearing for 1943 W. 2nd Ave Minor Subdivision Preliminary Plan (December 5, 2023) – AEO – Submitted by Community Development Department**

*Mayor Pro Tem Buell made a motion to approve the public hearing request. The motion was seconded by Councilor Bosmans. A roll call vote was taken, and the motion passed unanimously.*

**The motion passed: 5 in favor; 0 opposed; Abstain 0; Absent 0**

**OTHER NEW BUSINESS**

No items were offered.

**REQUESTS FOR EXCUSED ABSENCES**

None were requested.

**ADJOURNMENT**

The meeting was adjourned by Mayor Youssef at 7:17 p.m.

**APPROVED:**

**ATTESTED:**

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**Melissa Youssef, Mayor**

**Ben Florine, Chief Deputy Clerk**

ORDINANCE O-2023-0020

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR OPERATING EXPENDITURES FOR THE CITY OF DURANGO, COLORADO FOR THE 2024 BUDGET YEAR

**WHEREAS**, on December 5, 2023, the City Council will consider the adoption of the annual budget in accordance with the Charter of the City of Durango; and

**WHEREAS**, the City Council has made provisions for estimated revenues and reserve carryovers, also known as fund balances, in the amount equal to or greater than the total proposed expenditures as set forth in said budget; and

**WHEREAS**, it is required by Charter to pass an ordinance appropriating the estimated revenues and reserve carryovers, also known as fund balances, provided in the budget to and for the funds described on Exhibit A, so as not to impair the operations of the City.

**NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:**

**Section 1.** That the following sums shown on Exhibit A, attached hereto and incorporated herein, are appropriated from the estimated revenues and reserve carryovers of each operating fund.

**Section 2.** This ordinance shall become effective January 1, 2024.

CITY OF DURANGO

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Faye A. Harmer, City Clerk

[illegible]

I, Faye A. Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-\_\_\_\_ was introduced at a meeting of the City Council of the City of Durango, Colorado on the 21st day of November 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the \_\_\_\_ day of November 2023 prior to its final consideration by the City Council.

\_\_\_\_\_  
Faye A. Harmer, City Clerk

[illegible]

I hereby certify that said Ordinance No. O-2023-\_\_\_\_\_ was duly adopted by the Durango City Council on the 5th day of December 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the \_\_\_\_\_ day of December 2023.

Faye A. Harmer, City Clerk

Exhibit A- 2024 Operating Expenditures

By Fund	Esitimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
General Fund	17,244,793	48,228,368	1,351,834	1,732,059	51,312,261	50,437,865	3,513,672	62,000	54,013,537	(2,701,276)	14,543,517	-
Grant Fund	2,552,831	993,533	-	-	993,533	976,520	-	-	976,520	17,013	2,569,844	-
Housing Innovation Fund	10,437,319	810,070	-	-	810,070	9,470,285	2,310	-	9,472,595	(8,662,525)	1,774,794	-
Road Impact Fee Fund	80,221	207,353	-	-	207,353	-	-	-	-	207,353	287,574	-
Lodgers' Tax Fund	1,031,920	3,989,574	-	-	3,989,574	3,345,240	-	926,332	4,271,572	(281,998)	749,922	-
Conservation Trust Fund	1,906	202,000	-	-	202,000	-	-	-	-	202,000	203,906	-
Park Development Fund	161,197	19,524	-	-	19,524	-	-	-	-	19,524	180,721	-
Storm Drainage Fund	8,325	200	-	-	200	-	-	-	-	200	8,525	-
Durango Renewal Partnership	886,407	344,305	-	-	344,305	553,490	-	-	553,490	(209,185)	677,222	-
911 Communications Fund	-	327,370	2,517,777	-	2,845,147	2,845,147	-	-	2,845,147	-	-	-
General Services	-	-	242,500	-	242,500	201,383	-	-	201,383	41,117	41,117	-
Vehicle, Equipment and Service	7,276,476	228,157	4,352,382	-	4,580,539	4,707,413	10,000	-	4,717,413	(136,874)	7,139,602	-
Self Insurance Fund	999,240	90,000	9,333,366	-	9,423,366	8,144,414	-	-	8,144,414	1,278,952	2,278,192	-
Risk Manager Fund	410,574	-	1,890,850	-	1,890,850	2,049,741	-	-	2,049,741	(158,891)	251,683	-
Technology Replacement	216,308	-	202,843	-	202,843	74,407	-	-	74,407	128,436	344,744	-
Building Maintenance	389,362	5,332,948	1,728,635	-	7,061,583	5,916,638	-	-	5,916,638	1,144,945	1,534,307	-
Water Fund	8,383,176	6,637,000	-	-	6,637,000	5,189,824	408,364	6,700,000	12,298,188	(5,661,188)	2,721,988	5,906,076
Sewer Fund	6,697,050	8,542,000	-	-	8,542,000	7,599,808	416,426	1,440,830	9,457,064	(915,064)	5,781,986	4,444,571
Airport Fund	13,655,579	6,002,111	-	-	6,002,111	4,407,432	254,137	-	4,661,569	1,340,542	14,996,121	15,126,717
Trash and Recycle Fund	1,228,069	3,431,262	-	-	3,431,262	3,557,426	200,319	12,356	3,770,101	(338,839)	889,230	902,419
Transportation Services Fund	3,227,864	4,986,371	-	847,830	5,834,201	5,066,059	155,406	-	5,221,465	612,736	3,840,600	3,840,600
<b>TOTAL OPERATING FUNDS</b>	<b>74,888,617</b>	<b>90,372,146</b>	<b>21,620,187</b>	<b>2,579,889</b>	<b>114,572,222</b>	<b>114,543,092</b>	<b>4,960,634</b>	<b>9,141,518</b>	<b>128,645,244</b>	<b>(14,073,023)</b>	<b>60,815,594</b>	<b>30,220,383</b>

ORDINANCE O-2023-0021

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSE AS SET FORTH BELOW, FOR CAPITAL EXPENDITURES FOR THE CITY OF DURANGO, COLORADO FOR THE 2024 BUDGET YEAR

**WHEREAS**, on December 5, 2023, the City Council will consider the adoption of the annual budget in accordance with the Charter of the City of Durango; and

**WHEREAS**, the City Council has made provisions for estimated revenues and reserve carryovers, also known as fund balances, in the amount equal to or greater than the total proposed expenditures as set forth in said budget; and

**WHEREAS**, it is required by Charter to pass an ordinance appropriating the estimated revenues and reserve carryovers, also known as fund balances, provided in the budget to and for the funds described on Exhibit A, so as not to impair the operations of the City.

**NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:**

**Section 1.** That the following sums shown on Exhibit A, attached hereto and incorporated herein, are appropriated from the estimated revenues and reserve carryovers of each capital fund.

**Section 2.** This ordinance shall become effective January 1, 2024.

CITY OF DURANGO

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Faye A. Harmer, City Clerk

STATE OF COLORADO     )  
  )ss:  
COUNTY OF LA PLATA     )

I, Faye A. Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023-\_\_\_\_\_was introduced at a meeting of the City Council of the City of Durango, Colorado on the 21<sup>st</sup> day of November 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided in the Durango Herald, a newspaper of general circulation, on the \_\_\_\_\_day of November 2023 prior to its final consideration by the City Council.

\_\_\_\_\_  
Faye A. Harmer, City Clerk

STATE OF COLORADO     )  
  )ss:  
COUNTY OF LA PLATA     )

I hereby certify that said Ordinance No. O-2023-\_\_\_\_\_ was duly adopted by the Durango City Council on the 5th day of December 2023, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the \_\_\_\_\_ day of December 2023.

\_\_\_\_\_  
Faye A. Harmer, City Clerk



Exhibit A- 2024 Capital Expenditures												
By Fund	Esitimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
2015 Sales Tax Fund	16,223,274	12,133,596	-	-	12,133,596	23,864,927	-	1,000,000	24,864,927	(12,731,331)	3,491,943	-
2019 Sales Tax Fund	6,702,454	5,530,075	-	-	5,530,075	11,757,200	-	200,000	11,957,200	(6,427,125)	275,329	-
Capital Project Fund- General Fund	597,910	4,805,000	-	62,000	4,867,000	5,425,522	-	-	5,425,522	(558,522)	39,388	-
2005 Open Space, Parks, & Trails Fund	7,747,895	2,805,904	-	-	2,805,904	7,806,703	-	453,557	8,260,260	(5,454,356)	2,293,539	-
2005 Capital Improvement Fund	202,777	2,786,733	-	-	2,786,733	2,439,312	-	-	2,439,312	347,421	550,198	-
Water Capital Fund	8,574,161	-	-	6,700,000	6,700,000	12,090,073	-	-	12,090,073	(5,390,073)	3,184,088	5,906,076
Sewer Capital Fund	(1,135,658)	-	-	1,440,830	1,440,830	1,642,587	-	-	1,642,587	(201,757)	(1,337,415)	4,444,571
Airport Capital Fund	2,678,869	29,755,523	-	-	29,755,523	32,303,796	-	-	32,303,796	(2,548,273)	130,596	15,126,717
Trash and Recycle Capital Fund	833	-	-	12,356	12,356	-	-	-	-	12,356	13,189	902,419
Sales Tax Bond Debt 2007 Fund	183,003	2,435,718	-	-	2,435,718	2,433,768	-	-	2,433,768	1,950	184,953	-
<b>TOTAL CAPITAL PROJECTS FUNDS</b>	<b>41,775,518</b>	<b>60,252,549</b>	<b>-</b>	<b>8,215,186</b>	<b>68,467,735</b>	<b>99,763,888</b>	<b>-</b>	<b>1,653,557</b>	<b>101,417,445</b>	<b>(32,949,710)</b>	<b>8,825,808</b>	<b>26,379,783</b>

ORDINANCE NO. O-2023-0022

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF DURANGO (LAND USE AND DEVELOPMENT CODE) BY THE AMENDMENT TO PORTIONS OF CHAPTERS 1, 2, 3, 4, 5, 6 AND 7, DESIGNATING A CITY COMMUNITY DEVELOPMENT COMMISSION TO FUNCTION IN PLACE OF THE PLANNING COMMISSION AND DESIGN REVIEW BOARD AND TO ACT AS THE CITY’S BOARD OF ADJUSTMENT AS DEFINED IN THE DURANGO CITY CHARTER; DESIGNATING CITY ADMINISTRATION TO DECIDE REPLATS, FINAL DEVELOPMENT PLANS AND MINOR PLANNED DEVELOPMENT AMENDMENTS; UPDATING ACCESSORY DWELLING UNIT PARKING AND FLOOR AREA CALCULATION STANDARDS; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, the Land Use and Development Code (LUDC) was adopted in 2014 and since its adoption, the LUDC has had multiple revisions to address new uses and clarify provisions; and

**WHEREAS**, City Council directed City staff to amend the LUDC to reflect an incorporation of the Planning Commission and Design Review Board to the ‘Community Development Commission’; and

**WHEREAS**, the City Charter allows the Council to create or abolish any board or commission in accordance with Section 7 of Title X of the Durango City Charter and the responsibilities of the ‘Community Development Commission’ will satisfy the City’s Charter for a Planning Commission and a Board of Adjustment as defined; and

**WHEREAS**, it is the desire of City Council to adopt the updates to the LUDC to provide additional clarity for the public and further align land use application and review processes with the objectives outlined in the City’s Strategic Plan and Comprehensive Plan;

**WHEREAS**, after a public hearing held on October 23, 2023, the Planning Commission voted to recommend approval of these amendments to the LUDC; and

**WHEREAS**, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that the proposed text amendments to portions of Chapter 1, 2, 3, 4, 5, 6 and 7 to the Land Use and Development Code are in the best interest of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

**Section 1.** That Chapter 27 of the Code of Ordinances of the City of Durango should be and the same is hereby amended, with the sections and tables described below being added or amended as is more specifically described on Exhibit ‘A’ attached hereto and incorporated herein:

- 1) Section 1-1-2-1.C *Authority* is amended to read in its entirety, as described on Item 1 of Exhibit ‘A.’
- 2) Section 2-3-2-3.D.2 *Accessory Dwelling Units* is amended to read in its entirety, as described on Item 2 of Exhibit ‘A.’
- 3) Section 2-4-2-2.E.3.h *Residential Density, Open Space, and Recreation and Leisure Areas* is amended to read in its entirety, as described on Item 3 of Exhibit ‘A.’
- 4) Section 3-6-2-2.C.5 *Permit Procedures* is amended to read in its entirety, as described on Item 4 of Exhibit ‘A.’

- 5) Sections 3-6-2-3.C.1 and 3-6-2-3.C.2 *Alternative Compliance* are amended to read in their entirety, as described on Item 5 of Exhibit 'A.'
- 6) Sections 3-6-2-4.A.1 and 3-6-2-4.B.2 *Master Sign Program* are amended to read in their entirety, as described on Item 6 of Exhibit 'A.'
- 7) Section 3-6-3-3.A.7 *Sign Illumination* is amended in its entirety, as described on Item 7 of Exhibit 'A.'
- 8) Section 4-3-2-1.B.1 *Purpose and Application of Division* is amended to read in its entirety, as described on Item 8 of Exhibit 'A.'
- 9) Section 4-4-3-2.B.4 *Protection of Hillsides and Ridgelines* is amended to read in its entirety, as described on Item 9 of Exhibit 'A.'
- 10) Section 4-4-9-1.A *Master Plan for Extraction* is amended to read in its entirety, as described on Item 10 of Exhibit 'A.'
- 11) Section 4-5-2-9.B *Fee-in-Lieu of Required Parking* is amended to read in its entirety, as described on Item 11 of Exhibit 'A.'
- 12) Section 4-6-1-2.G.2 *Application of Article* is amended to read in its entirety, as described on Item 12 of Exhibit 'A.'
- 13) Section 5-1-2-1.B *Off-Site Public Improvements and Schools* is amended to read in its entirety, as described on Item 13 of Exhibit 'A.'
- 14) Sections 6-1-4-5.A and 6-1-4-5.C *Discretionary Sliding Scale Compliance* are amended to read in their entirety, as described on Item 14 of Exhibit 'A.'
- 15) Section 6-2-3-1.D *City Council* is amended to read in its entirety, as described on Item 15 of Exhibit 'A.'
- 16) The title of Section 6-2-3-2 *Durango Planning Commission* is amended, as described on Item 16 of Exhibit 'A.'
- 17) Section 6-2-3-2 *Durango Planning Commission* is amended to read in its entirety, as described on Item 16 of Exhibit 'A.'
- 18) Section 6-2-3-4 *Design Review Board* is hereby deleted in its entirety, as described on Item 17 of Exhibit 'A.'
- 19) Section 6-2-3-5 *Board of Adjustment* is amended to read in its entirety, as described on Item 18 of Exhibit 'A.'
- 20) Portions of Table 6-3-2-3 *Public Hearing Approvals and Permits* are amended, as described on Item 19 of Exhibit 'A.'
- 21) Section 6-3-3-9.C.1.b *Administrative Review* is amended to read in its entirety, as described on Item 20 of Exhibit 'A.'
- 22) Section 6-3-4-2.I *Floodplain Development Permits* is amended to read in its entirety, as described on Item 21 of Exhibit 'A.'
- 23) Section 6-3-5-2.A *Variances* is amended to read in its entirety, as described on Item 22 of Exhibit 'A.'
- 24) Section 6-3-5-3.A *Sign Variances* is amended to read in its entirety, as described on Item 23 of Exhibit 'A.'
- 25) Section 6-3-5-4.A *Parking Variances* is amended to read in its entirety, as described on Item 24 of Exhibit 'A.'
- 26) Sections 6-3-6-2.B.3 and 6-3-6-2.B.4 *Conceptual Subdivision Plan* are amended to read in their entirety, as described on Item 25 of Exhibit 'A.'
- 27) Sections 6-3-6-3.B.3 and 6-3-6-3.B.4 and 6-3-6-3.B.5 *Preliminary Plan* are amended to read in their entirety, as described on Item 26 of Exhibit 'A.'
- 28) Section 6-3-8-1.B.2 *Oil and Gas Permit Required; Applicable Procedures* is amended to read in its entirety, as described on Item 27 of Exhibit 'A.'
- 29) Section 6-3-9-1.D.5 *Administrative Amendment: Modification of Approvals* is hereby deleted in its entirety, as described on Item 28 of Exhibit 'A.'
- 30) Sections 6-3-9-1.E.3 and 6-3-9-1.F *Administrative Amendment: Modification of Approvals* are amended to read in their entirety, as described on Item 28 of Exhibit 'A.'
- 31) Sections 6-3-10-5.C.1 and 6-3-10-5.C.3 and 6-3-10-5.D.2.a and 6-3-10-5.D.4 and 6-3-10-5.E.3 *Planned Development Procedures* are amended to read in their entirety, as described on Item 29 of Exhibit 'A.'
- 32) Sections 6-3-10-6.C.2 and 6-3-10-6.E.3 and 6-3-10-6.E.4 and 6-3-10-6.F.2 *Development Schedules* are amended to read in their entirety, as described on Item 30 of Exhibit 'A.'
- 33) Sections 6-3-10-7.B.3.b and 6-3-10-7.C.1 *Modification of Planned Development Approvals* are amended to read in their entirety, as described on Item 31 of Exhibit 'A.'
- 34) Section 6-3-11-1.C *Annexation Procedures* is amended to read in its entirety, as described on Item 32 of Exhibit 'A.'
- 35) Sections 6-3-12-1.B and 6-3-12-1.C and 6-3-12-1.D and 6-3-12-1.E *Purpose and Applicability* are amended to read in their entirety, as described on Item 33 of Exhibit 'A.'
- 36) Section 6-3-12-2.B *Procedures* is amended to read in its entirety, as described on Item 34 of Exhibit 'A.'

- 37) Sections 6-3-12-3.B and 6-3-12-3.C and 6-3-12-3.D *Classification of Comprehensive Plan Amendments* are amended to read in their entirety, as described on Item 35 of Exhibit ‘A.’
- 38) Section 6-3-12-5.A *Criteria for Review of Plan Amendments* is amended to read in its entirety, as described on Item 36 of Exhibit ‘A.’
- 39) Section 6-3-13-1.B *Purpose and Applicability* is amended to read in its entirety, as described on Item 37 of Exhibit ‘A.’
- 40) Section 6-3-13-3.A *Criteria for Review of Text Amendments* is amended to read in its entirety, as described on Item 38 of Exhibit ‘A.’
- 41) Section 6-3-14-1.A *Procedures* is amended to read in its entirety, as described on Item 39 of Exhibit ‘A.’
- 42) Sections 6-3-17-1.A and 6-3-17-1.E.2 *Administrative Appeals, Generally* are amended to read in their entirety, as described on Item 40 of Exhibit ‘A.’
- 43) Portions of Table 6-3-17-1 *Appellate Review Bodies* are amended, as described on Item 41 of Exhibit ‘A.’
- 44) Sections 6-4-2-5.C and 6-4-2-5.D and 6-4-2-5.E *Administrative Suspension of Licenses, Permits, and Approvals* are amended to read in their entirety, as described on Item 42 of Exhibit ‘A.’
- 45) Portions of Table 7-1-2-2 *Acronyms* are amended, as described on Item 43 of Exhibit ‘A.’
- 46) Article 7-3 *Definitions*, the definition for *Sign, historic* is amended to read in its entirety, as described on Item 44 of Exhibit ‘A.’
- 47) Sections 2-3-2-3.A and 2-3-2-3.B.1 and 2-3-2-3.G and 2-3-2-3.I.1 and 2-3-2-3.I.2 and 2-3-2-3.J.1 *Accessory Dwelling Units* are amended to read in their entirety, as described on Item 45 of Exhibit ‘A.’
- 48) Section 2-3-2-3.K *Additional Requirements in RL, RM, and RH Districts* is hereby deleted in its entirety, as described on Item 45 of Exhibit ‘A.’
- 49) Portions of Table 2-3-2-3A *Zones and ADU Types* are amended, as described on Item 46 of Exhibit ‘A.’
- 50) Section 3-1-4-3.A *Detached Garage Bonus* is amended to read in its entirety, as described on Item 47 of Exhibit ‘A.’
- 51) Section 6-2-2-1.D *Administrator* is amended to read in its entirety, as described on Item 48 of Exhibit ‘A.’
- 52) Portions of Table 6-3-2-2 *Administrative Approvals and Permits* are amended, as described on Item 49 of Exhibit ‘A.’
- 53) Portions of Table 6-3-3-10B *Required Public Notice by Application Type* are amended, as described on Item 51 of Exhibit ‘A.’
- 54) Section 6-3-6-7 *Replats* is amended to read in its entirety, as described on Item 52 of Exhibit ‘A.’

**Section 2.** This ordinance shall become effective on February 1, 2024, after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

STATE OF COLORADO     )

) ss.

COUNTY OF LA PLATA     )

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023- was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2023, and was ordered published in accordance with the terms and conditions of the statutes in

such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the \_\_\_\_ day of \_\_\_\_\_, 2023, prior to its final consideration by the City Council.

\_\_\_\_\_  
City Clerk

I further certify that Ordinance No. O-2023-, was duly adopted by the Durango City Council on the \_\_\_\_ day of \_\_\_\_\_, 2023, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
\_\_\_\_ City Clerk

**Exhibit A**

Item 1.

**Sec. 1-1-2-1 Authority**

- C. **Comprehensive Plan.** The City Charter includes "planning" and requires the adoption of a "comprehensive plan" by the City Council. Once adopted, the comprehensive plan is to serve as a "guide for all future staff, Planning Community Development Commission, and City Council action concerning land use and development regulations" and requires that "all proposed annexations shall be in compliance with the comprehensive plan."

Item 2.

**Sec. 2-3-2-3 Accessory Dwelling Units**

D.

2. The Administrator may grant an exception to the owner occupancy requirement for temporary absences of two (2) years or less when the owner is able to submit acceptable proof of absence from the Durango area. The Administrator may grant one extension of up to one additional year. For extreme circumstances, the owner may make a request to the Planning Community Development Commission to allow an exception to the owner-occupancy requirement for up to five (5) years. This exception would allow both units to be rented to non-owners.

Item 3.

**Sec. 2-4-2-2 Residential Density, Open Space, and Recreation and Leisure Areas**

E.

3.

- h. On a case-by-case basis, areas within a school site may be utilized to meet up to 50 percent of the recreation and leisure area requirements upon acceptance of the Durango School District 9-R Board of Education, recommendations of the Parks and Recreation Financial Advisory Board and Planning Community Development Commission, and approval of the City Council;

Item 4.

**Sec. 3-6-2-2 Permit Procedures**

C.

5. A denial of a sign permit by the Administrator may be appealed to the Community Development Commission and shall be in accordance with the procedures provided in Section 6-3-17-1.

Item 5.

**Sec. 3-6-2-3 Alternative Compliance**

C. Referrals and Appeals

1. The Administrator may refer a request for any sign permit or Alternative Compliance to the Community Development Commission as specified in Chapter 6. Any appeal of the Administrator's decision to deny or approve with conditions a sign permit or alternative compliance request shall be made to the Community Development Commission.
2. Notice and hearing. All appeals to the Community Development Commission shall be heard at a public hearing, notice of which shall be given in the manner required by the procedures of the Commission. The decision of the Community Development Commission on the referral, appeal or alternative compliance request shall be final.

Item 6.

#### **Sec. 3-6-2-4 Master Sign Program**

A.

1. A development may propose to the Community Development Commission, for its approval, a Master Sign Program for the development area.

B.

##### **2. Major Modifications**

- a. *Generally.* A major change to an approved Master Sign Program (MSP), shall be approved by the Community Development Commission. The phrase "major change(s)" is considered to represent changes which can alter the overall characteristics of the existing MSP and which could create adverse impacts on adjacent uses or public infrastructure. Some examples of what can be considered as "major changes" are (by way of illustration and not limitation):
  1. Changes in the aggregate square footage of the MSP.
  2. Changes in sign heights over what was previously approved for the MSP.
  3. Changes in the colors or materials which alter the overall character of the MSP.
- b. *Application.* A request for a major change(s) shall be filed at the Department, in writing, on a form approved by the Administrator, accompanied by the applicable fee and associated documents and drawings reflecting the major changes. The property shall also be posted during this review period as described in section 6-3-3-10.
- c. *Process.* The Administrator shall forward the application onto the Community Development Commission at their next available meeting for their review and decision.

Item 7.

#### **Sec. 3-6-3-3 Sign Illumination**

A.

7. Neon illumination should not dominate a city block or a series of storefronts, especially within the Main Avenue Historic District. Any use of neon within the Main Avenue Historic District requires review and approval by the Community Development Commission.
  - a. The use of the neon shall comply with the requirements of this Article and the following:

1. Not more than fifty (50) percent of the allowable aggregate sign area, in any case not more than forty (40) square feet, per parcel, may be illuminated through the medium of neon.
2. No single sign may have more than fifteen (15) square feet of neon illumination.
3. The measurement of the neon lighting / sign shall include the total area within the periphery of the display which can be enclosed with a rectangle or a series of attached rectangles.

Item 8.

#### **Sec. 4-3-2-1 Purpose and Application of Division**

B.

1. Community Development Commission and Historic Preservation Board Applications: Compliance with this Division is required for all Community Development Commission and Historic Preservation Board submittals for activities affecting uses other than single family / duplex uses. Lighting plans shall be submitted with these applications when required by the Administrator.

Item 9.

#### **Sec. 4-4-3-2 Protection of Hillsides and Ridgelines**

B.

4. A rejection of the project may be appealed to the Planning Community Development Commission in accordance with the procedures set out in Division 6-3-17, Administrative Appeals.

Item 10.

#### **Sec. 4-4-9-1 Master Plan for Extraction**

- A. **Generally.** Minerals shall not be extracted except according to a Master Plan for Extraction prepared by the Planning Community Development Commission, pursuant to Section 1-304, 34 C.R.S., Master Plan for Extraction, and any applicable standards of Federal and State law and this LUDC. As of the effective date of this LUDC, no Master Plan for Extraction has been adopted. If commercially viable mineral deposits which are not currently being mined are discovered in Durango, it is the intent of the City to develop a Master Plan for Extraction, and hold applications for extraction in abeyance until the plan is adopted.

Item 11.

#### **Sec. 4-5-2-9 Fee-in-Lieu of Required Parking**

- B. Discretionary Approval of Fee-in-Lieu. In the CB zone, the Planning Community Development Commission may, upon request of an Applicant, permit the Applicant to make a payment to the City in lieu of providing off-street parking spaces. The Planning Community Development Commission may allow the payment of a fee in lieu if it finds that:
  1. There are site-specific physical constraints or reasonable site design requirements that restrict the ability to provide the parking on-site.
  2. The historic significance of existing on-site or adjacent buildings, or other site features, would be affected adversely if the parking requirements were met on-site.



3. The subject property is located near public parking lots or public transportation routes.
4. The fee-in-lieu allowance will not result in unfair impacts on any adjacent properties.

Item 12.

#### **Sec. 4-6-1-2 Application of Article**

G.

2. In these instances, the **Planning Community Development** Commission may consider allowing minor adjustments to the landscape plan if the standards of approval may not be reasonably met, by considering approval, approval with conditions, or denial of the site plan or development plan.

Item 13.

#### **Sec. 5-1-2-1 Off-Site Public Improvements and Schools**

##### **B. Effect on Application for Development Approval.**

1. If the Applicant cannot demonstrate that adequate off-site public improvements are or will be available to serve proposed development at the time the impacts of the development are realized, the Administrator shall:
  - a. For applications that are otherwise subject to administrative process, refer the application to the **Planning Community Development** Commission for decision at a duly noticed public hearing.
  - b. For other applications, report to the decision-maker regarding the status of off-site public improvements and the deficiency that the application is projected to create.
2. The **Planning Community Development** Commission or other decision-maker may restrict or postpone approval and the issuance of any new building permits until the necessary off-site public improvements are provided or committed, as set out in Subsection C., below.

Item 14.

#### **Sec. 6-1-4-5 Discretionary Sliding Scale Compliance**

- A. **Generally.** The standards of this Section may be applied by the **Planning Community Development** Commission in the alternative to the standards of Section 6-1-4-4, Administrative Sliding-Scale Compliance. This process shall be administered by referring a site plan or other proposed application for development approval to the **Planning Community Development** Commission for simultaneous consideration.
- C. **Standards.** The **Planning Community Development** Commission may establish the level of additional compliance that will be required as follows:
  1. The level of additional compliance will be reasonably proportional to the level of investment in the property that is proposed.
  2. The level of additional compliance that is required will address the planning priorities listed below, which are set out in descending order of priority. The priorities shall be considered in order of importance if it is not feasible or equitable to require that all of the priorities be addressed. To maximize the benefit of the required improvements with respect to the function and aesthetics of the site, the **Planning Community Development** Commission may allow minor deviations from other LUDC requirements in order to promote more significant

priorities (e.g., for some development, the **Planning Community Development** Commission may determine that the need for landscaping and drainage improvements justifies a minor reduction in the number of parking spaces on the site).

- a. Resolving material public safety issues (e.g., improvements at points of access to prevent accidents on abutting streets, improvements to emergency access, improvements to internal circulation where dangerous conditions exist, mitigation of flood hazards, geologic hazards, or wildfire hazards, etc.).
- b. Achieving compliance with the Americans with Disabilities Act (ADA).
- c. Improving the water quality of stormwater runoff.
- d. Improving connectivity pursuant to Division 4-2-4, Access Management.
- e. Improving landscaping and buffering, as follows:
  - 1. Bufferyards between nonresidential and residential uses are first priority;
  - 2. Parking lot landscaping is second priority;
  - 3. Streetscape along arterials is third priority; and
  - 4. All other landscaping is fourth priority.
- f. Increasing the number of required parking spaces, if:
  - 1. The property has less than the required number of parking spaces; and
  - 2. The shortage of required parking is resulting in illegal parking or parking spillover onto nearby residential streets.
- g. Improving lighting, as follows:
  - 1. All new lighting shall comply with Division 4-3-2, Lighting, is the first priority;
  - 2. Retrofitting existing lighting fixtures to full cut-off fixtures is the second priority; and
  - 3. Requiring proportional lighting retrofits in the most visible areas of a site is third priority.
- h. Addressing deficiencies in site circulation, loading, and off-street parking space and parking aisle dimensions.

Item 15.

#### **Sec. 6-2-3-1 City Council**

- D. **Appeals.** These powers and duties include, but are not limited to: Hearing and deciding appeals of the Historic Preservation Board or **Planning Community Development** Commission.

Item 16.

#### **Sec. 6-2-3-2 Durango **Planning Community Development** Commission**

- A. **Generally.** There is hereby created and established a regulatory board to be known as the Durango **Planning Community Development** Commission (**Planning Commission CDC**). In general, the purpose of the **Planning Commission CDC** is to monitor and help implement the policies set forth in the LUDC, as may be amended from time to time. Additionally, the CDC is formed for purposes of improving and enhancing the overall appearance and character of the City. CDC serves

as a referral body and an appellate body with respect to the application of adopted design guidelines within the City. Finally, the CDC is established to fulfill Article VIII, Section 7 of the City Charter as they will “hear and determine appeals from administrative decisions, petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the council or by law.”

**B. Membership.**

1. The ~~Planning Commission~~CDC shall consist of ~~five~~seven regular members, appointed according to the *Rules and Procedures for Boards and Commissions* (see Appendix F). In addition, the Administrator, or designee, shall also serve as a nonvoting *ex officio* member.
2. The City Council may also appoint an alternate member to serve in the event one or more of the appointed regular members are absent.
3. All members of the ~~Planning Commission~~CDC must be *bona fide* residents of the City of Durango. If any member ceases to reside in the City, his or her membership on the ~~Planning Commission~~CDC shall automatically terminate.
4. The City Council will make its best good-faith effort to appoint two members who are trained or have experience in the fields of architecture, landscape architecture, urban design, urban planning or similar / related fields.

**C. Powers.** The ~~Planning Commission~~CDC is delegated the following powers:

1. Make studies and recommendations to the City Council regarding plans, goals, and objectives relating to land use, growth, development, and redevelopment of the City.
2. Develop and recommend to the City Council policies, ordinances, and administrative procedures, and other means for implementing adopted plans in a coordinated and efficient manner.
3. Conduct public meetings and hearings to review land use and development applications, consider the Administrator's recommendations and public comments, and:
  - a. Decide the application if empowered to do so by this LUDC; or
  - b. Formulate its own recommendations to forward to the City Council.
4. Serves as a referral body and an appellate body with respect to the application of adopted design guidelines within the City, such as:
  - a. To hear and decide applications for alternative compliance review (see Division 3-1-5, Alternative Compliance) that are referred by the Administrator.
  - b. To hear and decide appeals from decisions of the Administrator with respect to any of the standards of Article 3-1, Established Neighborhoods.
  - c. To hear and decide applications for a Certificate of Design Compliance (see Division 3-4-2, Downtown Historic District Standards) that are referred by the Administrator.
  - d. To hear and decide appeals from decisions of the Administrator to deny or condition approval of a Certificate of Design Compliance.
  - e. To hear and decide applications for development approval which apply Division 3-4-3, Multifamily Design Standards, or Division 3-4-4, Commercial and Mixed-Use Design Standards, when such applications are referred by the Administrator.
  - f. To hear and decide appeals from decisions of the Administrator to deny an application for development approval based on its failure to comply with Division 3-4-3, Multifamily Design Standards, or Division 3-4-4, Commercial and Mixed-Use Design Standards.
  - g. To hear and decide appeals from decisions of the Administrator to deny a sign permit.
5. This commission will not serve as a referral or appellate body to applications or matters related to historic preservation design guidance, as described in Section 6-2-3-3 *Historic Preservation Board*.
6. Serve in lieu of as the Board of Adjustment (BOA) as described in the City Charter. When serving in this capacity, the CDC will for:
  - a. ~~Hearing and deciding a variances as described in Division 6-3-5. associated with a land use and development application they are empowered to decide or recommend to the City Council, if the Administrator determines:~~
    1. The CDC may hear a variance and land use and development application together by combining the two hearings if the Administrator determines combining the hearings serves the public interest.

2. ~~The applicant understands that if the variance(s) is/are denied and the project must be redesigned with major modifications, the land use and development application will not be reviewed by the Planning Commission until new designs are submitted and the project is re-noticed.~~
  - b. ~~The Planning Commission must~~ Utilize criteria found in Division Sec. 6-3-5-2 for hearing and deciding variances.
  - c. The ~~Planning Commission~~ CDC will utilize separate motions for each action and will not proceed with ~~the~~ a land use and development application if the variance is denied. ~~as outlined in 2. above~~
  - d. Decisions made by the ~~CDC Planning Commission~~ when serving as the Board of Adjustment are not subject to administrative appeal pursuant to LUDC Sec. 6-3-17-1.A.2.
7. Perform any other duties assigned by the City Council by resolution.
- D. **Decisions.** The ~~Planning Commission~~ CDC shall make the decisions shown in Table 6-3-2-3, Public Hearing Approvals and Permits.
- E. **Appeals.** The ~~Planning Commission~~ CDC's powers and duties include, but are not limited to: Hearing and deciding an appeal of the Administrator's interpretation or decision regarding:
1. Policy or land use;
  2. An interpretation or decision regarding a density requirement or limitation as set out in this LUDC;
  3. A staff interpretation or decision, including a request for a requirement or standard not mentioned in this LUDC; or
  4. Any development/performance conditions required by the Administrator on a limited or special use permit.
- F. **Officers.** The ~~Planning Commission~~ CDC shall select officers for designated terms consistent with the City of Durango *Rules and Procedures for Boards and Commissions*.
- G. **Staff.** In addition to serving as a non-voting *ex officio* member, the Administrator, or a designee, shall serve as staff to the ~~Planning Commission~~ CDC.
- H. **Meetings.** Public hearings of the ~~Planning Commission~~ CDC, as required, shall be regularly scheduled at least once a month, as needed. Other meetings may be held as deemed necessary by the ~~CDC~~ Planning Commission upon proper notice. At the request of the Applicant or Administrator, the CDC may review a project for early guidance if the Applicant or Administrator requests initial guidance or if there are preliminary site or design concerns prior to CDC decision or action on an application. Early project guidance shall not constitute official action or decision by the CDC.
- I. **Procedures, Quorum, and Voting.**
1. The ~~Planning Commission~~ CDC shall operate according to the *Rules and Procedures for Boards and Commissions* (see Appendix F), and may adopt additional operating procedures that are consistent with such rules and procedures and this LUDC.
  2. Establishment of a quorum and voting shall be according to the *Rules and Procedures for Boards and Commissions* (see Appendix F). A roll call vote shall be taken upon the request of any member.
  3. A tie vote shall be deemed a denial of the motion or recommended action.
- J. **Advisory Committees.** The City Council may establish or approve advisory committees and task forces to help the ~~Planning Commission~~ CDC carry out its planning responsibilities with respect to a particular subject or community area. Members shall be appointed by the City Council to serve as directed by the City Council. Such advisory committee or task forces shall advise the ~~Planning Commission~~ CDC and the City Council.

Item 17.

Item 18.

## Sec. 6-2-3-5 Board of Adjustment

- A. **Generally.** The Board of Adjustment is established pursuant to Article VIII, Section 7 of the City Charter. The Board of Adjustment is formed for purposes of considering variances and deciding appeals from Staff decisions, except those

decisions that are specifically assigned to the Historic Preservation Board, ~~Design Review Board~~, or the Planning Community Development Commission.

**B. Membership.**

1. The Community Development Commission (CDC), as defined in Section 6-2-3-2, shall serve as the Board of Adjustment (BOA) as needed to fulfill the Powers and Duties described below. ~~Board of Adjustment shall consist of five members, appointed according to the Rules and Procedures for Boards and Commissions (see Appendix F). In addition, the Administrator, or a designee, shall also serve as a nonvoting ex officio member.~~
2. ~~The City Council may also appoint an alternate member to serve in the event one or more of the appointed regular members are absent.~~
3. ~~The City Council intends for the selection of members to create a Board that is knowledgeable about the community composed of members:~~
  - a. ~~Who have professional training and / or experience in the fields of architecture, landscaping, engineering, construction, real estate, or finance;~~
  - b. ~~Who are business or property owners; and / or~~
  - c. ~~Who collectively offer a range of expertise that will contribute to informed decision-making.~~

**C. Powers and Duties.** The Board of Adjustment shall hear and decide:

1. Appeals from decisions of the Administrator, except those which are heard by the ~~Design Review Board~~, Historic Preservation Board, or the Planning Community Development Commission;
2. Petitions for variances in the case of peculiar and unusual circumstances which would prevent the reasonable use of land; and
3. Such other matters as may be required by the Council or by law.

**D. Procedures.** ~~When it is necessary for the CDC to review the item as the BOA, the meeting agenda and supporting materials shall clearly state that the item being considered is under the purview of the BOA and that the CDC is serving in that capacity. The Board of Adjustment shall operate according to the Rules and Procedures for Boards and Commissions, as may be amended from time to time (see Appendix F), and may adopt additional operating procedures that are consistent with such rules and procedures and this LUDC.~~

**E. Staff.** The Administrator, or a designee, shall provide:

1. Assistance to the Board of Adjustment in its consideration of variances; and
2. A copy of the record and the decision on appeal to the Board of Adjustment in the case of appeals.

Item 19.

**Table 6-3-2-3 Public Hearing Approvals and Permits**

Table 6-3-2-3 Public Hearing Approvals and Permits							
Approval or Permit	Required For	Timing	Exceptions	Recommendation By	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
Land Use / Zoning							
Conditional Use Permit	Establishment of a conditional use	Prior to the establishment of a conditional use	NA	Administrator	<u>Planning Community Development</u> Commission	§ 6-3-3-2 to 6-3-3-16	Division 2-2-3 and § 2-2-2-2
Rezoning	Changing which zone applies to a parcel	Prior to the application of standards from	NA	<u>Planning Community</u>	City Council	§ 6-3-3-2 to 6-3-3-16 for <u>Planning Community</u>	§ 2-1-2-6

	proposed for development	the requested zone		<a href="#">Development Commission</a>		<a href="#">Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	
Oil and Gas Facility, Major	Construction of major oil and gas facility (see § 4-4-10-2)	Prior to construction	Facilities for which approval is preempted by State or Federal law	<a href="#">Planning Community Development Commission</a>	City Council	§ 6-3-3-2 to 6-3-3-16 for <a href="#">Planning Community Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	Division 4-4-10
Certificate of Designation	Development of solid waste disposal sites and facilities	Prior to building permits for solid waste disposal sites and facilities	NA	<a href="#">Planning Community Development Commission</a>	City Council	§ 6-3-3-2 to 6-3-3-16 for <a href="#">Planning Community Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	Applicable portions of Article 2-2

#### Design or Performance-Based Compliance

Pattern Book	Deviation from standards set out in <a href="#">Division 3-2-2, Housing Palette</a>	During approval of development which proposes deviation from the standards	NA	<a href="#">Planning Community Development Commission</a>	City Council	§ 6-3-3-2 to 6-3-3-16 for <a href="#">Planning Community Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	§ 6-3-6-11
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#### Signs

Master Sign Program	Approval of a sign design program	Prior to construction or installation of signs pursuant to an approved sign design program	NA	Administrator	<a href="#">Community Development Commission</a>	§ 6-3-3-2 to 6-3-3-16	Article 3-6
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#### Site Development / Subdivision / Planned Development

Major Site Plan	Approval of site layout for development	Prior to issuance of permits that	Single-family or duplex	Administrator	<a href="#">Planning Community</a>	§ 6-3-3-2 to 6-3-3-16	<i>passim</i>
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	that includes more than 10,000 sf. of gross floor area in all zones except CR, and more than 40,000 sf. of gross floor area in the CR zone	authorize construction or site work	residential buildings		<a href="#">Development Commission</a>		
Preliminary Plan	Approval of a proposed major subdivision	Prior to issuance of permits that authorize construction or site work	NA	Administrator	<a href="#">Planning Community Development Commission</a>	§ 6-3-3-2 to 6-3-3-16	<i>passim</i>
Conceptual Development Plan ("CDP")	First step of Planned Development process or multi-phase subdivision process	Prior to approval of Preliminary Development Plan; or as basis for development agreements regarding multi-phase developments which are not Planned Developments	NA	<a href="#">Planning Community Development Commission</a>	City Council	§ 6-3-3-2 to 6-3-3-16 for <a href="#">Planning Community Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	<a href="#">Division 6-3-10</a>
Preliminary Development Plan ("PDP")	Second step of Planned Development process	Prior to approval of Final Development Plan	NA	<a href="#">Planning Community Development Commission</a>	City Council	§ 6-3-3-2 to 6-3-3-16 for <a href="#">Planning Community Development Commission</a> , then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	<a href="#">Division 6-3-10</a>
<a href="#">Final Development Plan ("FDP")</a>	<a href="#">Final step of Planned Development process</a>	<a href="#">Prior to issuance of permits that authorize construction or site work</a>	<a href="#">NA</a>	<a href="#">Administrator</a>	<a href="#">Planning Commission</a>	<a href="#">§ 6-3-3-2 to 6-3-3-16</a>	<a href="#">Division 6-3-10</a>
<a href="#">Minor Subdivision</a>	<a href="#">Subdivision containing five for fewer lots</a>	<a href="#">Prior to issuance of permits that authorize construction or site work on (or</a>	<a href="#">NA</a>	<a href="#">Administrator</a>	<a href="#">Community Development Commission</a>	<a href="#">§ 6-3-3-2 to § 6-3-3-16 for Community Development Commission; then § 6-3-3-3</a>	<a href="#">Division 6-3-6</a>



		<u>sale of) lots created by minor subdivision</u>				<u>to §6-3-3-9 and §6-3-3-14 to §6-3-3-16 for Administrator</u>	
Historic Landmarks and Historic Districts							
Landmark Alteration Certificate (Major)	Major alteration of an historic landmark	Prior to issuance of permits that authorize construction or site work	Alterations authorized by a <i>Fence Permit, Historic District or Landmark</i> (see § 6-3-2-2)	Historic Preservation Officer	Historic Preservation Board	§ 6-3-3-2 to 6-3-3-16, as modified by § 6-3-4-1	Division 3-3-3; § 6-3-4-1
Demolition Certificate	Demolition of an historic landmark	Prior to issuance of permits that authorize demolition	NA	Historic Preservation Officer	Historic Preservation Board	§ 6-3-3-2 to 6-3-3-16	§ 3-3-3-5
Designation of Structure of Merit	Designation of structure of merit	Prior to application of standards related to structures of merit	NA	Historic Preservation Officer	Historic Preservation Board	§ 6-3-3-2 to 6-3-3-16 for HPB, then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	§ 6-3-7-2
Designation of Historic District	Designation of historic district	Prior to application of historic district standards	NA	Historic Preservation Board	City Council	Division 6-3-7	§ 3-3-2-2
Designation of Historic Landmark	Designation of historic landmark	Prior to application of standards related to historic landmarks	NA	Historic Preservation Board	City Council	Division 6-3-7	§ 3-3-2-1
Amendments / Vacation / Abandonment							
<u>Planned Development Amendment; Minor</u>	<u>Minor changes to approved Conceptual Development Plan; Preliminary Development Plan, or Final Development Plan</u>	<u>Prior to implementation of minor changes</u>	NA	Administrator	Planning Commission	<u>§6-3-3-2 to 6-3-3-16</u>	Division 6-3-10
Planned Development Amendment, Major	Major changes to approved Conceptual Development Plan,	Prior to implementation of major changes	NA	<u>Planning Community Development</u> Commission	City Council	§ 6-3-3-2 to 6-3-3-16 for <u>Planning Community Development</u>	Division 6-3-10



	Preliminary Development Plan, or Final Development Plan					Commission, then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	
Vacation of Plat and Abandonment of Easement or Right-of-Way	Vacation of plats and abandonment of easements or rights-of-way	NA	NA	<u>Planning Community Development</u> Commission	City Council	§ 6-3-3-2 to 6-3-3-16 for <u>Planning Community Development</u> Commission, then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	Division 6-3-14
LUDC Text Amendment	Amending the text of this LUDC	NA	NA	<u>Planning Community Development</u> Commission	City Council	§ 6-3-3-2 to 6-3-3-16 for <u>Planning Community Development</u> Commission, then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	Division 6-3-13
Comprehensive Plan amendment	Amending the text or maps of the Comprehensive Plan	NA	NA	<u>Planning Community Development</u> Commission	City Council	§ 6-3-3-2 to 6-3-3-16 for <u>Planning Community Development</u> Commission, then § 6-3-3-10 and § 6-3-3-12 to 6-3-3-13 for City Council	Division 6-3-12
Relief							
Variance	Authorizing development which does not strictly comply with the requirements of this LUDC	Prior to issuance of permits that authorize the construction or site work	Variances shall not authorize uses which are otherwise prohibited in the zone, nor authorize development that does not comply with the Floodplain Management Regulations	Administrator	Board of Adjustment	§ 6-3-3-2 to 6-3-3-16	§ 6-3-5-2
Floodplain Variance	Authorizing development	Prior to issuance of	NA	Floodplain Administrator	Board of Adjustment	§ 6-3-3-2 to 6-3-3-16	§ 6-3-5-1

	which does not strictly comply with the Floodplain Management Regulations	permits that authorize the construction or site work					
Sign Variance	Authorizing a sign which does not strictly comply with the requirements of <a href="#">Article 3-6, Signs</a> .	Prior to issuance of a sign permit	<a href="#">NA</a>	Administrator	<a href="#">Community Development Commission</a>	§ 6-3-5-3	§ <a href="#">6-3-5-3</a>

**TABLE NOTES:**

1. Procedural steps refer to the provisions of [Division 6-3-3, Standard Development Approval Procedures](#), that apply to the application.
2. Standards are provided for cross-reference purposes only. The cross-references do not exempt the application from any applicable standards which are not referenced.

Item 20.

**Sec. 6-3-3-9 Administrative Review**

C.

1.

- b. Sign variances and Master Sign Programs (MSP) shall be placed on the next available agenda of the [Community Development Commission](#) and decided during the meeting in which they are presented, unless the Applicant agrees to a different schedule.

Item 21.

**Sec. 6-3-4-2 Floodplain Development Permits**

- I. **Subdivisions and Rezoning.** When a development involves subdivision or rezoning, the Applicant shall submit to the Department the information required in this Section, in addition to and at the same time as the required subdivision or rezoning submittals. The [Planning Community Development](#) Commission and City Council shall then take this information into advisement when considering any application. Actual compliance with this Section and determination of any adverse effects shall be made by the Department. The information required in such applications shall include, but not be limited to:

1. *A map showing:*
  - a. The existing and proposed stream and channel;
  - b. The area to be occupied by the proposed development; and
  - c. Any related flood elevations, water surface elevations, and base-flood elevations.
2. Basic site plan drawn to scale, showing:
  - a. The nature, location, dimensions, and elevations of the area in question;
  - b. Location, dimensions, and elevations of existing and proposed structures, parking areas, streets and pathways;

- c. The elevation of the lowest floor (including basement) of all structures in relation to mean sea level. Where the lowest floor is below grade on one or more sides, the elevation of the floor immediately above shall also be included;
  - d. Existing and proposed ground contours or elevations;
  - e. The boundaries of any flood hazard areas;
  - f. The existing and proposed zoning of the property, if applicable;
  - g. Nature of existing and proposed vegetation on the site; and / or
  - h. Elevation in relation to mean sea level to which any existing or proposed structure has been or will be floodproofed.
3. Specifications for building construction and materials, filling, dredging, grading, channel changes, storage of materials and their type, water supply systems, and sanitary facilities.
  4. A description of:
    - a. Any construction activity which would affect the hydraulic capacity of the floodway;
    - b. The extent to which any watercourse will be altered or relocated as a result of proposed development; and
    - c. Proposed floodproofing measures.
  5. Satisfactory evidence that the Applicant has adequately coordinated with upstream, downstream, or adjacent communities and sites adversely affected by any development, fill, encroachment, alteration, or relocation of a watercourse.
  6. Other material, such as detailed floodplain studies, which may be required by the Department to adequately review a development permit or an application.
  7. Certification by a professional engineer or architect that the proposed floodproofing methods for any nonresidential structure meet the floodproofing criteria in Division 4-4-6, Floodplain Management and Flood Damage Prevention.

Item 22.

#### **Sec. 6-3-5-2 Variances**

- A. **Generally.** Variances are authorizations to depart from the strict application of the standards of this LUDC. They are granted by the Board of Adjustment (BOA) or **Planning Community Development Commission (PCDC)** when they are acting as the BOA as allowed in Sec. 6-2-3-2 only if the standards of this Section are met. An Applicant may seek a variance when it is apparent that the requested relief is necessary for processing the application, which may be before an application for another type of approval is filed.

Item 23.

#### **Sec. 6-3-5-3 Sign Variances**

- A. **Generally.** Variances to Article 3-6, Signs, may be granted by the **Community Development Commission (CDC)** only if the standards of this Section are met. An Applicant may seek a variance when it is apparent that the requested relief is necessary for processing the application.

Item 24.

#### **Sec. 6-3-5-4 Parking Variances**

- A. **Generally.** Variances to Sec. 4-5-2-2 Required Off-Street Parking Spaces (Parking Tables), may be granted by the **Planning Community Development Commission (PCDC)** only if the standards of this Section are met. An Applicant may seek a variance when it is apparent that the requested relief is necessary for processing the application.

Item 25.

### **Sec. 6-3-6-2 Conceptual Subdivision Plan**

B.

3. At the discretion of the Administrator and / or applicant, the conceptual subdivision plan may be presented to the Planning Community Development Commission at a regularly scheduled meeting to clarify policies or to provide additional guidance. Such review shall be held within 125 days of the date of the pre-application meeting.
4. Staff will provide the Applicant with written comments concerning the review of the conceptual subdivision plan within 10 days of the staff conference or a Planning Community Development Commission review, unless the applicant agrees, in writing, to an extension.

Item 26.

### **Sec. 6-3-6-3 Preliminary Plan**

B.

3. If the Administrator determines, seven calendar days prior to any Planning Community Development Commission or City Council meeting, that an application is lacking information or materials requested by this LUDC or by the Staff in the review process, and it has not been submitted by the Applicant, the application may be withdrawn from the agenda by the Staff. The Applicant shall be notified immediately of this action.
4. Staff shall present the preliminary plan application, including general review comments, to the Planning Community Development Commission at a regularly scheduled meeting within 125 days of the date of application submittal, unless the Applicant agrees to an extension. Before taking action on a preliminary plan, the Planning Community Development Commission shall consider all review comments presented by Staff, and the approval criteria of this LUDC, including Subsection D., below.
5. The preliminary plan application and the recommendations of the Planning Community Development Commission shall be considered by the City Council at a regularly scheduled meeting within 60 days. The City Council shall consider all review comments presented by Staff, the recommendations by the Planning Community Development Commission, and the approval criteria of this LUDC, including Subsection D., below.

Item 27.

### **Sec. 6-3-8-1 Oil and Gas Permit Required; Applicable Procedures**

B.

2. **Major Facilities.** All applications for major oil and gas facilities shall be scheduled for public review before the Planning Community Development Commission and decided by the City Council pursuant to Division 6-3-3, Standard Development Approval Procedures.

Item 28.

### **Sec. 6-3-9-1 Administrative Amendment: Modification of Approvals**

D.

- ~~5. Subdivision related changes (such as lot lines, easements, rights-of-way, internal roadways, vacations and/or drainage systems), which require an a replat, resubdivision or plat correction. (See Section 6-3-6-7, Replats; Section 6-3-6-8, Resubdivisions; and Section 6-3-6-9, Corrections to Recorded Plats)~~

E.

3. The Administrator may refer any request for an administrative amendment to Planning Community Development Commission for consideration at a regular meeting. The Administrator will notify the Applicant if it is determined that Planning Community Development Commission review will be required.

F. **Approval Criteria.** The following criteria shall be considered by the Administrator (or the Planning Community Development Commission) for approval of an administrative amendment:

Item 29.

### **Sec. 6-3-10-5 Planned Development Procedures**

C.

1. *Purpose.* The purpose of a conceptual development plan (CDP) is not to require in-depth site analysis, but to allow for review of the substance of the proposal to determine if the public and / or private benefits derived through the use of a PD zone justify the request. Generally, submittal materials for a conceptual development plan need not exceed the requirements listed in Subsection C.2., below. However, an Applicant may voluntarily submit, or the Administrator, Planning Community Development Commission, or City Council may request, more detailed information.
3. *Process.* The CDP is reviewed using the standard development approval procedures of Division 6-3-3, Standard Development Approval Procedures. A CDP requires a public hearing approval, which is decided by the City Council after recommendation of the Planning Community Development Commission.

D.

2.

- a. If a "design density" (but not a "specific density") is approved by a CDP, then the proposed density of the PD zone shall be justified by the PDP. The City Council may approve a "specific density" that is more or less than a "design density" on all or any portion of a proposed PD, based on the quality of the design and the degree of its anticipated impacts. A Planning Community Development Commission recommendation for approval of a PDP that contains residential uses shall include a recommended "specific density" per gross acre. Upon approval by the City Council, the "specific density" of the PD shall be established and included in the approved contract documents to be recorded upon final approval of the PD.

D.

4. *Process.* The PDP is reviewed using the standard development approval procedures of Division 6-3-3, Standard Development Approval Procedures. A PDP requires a public hearing approval, which is decided by the City Council after recommendation of the Planning Community Development Commission. The Administrator may suggest changes in the PDP throughout the review process. The City Council may delegate the decision-making authority for final development plans to the Administrator if it finds that the PDP provides sufficient detail to make further review at public hearing unnecessary.

E.

3. *Process.* The FDP is reviewed using the standard development approval procedures of Division 6-3-3, Standard Development Approval Procedures. It is decided by the ~~Planning Commission (as a public hearing approval) or the Administrator (as an administrative approval), as set out in the PDP approval documents. If a process for FDP approval is not specified, the Planning Commission shall decide the application.~~

Item 30.

#### **Sec. 6-3-10-6 Development Schedules**

C.

2. If the record owner responds that the project is no longer feasible to commence or complete, then the Administrator shall schedule a public hearing before the Planning Community Development Commission and a public hearing before the City Council, in accordance with Division 6-3-3, Standard Development Approval Procedures, to consider whether:

E.

3. The Administrator may change the status of the PD to "active" upon finding that the PD is consistent with the current Comprehensive Plan and LUDC regulations that are applicable to PDs. Alternatively, the Administrator may refer the determination of status to the Planning Community Development Commission for decision at a public hearing.
4. If the Administrator (or Planning Community Development Commission, as applicable) does not find that the PD is consistent with the current Comprehensive Plan or LUDC regulations that are applicable to PDs, the Administrator shall notify the Applicant regarding the finding, and allow the Applicant not less than 120 days to propose modifications to the PD to bring it into compliance.

F.

2. An owner requests a change from inactive to active status pursuant to Subsection E., above, the Administrator (or Planning Community Development Commission, as applicable) does not find that the PD is consistent with the current Comprehensive Plan or LUDC regulations that are applicable to PDs, and the Applicant fails to propose modifications to the PD to bring it into compliance within the time established by the Administrator.

Item 31.

#### **Sec. 6-3-10-7 Modification of Planned Development Approvals**

B.

3.
  - b. Objection from Noticed Property Owners. If an abutting property owner objects, in writing, to the Administrator within 20 days of the date of the notification, the Administrator shall refer the request to the Planning Community Development Commission at its first available meeting. The Planning Community Development Commission shall proceed as follows:

1. The **Planning Community Development** Commission shall review the request, the objection, and any other relevant information, materials, or evidence, and shall consider whether the request qualifies as a "minor change."
2. If the **Planning Community Development** Commission finds that the request does not qualify as a "minor change," then the request shall be re-submitted as a major change. See Subsection A., above.

### C. Major Amendments.

1. Generally. A major change to a recorded final PD and / or related final plat, or related documents, shall be approved by the **Planning Community Development** Commission and City Council as follows, provided that the modifications are required by engineering or development constraints or other factors not foreseen at the time the final development plan was approved. The phrase "major change(s)" is considered to represent changes which can alter the overall characteristics of the total plan and which could create adverse impacts on adjacent uses or public services and facilities. Some examples of what can be considered as "major changes" are (by way of illustration and not limitation):
  - a. Changes in allowed uses for the project.
  - b. Changes in the overall site circulation and parking numbers.
  - c. The relocation, addition or removal of buildings and / or major structures.
  - d. A decrease of building separation or setbacks that impact adjacent properties or uses.
  - e. An increase in building heights over what the final PD currently allows.

Item 32.

### Sec. 6-3-11-1 Annexation Procedures

- C. Hearing and Recommendation by **Planning Community Development** Commission. The **Planning Community Development** Commission shall hold a hearing on the matter of such annexation and shall make a recommendation to the City Council. Such report shall include a recommendation on the recommended initial zoning for the lands if the City Council annexes such lands into the City.

Item 33.

### Sec. 6-3-12-1 Purpose and Applicability

- B. **Applicability.** The City's adopted plans (see Appendix D, Related Plans, Guidelines, and Documents) include goal and objective statements, and set policies and guidelines that assist Staff, the **Planning Community Development** Commission, and City Council in administering, reviewing, and evaluating development proposals within the City of Durango Planning Area.
- C. **Goals, Objectives, Policies, and Guidelines.** The plans include goals, objectives, policies, and guidelines which are informational in nature and represent only one of the many factors that may be considered in the decision-making process. The **Planning Community Development** Commission and City Council shall make findings regarding the applicability of any goal, objective, policy, or guideline to any specific development application or proposal.
- D. **Policy interpretation.** Interpretations of policies may be made by the Staff, City Manager, Boards, **Planning Community Development** Commission, or City Council, and do not require public notice as defined in this LUDC. However, in order

to maintain consistency, interpretations shall be placed on record at an official meeting of the Staff, Board, **Planning Community Development** Commission, or City Council. Staff shall file all such interpretations for the record and for future reference.

- E. **Plan Implementation.** This LUDC is written to reflect the intents and purposes of the adopted plans and to implement the goals, objectives, policies, and guidelines set out in the adopted plans. The Department shall assist developers, citizens, and/or the **Planning Community Development** Commission, City Council, or other Boards in the application of any plan, policy or part thereof.

Item 34.

#### **Sec. 6-3-12-2 Procedures**

- B. **Applicability.** The **Planning Community Development** Commission and City Council may adopt a plan as a whole by a single resolution or may, by successive resolutions, adopt successive parts of a plan. Such parts may correspond with major geographical sections or divisions of the City, or with functional subdivisions of the subject matter of a plan. The **Planning Community Development** Commission and City Council may also adopt any text, map, or boundary extension amendments to a plan.

Item 35.

#### **Sec. 6-3-12-3 Classification of Comprehensive Plan Amendments**

- B. **Amendment to the Plan Map.** An amendment to the adopted Future Land Use Map may be proposed by the City Council, **Planning Community Development** Commission, Department, or the owners of the property proposed for change.
- C. **Amendment to the Plan Text.** An amendment to the text of the adopted plan may be proposed by the City Council, **Planning Community Development** Commission, Department, any resident of the City, or any owner or person having an interest in land located within the urbanizing area boundaries of the City.
- D. **Amendment to the Plan Boundaries.** An amendment to the boundaries of the City's urbanizing area or future urban area plan boundaries may be proposed by the City Council, **Planning Community Development** Commission, Department, or by the owners of property who desire to have the City's plan boundaries extended to their property for the purposes of their inclusion.

Item 36.

#### **Sec. 6-3-12-5 Criteria for Review of Plan Amendments**

- A. **Generally.** The **Planning Community Development** Commission and City Council shall consider the criteria of this Section in determining whether the proposed plan amendment shall be approved.

Item 37.

#### **Sec. 6-3-13-1 Purpose and Applicability**

- B. **Applicability.** Applicants for an amendment to the LUDC text may be initiated and proposed by citizens, Staff, **Planning Community Development** Commission, other City Boards or Commissions, or the City Council.



Item 38.

**Sec. 6-3-13-3 Criteria for Review of Text Amendments**

A. **Generally.** The **Planning Community Development** Commission and City Council shall consider the criteria of this Section in determining whether the proposed plan amendment shall be approved.

Item 39.

**Sec. 6-3-14-1 Procedures**

A. **Generally.** This Division sets out the procedures and requirements for abandonment of rights-of -way and easements. Any citizen(s), departments of the City, the **Planning Community Development** Commission, or the City Council may request an abandonment of a right-of-way or an easement.

Item 40.

**Sec. 6-3-17-1 Administrative Appeals, Generally**

**A. Purpose of Administrative Appeals.**

- 1. The purpose of administrative appeals is to provide an opportunity for aggrieved Applicants to seek timely and inexpensive appellate review of a decision of the:
  - a. Administrator;
  - b. City Engineer;
  - c. Floodplain Administrator;
  - d. Historic Preservation Officer;
  - e. Chicken Permitting Officer;
  - f. City Arborist;
  - g. **Planning Community Development** Commission; and
  - h. Historic Preservation Board.
- 2. Decisions of the Board of Adjustment are not subject to administrative appeal.

E.

- 2. Decisions on administrative appeal are not subject to further administrative appeal (e.g., if an appeal is taken to the **Community Development Commission** regarding a decision of the Administrator to deny an application for EN Alternative Compliance, then the decision of the **CDC** with respect to that appeal is not reviewable by the City Council on a second administrative appeal).

Item 41.

**Table 6-3-17-1 Appellate Review Bodies**

<b>Table 6-3-17-1 Appellate Review Bodies</b>
---

Decision-maker	Appeal to
Administrator	<del>EN Alternative Compliance; Design Review; Signs; Planning Commission<sup>†</sup></del> <del>Fences; Minor Site Plans; Board of Adjustment</del> <del>All Other Decisions; Planning Community Development</del> Commission <sup>1</sup>
City Engineer	Board of Adjustment
Floodplain Administrator	Board of Adjustment
Historic Preservation Officer	Historic Preservation Board
Chicken Permitting Officer	Board of Adjustment
City Arborist	<del>Parks and Recreation</del> Financial Advisory Board
<del>Planning Community Development</del> Commission	City Council
Historic Preservation Board	City Council
<del>Design Review Board</del>	<del>City Council</del>
<del>Board of Adjustment</del>	<del>NA<sup>2</sup></del>
<b>TABLE NOTE:</b> 1. See Table 6-3-2-2, <i>Administrative Approvals and Permits</i> , for approvals and permits in each category. 2. <del>Decisions by the Board of Adjustment are not subject to a municipal appeal process. Any further appeal of the decision of the Board of Adjustment may be made to the District Court as provided by law.</del>	

Item 42.

#### Sec. 6-4-2-5 Administrative Suspension of Licenses, Permits, and Approvals

- C. **Introduction.** To consider revocation of an approval, the City Council shall introduce the matter during a regular meeting. Upon affirmative vote of a majority of the quorum present, the matter shall be referred to the ~~Planning Community Development~~ Commission for a recommendation.
- D. **~~Planning Community Development~~ Commission Review and Recommendation.** Upon referral, the Administrator shall place the matter on the next available agenda of the ~~Planning Community Development~~ Commission, which shall hold a public hearing. Upon conclusion of the public hearing, the ~~Planning Community Development~~ Commission shall make a recommendation to the City Council, which shall include recommended findings of fact.
- E. **City Council Decision.** Upon recommendation of the ~~Planning Community Development~~ Commission, the Administrator shall place the matter on the next available agenda of the City Council, which shall hold a public hearing. Upon conclusion of the public hearing, the City Council shall consider the testimony and the recommendation of the ~~Planning Community Development~~ Commission, and shall decide whether to revoke the approval, attach additional conditions to ensure future compliance, or dismiss the charge of the violation. Decisions to revoke an approval or attach additional conditions shall include written findings of fact.

Item 43.

**Table 7-1-2-2 Acronyms**

Table 7-1-2-2 Acronyms	
Acronym	Meaning
A	Allowed

AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
ADA	American's with Disabilities Act
ADU	<a href="#">Accessory Dwelling Unit</a>
ADT	Average Daily Traffic
AMI	<a href="#">Area Median Income</a>
B	Backlight Rating
BFE	Base Floor Elevation
BHP	Brake Horsepower
BMP	Best Management Practice
BP	Business Park / Campus Zone
BR	Bedroom
C	Conditional Use
CB	Central Business Zone
CCRs	Covenants, Conditions, and Restrictions
cd	<a href="#">Candela</a>
<del>CDC</del>	<del>Community Development Commission</del>
CDOW	Colorado Division of Wildlife
CDP	Conceptual Development Plan
CDPHE	Colorado Department of Public Health and Environment
CG	Commercial - General Zone
CIP	Capital Improvements Plan
COGCC	Colorado Oil and Gas Conservation Commission
CPW	Colorado Parks and Wildlife
CR	Commercial - Regional Zone
C.R.S.	Colorado Revised Statutes
CUDG	Commercial Use Design Guidelines
CWCB	Colorado Water Conservation Board
DDOZ	Downtown Design Overlay Zone
d.u.	<a href="#">Dwelling Unit</a>
DRC	Three Springs Design Review Committee
<del>DRB</del>	<del>Design Review Board</del>
e.g.	"exempli gratia," which is translated to "for example." The items listed after the abbreviation e.g. are illustrative and not limiting.
EMA	Enhanced Multimodal Area
EN	Established Neighborhoods Zone
EN-MF	Established Neighborhoods - Multifamily Zone

<i>et seq.</i>	"et sequens," which is translated to "that which follows."
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
fc	<a href="#">Foot-candle</a>
FDP	Final Development Plan
FEMA	Federal Emergency Management Agency
FIA	Federal Insurance Administration
FIRM	Flood Insurance Rate Map
G	Glare Rating
GFA	Gross Floor Area
GLA	Gross Leasable Area
HPB	Historic Preservation Board
H/ROZ	Hillside / Ridgeline Overlay Zone
HUD	U.S. Department of Housing and Urban Development
HVAC	Heating, ventilating, and air conditioning
<i>i.e.</i>	"id est," which is translated "that is." The text following the abbreviation "i.e." is a restatement of the preceding text using different words.
IES	Illuminating Engineering Society of North America
IGA	Intergovernmental Agreement
L	Limited Use
LI	Light Industrial Zone
lm	<a href="#">Lumen</a>
LOS	Level of Service
LUDC	Land Use and Development Code
MAI	Member of Appraisal Institute
MU-A	Mixed-Use - Arterial Zone
MU-N	Mixed-Use - Neighborhood Zone
MS4	Municipal Separate Storm Sewer System
MUTCD	Manual on Uniform Traffic Control Devices
NA	Not Applicable
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
OS	Open Space Zone
OSR	Open Space Ratio
PB	Public Zones
PD	Planned Development

PDP	Preliminary Development Plan
POST&R Plan	Parks, Open Space, Trails and Recreation Master Plan
RA	Rural / Agriculture Zone
RCOZ	River Corridor Overlay Zone
RH	Residential - High Zone
RHA	Regional Housing Alliance of La Plata County
RL	Residential - Low Zone
RM	Residential - Medium Zone
RV	Recreational Vehicle
S	Special Use
Sec.	Section
SSDO	Site Specific Development Order
SOP	Standard Operating Procedure
sr	<a href="#">Steradian</a>
SWMP	Stormwater Management Plan
SWP3	Stormwater Pollution Prevention Plan
TDM	Transportation Demand Management
TND	Traditional Neighborhood Development
U	Uplight Rating
U.S. DOJ	United States Department of Justice
U.S.C.	United States Code
USDCM	Urban Drainage and Flood Control District's Urban Storm Drainage Criteria Manual
WQCD	Water Quality Control Division of the Colorado Department of Public Health and Environment
WUI	Wildland Urban Interface

Item 44.

### Article 7-3 Definitions

**Sign, historic** means any sign at least thirty (30) years old that is recognized for its historic contribution to the community by the City [Community Development Commission](#) and/or the City Historic Preservation Board.

Item 45.

### Sec. 2-3-2-3 Accessory Dwelling Units

A. **Generally.** Accessory dwelling units (ADUs) may be allowed as a major accessory use to single-family dwelling units by limited use review according to the standards of this Section. ADUs are not an accessory to any other use. At the discretion of the administrator, ADUs may be eligible for relief from the standards in Sections 2-3-2-3 (F), [\(G\)](#), (H), and (I) as outlined below through the Alternative Compliance process described in [Division 3-1-5](#) and [Article 6-3](#).

**B. ADU Types.** There are two types of ADUs:

1. *Integrated ADUs.* Integrated ADUs are units that are created by dividing space within a principal building, or by adding floor area to an existing building. See Figure A, *ADU Types: Integrated ADU (Basement)* and Figure 2-3-2-3B, *ADU Types: Integrated ADU*. Integrated ADUs may be accessed from within the principal building or from outside, according to the standards of this Section. ~~For the purposes of this Section, an attached ADU must have a minimum of twenty-five (25) percent of the length of the combined length of its first floor exterior walls shared with the principal structure. The shared walls shall not be the walls of a breezeway.~~

**G. Maximum Floor Area of the ADU.** The floor area of an ADU shall not exceed the maximum floor area set out below. The floor area is measured as the enclosed, interior area of the unit and does not include porches, decks, or areas used for other purposes, such as a detached garage or a workshop. ~~Stair wells and landing areas providing access to second story ADUs do not count towards the ADU floor area unless they contain additional usable space (storage, etc) for an ADU occupant. These areas do count towards overall gross floor area as described in Section 7-2-1-2.~~ See Figure E, *Illustrative Measurement of ADU Dimensions*.

1. *Integrated ADUs.* The floor area of an integrated ADU shall not exceed 550 square feet, except:
  - a. ADUs that are located entirely in basements are not subject to this requirement.
  - b. ~~ADUs converted entirely from existing living space within a single family home may request an increase to the maximum floor area through the Alternative Compliance process if it is demonstrated that existing framing, foundations, building walls or other structural elements of the home present challenges that are not conducive to meeting the 550 square foot maximum.~~
2. *Detached ADUs.* The floor area of detached ADUs shall not exceed 550 square feet.

**I. Design Standards.** ADUs shall conform to the following design standards:

1. *Integrated ADUs.* Integrated ADUs shall not involve design modifications to the exterior of the principal building that make their presence obvious.
  - a. The single-family appearance and character of the dwelling shall be maintained when viewed from the surrounding neighborhood.
  - b. Where exterior doors provide direct access to the integrated unit, such doors shall be designed, located, and configured in a manner that is typical for secondary access to a single-family building (e.g., side doors, French doors, etc.).
  - c. External stairs are not allowed to provide access to a second-story ADU.
  - d. If a building is expanded to accommodate an attached or integrated ADU, the expansion shall be designed in a manner that is comparable to the principal building, including but not limited to:
    1. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling; and
    2. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling
  - e. ~~For new construction, an attached or integrated ADU must have a minimum of twenty-five (25) percent of the combined length of the first floor exterior walls shared with the principal structure. The shared walls shall not be the walls of a breezeway.~~
2. *Detached ADUs.* Detached ADUs shall be designed and configured in the following manner:
  - a. ~~Detached ADUs located in the EN zones shall comply with the accessory structure standards described in Division 3-1-3, Design Standards Applicable within Multiple EN Zones.~~
  - b. Where an alley access exists, ADUs shall take vehicular access from the alley.
  - c. The use of dormers shall be limited as follows:
    1. A dormer ridge or roof line shall not extend above the primary roof ridge.

2. The width of a dormer face shall not exceed the lesser of 16 feet or 50 percent of the length of the wall plane upon which the dormer is located.
  3. More than one dormer is allowed on a wall plane, provided that the total combined width of dormer faces does not exceed 50 percent of the wall plane length.
  4. The space between dormers shall not be less than the greater of one-half the width of the adjoining dormer, or one-half the average of the two dormers if they are different sizes.
  5. A dormer shall be set back a minimum of three feet from the nearest building wall plane that runs perpendicular to the dormer face.
- d. Second floor windows of detached units or garage units should face streets and alleys. Windows that face or overlook interior lot lines shall:
1. Use a sill height equivalent to the maximum allowed for an egress window as described by the City's adopted building codes, and;
  2. Use obscure or similar glass types that let in sunlight while preserving privacy.
- e. Generally, access to second floor units shall be from internal stairs. External stairs may be allowed in certain circumstances as long as the following standards are met:
1. External stairs parallel streets or alleys and shall not be located parallel to interior side property lines; and/or
  2. The Administrator determines that other features are in place to protect the privacy of the adjacent lot's rear yard.
- f. Exterior second floor decks or balconies may not be located so they face or overlook the interior side property lines. Decks or balconies shall face streets or alleys, and screen walls may be required to protect the privacy of adjacent properties. Rooftop decks or terraces are prohibited.
- g. Design.
1. Siding, roofing, windows and building trim materials shall visually match those used on the principal dwelling; and
  2. The roof pitch shall be similar to the predominant roof pitch on the principal dwelling.

#### **J. Parking for ADUs**

1. In addition to the parking requirements for the principal building set out in Section [4-5-2-2, Required Off-Street Parking Spaces](#), one off-street parking space shall be provided for the ADU.
  - a. Existing off-street, required parking must be retained but may be reconfigured.
  - b. If no parking exists on the parcel, a total of two off-street parking spaces must be provided, one for the ADU and one for the principal dwelling unit.
  - c. If it can be demonstrated ~~the~~ lot containing the ADU ~~fronts is within 300 feet of a local~~ street, that is not an emergency snow route, ~~which allows on-street parking and that on-street parking is allowed, and that~~ the width of the street pavement can accommodate two drive lanes and on-street parking, then the total required parking spaces may be reduced by one, subject to verification of the above requirements by the Community Development Department.

#### **~~K. Additional Requirements in RL, RM, and RH Districts:~~**

- ~~1. New lots that may be developed with ADUs shall be annotated on the plat as allowing such accessory use. Existing lots with these zoning designation do not require a plat amendment prior to the addition of an ADU.~~

**Table 2-3-2-3A Zones and ADU Types**

Table 2-3-2-3 A Zones and ADU Types		
Zone	Integrated Unit	Detached Unit
EN-1	Allowed <sup>1</sup>	Allowed if parcel area is at least 5,000 sf. For properties north of E. College Drive. <sup>1</sup> Allowed on any size parcel for properties south of E. College Drive. <sup>2</sup>
EN-2	Allowed <sup>1</sup>	Allowed if parcel area is at least 7,000 sf. <sup>1</sup>
EN-3	Allowed	Allowed if parcel area is at least 7,500 sf.
EN-4	Allowed	Not Allowed
EN-5	Allowed	Not Allowed
EN-6	Allowed	Not Allowed
EN-MF	Allowed <sup>1</sup>	Allowed <sup>1</sup>
RA	Allowed	Allowed
RL	Allowed	Allowed <del>subject to Subsection L., below</del>
RM	Allowed <sup>1</sup>	Allowed <del>subject to Subsection L., below</del>
RH	Allowed <sup>1</sup>	Allowed <del>subject to Subsection L., below</del>
MU-N	Allowed <sup>1</sup>	Allowed <sup>1</sup>
<b>TABLE NOTE:</b> 1. Not allowed if a lot is developed with two single-family detached units pursuant to Section 2-2-3-3, <i>Standards for Residential Land Uses</i> . 2. Not all parcels will be able to accommodate an ADU.		

Item 47.

### **Sec. 3-1-4-3 Detached Garage Bonus**

- A. In the EN-1 and EN-2 zones, the gross floor area of a detached garage (up to a maximum of 450 square feet) will be exempted from the calculation of floor area ratio ("FAR") if it is demonstrated that the garage building is consistent with the *Design Guidelines for Established Neighborhoods*. ~~Detached garages which include finished living spaces do not qualify for this bonus unless the finished living space is an approved ADU.~~ The bonus provided by application of this Section does not apply to the calculation of building coverage.

Item 48.

### **Sec. 6-2-2-1 Administrator**

- D. **Decisions.** As set out in Section 6-3-2-2, *Administrative Approvals and Permits*, ~~the~~ the Administrator shall decide the following types of applications:
1. Temporary use permits;
  2. Change of use permits;
  3. Special use permits;
  4. Limited use permits;
  5. Design Review;
  6. Alternative Compliance;
  7. Alterations Certificates;



8. Minor oil and gas facility permits;
9. EN alternative compliance permits;
10. Fence / wall permits;
11. Sign permits;
12. Final plats;
13. Minor site plans;
14. Building and demolition permits;
15. Certificates of nonconformity;
16. Replats;
17. Final Development Plans;
18. Minor PD Amendments;
19. Proposed temporary concrete, mortar, and asphalt batching operations; and
20. The Administrator may refer items to the appropriate Board for review and recommendation, or decision, as warranted.

Item 49.

#### **Sec. 6-3-2-2 Administrative Approvals and Permits**

- A. **Generally.** Administrative approvals and permits are issued by the Administrator without a requirement for a public hearing. Although no public hearing is required, some administrative approvals require public notice and opportunity for public comment, and others do not. The City Council hereby authorizes the Administrator to review and decide the approvals and permits set out in Table 6-3-2-2, Administrative Approvals and Permits. The Mayor's signature block shall be included on any final recordation of Administratively approved permits or plats on behalf of the Administrator.

Item 50.

**Table 6-3-2-2 Administrative Approvals and Permits**

Table 6-3-2-2 Administrative Approvals and Permits						
Approval or Permit	Required For	Timing	Exceptions	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
Land Use						
Temporary Use Permit	Operation of temporary use	Prior to commencement of temporary use	NA	Administrator	§ 6-3-3-3 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16	<a href="#">Division 2-3-3</a>
Change of Use Permit	Change of use from one type of use to another	Prior to establishment of new use	NA	Administrator	§ 6-3-3-4 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16	<a href="#">Article 2-1</a> and <a href="#">§ 2-1-3-14</a>
Special Use Permit	Establishment of special use	Prior to establishment of special use	NA	Administrator	§ 6-3-3-3 to § 6-3-3-11; §§ 6-3-3-14 to § 6-3-3-16 <sup>3</sup>	<a href="#">Division 2-2-3</a>

**Table 6-3-2-2**  
**Administrative Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
Limited Use Permit	Establishment of limited use	Prior to establishment of limited use	NA	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-11</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 2-2-3</a> and § <a href="#">2-2-2-1</a>
Minor Oil and Gas Facility	Prior to issuance of building permit for minor oil and gas facility (see § <a href="#">4-4-10-2</a> )	Prior to construction of facility	NA	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-11</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 4-4-10</a>
Design Review						
Design Review	Prior to issuance of building permit for construction in multifamily and commercial areas	Prior to issuance of building permit for development that is approved by site plan; or any exterior remodeling of existing structures	NA	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 3-4-3</a> and <a href="#">Division 3-4-4</a>
Alternative Compliance						
EN Alternative Compliance	Issuance of building permit for construction in an EN District that is subject to alternative compliance standards	Prior to issuance of building permit for development that is approved by alternative compliance	NA	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-11</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 3-1-5</a>
Fences and Signs						
Fence/Wall Permit, General	Construction of fence/wall	Prior to construction or substantial modification of fence/wall	Repairs or maintenance to existing fences/walls that do not involve replacement, reconfiguration, or additions	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	§ <a href="#">3-5-1-1</a>
Sign Permit	Construction or modification of sign	Prior to construction or substantial modification of sign	Repairs or maintenance to existing signs	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Article 3-6</a>
Site Development/ <a href="#">Subdivision/Planned Development</a> (Layout)						

**Table 6-3-2-2  
Administrative Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
Site Plan, Minor	All development	Prior to issuance of building, excavation, grading, and stormwater management permits	Single-family detached or duplex buildings on individual lots; changes in the use of a building that do not involve exterior modifications or site work	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<i>passim</i>
Final Plat	Construction on (or sale of) lots created by preliminary plat	Prior to construction or sale	NA	Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	§ <a href="#">6-3-6-4</a>
<a href="#">Final Development Plan (“FDP”)</a>	<a href="#">Final step of Planned Development process</a>	<a href="#">Prior to issuance of permits that authorize construction or site work</a>	NA	Administrator	<a href="#">§ 6-3-3-3 to §6-3-3-9; §6-3-3-14 to §6-3-3-16</a>	<a href="#">Division 6-3-10</a>
<a href="#">Replat</a>	<a href="#">Lot boundary adjustment or reconfiguration, realignment of private/public rights-of-way or easements.</a>	<a href="#">Prior to implementation of minor changes or sale demonstrating updated lot boundaries.</a>	NA	Administrator	<a href="#">§ 3 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16</a>	<a href="#">§ 6-3-6-7</a>
<a href="#">Planned Development Amendment, Minor</a>	<a href="#">Minor changes to approved Conceptual Development Plan, Preliminary Development Plan, or Final Development Plan</a>	<a href="#">Prior to implementation of minor changes</a>	NA	Administrator	<a href="#">§ 6-3-3-3 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16</a>	<a href="#">Division 6-3-10</a>
Site Development (Site Work)						
Excavation Permit	Site excavation of more than 10 yards of material	Except in extraordinary circumstances, must be issued with a building permit	NA	City Engineer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<i>passim</i>
Grading Permit	Site grading and tree removal	Except in extraordinary circumstances, must be issued with a building permit	Removal of trees or landscaping on single-family and duplex lots; removal of non-protected trees;	City Engineer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<i>passim</i>

**Table 6-3-2-2  
Administrative Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
			farming; forestry management; and implementation of approved wildfire management plans			
Retaining Wall	Installation of a retaining wall 30 inches or greater in height and / or within minimum setbacks	Prior to commencement of construction; may also need a building permit;	Wall or retaining walls less than 30 inches in height outside the minimum setbacks	City Engineer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	§ <a href="#">3-5-1-2</a>
Stormwater Quality Permit	Installation of stormwater best management practices ("BMPs") (temporary and permanent)	Prior to commencement of development for which BMPs are required	NA	City Engineer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 4-3-1</a>
Floodplain Development Permit	All construction within a floodplain	Prior to commencement of construction in special flood hazard area; may be issued with site plan, excavation permit, grading permit, stormwater management permit, or building permit, as appropriate	NA	Floodplain Administrator	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Article 7-2</a>
Construction in Historic Districts						
Fence Permit, Historic District or Landmark (a type of Alteration Certificate)	Construction of a fence or wall in an historic district or on the site of an historic landmark	Prior to construction of a fence or wall in an historic district or on the site of an historic landmark	Repairs to an existing fence or wall that do not involve reconfiguration, extension, or increases in height	Historic Preservation Officer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	§ <a href="#">3-5-1-1</a> and <a href="#">Division 3-3-3</a>
Alteration Certificate (Minor)	Alteration of an historic property	Prior to commencement of the alteration	Alteration of an historic landmark	Historic Preservation Officer	§ <a href="#">6-3-3-3</a> to § <a href="#">6-3-3-9</a> ; § <a href="#">6-3-3-14</a> to § <a href="#">6-3-3-16</a>	<a href="#">Division 3-3-3</a> and § <a href="#">6-3-7-6</a>
Construction Outside of Historic Districts						

**Table 6-3-2-2  
Administrative Approvals and Permits**

Approval or Permit	Required For	Timing	Exceptions	Issued By	Procedural Steps <sup>1</sup>	Standards / Special Requirements <sup>2</sup>
Demolition Permit	Demolition of any building; properties that are designated as Historic structures or located in a Historic District must receive approval through the Historic Preservation Board prior to issuance of a permit	Prior to demolition of structure	NA	Chief Building Official	§ 6-3-3-3 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16 and Appendix C	Division 6-3-15 § 3-3-3-5
Building Permit	Construction of any new structure 120 sf. in size or larger; any addition to a building; any other structure as established by this LUDC or the current adopted building Codes	Prior to construction of any building 120 sf. in size or larger	Accessory structures less than 120 ft. in size and fences 6 ft and less in height	Chief Building Official	§ 6-3-3-3 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16 and Appendix C	Division 6-3-15 and <i>passim</i>
Excavation or Construction in Right-of-Way						
Excavation Permits in Public Right-of-Way	Excavation or construction of any type within the public right-of-way	Prior to commencement of work within the public right-of-way	NA	City Engineer	§ 6-3-3-4 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16	§ 6-3-16-2.C.6
Miscellaneous Permits						
Chicken Permit	Keeping of chickens on non-farm property	Prior to keeping of chickens	NA	Chicken Permitting Officer	§ 6-3-3-4 to § 6-3-3-9; § 6-3-3-14 to § 6-3-3-16	§ 3-5-1-5

**TABLE NOTES:**

- Procedural steps refer to the provisions of [Division 6-3-3](#), *Standard Development Approval Procedures*, which apply to the application.
- Standards are provided for cross-reference purposes only. The cross-references do not exempt the application from any applicable standards that are not referenced.
- A pre-application conference is not required for special use approvals of business uses of the home.

NA = Not Applicable

**Table 6-3-3-10B Required Public Notice by Application Type**

<b>Table 6-3-3-10B</b> <b>Required Public Notice by Application Type</b>			
Application Type	Form of Required Public Notice		
	Staff Review	Board or Commission Review	Council Review
Use Oriented Permits			
Special Use Permit	PO.2	NA	NA
Limited Use Permit	PO.3; ML.1 (300 ft.)	NA	NA
Conditional Use Permit		PUB.2; ML.2 (300 ft.) PO.4	-
Rezoning	NA	PUB.2; PO.4; ML.2 (all owners within proposed rezone, and all owners within 300 ft. of proposed boundaries)	PUB.3; ML.3 (all owners within proposed rezone, and all owners within 300 ft. of proposed boundaries)
Comprehensive Plan Future Land Use Map Amendment	NA	PUB.2; PO.4; ML.2 (500 ft.)	PUB.2; ML.3 (500 ft.)
Oil and Gas Facility; Minor	PO.2; ML.1 (see Section <a href="#">6-3-8-2, Application; Determination of Completeness; Notice, for notice radius</a> )	NA	NA
Oil and Gas Facility; Major	NA	PUB.2; PO.4; ML.2 (1,320 ft.)	PUB.3; ML.3 (1,320 ft.)
Certificate of Designation	NA	PUB.2; PO.4; ML.2 (1,320 ft.)	PUB.3; ML.3 (1,320 ft.)
Alternative Compliance			
Alternative Compliance: Staff	PO.2; ML.1 (150 ft.)	NA	NA
Alternative Compliance: <del>DRB</del> CDC; HPB	NA	PO.4; ML.2 (150 ft.)	NA
Pattern Book	NA	PO.4; ML.2 (300 ft.)	NA

Signs			
Master Sign Program	NA	PO.4	NA
Site Development (Layout)			
Major Site Plan	NA	PUB.2; PO.3; ML.2 (300 ft.);	NA
Preliminary Plan	NA	PUB.4; PO.4	PUB.5
Conceptual Development Plan	NA	PUB.4; PO.4	PUB.5
Preliminary Development Plan	NA	PUB.4; PO.4; ML.2 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)	PUB.5; ML.3 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)
<del>Final Development Plan</del>	<del>NA</del>	<del>PUB.4; PO.4; ML.2 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)</del>	<del>PUB.5; ML.3 (all owners within proposed zone, and all owners within 300 ft. of proposed boundaries)</del>
Historic Landmarks and Historic Districts			
Landmark Alteration Certificate	NA	NA	NA
Designation of Historic District	NA	PUB.2; PO.4; ML.2 (all owners in proposed district)	PUB.2; ML.2 (300 ft. <del>and</del> all owners in proposed district)
Designation of Historic Landmark (with Consent of Owner)	NA	PUB.2; PO.4; ML.2	PUB.2; ML.2 (300 ft.)
Designation of Historic Landmark (without Consent of Owner)	NA	PUB.2; PO.4; ML.2 (owner of landmark)	PUB.2; ML.2 (300 ft. <del>and</del> owner of landmark)
Appeal or Call Up of Disapproved Historic Landmark or District Designation	NA	NA	PUB.2; ML.2 (300 ft.)
Revocation of Landmark or District Designation	NA	PUB.2; PO.4; ML.2	PUB.2; ML.2 (300 ft.)
Amendments / Vacation / Abandonment			
Administrative Amendments including Planned Development Amendment, Minor	PO.2; ML.1	NA	NA

Planned Development Amendment, Major	NA	PUB2; PO.4; ML2 (300 ft.)	PUB2; ML2 (300 ft.)
Vacation of plat or Abandonment of Rights-of-Way and Easements	NA	PUB2; ML2 (300 ft.)	PUB2; ML2 (300 ft.)
LUDC text amendment	NA	PUB2	PUB3
Comprehensive Plan or Special Area Plan Amendment	NA	PUB.2; PO.4	PUB.3
Relief			
Variance	NA	PUB.2; PO.4; ML.2 (150 ft.)	NA
Appeals		PUB.2; PO.4; ML.2 (150 ft.)	NA
Administration			
Development Agreement	By type of approval associated with development agreement		
TABLE NOTES: NA = Not Applicable			

Item 52.

#### Sec. 6-3-6-7 Replats

- A. **Generally.** A replat ~~shall~~ may be prepared in the event it is necessary or desirable for a person / entity to request, or for the City to initiate, a change to a previously recorded plat, for the following:
1. A vacation or realignment of ~~any private / public rights-of-way or~~ easements.
  2. To dedicate private or public rights-of-way.
  3. To increase or decrease the outer boundary of a subdivision.
  4. To reconfigure lots / blocks, public or common sites, outlots, or any other delineations required on the plat drawing which has been previously recorded.
- B. **Procedure.** ~~Replats shall be prepared, filed, and processed as a minor plat or a major plat, as applicable to the scope of the replat, as determined by the Administrator. Filing and Processing.~~ With respect to replats, the procedures of Division 6-3-3, Standard Development Approval Procedures, are modified as follows:
1. Replats are approved administratively pursuant to the Technical Requirements as outlined in Subsection D. of Sec. 6-3-6-4, Final Plat. Replat review is used to ensure that the replat meets one or more of the criteria of Subsection A., above, meets the Technical Requirements as outlined in Subsection D. of Sec. 6-3-6-4, Final Plat, and is accompanied by all the required supporting documentation, approvals, and agreements. Replats which meet these requirements and standards shall advance to the final plat process.
  2. At the discretion of the Administrator and / or applicant, the replat application may be reviewed and decided by the Community Development Commission at a regularly scheduled meeting depending on the scope or complexity of the replat. Such review shall be held within 125 days of the date of the application filing.



**ORDINANCE NO. O-2023-0023**

**AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF DURANGO (LAND USE AND DEVELOPMENT CODE) BY THE AMENDMENT TO PORTIONS OF CHAPTER 5, TO UPDATE PORTIONS OF THE FAIR SHARE ORDINANCE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the Land Use and Development Code (LUDC) was adopted in 1989 and revised in 2014 and since its adoption, the LUDC has had multiple revisions to address new uses and clarify provisions;

**WHEREAS**, City staff initiated the current Fair Share update to ease the formation of public-private partnerships, a reflection of the current funding environment with more state and federal funding availability;

**WHEREAS**, Action 4.1 of the 2018 Housing Plan states: “Action 4.1: Amend the Fair Share Ordinance to make more effective and easier to administer.”;

**WHEREAS**, the 2022 Strategic Plan Affordability & Economic Opportunity (AEO) goal 1.2 states: “Support the production of a variety of housing types through incentives, partnerships, efficient review processes, and other mechanisms with a particular emphasis on middle-income housing.”;

**WHEREAS**, it is the desire of City Council to adopt the updates to the LUDC to provide additional clarity for the public and further align land use application and review processes with the objectives outlined in the City’s Strategic Plan and Comprehensive Plan;

**WHEREAS**, after a public hearing held on October 23, 2023, the Planning Commission voted to recommend approval of these amendments to the LUDC;

**WHEREAS**, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public hearing, that the proposed text amendments to portions of Chapter 5 to the Land Use and Development Code are in the best interest of the citizens of the City of Durango;

NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:

**Section 1.** That Chapter 27 of the Code of Ordinances of the City of Durango should be and the same is hereby amended, with the sections and tables described below being added or amended as is more specifically described on Exhibit 'A' attached hereto and incorporated herein:

- 1) Section 5-4-2-1.C.1 *Responsibility for Administration* is amended to read in its entirety, as described on Item 1 of Exhibit 'A'.
- 2) Section 5-4-2-2.A *Alternative Compliance* is amended to read in its entirety, as described on Item 2 of Exhibit 'A'.
- 3) Section 5-4-3-2 *Approval of Development Proposals Subject to Fair Share Requirements* is amended to read in its entirety, as described on Item 3 of Exhibit 'A'.
- 4) Section 5-4-4-3 *Restrictions on Use of Third-Party Subsidies by For-Profit Builders* is amended to read in its entirety, as described on Item 4 of Exhibit 'A'.
- 5) Section 5-4-4-7.B *Fee Refunds and Waivers* is amended to read in its entirety, as described on Item 5 of Exhibit 'A'.
- 6) Section 5-4-5-1 *Eligible Homebuyers* is amended to read in its entirety, as described on Item 6 of Exhibit 'A'.
- 7) Section 5-4-5-3 *Filing of Deed Restrictions and Liens; Escrow Instructions* is amended to read in its entirety, as described on Item 7 of Exhibit 'A'.
- 8) Section 5-4-5-4 *Monitoring by RHA of Completed Sales* is amended to read in its entirety, as described on Item 8 of Exhibit 'A'.

**Section 2.** This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF DURANGO

Attest:

\_\_\_\_\_

City Clerk

\_\_\_\_\_  
Mayor

STATE OF COLORADO )

) ss.

COUNTY OF LA PLATA )

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023- as regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the \_\_\_\_ day of \_\_\_\_\_, 2023, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the \_\_\_\_ day of \_\_\_\_\_, 2023, prior to its final consideration by the City Council.

\_\_\_\_\_  
City Clerk

I further certify that Ordinance No. O-2023- , was duly adopted by the Durango City Council on the \_\_\_\_ day of \_\_\_\_\_, 2023, and that in accordance with instructions received from the Durango City Council, said amended ordinance was published by title only in the Durango Herald on the \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
\_\_\_\_ City Clerk

## CHAPTER 5 GROWTH MANAGEMENT AND ONGOING COMPLIANCE

### ARTICLE 5-4 FAIR SHARE HOUSING

#### Division 5-4-1 Purpose and Application of Article

##### Sec. 5-4-1-1 Purpose of Article; Authority; Scope

- A. **Generally.** The purpose of this Article is to establish policies requiring that certain types of new residential developments include a share of affordable housing and attainable housing, or provide alternative means of compliance, as described in this Article. Recent studies of the local housing market have indicated a severe and increasing shortage of affordable and attainable housing, as well as the need for an increased supply of affordable-attainable housing to maintain quality of life and economic potential for citizens and businesses in Durango.
- B. **Authority.** The City hereby enacts the provisions within this Article requiring the provision of affordable or attainable housing pursuant to:
1. The express statutory authority conferred upon Colorado municipalities to enact ordinances pursuant to its police power (*see* C.R.S. § 31-15-401, *et seq.*), to enact zoning ordinances in general (*see* C.R.S. § 31-15-103), and to enact zoning ordinances regulating the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land (*see* C.R.S. § 31-23-301); and
  2. Pursuant to any and all such other authority as may be applicable including, but not limited to, the City's home rule authority pursuant to Article XX of the Colorado Constitution, as well as the recognized authority of the City to protect the general welfare of its citizens. The provisions of this Article are adopted pursuant to the City's home-rule power and authority under its municipal charter.
- C. **Scope.** This Article sets out policies governing the following actions by Applicants, developers, possible successors in title, City staff and boards, and program administrators related to development, marketing, sales, and operation of certain real estate developments that are residential, in whole or in part, including:
1. Submission and review of applicable residential development proposals and determining conditions of approval related to the provision of Fair Share Homes or alternate means of compliance;
  2. Preparation, review, approval, and execution of Fair Share Agreements between property owners and the City to ensure compliance with this Article; and
  3. Monitoring the performance of property owners subject to such agreements, and any successors in title that are subject to such agreements or other requirements of this Article, and taking appropriate action in the event of noncompliance.

~~Effective on: 7/1/2014~~

##### Sec. 5-4-1-2 Application of Article; Administration

- A. **Generally.** This Article shall apply as follows:

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1. *Developments Not Subject to Fair Share Requirements.* The provisions of this Article shall not apply to:

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- a. Developments subject to existing affordable-attainable housing agreements with the City. No provision of this Article applies to a development or portion thereof which, upon the effective date of this LUDC, is subject to any formal, written, and binding agreement with the City or La Plata County for providing affordable housing, which agreement has been performed or remains in effect and may be performed by and after the effective date of this LUDC.
- b. Developments with three or fewer dwelling units. Compliance with this Article shall not be required for developments involving three or fewer dwelling units, unless the development is modified within five years of the initial application to increase the total number of dwelling units on the subject property to a number greater than three dwelling units, in which event the provisions of this Article shall apply.
- c. Rental housing developments. The requirements of this Article shall not apply to residential developments or portions thereof that are intended to be rented and are not separately platted as either single-family residences, condominiums, or townhomes. However, proposals for developments of three or more dwelling units which are separately platted and intended for rental will be subject to such requirements if and when the owner begins to market one or more individual dwelling units for sale.

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2. *Developments Subject to Fair Share Requirements.* Subject to limitations described elsewhere in this Article, the requirements of this Article shall apply to the following activities related to the development, marketing, sales, and operation of properties that are residential, in whole or in part, (except those described in Subsection A.1., above):

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- a. Any application that is submitted to the City after the effective date of this LUDC in which residential development or subdivision is proposed as follows:
  - 1. Applications for annexation initiated by persons other than the City unless previously subdivided into residential lots and not being re-platted.
  - 2. Applications for rezoning.
  - 3. Applications for a subdivision plat, including a plat for residential condominiums consisting of existing or new dwelling units.
  - 4. Applications for an increase in density for a property that is subject to an approved master plan or development plan.
  - 5. All site-specific development plans including, but not limited to, special, limited, and conditional use permit applications.

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- b. Sales of lots within a residential development subject to the requirements of this Article.
  - c. All newly built residential condominiums or subdivisions of existing multifamily buildings to create condominium units are subject to this Article, even if such units are temporarily rented.
  - d. The construction, marketing, sale, resale, and other transfers of Fair Share Homes, including homes in developments in which the developer does not intend to construct and sell homes directly to buyers, but rather intends to develop and sell lots to builders or individual owners.
  - e. Alternate means of compliance with this Article, such as contributions of cash, real estate, or in-kind resources for the construction of affordable housing or attainable housing pursuant to a Fair Share Requirement.
3. *Developments Subject to Fair Share Requirements with Limited Exceptions.*
- a. Applications requesting the extension of or connection to City utilities submitted to the City after the effective date of this Article for residential developments located outside the City limits shall be subject to the requirements of this LUDC, as may be limited by the City's jurisdiction.
  - b. Conversions of existing rental properties to condominiums are subject to the requirements of this Article, except that the application of Subsection B. of Section 5-4-4-6, *Design and Construction of Fair Share Housing*, will be limited to those components of the building and grounds which are rebuilt or replaced as a part of any renovations prior to their initial marketing as owner-occupied dwelling units.
- B. **Administrative Procedures Manual.** Simultaneous with the effective date of this LUDC, an administrative procedures manual approved by resolution of the City Council will also become effective. The purpose of the manual is to provide detailed guidance on the administration, implementation, and enforcement of Fair Share Requirements. It is anticipated that this manual may be amended from time to time by resolution of the City Council in response to changed housing market conditions and opportunities to increase the efficiency and effectiveness of administering the provisions of this Article.
- C. **Responsibility for Administration.** Responsibilities for administration are as follows:
- 1. The ~~Regional Housing Alliance of La Plata County (RHA)~~HomesFund shall be responsible for fulfilling all administrative functions of the requirements of this Article, except for those which are specifically described as the responsibilities of the City Council, the City Manager, City departments, or Boards. ~~RHA~~HomesFund's responsibilities shall be defined in detail in the Administrative Procedures Manual.
  - 2. The Department shall be responsible for reviewing Applicants' proposals for compliance with this Article, administering those provisions that permit or require the City to

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approve waivers or refunds of certain fees, and other administrative functions described in the Administrative Procedures Manual.

3. The City Attorney's office shall be responsible for providing legal assistance to City departments and Boards with regard to this Article.
4. The ~~Planning Community Development~~ Commission shall be responsible for reviewing and making recommendations to the City Council with regard to Fair Share Proposals, as part of the ~~Planning Community Development~~ Commission's normal process of reviewing development proposals.
5. The City Council shall be responsible for reviewing, and approving or denying, Fair Share Agreements as part of its normal process for considering applications for land use approvals. In so doing, the City Council shall take into account the recommendations of the ~~RHAHomesFund~~ and Department, and shall not withhold approval of a proposal for the provision of affordable or attainable housing that complies with the requirements in this Article and the companion Administrative Procedures Manual. Notwithstanding any other provisions of this Article, the City Council has the discretion to approve special compliance provisions for development projects with regard to unique circumstances that were not contemplated in this Article or the Administrative Procedures Manual, so long as such special provisions are reasonable and based upon the intent of this Article.
6. The City Manager shall have the sole authority to execute Fair Share Agreements on behalf of the City, after approval by the City Council.
7. The Administrator has the responsibility for hearing certain appeals as described elsewhere in this Article.

Effective on: 7/1/2014

#### **Division 5-4-2 Simplified Compliance, Alternative Compliance, and Fees-in-Lieu**

##### **Sec. 5-4-2-1 Simplified Compliance for Certain Developments**

Developments in which all of the dwelling units meet the definition of affordable housing or attainable housing will be subject to simplified compliance requirements. The Administrative Procedures Manual shall provide the detailed criteria and procedures for such simplified compliance.

Effective on: 7/1/2014

##### **Sec. 5-4-2-2 Alternative Compliance**

- A. **Generally.** It is recognized that in some circumstances, a developer otherwise required to provide Fair Share Homes on-site within a development may be able to offer an alternative means of compliance of equal value to the City. Such alternatives, if approved by the City, might include a public-private partnership between the developer and the City of Durango or other government or nonprofit entity, contributions of cash, undeveloped land, or partially developed land.

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- B. **Allowable Alternative Means of Compliance.** Only certain alternative means of compliance will be allowed by the City, as approved by the City Council from time to time, in consideration of then current housing market conditions, and as described in the Administrative Procedures Manual.

Effective on: 7/1/2014

#### Sec. 5-4-2-3 Fees-in-Lieu

OS RA RL

- A. **Generally.** It is the intent of this Article that the City may permit alternatives to the provision of Fair Share Homes within a development, including but not limited to, the payment of fees-in-lieu, which alternative means of compliance, if permitted, will be described in the Administrative Procedures Manual. Such alternatives may be amended from time to time and must have a rational basis for achieving similar public benefits to the provision of Fair Share Homes in a development.
- B. **Fees-in-Lieu in Low Density Zones.** RL, RA, and OS zones are not intended for deed-restricted affordable housing or attainable housing, as they involve increased landscape maintenance and transportation costs. Therefore, fees-in-lieu of affordable housing or attainable housing are preferred in these zones.
- C. **Fee-in-Lieu Alternative.** Subject to limitations described elsewhere in this Article, the following types of developments are (or may be) subject to paying fees-in-lieu of building Fair Share Homes:
1. *A development required to provide two or fewer Fair Share Homes.* In this type of development, the developer, by right, may elect to pay fees in lieu of building Fair Share Homes.
  2. *A development in which the calculation of the number of required Fair Share Homes results in a fraction of a Fair Share Home.* In such cases, the requirement for a fraction of a Fair Share Home shall be satisfied by payment of a fractional fee-in-lieu as described in the Administrative Procedures Manual.
  3. Any other type of development for which this Article and the Administrative Procedures Manual allow the developer the option of meeting some or all of the Fair Share Obligation by payment of fees-in-lieu.
- D. **Calculation of Fees-in-Lieu.** If and when in-lieu cash payments are allowed by the City, the amounts of such payments for each Fair Share Home not provided will be described in the Administrative Procedures Manual, derived by a market analysis and formula, which will result in a good-faith estimate of the amount of funds required to subsidize the purchase of a similar market-rate home to achieve approximately the same effective price. The Administrative Procedures Manual will describe different procedures for calculating fees-in-lieu for different circumstances, such as developments providing some or no Fair Share Homes on-site.

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Effective on: 7/1/2014



## Division 5-4-3 Fair Share Agreements

### Sec. 5-4-3-1 Fair Share Proposals and Agreements

Applicants subject to Fair Share Requirements shall prepare and present Fair Share Proposals for review by the City and its agent as described elsewhere in this Article. The provisions of such Fair Share Proposals shall be incorporated in Fair Share Agreements if and when approved by the City. The Administrative Procedures Manual shall set forth requirements and guidance for the preparation of Fair Share Proposals and Agreements.

Effective on: 7/1/2014

### Sec. 5-4-3-2 Approval of Development Proposals Subject to Fair Share Requirements

No development proposal subject to Fair Share Requirements may be heard by the Planning Community Development Commission unless a Fair Share Proposal has been recommended as complying with Fair Share Requirements by the RHA and City staff, or the lack of such recommendation has been successfully appealed as set out elsewhere in this Article. Such Fair Share Proposal presented by the Applicant shall correspond to the other aspects of the final development, including, but not limited to, the total numbers of dwelling units proposed.

Effective on: 7/1/2014

### Sec. 5-4-3-3 Execution of Fair Share Agreements

- A. **Generally.** After all development approvals (except for building permits) have been received, the Fair Share Agreement may be executed by the City Manager and the Applicant. The Fair Share Agreement shall be recorded in the offices of the La Plata County, Colorado Clerk and Recorder, prior to any permits being issued or the start of any work.
- B. **Cross-References and Recording.** The Fair Share Agreement shall be referred to and recorded as follows:
  1. The Fair Share Agreement shall be referred to in the annexation agreement or the rezoning ordinance and referred to on the annexation plat, final subdivision plat, or final development plan, as appropriate. It shall be included as a condition of approval for any extension of or connection to City utilities beyond the City limits.
  2. The Fair Share Agreement shall be recorded in the offices of the La Plata County, Colorado Clerk and Recorder, at the time of recording the annexation plat, rezoning ordinance, final subdivision plat, or final development plan, as appropriate, or prior to issuance of a building permit if the previous documents are not required, in which case a copy of the recorded agreement shall be included with the submittal for a building permit.

Effective on: 7/1/2014

## Division 5-4-4 Requirements for Providing Fair Share Homes

### Sec. 5-4-4-1 Fair Share Home Prices

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- A. **Generally.** The sales price of Fair Share Homes (exclusive of closing costs) that are sold to certified, eligible owner-occupants pursuant to a Fair Share Agreement shall be at or below certain prices described in the Administrative Procedures Manual.
- B. **Price Adjustments.** Fair Share Home Prices shall be amended from time to time, based upon changes in area median incomes, prevailing interest rates, and other market conditions that affect housing affordability. The Administrative Procedures Manual shall contain procedures for calculating and updating home prices for purposes of this Article, so that such prices reasonably reflect current market conditions and so that the prices of Fair Share Homes cannot be manipulated by side agreements or added fees.
- C. **Division into Tiers.** Fair Share Home prices shall be divided into several tiers corresponding to several tiers of household incomes below 125 percent of area median income, so that discount-priced homes are reasonably and cost-efficiently distributed to eligible families at different income levels. Fair Share Home prices shall be determined by using reasonable formulas for calculating affordability, taking into account various factors, including, but not limited to, current prevailing interest rates, estimated minimum down payment requirements of lenders, estimated costs of property insurance and real estate taxes, estimated typical costs of homeowner association fees, and a reasonable percentage of income to be spent on these housing costs.
- D. **Effect of Unit Size.** The Administrative Procedures Manual shall describe Fair Share Home Prices by various bedroom sizes of Fair Share Homes, based upon reasonable assumptions regarding the space needs of households of various sizes which occupy a Fair Share Home.

Effective on: 7/1/2014

#### Sec. 5-4-4-2 Price Adjustment for Green Building Features

As an incentive for Fair Share Developers to provide homes with energy-efficient and healthy designs and materials, and considering the addition benefits to Fair Share Homebuyers, the maximum Fair Share Home Price of such homes will be adjusted upwards in accordance with a schedule of price adjustments in the Administrative Procedures Manual.

Effective on: 7/1/2014

#### Sec. 5-4-4-3 Restrictions on Use of Third-Party Subsidies by For-Profit Builders

The City will offer financial and zoning incentives for developers opting to build the fair share units. Specific incentives are outlined in the administrative manual. The required sale price of a Fair Share Home by a for-profit developer may not be achieved by use of subsidies from any source other than the developer, so that, given the scarcity of subsidy funds, all Fair Share Applicants that are for-profit entities will be treated equally and fairly. However, the City encourages the use of such subsidies to reduce prices of Fair Share Homes from the maximum amounts allowed by this Article to a lower price, or to create funding mechanisms to bridge the disparity between market rate and affordable pricing such as but not limited to funding or partially funding down payments, and closing costs of Fair Share Homebuyers, or leveraging local funding sources to access state and federal funds. It is expected that local nonprofit and government mortgage assistance programs will offer such subsidies on some Fair

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Share Homes. Nonprofit builders and developers may use subsidies to achieve the required Fair Share Home Prices.

Effective on: 7/1/2014

5-4-3-3(a). Criteria for For-Profit Builders to Receive Housing Subsidies. Each application for housing funds shall be scored by the following criteria:

1. Price of housing;
2. Number of Fair Share units to be built;
3. Financial transparency, including sharing of developer pro forma, expected profit margin and willingness to submit to an audit of the use of project funding if requested by the City;
4. Readiness to proceed to construct units; and
5. Willingness of the builder to partner with nonprofit builders, if applicable; and
6. Availability of City resources and funding from other sources such as state and federal funding programs and private funding such as foundation funding is a factor in determining amounts and numbers of subsidies.

#### Sec. 5-4-4-4 Required Number of Fair Share Homes; Fractions

- A. **Generally.** In any development that is obligated to fulfill Fair Share Requirements by directly providing Fair Share Homes, the number of Fair Share Homes shall be equal to 16 percent of the total number of homes proposed to be built (the total to include both Fair Share Homes and market-rate homes).
- B. **Fractions.** The whole number resulting from the calculation in Subsection A., above, shall be the number of homes required. Fees-in-lieu may apply if fractions result from this calculation (see Section 5-4-2-3, *Fees-in-Lieu*). Alternatively, a land donation of equivalent value that may be used in support of affordable housing or attainable housing may be accepted by the City.
- C. **Multi-Phased Projects.** It is anticipated that in larger developments being built in phases over a number of years, the number of market-rate homes may not be certain at the time of execution of the Fair Share Agreement. In such cases, the Fair Share Agreement will include an estimated number of market-rate homes and estimated required number of Fair Share Homes for the entire project. If the number of homes in the first phase of such development is certain at the time of execution of the Fair Share Agreement, then a separate Fair Share Pricing and Delivery Schedule for that phase shall be incorporated in the Agreement. As the number of homes in future phases becomes certain, the agreement shall provide for RHAHomesFund to administratively approve subsequent Fair Share Pricing and Delivery Schedules for future phases of the development, consistent with the overall Fair Share Requirements of the development.

Effective on: 7/1/2014

#### Sec. 5-4-4-5 Pricing and Delivery Schedules

In a Fair Share Proposal or Fair Share Agreement or as otherwise required by this Article, the Fair Share Pricing and Delivery Schedules shall be in the form of a chart that contains the numbers of required Fair Share Homes by bedroom size and price tier, and shall indicate the current Fair Share Home Price for

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each size of home in each tier. The Administrative Procedures Manual shall describe how the required number of Fair Share Homes shall be distributed in the various price tiers and required bedroom sizes. Such distribution by price tiers shall be based primarily upon an assessment of housing needs among the income groups corresponding to price tiers, but shall take into account the economic impact on developments subject to Fair Share.

Effective on: 7/1/2014

#### Sec. 5-4-4-6 Design and Construction of Fair Share Homes

- A. **Required Numbers of Bedrooms in Fair Share Homes.** In each Fair Share Development, Fair Share Homes shall represent a mix of bedroom sizes as similar as possible (given rounding of numbers) to the mix of bedroom sizes of the market-rate homes in the development.
- B. **Standards for Design and Construction.** The Administrative Procedures Manual shall define reasonable standards for the design and construction of Fair Share Homes to ensure livability and compatibility with nearby market-rate homes in the development, including, but not limited to, numbers of bathrooms, garages and parking areas, minimum floor areas, mechanical equipment and hookups, location of Fair Share Homes within developments, design and materials, and green building features.

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#### Sec. 5-4-4-7 Cost Offsets for Fair Share Developers

- A. **Generally.** In an effort to assist in making residential construction less costly and therefore, more affordable, the City offers the following cost offsets to Fair Share Developers in consideration of their construction and sale of Fair Share Homes, and to the extent that price discounts on such homes are equal to or exceed such cost offsets. These cost offsets do not apply to applications for residential developments located outside the City limits, which are requesting the extension of or connection to City utilities.
- B. **Fee Refunds and Waivers.** Developers of Fair Share Homes ~~are entitled~~ may be eligible for a refund-incentive funding for a proportionate amount attributed to the Fair Share homes of certain development fees paid to the City, as follows:
  1. Such fee offsets and waivers ~~refunds~~ will be made only for fees paid in connection with the construction of a Fair Share Home in Price Tiers 1, 2 or 3, with such refund payable only after a sale to a qualified buyer has been certified by RHA.
  2. The fees paid or allocable on a per-dwelling-unit basis that could be eligible ~~qualify for such refunds~~ are as follows:
    - a. Building permit fees;
    - b. Use tax;
    - c. Land use application fees (see Subsection B.5., below)
    - d. Water plant investment fees;

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e. Sewer plant investment fees; ~~and~~

~~f. Water tap fees;~~

~~g. School fees;~~

~~h. Park fees; and~~

~~i. Major Street Impact Fees.~~

~~f.3. Based on market conditions and available funding other City subsidies could apply, as determined on a case-by-case basis.~~

~~3.4.~~ With regard to sewer plant investment fees, the City will, ~~via a refund,~~ subsidize a portion of the fee paid for connection to the South Durango Sewer District (SDSD) lines. Such portion shall be equal to the sewer plant investment fee that would have been applicable to a similar connection within the City at the time the fee was paid to the SDSD.

~~4.5.~~ Notwithstanding the foregoing, the total amount of fees refunded for constructions and sale of a Fair Share Home shall not exceed the price discount for that home, as defined in Section ~~5-4-5-6~~, *Resale Controls and Subsidy Recapture*. This provision, combined with the recapture provisions described in Section ~~5-4-5-6~~, *Resale Controls and Subsidy Recapture*, has the effect of ensuring that there is a mechanism for fully recovering the cost of fee refunds and waivers.

~~5.6.~~ Land use application fees will be refunded for projects that are entirely residential and in which all of the residential units have price and income restrictions equivalent to or lower than those for Fair Share Homes. At the City's sole discretion, such fees may be waived in advance rather than refunded.

~~Effective on: 7/1/2014~~

#### Sec. 5-4-4-8 Timing of Compliance

A. **Generally.** Required fair share units or alternative means of compliance shall be provided in accordance with the following requirements:

1. *Timing of Providing Fair Share Homes.* In each development in which more than one Fair Share Home is required to be sold, the Fair Share Agreement shall provide for Fair Share Homes to be sold in sequence and in proportion to the sale of unimproved lots or Market Rate Homes. This sequence shall be defined precisely. Such timing of compliance shall be represented in a Fair Share Pricing and Delivery Schedule as described elsewhere in this Article.
2. *Earlier Delivery.* A developer may sell affordable or attainable units earlier than required in a Fair Share Agreement or a Fair Share Pricing and Delivery Schedule.
3. *Timing of Providing In-Lieu Contributions.* In-lieu contributions when required or permitted shall be due and deliverable to the City or ~~RHA~~ HomesFund (as designated in

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the Fair Share Agreement) before the recordation of the Fair Share Agreement. An Applicant may, at his or her option, propose an alternative to this requirement in which staged contributions are made upon the predicted occurrence of certain events, such as the sale of lots.

4. *17-7-4 Staged Delivery of In-Lieu Contributions.* In the case of staged delivery of in-kind contributions when permitted, the value of each contribution shall be determined in accordance with provisions elsewhere in this Article that take into account the differential financial value to the City of payments that are made a substantial amount of time later than recordation of the Fair Share Agreement, using conventional methods of discounting future cash flows to present value.

Effective on: 7/1/2014

#### Division 5-4-5 Fair Share Transactions and Monitoring

##### Sec. 5-4-5-1 Eligible Homebuyers

A household eligible to purchase a Fair Share Home shall have an income not to exceed 125 percent of area median income and within a range corresponding to one of several tiers of affordable-attainable home prices. RHAHomesFund shall certify buyer's eligibility and administer waiting lists and preferences for residents and workers in La Plata County, as described elsewhere in this Article. It is the Fair Share Developer's responsibility to match eligible buyers with Fair Share Homes in the appropriate price tier.

Effective on: 7/1/2014

##### Sec. 5-4-5-2 Marketing To and Certifying Eligibility of Fair Share Buyers

- A. **Generally.** Fair Share Developers shall market and sell Fair Share Homes in accordance with provisions described in the Administrative Procedures Manual. These provisions will address factors such as preferences for current residents and workers in La Plata County, waiting list management, marketing materials, responsibilities for marketing Fair Share Homes, inability to identify qualified buyers, procedures for certification of buyer eligibility, purchase contracts, and full disclosures to buyers of their obligations and rights under this Article.
- B. **Authorization of Reasonable Adjustments.** A reasonable and prudent method of qualifying and certifying Fair Share Homebuyers and renters as eligible to buy Fair Share Homes will be used and described in the Administrative Procedures Manual. With regard to determining qualifying incomes of prospective Fair Share Homebuyers, such method may (but is not required to) make adjustments for such household financial circumstances, such as extraordinary medical expenses, dependent care expenses, and ownership of significant non-income-producing assets.

Effective on: 7/1/2014

##### Sec. 5-4-5-3 Filing of Deed Restrictions and Liens; Escrow Instructions

A Fair Share Developer selling a Fair Share Home shall cause to be recorded in the offices of the La Plata County, Colorado Clerk and Recorder, simultaneous with the recording of the deed of conveyance, a form of deed restriction, restrictive covenant, deed of trust, or other legal instrument, approved by

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RHAHomesFund, that fulfills long-term affordability controls and recapture requirements described in this Article.

Effective on: 7/1/2014

#### Sec. 5-4-5-4 Monitoring by RHAHomesFund of Completed Sales

Upon receipt of a settlement statement for a Fair Share Home, RHAHomesFund will determine if the completed Fair Share Home sale complies with Fair Share Requirements, and if not, notify the City in writing as to the specifics of noncompliance.

Effective on: 7/1/2014

#### Sec. 5-4-5-5 Rental Prohibition

Fair Share Homes shall not be rented to a third party, since the intent of the program is to provide these homes only for income-qualified owner occupants.

Effective on: 7/1/2014

#### Sec. 5-4-5-6 Resale Controls and Subsidy Recapture

- A. **Generally.** It is assumed that most Fair Share Homes will be sold at a price discount, which is defined as the difference between the appraised value at the time of the initial sale to a qualified Fair Share Homebuyer and the Fair Share Home Price. Upon resale or transfer of Fair Share Homes, the City intends to perpetuate housing affordability by recapturing a portion of the value of the home or placing price and other restrictions as provided in this Section.
- B. **Resales.** In instances in which the priced discount is substantial, as defined in the Administrative Procedures Manual, a Fair Share Home may be sold or transferred only to an income-qualified buyer with restrictions on the resale price, except that the Administrative Procedures Manual will describe special provisions for waiving income qualification requirements for sales and transfers to family members.
- C. **Subsidy Recaptures.** In all instances not subject to Subsection B., above, the following amounts of funds will be due and payable to the City or RHAHomesFund for reuse as mortgage assistance or other means of making housing in Durango more affordable:
  1. The amount of the price discount on the Fair Share Home, and
  2. A share of any home price appreciation, in proportion to the ratio between the price discount and the appraised value at the time of initial sale.

Effective on: 7/1/2014

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AGENDA DOCUMENTATION

Item 8.4.1

Meeting Date: December 5, 2023

TO: DURANGO CITY COUNCIL      FROM: BONNIE KLING  
HUMAN RESOURCES DIRECTOR

SUBJECT    APPROVAL OF THE 2024 PAY AND CLASSIFICATION PLANS

RECOMMENDATION:

The City Council, by motion, approves the 2024 Pay and Classification Plans for the City of Durango.

BACKGROUND SUMMARY:

As required by the City of Durango Charter, the City Council adopts a pay plan for all city positions by resolution. The proposed 2024 pay plan is attached for full-time, part-time, and seasonal employees, including Parks & Recreation employees and other part-time and seasonal employees. A summary of changes is listed below.

Position Additions & Reclassifications	New Grade
Utilities Building & Grounds Maintenance	65
Environmental Assistant	65
Distribution/Collection Technician	70
911 Call Taker	75
Library Specialist	75
Sr. Distribution/Collection Technician	80
911 Emergency Dispatcher	85
Transportation Facilities Technician	85
Payroll Specialist	85
Sr. Wastewater Facility Technician	90
Sr. Water Facility Technician	90
Community Engagement Specialist	95
Public Works Outreach & Education Coordinator	95
Police Officer	95
911 Shift Supervisor	100
Design Project Manager	105
Economic Opportunity Manager	105
Transit Multi-Modal Manager	105
Compliance & Reporting Manager	110
Administrative Manager - PD	110
Purchasing Manager	110
Public Works Operations Manager	115
Assistant City Attorney	125

STRATEGIC PLAN ALIGNMENT:

To ensure transparency to all parties related to adopting the 2024 pay plan – FEHPG.

ALTERNATIVE OPTIONS CONSIDERED:

None.

FISCAL IMPACT:

There is no fiscal impact to adopting the 2024 Pay and Classification Plans. All positions are budgeted and appropriated during the Budget Adoption according to the Pay Plan.

POTENTIAL ADVERSE IMPACTS:

None.



2024 PAY PLAN		SALARY RANGE		
Pay Group	Position Title	Starting Range	Midpoint	Maximum Range
60	Administrative Associate	\$16.7221	\$19.2308	\$21.7389
60	Court Clerk	\$34,782	\$40,000	\$45,217
60	Custodian			
60	Fleet Maintenance Worker			
60	Human Resources Assistant			
60	Library Associate			
60	Solid Waste Operator I			
65	Court Clerk Lead	\$18.3942	\$21.1534	\$23.9130
65	Customer Service Specialist	\$38,260	\$43,999	\$49,739
65	Environmental Assistant			
65	Facilities Maintenance Technician			
65	Facilities Maintenance Technician - Airport			
65	Forestry Maintenance Technician			
65	Parking Enforcement Officer			
65	Parks Maintenance Technician			
65	Parks & Community Events Maintenance Technician			
65	Police Records Technician			
65	Recreation Technician			
65	Sr. Custodian			
65	Sr. Lifeguard			
65	Utilities Building & Ground Maintenance			
70	Distribution/Collection Technician	\$19.3909	\$23.2688	\$27.1471
70	Meter Technician	\$40,333	\$48,399	\$56,466
70	Parking Enforcement Technician			
70	Solid Waste Operator II			
70	Transit Operator			
75	911 Call Taker	\$21.3298	\$25.5957	\$29.8620
75	Administrative Specialist	\$44,366	\$53,239	\$62,113
75	Background Investigator			
75	Digital Evidence Technician & Media Specialist			
75	Financial Services Specialist			
75	Library Specialist			
75	Marketing & Communications Specialist			
75	Multimodal Specialist			
75	Police Administrative Specialist			
75	Records & Management Technician			
75	Recreation Specialist			
75	Sr. Facilities Maintenance Technician			
75	Sr. Facilities Maintenance Technician - Airport			
75	Sr. Meter Technician			
75	Sr. Parks Maintenance Tech			
75	Sr. Open Space & Trails Maintenance			
75	Streets Operator			
80	Administrative Analyst	\$22.5245	\$28.1553	\$33.7865
80	ARFF/Operations Technician	\$46,851	\$58,563	\$70,276
80	Arborist			
80	Code Compliance Officer			

80	Court Administrator			
80	Deputy Clerk			
80	Engineering Technician I			
80	Lead Transit Operator			
80	Open Space & Parks Ranger			
80	Permit Technician			
80	Police Property Control Technician			
80	Police Services Technician			
80	Records Technician - Lead			
80	Recreation Coordinator			
80	Sign Technician			
80	Sr. Customer Service Specialist			
80	Sr. Distribution/Collection Technician			
80	Sr. Financial Services Specialist			
80	Sr. Streets Operator			
80	Transportation Specialist			
85	911 Emergency Dispatcher	\$24,7769	\$30,9712	\$37,1654
85	Airport Environmental Technician	\$51,536	\$64,420	\$77,304
85	Backflow & FOG Administrator			
85	Broadcast Specialist			
85	CALEA Accreditation Manager			
85	Civilian Forensics Analyst			
85	CIP Inspector			
85	Engineering Inspector			
85	Engineering Technician II			
85	GIS Technician			
85	Grants & Contracts Specialist			
85	Human Resources Technician			
85	Inventory Technician			
85	IT Technical Specialist			
85	Land Use & Building Inspector			
85	Para Librarian			
85	Payroll Specialist			
85	Police Officer Trainee			
85	Public Information Specialist			
85	Purchasing Administrator			
85	Recreation Facilities Technician			
85	Transportation Facilities Technician			
85	Mechanic I			
85	Wastewater Facility Technician			
85	Water Facility Technician			
90	Arborist Supervisor	\$27,2543	\$34,0683	\$40,8817
90	ARFF/Operations Lieutenant	\$56,689	\$70,862	\$85,034
90	Cemetery Supervisor			
90	Chief Deputy Clerk			
90	Community Events Administrator			
90	Engineering Technician III			
90	Mechanic II			
90	Parks Supervisor			
90	Parks & Landscape Supervisor			
90	Planner I			
90	Recreation Supervisor			

90	Recycle Supervisor			
90	Safety/Risk Administrator			
90	Solid Waste Supervisor			
90	Sr. Engineering Inspector			
90	Sr. CIP Inspector			
90	Sr. Wastewater Facility Technician			
90	Sr. Water Facility Technician			
90	Stormwater & Environmental Technician			
90	Streets Supervisor			
90	Systems Analyst I			
90	Transit Supervisor			
95	Accountant	\$29.9798	\$37.4750	\$44.9697
95	ARFF Captain/Operations Supervisor	\$62,358	\$77,948	\$93,537
95	Chief Building Inspector			
95	Crime Analyst			
95	Community Engagement Specialist			
95	Distribution/Collection Supervisor			
95	Economic Opportunity Coordinator			
95	Executive Assistant			
95	Financial Services Analyst			
95	Fleet Supervisor			
95	Housing Coordinator			
95	Human Resources Specialist			
95	Librarian			
95	Mobility Coordinator			
95	Planner II			
95	Public Works Outreach & Education Coordinator			
95	Police Officer			
95	Records Technician Supervisor			
95	Recruitment Specialist			
95	Sr. Mechanic			
95	Wastewater Facility Supervisor			
95	Water Facility Supervisor			
100	911 Shift Supervisor	\$32.9779	\$41.2226	\$49.4668
100	GIS Analyst	\$68,594	\$85,743	\$102,891
100	Lake Nighthorse Operations Supervisor			
100	Library Facility Maintenance Supervisor			
100	Library Supervisor			
100	Records Administrator			
100	Recreation Facility Maintenance Supervisor			
100	Recreation Operations Supervisor			
100	Sr. Accountant			
100	Sr. Human Resources Specialist			
100	Systems Analyst II			
105	Airport Facility & Airfield Maintenance Manager	\$36.2800	\$45.3447	\$54.4135
105	Airport Fire Chief/Public Safety Manager	\$75,453	\$94,317	\$113,180
105	Airport Operations & Project Manager			
105	Airport Utilities & Environmental Manager			
105	CIP Project Manager			
105	Customer Service Manager			
105	Design Project Manager			

105	Economic Opportunity Manager			
105	GIS Supervisor			
105	Housing Innovation Program Manager			
105	Network Engineer			
105	Parking Operations Manager			
105	Planner III			
105	Project Manager			
105	Public Safety Team Supervisor			
105	Transit Multimodal Manager			
105	Security Analyst			
105	Sr. Business Analyst			
105	Stormwater Program Manager			
105	Sustainability Manager			
110	911 Operations Manager	\$39,9034	\$49,8788	\$59,8548
110	Accounting & Finance Services Manager	\$82,999	\$103,748	\$124,498
110	Administrative Manager			
110	Assistant City Engineer			
110	Budget & Strategic Planning Officer			
110	Compliance & Reporting Manager			
110	Database Administrator			
110	Development Services Manager			
110	Distribution/Collection Manager			
110	Fleet/Facilities Manager			
110	Human Resources Manager			
110	Parks, Open Space & Trails Design Manager			
110	Public Information Officer			
110	Purchasing Manager			
110	Natural Resources Manager			
110	Parks Manager			
110	Planning Manager			
110	Police Sergeant			
110	Recreation Center Manager			
110	Solid Waste Manager			
110	Streets Manager			
110	Wastewater Plant Manager			
110	Water Plant Manager			
115	Assistant Finance Director	\$43,8938	\$54,8668	\$65,8404
115	Assistant Library Director	\$91,299	\$114,123	\$136,948
115	Assistant Parks Director			
115	Assistant Recreation Director			
115	Business Applications Manager			
115	CIP Manager			
115	Infrastructure & Security Manager			
115	Police Commander			
115	Public Works Operations Manager			
115	Utilities Manager			
120	City Engineer	\$48,2832	\$60,3538	\$72,4245
		\$100,429	\$125,536	\$150,643
125	Assistant City Attorney	\$52,0697	\$66,3889	\$80,7082
125	911 Communications Director	\$108,305.00	\$138,089.00	\$167,873.00

125	City Clerk			
125	Deputy Chief of Police			
130	Aviation Director	\$57.2769	\$73.0279	\$88.7788
130	Community Development Director	\$119,136	\$151,898	\$184,660
130	Human Resources Director			
130	IT Director			
130	Library Director			
130	Public Works Director			
130	Transportation Director			
135	Chief Financial Officer	\$63.0043	\$80.3308	\$97.6572
135	Managing Director Public Safety/Police Chief	\$131,049	\$167,088	\$203,127
135	Parks & Recreation Director			
135	Assistant City Manager			
140		\$69.3048	\$88.3639	\$107.4226
140		\$144,154	\$183,797	\$223,439

**RESOLUTION R-2023-0053**

**A RESOLUTION APPROVING AND ADOPTING THE  
2024 PAY AND CLASSIFICATION PLANS**

**WHEREAS**, the City’s Human Resources Director finds it necessary and beneficial to provide the 2024 Pay and Classification Plans to ensure transparency with all parties; and

**WHEREAS**, the City Manager and City Staff are submitting the final draft of the 2024 Pay and Classification Plans to the City Council for review and adoption under Article IV (2) (b) of the City Charter; and

**WHEREAS**, the City Council finds that the 2024 Pay and Classification Plans provide clear and consistent information to all parties regarding applicable rates of pay, classifications of employees, and positions of employment within the City; and

**WHEREAS**, the Council finds that it is in the best interests of the City and the citizens of Durango to adopt the 2024 Pay and Classification Plans, as submitted.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Durango, in the regular meeting assembled, December 5, 2023:

**Section 1.** That the City of Durango Pay and Classification Plans are hereby approved and adopted as the 2024 Pay and Classification Plans for the City of Durango, effective January 1, 2024.

Approved and adopted this 5th day of December 2023.

CITY OF DURANGO,  
COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk

## 2024 PART-TIME AND SEASONAL POSITION CLASSIFICATION PLANS

<u>Position Title</u>	<u>Starting Wage</u>	<u>Max Wage</u>
Records Aide	\$14.42 -	\$19.86
Office Assistant		
Maintenance Worker		
Paid Intern		
Circulation Clerk		
Materials Handler		
Public Information Office Assistant	\$15.00 -	\$21.00
Equipment Operator	\$15.78 -	\$23.95
Customer Service Assistant I		
Environmental Assistant		
Building/Grounds Maintenance Worker		
Paid Intern (Degree or Certification)		

**PART-TIME AND SEASONAL EQUIVALENT GROUP -**  
**Compensation within the same pay range as the full**  
**time counterparts**

Administrative Associate  
 ARFF/Operations Technician  
 Communications Technician  
 Custodian  
 Engineering Technician  
 Financial Services Technician  
 Library Associate  
 Maintenance Custodian  
 Parking Enforcement Officer  
 Recreation Coordinator  
 Recreation Technician  
 Streets Operator  
 Transit Operator

Increase to 2024 Minimum Wage - \$0.77 increase - increased range by same amount to reduce compression.  
 Paid Intern (Degree or Certification) increase max pay by minimum wage increase to remain competitive.

# Proposed 2024 Parks and Recreation Department Part-time/Seasonal Pay Plan

GRADE A	POSITION TITLE	NON-CERT Game/Class	CERTIFIED Game/Class	NON-CERT Non-Partner	CERTIFIED Non-Partner
<b>Referee's/Officials</b>					
1R	Youth Basketball Youth Soccer/Flag Football	\$16.00	\$19.00	\$19.00	\$22.00
1R	Volleyball Adult Soccer Line Youth Lacrosse/Hockey	\$17.00	\$20.00	\$21.00	\$24.00
1R	Kickball Adult Softball	\$21.00	\$25.00	\$25.00	\$29.00
1R	Flag Football - Adult Adult Basketball	\$24.00	\$28.00	\$26.00	\$30.00
1R	Adult Lacrosse Adult Hockey Adult Soccer 2-person (1-1/2hr)	\$26.00	\$36.00	\$30.00	\$40.00

\$ 2.00      Min Wage      \$ 13.65

\$ 2.00

\$ 2.00

\$ 2.00

\$ 1.00

	Position Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	
1F	Recreation Center Non-Cert. Fitness Instructor	\$14.50	\$14.94	\$15.38	\$15.84	\$16.32	\$16.81	\$17.31	\$17.83	\$18.37	\$18.92	\$19.49	\$20.07	\$0.85
1F	Recreation Center Certified Fitness Instructor	\$19.50	\$20.09	\$20.69	\$21.31	\$21.95	\$22.61	\$23.28	\$23.98	\$24.70	\$25.44	\$26.21	\$26.99	\$0.91
1F	Recreation Center - Certified Fitness Instructor Trainer Private Swim Instructor	\$25.50	\$26.27	\$27.05	\$27.86	\$28.70	\$29.56	\$30.45	\$31.36	\$32.30	\$33.27	\$34.27	\$35.30	\$0.91
1	Fitness Attendant Ice Attendant Scorekeeper All Sports Program Aide	\$14.50	\$14.94	\$15.38	\$15.84	\$16.32	\$16.81	\$17.31	\$17.83	\$18.37	\$18.92	\$19.49	\$20.07	\$0.85
2	Program Instructor Sports/Gymnastics Coach I Lift Operator Childcare Attendant Climbing Wall Attendant Receptionist/Cashier Field/Gym/Event/Bldg Supv. Ski Patrol Aide - Special Needs Program Leader I	\$15.00	\$15.45	\$15.91	\$16.39	\$16.88	\$17.39	\$17.91	\$18.45	\$19.00	\$19.57	\$20.16	\$20.76	\$0.91
3	Program Leader II Sports/Gymnastics Coach II Lifeguard - Swimming Pool	\$15.50	\$15.97	\$16.44	\$16.94	\$17.45	\$17.97	\$18.51	\$19.06	\$19.63	\$20.22	\$20.83	\$21.46	\$0.91
4	WSI/Certified Instructor Intern Lifeguard - Lake Program Coordinator	\$16.00	\$16.48	\$16.97	\$17.48	\$18.01	\$18.55	\$19.10	\$19.68	\$20.27	\$20.88	\$21.50	\$22.15	\$0.91
5	Assistant Daycare Director Lead Receptionist/Cashier	\$16.50	\$17.00	\$17.50	\$18.03	\$18.57	\$19.13	\$19.70	\$20.29	\$20.90	\$21.53	\$22.17	\$22.84	\$0.91
6	Parks/Events Maintenance I Facility Manager Head Lifeguard Lake Maintenance I Daycare Director	\$17.00	\$17.51	\$18.04	\$18.58	\$19.13	\$19.71	\$20.30	\$20.91	\$21.54	\$22.18	\$22.85	\$23.53	\$0.91
7	Parks/Events Maintenance II Lake Maintenance II Daycare Director w/EC degree Specialty Instructor	\$18.50	\$19.06	\$19.63	\$20.22	\$20.82	\$21.45	\$22.09	\$22.75	\$23.44	\$24.14	\$24.86	\$25.61	\$0.91
8	Private Instructors	% Pay												





# AGENDA DOCUMENTATION

## Item 11.1

December 5, 2023

**TO: DURANGO CITY COUNCIL      FROM: TONY VICARI, AVIATION DIRECTOR**

**SUBJECT    RESOLUTION AUTHORIZING AN APPLICATION FOR THE  
BORROWING OF FUNDS BY THE AIRPORT ENTERPRISE  
FUND FROM THE COLORADO STATE INFRASTRUCTURE  
BANK FOR TERMINAL IMPROVEMENTS AT THE DURANGO-  
LA PLATA COUNTY AIRPORT**

**RECOMMENDATION:**

It is recommended that City Council, by motion, approve the attached resolution authorizing an application for the borrowing of funds by the airport enterprise fund from the Colorado State Infrastructure Bank for terminal improvements at the Durango-La Plata County Airport.

**BACKGROUND SUMMARY:**

As a gateway and first impression to Durango, Southwest Colorado, and the entire Four Corners region, the Durango-La Plata County Airport (DRO) must provide appropriately sized and modern infrastructure to support the growing demand for air service in our community. The existing terminal was constructed in 1988 at a time when air traffic volume at DRO was less than half of what it is today, and also before the advent of Transportation Security Administration (TSA) passenger screening operations.

The existing terminal layout, undersized gates and hold rooms, and undersized TSA screening checkpoint are active constraints and limit opportunity for future airline growth and competition. As airlines transition from smaller regional jets to larger regional and mainline aircraft, facilities at DRO must be sized to meet this demand.

To address these challenges, and to begin preparations for more substantial programmed terminal expansion consistent with the 2020 Terminal Area Plan, a formal terminal expansion design process was initiated in September 2021. The intent of this project was to move forward expeditiously with the design and construction of a near-term phase 1A project to alleviate congestion and improve the passenger experience in the post-screening concourse, while also completing conceptual and schematic design on phases 1B & 2 of planned terminal development.

Groundbreaking for Phase 1A occurred in April 2023, with project completion anticipated in the second quarter of 2024. Design development and the production of construction documents for Phase 1B began in early 2023 and are on track for completion by year-end 2023. A Guaranteed Maximum Price (GMP) from the project's selected Construction Manager At Risk (CMAR) is scheduled to be delivered by March 1, 2024. Construction of Phase 1B is targeted to begin in summer 2024.

Given the larger scope and cost associated with Phase 1B, the financial implications of this component of the overall project are significant and must be carefully contemplated within the parameters of the airport's financial capabilities as a self-sustaining enterprise fund. While Phase 1A of the terminal development program is cash-funded, Phase 1B will require airport-backed financing to provide sufficient capital to execute construction.

After reviewing multiple available commercial lending mechanisms, the Colorado State Infrastructure Bank (SIB) program has been selected as the preferred financing mechanism for the airport's desired \$8 million loan request. Administered through the Colorado Department of Transportation (CDOT) Aeronautics Division, the SIB program helps support the development of transportation facilities with funds available through a low interest revolving loan program. The SIB program currently advertises a 3.5% interest rate and 0.25% issuance fees. A ten-year maximum borrowing term is available, with no prepayment penalties.

A draft Colorado State Infrastructure Bank application is attached to this agenda item for City Council review. A formal resolution authorizing the application for the borrowing of funds is required by CDOT prior to processing the application.

The Airport Advisory Commission has reviewed the draft Colorado State Infrastructure Bank application, and unanimously approved it during their November 16, 2023 meeting.

After review by city legal and outside counsel, it has been confirmed that the airport enterprise fund may cleanly take on debt serviced solely by airport revenues. No local government revenues are

utilized by the airport enterprise fund. Airport revenues are not City or County revenue, as Federal Aviation Administration (FAA) grant assurances prohibit the diversion of airport revenues.

**STRATEGIC PLAN ALIGNMENT:**

Operations at the Durango-La Plata County Airport support the City of Durango’s Strategic Plan and its Effective Infrastructure Network goal. Specifically, the terminal development program supports the aviation strategy of implementing the Airport Master Plan and maintaining airport facilities in a safe, efficient, and sustainable manner to support all forms of aviation services.

**ALTERNATIVE OPTIONS CONSIDERED:**

Alternative financing mechanisms have been explored in depth. The Colorado State Infrastructure Bank offers superior interest rates and issuance fees to all other available mechanisms.

**FISCAL IMPACT:**

Construction and associated soft costs for Phase 1B are estimated at \$28.5 million, with anticipated 2024-2026 funding consisting of a mixture of FAA AIP and BIL AIG grants, CDOT matching grants, airport unrestricted reserves, and airport financing.

	Cost Estimate	FAA AIP	FAA BIL AIG	FAA BIL ATP	CDOT AIP Match	CDOT AIG Match	DRO Cash Funding	DRO Financing
Phase 1B - Construction (2024-2026)	\$28,500,000	\$12,400,000	\$5,765,193	\$0	\$250,000	\$254,751	\$1,830,056	\$8,000,000

The airport enterprise fund’s balance sheet currently carries an unrestricted cash balance of just over \$10 million, which amounts to over two years of operating expenses. An initial cash outlay of \$1.8 million will not jeopardize the airport’s ability to retain unrestricted reserves at or above one year of operating expenses.

Annual debt service expenses on an \$8 million loan through the Colorado State Infrastructure Bank are forecast at approximately \$962,000 annually through the 10-year term of the loan. The annual debt service is projected to be payable in the following proration based upon federal project eligibility:

<b>Total annual debt service:</b>	<b>\$962,000</b>
Paid by Passenger Facility Charge (PFC) income:	\$644,000
Paid by Airport Rates / Operating Income:	\$318,000

It should be emphasized that all debt service for the proposed financing will be backed solely by airport revenues. No City or County government funds are associated with this project or the proposed financing.

**POTENTIAL ADVERSE IMPACTS:**

A debt issuance inherently creates risk for the borrower. In the case of the airport, economic fluctuations can impact annual passenger traffic volumes and the resulting revenue sources for the airport enterprise fund. Disruptions to operating revenue could potentially impact the airport’s ability to pay ongoing debt service. This risk has been carefully measured to ensure that the airport will remain capable of fulfilling its debt obligations throughout the duration of the proposed loan term.

The airport’s debit service coverage ratio is forecast to remain above the 2:1 mark throughout the duration of the proposed loan term. This figure is calculated by comparing annual projected operating income and PFC income against the annual debt service obligation. Forecasts for operating income and PFC income are derived from a conservative 1.9% annual passenger traffic growth projection, generally flat rate structures with a resulting 3.0% annual operating revenue growth, and 3.5% annual operating expense growth. These projections are intentionally conservative. The airport has positioned itself as a strategically low-cost airport in most of its rates and charges structure, allowing for discretionary rate increases to be made should expenses escalate or traffic growth stagnate.

**NEXT STEPS AND TIMELINE:**

If approved, airport staff will proceed with the formal submission of an application for loan funding through the Colorado State Infrastructure Bank. A financial close is not anticipated until the second quarter of 2024. FAA and State grants supporting the project are expected to be finalized in the second quarter of 2024, with a financial close thereafter.

## **RESOLUTION R-2023-47**

### **A RESOLUTION AUTHORIZING AN APPLICATION FOR THE BORROWING OF FUNDS BY THE AIRPORT ENTERPRISE FUND FROM THE COLORADO STATE INFRASTRUCTURE BANK FOR TERMINAL IMPROVEMENTS AT THE DURANGO-LA PLATA COUNTY AIRPORT**

**WHEREAS**, To accomplish the strategic plan of City Council and maintain appropriately sized and modern air transportation infrastructure, the airport enterprise fund proposes to construct building improvements to the terminal facilities at the Durango-La Plata County Airport;

**WHEREAS**, Total project costs for Phase 1B of the Terminal Expansion Project are estimated at \$28,500,000;

**WHEREAS**, Phase 1B of the Terminal Expansion Project is anticipated to receive over \$18 million in grant funding support through the Federal Aviation Administration and Colorado Department of Transportation;

**WHEREAS**, Additional capital funding will be required to execute construction;

**WHEREAS**, The State of Colorado, through the Colorado Department of Transportation, provides loans to eligible project sponsors for qualified projects pursuant to the State Infrastructure Bank Loan Program;

**WHEREAS**, The Durango-La Plata County Airport is an eligible project sponsor under the State Infrastructure Bank Loan Program;

**WHEREAS**, There exists sufficient funds within the fund balance and ongoing operating and non-operating revenues of the airport enterprise fund to service the resulting debt through the full borrowing term;

**WHEREAS**, the Airport Advisory Commission has been presented with a Colorado State Infrastructure Bank Loan Application and has approved it unanimously.

**RESOLVED**, That the City Council of the City of Durango, in regular meeting assembled,

Section 1. The City Council shall authorize an application for the borrowing of \$8,000,000 in funds for a 10-year loan term by the airport enterprise fund from the Colorado State Infrastructure Bank for terminal improvements at the Durango-La Plata County Airport; and

Section 2. With the assistance of counsel as needed, the City Manager is hereby authorized to take all actions necessary to submit a Colorado State Infrastructure Bank Loan application including all required financial exhibits. Such authorization includes, but is not limited to, entering into additional certifications or verifications that may be required under the terms of the application; and

Section 3. If the requested loan is approved by the Colorado Department of Transportation, the City Manager is authorized to negotiate a loan agreement and present the loan agreement for the City Council's review and consideration.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

CITY OF DURANGO,  
COLORADO

By:

\_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk





*December 5, 2023*

# Resolution Authorizing an Application for the Borrowing of Funds by the Airport for Terminal Improvements

Tony Vicari

***Strategic Plan goals:***

Effective Infrastructure Network

**Mission** (Why we exist)

*“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”*

**Vision** (What we want to be)

*“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”*

**Values** (What we believe in)

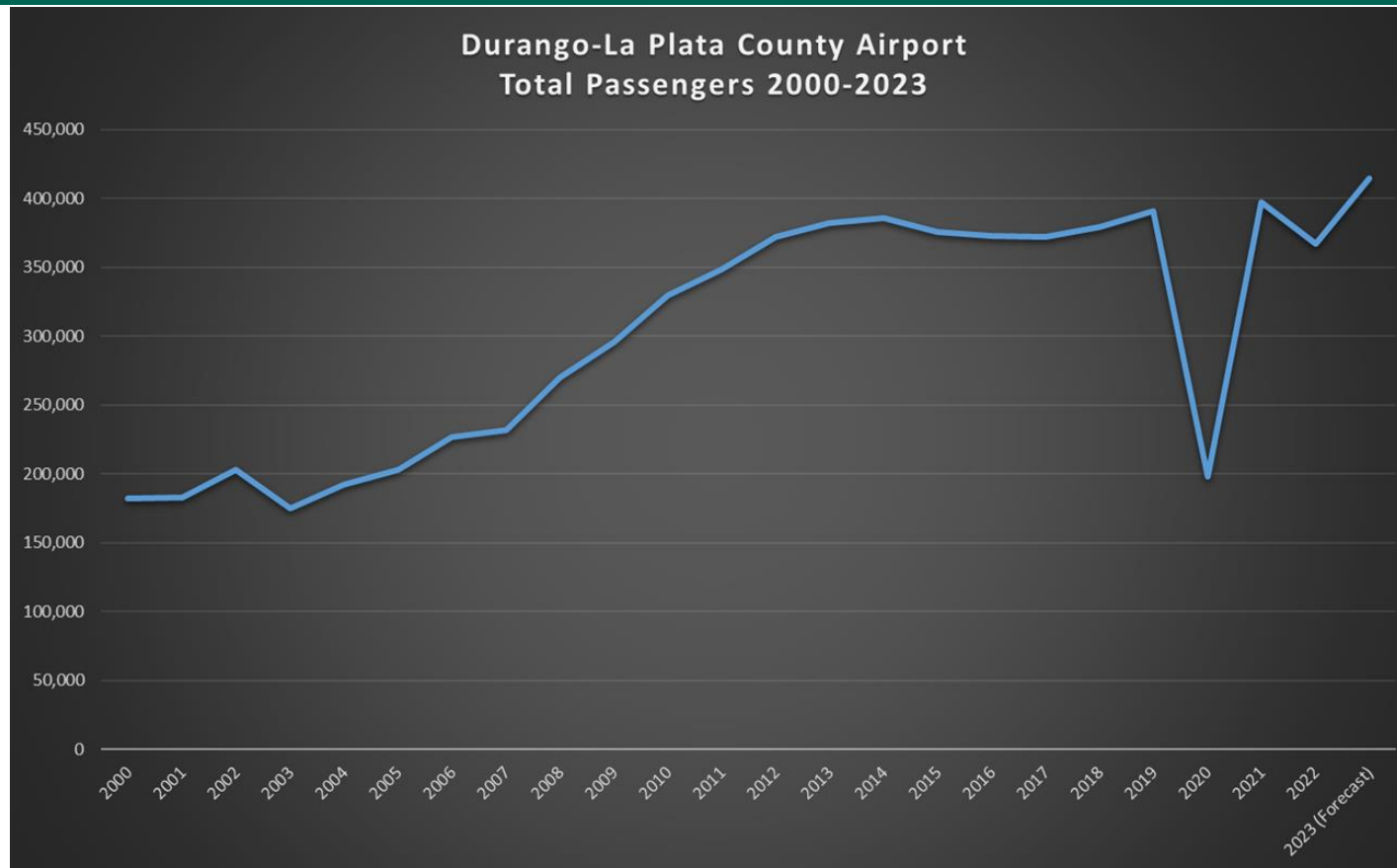
Teamwork | Dependability | Professionalism | Service | Respect |  
Innovation | Well-Being

## **A Resolution Authorizing an Application for the Borrowing of Funds by the Airport Enterprise Fund From the Colorado State Infrastructure Bank for Terminal Improvements at the Durango-La Plata County Airport.**

## PROJECT BACKGROUND

- Passenger traffic at DRO has doubled over the last two decades and is now 120% higher than 1988 when the existing terminal facility was constructed.
- Since the building's construction, only limited changes have been made to the terminal facility
- Approximately 50% of usable square footage post-TSA is comprised of the temporary tensile fabric structure.
- Evolutions in the airline industry are leading to upgauging – the utilization of larger aircraft to more efficiently carry passenger traffic. Modern and competitive regional airports must be sized to accommodate a larger airline fleet and the associated periods of passenger traffic peaking.

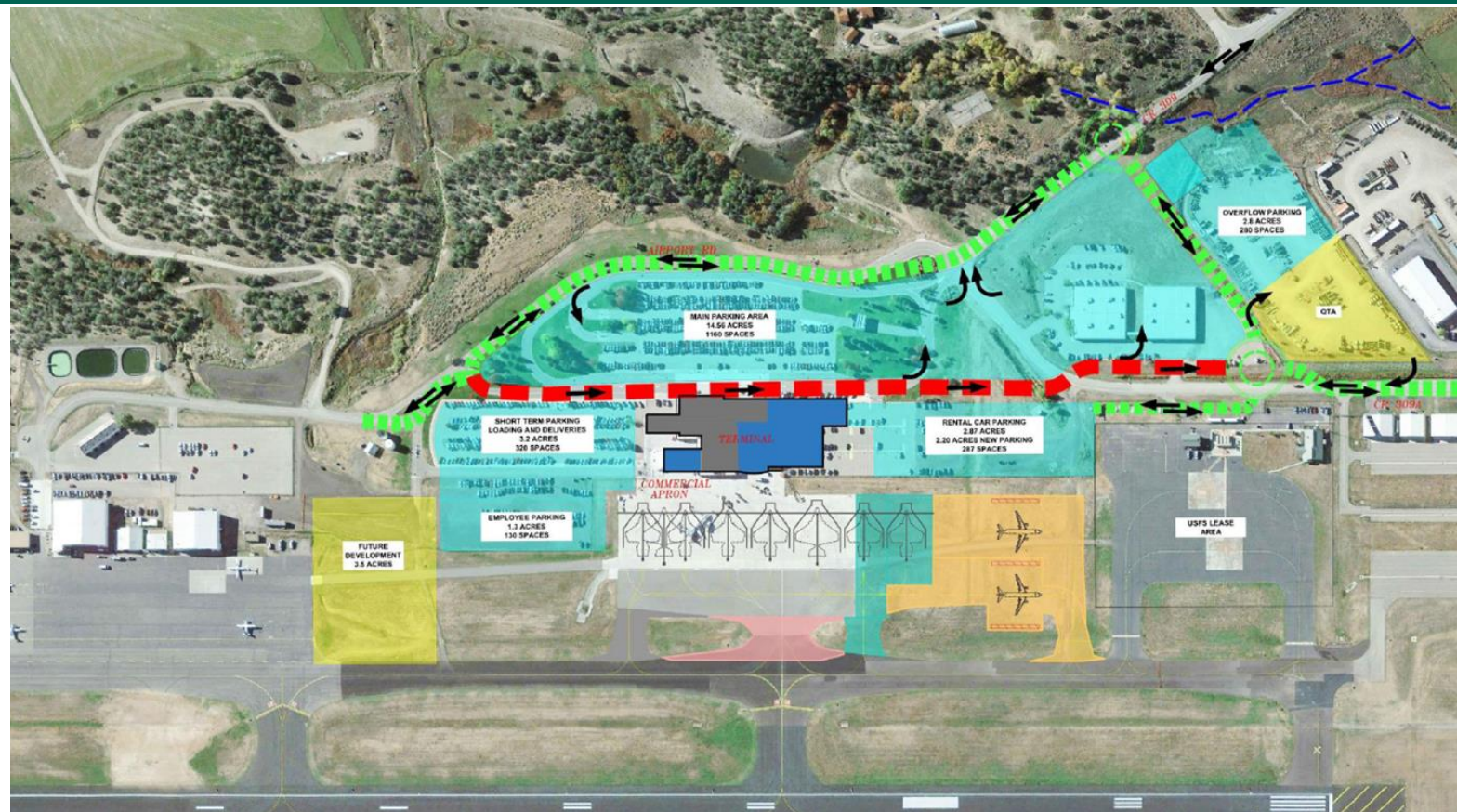
# PROJECT BACKGROUND





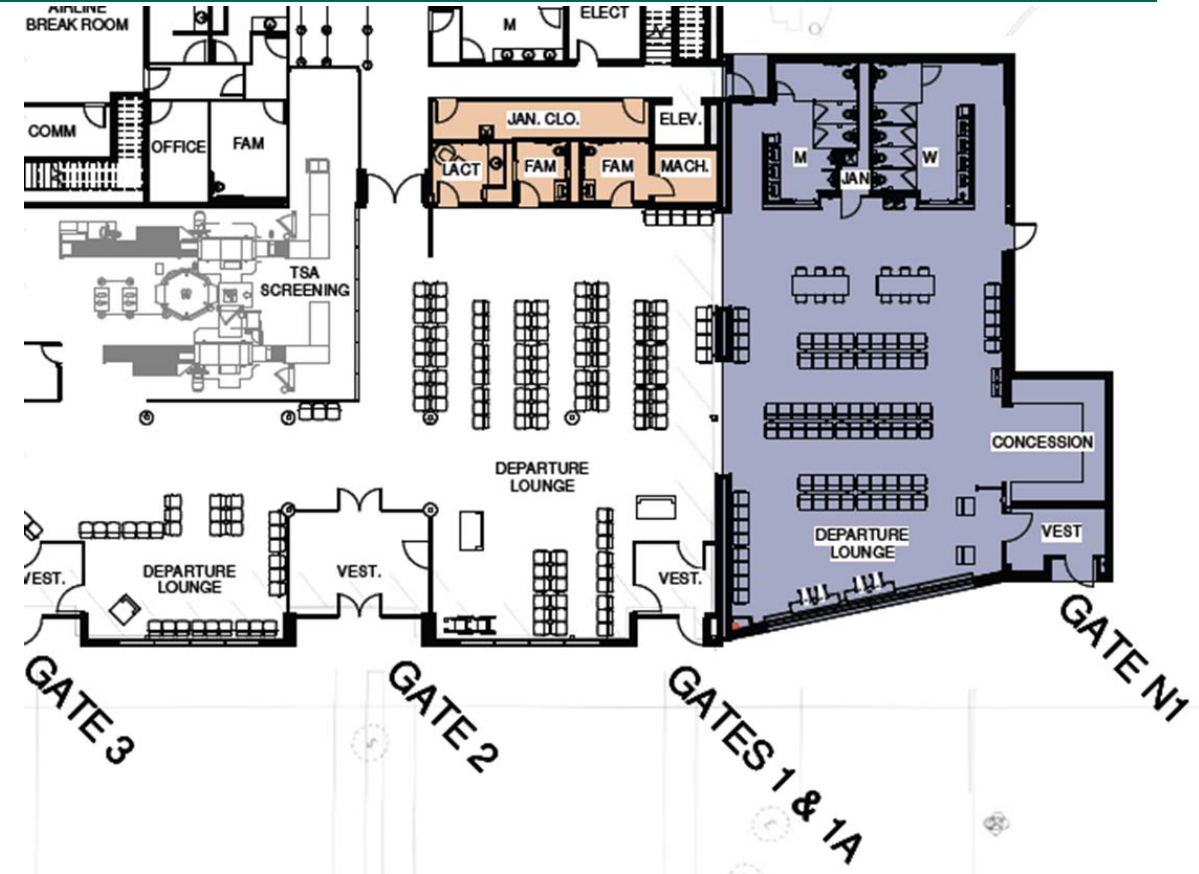
## PROJECT BACKGROUND

- An updated Terminal Area Plan was adopted in 2020, outlining an incremental development strategy that could be funded through airport revenue streams.



# TERMINAL DEVELOPMENT – PHASE 1A

- Develop an added airline boarding gate and seating area
- Add new and expanded public restrooms
- Add family restrooms and nursing room
- Add food/beverage concessions at new Gate I
- Relocate electrical utilities and replace backup generator

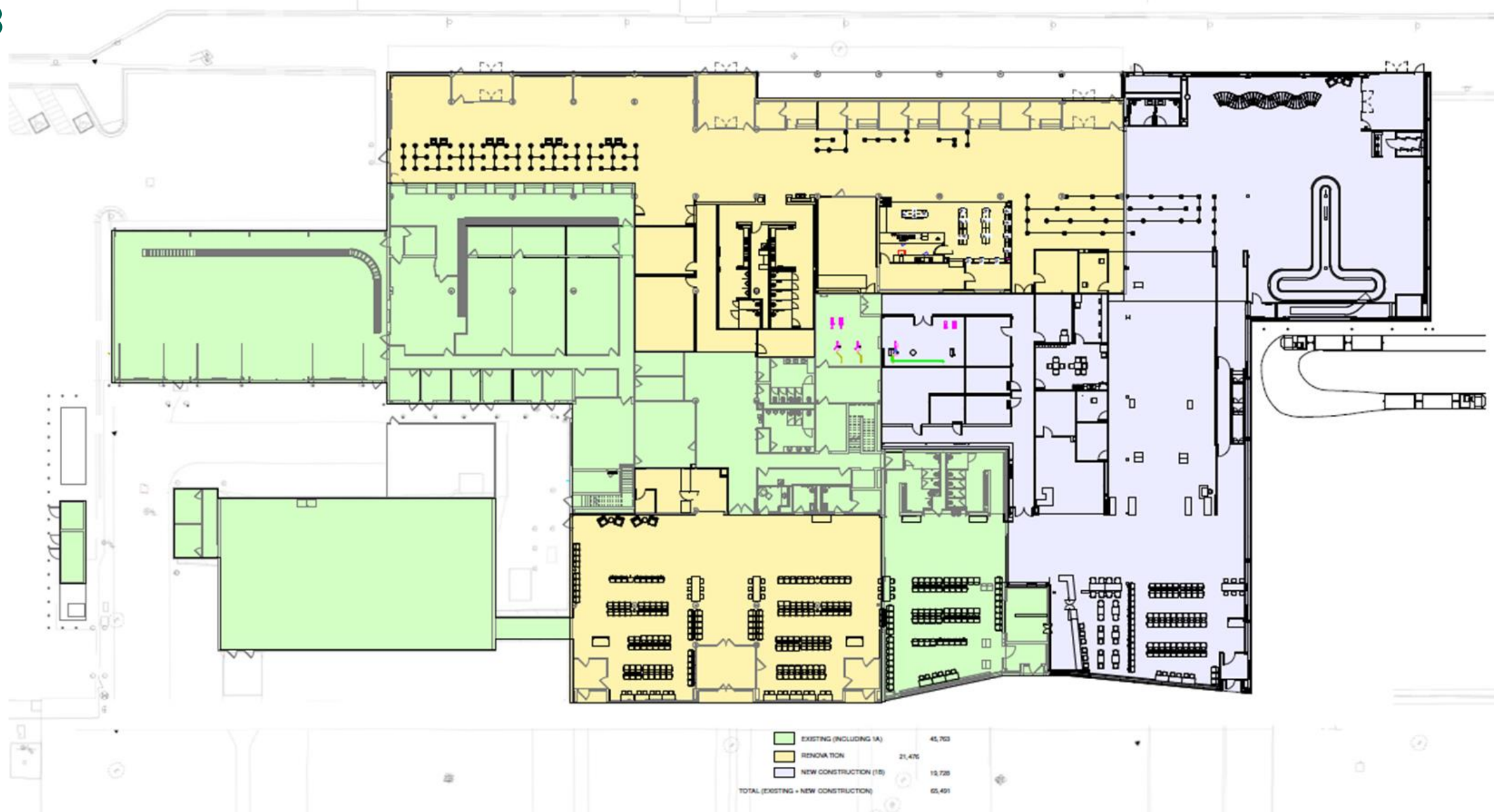


## TERMINAL DEVELOPMENT – PHASE 1B

- Relocate and expand TSA screening checkpoint
- Relocate and expand baggage claim
- Develop new airline boarding gate and seating area
- Reclaim boarding gate 3 seating area following removal of existing TSA security checkpoint
- Expand post-TSA concessions and dining
- Heavy remodel of existing pre-TSA spaces to include new and expanded public restrooms, concessions, and security queueing.
- Expand airline offices and develop ticketing kiosk positions
- Enable future solar PV installation on expanded rooflines

Existing +1A:	45,763 square feet
New Construction:	19,728 square feet
Renovation:	21,476 square feet
Post-Phase 1B	65,491 square feet





## PROJECT BENEFITS

- Increase Capacity and Passenger Access
- Replace Aging Infrastructure
- Achieve Compliance with ADA and Expand Accessibility
- Improve Energy Efficiency
- Encourage Airline Competition
- Support Local Jobs and Economic Impact

# TERMINAL DEVELOPMENT PROGRAM TIMELINE

- Phase I A Design
  - 2021-2022
- Phase I A Construction
  - April 2023 – Q2 2024
- Phase I B Design
  - 2023
- Phase I B Construction
  - 2024 - 2026



## PROJECT FUNDING

- DRO operates as an enterprise fund of the City of Durango – no City or County funds are utilized for airport operations or capital projects
- The terminal expansion program utilizes an incremental development strategy that can be funded through airport revenue streams.
  - FAA AIP and BIL grant funds
  - CDOT matching grant funds
  - Airport retained earnings
  - Airport financing
    - Debt to be serviced by PFC's/airport operating revenues

# PROJECT FUNDING

	Cost - Actual/Estimate	FAA AIP	FAA BIL AIG	FAA BIL ATP	CDOT AIP Match	CDOT AIG Match	DRO Cash Funding	DRO Financing
Phase IA - Design (2021-2022)	\$1,115,000	\$0	\$0	\$0	\$0	\$0	\$1,115,000	\$0
Phase IA - Construction (2023-2024)	\$7,000,000	\$0	\$1,946,347	\$3,200,000	\$0	\$84,917	\$1,768,736	\$0
Phase IB - Design (2023-2024)	\$1,850,000	\$760,159	\$0	\$0	\$33,590	\$0	\$1,056,251	\$0
Phase IB - Construction (2024-2026)	\$28,500,000	\$12,400,000	\$5,765,193	\$0	\$250,000	\$254,751	\$1,830,056	\$8,000,000
Totals	\$38,465,000	\$13,160,159	\$7,711,540	\$3,200,000	\$283,590	\$339,668	\$5,770,043	\$8,000,000

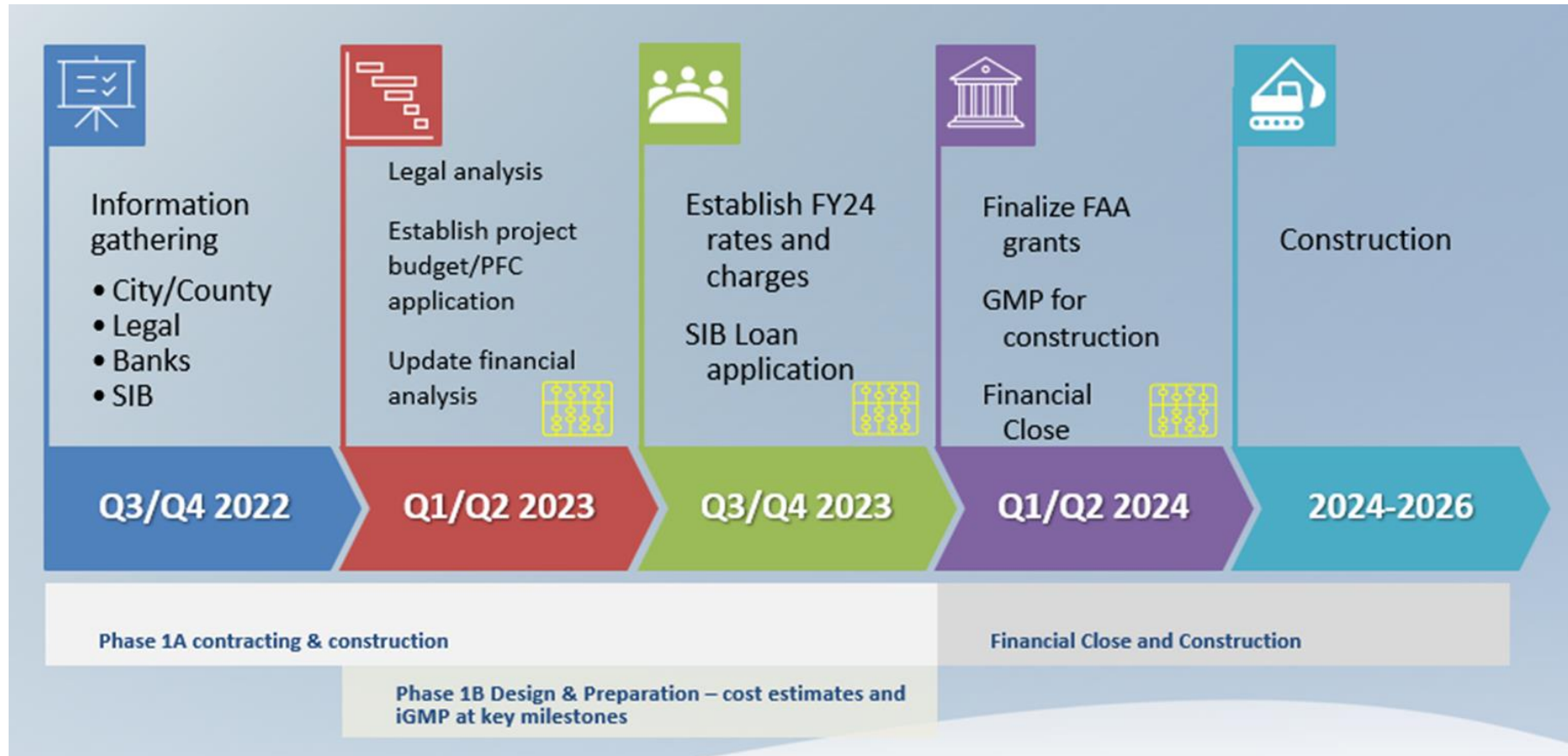


## PHASE 1B FINANCING BACKGROUND

- Legal analysis of airport debt issuance
- Financing mechanisms
- Airport Rates & Charges positioning
- Risk assessment



# PHASE 1B TIMELINE



## PHASE 1B FINANCING – SIB LOAN

- The State Infrastructure Bank (SIB) Loan Program was enacted by the Colorado Legislature in 1998. This unique funding source helps to develop transportation facilities with funds available through a low interest revolving loan program.
  - \$8,000,000 loan request
  - 10-year borrowing term
  - 3.5% interest rate
  - One-quarter point origination fee
  - No prepayment penalties

## PHASE 1B FINANCING – DEBT SERVICE

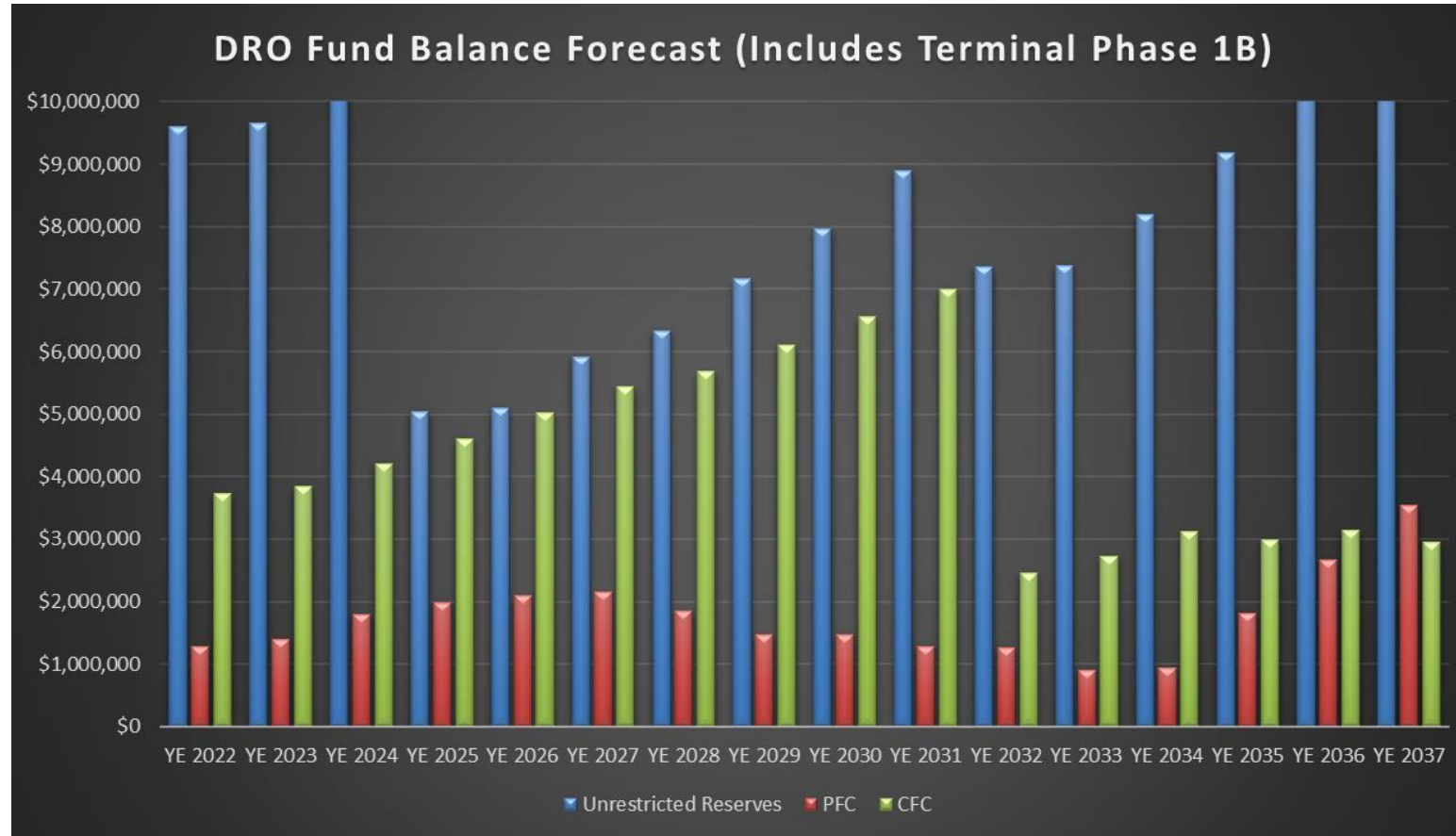
Annual debt service expenses on an \$8 million loan through the Colorado State Infrastructure Bank are forecast at approximately \$962,000 annually through the 10-year term of the loan. The annual debt service is projected to be payable by the airport in the following proration based upon federal project eligibility:

■ <b><u>Total annual debt service:</u></b>	<b>\$962,000</b>
■ Paid by Passenger Facility Charge (PFC) income:	\$644,000
■ Paid by Airport Rates / Operating Income:	\$318,000

# PHASE 1B FINANCING – AIRPORT FINANCIAL MODELING

## Baseline Scenario

- \$8M SIB loan in 2024 w/ \$962K annual debt service
- \$0.65 CPE increase in 2025 w/ 3% annual airline rate increases thereafter
- 1.9% annualized passenger traffic growth
- Flat parking rates
- 3% annualized revenue growth for non-parking/airline
- 3.5% annualized expense growth
- No change to PFC/CFC collection rates



## Outcome

- Unrestricted reserves settle to 102% of OpEx in 2026 and climb to 148% by 2031
- PFC and CFC programs stable with additional capacity
- Fully funded CIP – opportunity for additional infrastructure investment

## RECOMMENDATION

- “I move to approve resolution R-2023-47 authorizing an application for the borrowing of funds by the airport enterprise fund from the Colorado State Infrastructure Bank for terminal improvements at the Durango-La Plata County Airport.”

# Colorado State Infrastructure Bank Application



Revised (4/12)

Please submit application to the address below:

Colorado Department of Transportation  
OFMB Attn. SIB Manager  
4201 E. Arkansas Avenue  
Denver CO 80222

## Section I – Application Information

- (1) Name of Applicant: \_\_\_\_\_
- (2) IRS Employer ID#: \_\_\_\_\_ Application Date: \_\_\_\_\_
- (3) Business Address: \_\_\_\_\_  
*Street Address City County Zip Code*
- (4) Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_
- (5) Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

## Section II – Escrow Agent/Vendor Information

- (1) Name of Escrow Agent: \_\_\_\_\_
- (2) Business Address: \_\_\_\_\_  
*Street Address City County Zip Code*
- (3) Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_
- (4) Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_
- Or in case of equipment purchases or any other escrow exempted transaction please provide:*
- (5) Name of Vendor: \_\_\_\_\_
- (6) Business Address: \_\_\_\_\_  
*Street Address City County Zip Code*
- (7) Contact Person: \_\_\_\_\_ Phone Number: \_\_\_\_\_
- (8) Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

A copy of this application can be found at <http://www.colorado.info/business/budget>

# Colorado State Infrastructure Bank Application



Revised (4/12)

## Section III – Financial Information

- (1) Requested Loan Amount: \_\_\_\_\_ Total Project Cost or Purchase Price: \_\_\_\_\_
- (2) How will the entity make scheduled payments? Monthly ☐ Quarterly ☐ Annually ☐ Other \_\_\_\_\_
- (3) How long does the entity need to repay the entire loan in terms of years? \_\_\_\_\_ (Ten years maximum)
- (4) Does the entity plan to borrow additional funds for this project in the future? Yes \_\_\_ No \_\_\_
- (5) Is the payment of this loan superior, on a parity basis, or subordinate to other debt that is serviced by the revenue source(s) pledged to this loan? Superior \_\_\_ Parity \_\_\_ Subordinate \_\_\_ List the entity's debt service and payment amounts below:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (6) Has the applicant suffered an operating deficit in the last five years? Yes \_\_\_ No \_\_\_ If yes, give an explanation describing what actions were taken below:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (7) Attach a pro forma statement as attachment "A" that lists all revenue sources that the entity expects to receive. Include three years of historical amounts for each source, the current year's estimate for each source, and future projections of the anticipated amount for each source over the term of the loan. Also, identify the revenue source(s) that will be used to repay the loan, and any funding source or collateral that the entity wishes to pledge to secure the loan.
- (8) Attach a copy of the entity's latest financial statements as attachment "B."
- (9) If the entity had a bond rating on any debt previously incurred attach a copy of the latest rating letter as attachment "C."
- (10) Attach a resolution as attachment "D" from the entity's governing board authorizing the application and borrowing of funds from the CO SIB.

Please complete ALL sections of the application. Additional information may be requested.



# Colorado State Infrastructure Bank Application



Revised (4/12)

## Section IV – Project Information

- (1) Type of Project:    Highway ☐    Transit ☐    Aviation ☐    Rail ☐
- (2) Attach the detailed description of the project or purchase as attachment “E” including graphical depictions of the project, scope of work, equipment specifications, and/or other information necessary to fully describe the project or purchase.
- (3) As attachment “F”, attach a certified cost estimate of the project, an appraisal of the real estate being purchased, or a bona fide quote on equipment being purchased.
- (4) Is this project or purchase a part of the statewide transportation improvement program plan?  
Yes\_\_\_ No\_\_\_    If no, please identify the plan document that this project or purchase is associated with and attach it as attachment “G.”
- (5) Does this project or purchase meet the federal-aid eligibility requirements?    Yes\_\_\_ No\_\_\_
- (6) Does this project involve a public/private partnership?    Yes\_\_\_ No\_\_\_    If yes, please attach an account of the arrangements as attachment “H.”
- (7) Does the project involve the formation of a special finance district?    Yes\_\_\_ No\_\_\_    If yes, attach the status of negotiations with benefited property owners, an engineer’s report on the district formation and assessments, and any resolutions creating the district as attachment “I.”
- (8) In attachment “J.”, explain why this project or purchase is needed. How will the State’s transportation system be enhanced and what benefits will emanate due to this project? *Types of benefits that are of interest include: Congestion mitigation; Environmental mitigation; Safety; Economic development; and Linkages/Connectivity/Access to existing and/or planned projects.*

## Section V – Acknowledgement and Certification

The undersigned hereby certifies that the information provided in this application is true and correct as of the date set forth opposite my signature on this application and acknowledge my understanding that any intentional or negligent misrepresentation of information contained in this application may result in civil liability and/or criminal penalties under the state statutes of Colorado, and liability for monetary damages to the Lender, its agents, successors and assigns, insurers and any other person who may suffer any loss due to reliance upon any misrepresentation which I/we have made on this application.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type name

\_\_\_\_\_  
Title

**Please complete ALL sections of the application. Additional information may be requested.**



**AGENDA DOCUMENTATION**

**Item 11.2**

Meeting Date: December 5, 2023

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**TO: DURANGO CITY COUNCIL      FROM:   DEVON SCHMIDT, CHIEF  
FINANCIAL OFFICER**

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**SUBJECT   A RESOLUTION ADOPTING THE 2024 ANNUAL OPERATING  
BUDGET FOR THE CITY OF DURANGO**

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**RECOMMENDATION:**

It is the recommendation that the City Council, by motion, move to approve the Resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purpose as set forth below, for operating expenditures for the city of Durango, Colorado for the 2024 budget year.

**BACKGROUND**

**SUMMARY:**

The City Manager’s Proposed Budget for 2024 has been reviewed and discussed by the City Council after receipt of the City Manager’s Proposed Budget at the retreat on October 10, 2023. The Proposed Budget outlines and details the purpose and extent of each expenditure in each accounting fund. In addition, a public hearing was held on November 7 and 21, 2023, to allow public participation and input. Per the Council’s direction, certain amendments have been made to estimated revenues and proposed expenditures. Amendments, as recommended by staff, have also been incorporated. Staff amendments are like corrections and adjustments due to better information obtained since the budget was initially proposed. During reconciliation, a list of items was reviewed by the City Council. The attached resolution has incorporated all amendments, both staff’s and City Council’s, as discussed with the City Council at Budget Reconciliation on November 7, 2023. In addition, the proposed changes have been incorporated in the adopted budget.

**STRATEGIC PLAN ALIGNMENT:**

Financial Excellence and High-Performing Government

**ALTERNATIVE OPTIONS CONSIDERED:**

N/A

**FISCAL IMPACT:**

The City Manager’s 2024 Operating Budget will authorize spending in the amount of \$128,645,244 in the operating funds, which includes inter-fund transfers out.

**POTENTIAL ADVERSE IMPACTS:**

N/A

**NEXT STEPS AND TIMELINE:**

By January 31, 2024 staff will submit the Adopted Budget to the Department of Local Affairs, publish the adopted budget online through OpenGov, and submit it to the Government Finance Officers Association for the Distinguished Budget Award.

**RESOLUTION NO. R-2023-0048**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN OPERATING BUDGET FOR THE CITY OF DURANGO, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024**

**WHEREAS**, the City Council of the City of Durango has appointed José Madrigal as City Manager, to prepare and submit a proposed budget to said governing body at the proper time; and

**WHEREAS**, José Madrigal City Manager, has submitted a proposed budget to this governing body on October 11, 2023, for its consideration; and

**WHEREAS**, upon due and proper notice, published or posted in accordance with the Charter, said proposed budget was open for inspection by the public at the designated place, a public hearing was held on November 7 and 21, 2023 and interested citizens were given the opportunity to file or register any objections to said proposed budget; and

**WHEREAS**, whatever increases may have been made in the expenditures, like increases were added to the estimated revenues or taken from carryover reserves, also known as fund balances, so that the budget remains in balance, as required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Durango, Colorado, in regular meeting assembled, that:

**Section 1.** The estimated revenues and expenditures for each operating fund and estimated unappropriated carryover reserves/fund balances for each fund are shown on Exhibit A, attached hereto and incorporated herein.

**Section 2.** That the operating budget as submitted, amended, and summarized by fund is hereby approved and adopted as the operating budget of the City of Durango for the year 2024 as shown on Exhibit A, attached hereto and incorporated herein.

**Section 3.** That the operating budget hereby approved and adopted shall be made a part of the public records of the City of Durango.

Approved and adopted the 5th day of December 2023.

CITY OF DURANGO

CITY COUNCIL OF THE CITY OF  
DURANGO

Attest:

\_\_\_\_\_  
Faye Harmer, City Clerk

\_\_\_\_\_  
Mayor

**Exhibit A- 2024 Operating Expenditures**

By Fund	Esitimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
General Fund	17,244,793	48,228,368	1,351,834	1,732,059	51,312,261	50,437,865	3,513,672	62,000	54,013,537	(2,701,276)	14,543,517	-
Grant Fund	2,552,831	993,533	-	-	993,533	976,520	-	-	976,520	17,013	2,569,844	-
Housing Innovation Fund	10,437,319	810,070	-	-	810,070	9,470,285	2,310	-	9,472,595	(8,662,525)	1,774,794	-
Road Impact Fee Fund	80,221	207,353	-	-	207,353	-	-	-	-	207,353	287,574	-
Lodgers' Tax Fund	1,031,920	3,989,574	-	-	3,989,574	3,345,240	-	926,332	4,271,572	(281,998)	749,922	-
Conservation Trust Fund	1,906	202,000	-	-	202,000	-	-	-	-	202,000	203,906	-
Park Development Fund	161,197	19,524	-	-	19,524	-	-	-	-	19,524	180,721	-
Storm Drainage Fund	8,325	200	-	-	200	-	-	-	-	200	8,525	-
Durango Renewal Partnership	886,407	344,305	-	-	344,305	553,490	-	-	553,490	(209,185)	677,222	-
911 Communications Fund	-	327,370	2,517,777	-	2,845,147	2,845,147	-	-	2,845,147	-	-	-
General Services	-	-	242,500	-	242,500	201,383	-	-	201,383	41,117	41,117	-
Vehicle, Equipment and Service	7,276,476	228,157	4,352,382	-	4,580,539	4,707,413	10,000	-	4,717,413	(136,874)	7,139,602	-
Self Insurance Fund	999,240	90,000	9,333,366	-	9,423,366	8,144,414	-	-	8,144,414	1,278,952	2,278,192	-
Risk Manager Fund	410,574	-	1,890,850	-	1,890,850	2,049,741	-	-	2,049,741	(158,891)	251,683	-
Technology Replacement	216,308	-	202,843	-	202,843	74,407	-	-	74,407	128,436	344,744	-
Building Maintenance	389,362	5,332,948	1,728,635	-	7,061,583	5,916,638	-	-	5,916,638	1,144,945	1,534,307	-
Water Fund	8,383,176	6,637,000	-	-	6,637,000	5,189,824	408,364	6,700,000	12,298,188	(5,661,188)	2,721,988	5,906,076
Sewer Fund	6,697,050	8,542,000	-	-	8,542,000	7,599,808	416,426	1,440,830	9,457,064	(915,064)	5,781,986	4,444,571
Airport Fund	13,655,579	6,002,111	-	-	6,002,111	4,407,432	254,137	-	4,661,569	1,340,542	14,996,121	15,126,717
Trash and Recycle Fund	1,228,069	3,431,262	-	-	3,431,262	3,557,426	200,319	12,356	3,770,101	(338,839)	889,230	902,419
Transportation Services Fund	3,227,864	4,986,371	-	847,830	5,834,201	5,066,059	155,406	-	5,221,465	612,736	3,840,600	3,840,600
<b>TOTAL OPERATING FUNDS</b>	<b>74,888,617</b>	<b>90,372,146</b>	<b>21,620,187</b>	<b>2,579,889</b>	<b>114,572,222</b>	<b>114,543,092</b>	<b>4,960,634</b>	<b>9,141,518</b>	<b>128,645,244</b>	<b>(14,073,023)</b>	<b>60,815,594</b>	<b>30,220,383</b>



December 5, 2023

City Council

**A RESOLUTION  
ADOPTING THE 2024  
ANNUAL OPERATING  
BUDGET FOR THE  
CITY OF DURANGO**

Devon Schmidt

Financial Services

Financial Excellence High Performing  
Government





## **Mission** (Why we exist)

*“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”*

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*“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”*

## **Values** (What we believe in)

Teamwork | Dependability | Professionalism | Service |  
Respect | Innovation | Well-Being

## ■ **A RESOLUTION ADOPTING THE 2024 ANNUAL OPERATING BUDGET FOR THE CITY OF DURANGO**

# 2024 ANNUAL OPERATING BUDGET FOR THE CITY OF DURANGO

Exhibit A- 2024 Operating Expenditures

By Fund	Estimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
General Fund	17,244,793	48,228,368	1,351,834	1,732,059	51,312,261	50,437,865	3,513,672	62,000	54,013,537	(2,701,276)	14,543,517	
Grant Fund	2,552,831	993,533	-	-	993,533	976,520	-	-	976,520	17,013	2,569,844	
Housing Innovation Fund	10,437,319	810,070	-	-	810,070	9,470,285	2,310	-	9,472,595	(8,662,525)	1,774,794	
Road Impact Fee Fund	80,221	207,353	-	-	207,353	-	-	-	-	207,353	287,574	
Lodgers' Tax Fund	1,031,920	3,989,574	-	-	3,989,574	3,345,240	-	926,332	4,271,572	(281,998)	749,922	
Conservation Trust Fund	1,906	202,000	-	-	202,000	-	-	-	-	202,000	203,906	
Park Development Fund	161,197	19,524	-	-	19,524	-	-	-	-	19,524	180,721	
Storm Drainage Fund	8,325	200	-	-	200	-	-	-	-	200	8,525	
Durango Renewal Partnership	886,407	344,305	-	-	344,305	553,490	-	-	553,490	(209,185)	677,222	
911 Communications Fund	-	327,370	2,517,777	-	2,845,147	2,845,147	-	-	2,845,147	-	-	
General Services	-	-	242,500	-	242,500	201,383	-	-	201,383	41,117	41,117	
Vehicle, Equipment and Service	7,276,476	228,157	4,352,382	-	4,580,539	4,707,413	10,000	-	4,717,413	(136,874)	7,139,602	
Self Insurance Fund	999,240	90,000	9,333,366	-	9,423,366	8,144,414	-	-	8,144,414	1,278,952	2,278,192	
Risk Manager Fund	410,574		1,890,850	-	1,890,850	2,049,741	-	-	2,049,741	(158,891)	251,683	
Technology Replacement	216,308	-	202,843	-	202,843	74,407	-	-	74,407	128,436	344,744	
Building Maintenance	389,362	5,332,948	1,728,635		7,061,583	5,916,638			5,916,638	1,144,945	1,534,307	
Water Fund	8,383,176	6,637,000	-	-	6,637,000	5,189,824	408,364	6,700,000	12,298,188	(5,661,188)	2,721,988	5,906,076
Sewer Fund	6,697,050	8,542,000	-	-	8,542,000	7,599,808	416,426	1,440,830	9,457,064	(915,064)	5,781,986	4,444,571
Airport Fund	13,655,579	6,002,111	-	-	6,002,111	4,407,432	254,137	-	4,661,569	1,340,542	14,996,121	15,126,717
Trash and Recycle Fund	1,228,069	3,431,262	-		3,431,262	3,557,426	200,319	12,356	3,770,101	(338,839)	889,230	902,419
Transportation Services Fund	3,227,864	4,986,371	-	847,830	5,834,201	5,066,059	155,406		5,221,465	612,736	3,840,600	3,840,600
<b>TOTAL OPERATING FUNDS</b>	<b>74,888,617</b>	<b>90,372,146</b>	<b>21,620,187</b>	<b>2,579,889</b>	<b>114,872,222</b>	<b>114,543,092</b>	<b>4,960,634</b>	<b>9,141,518</b>	<b>128,645,244</b>	<b>(14,073,023)</b>	<b>60,815,594</b>	<b>30,220,989</b>

CITY OF DURANGO, COLORADO

# FY 2024 CITY MANAGER'S BUDGET

Welcome to the City of Durango's online interactive budget book. Please take a look at our [FAQs](#) to help you explore the City's budget.

To view the budget, the recommended browsers are Chrome or Firefox and in maximum screen resolution.

## BUDGET BOOK HIGHLIGHTS

MESSAGE FROM  
THE CITY  
MANAGER

FINANCIAL  
SUMMARIES

BUDGET  
APPENDIX AND  
ASSOCIATED  
POLICIES

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**VIEW THE  
2024  
BUDGET  
ON  
OPENGOV**



## NEXT STEPS

**December  
5<sup>th</sup>**

Final Reading and Final Approval Two Budget Appropriations: Operating & Capital

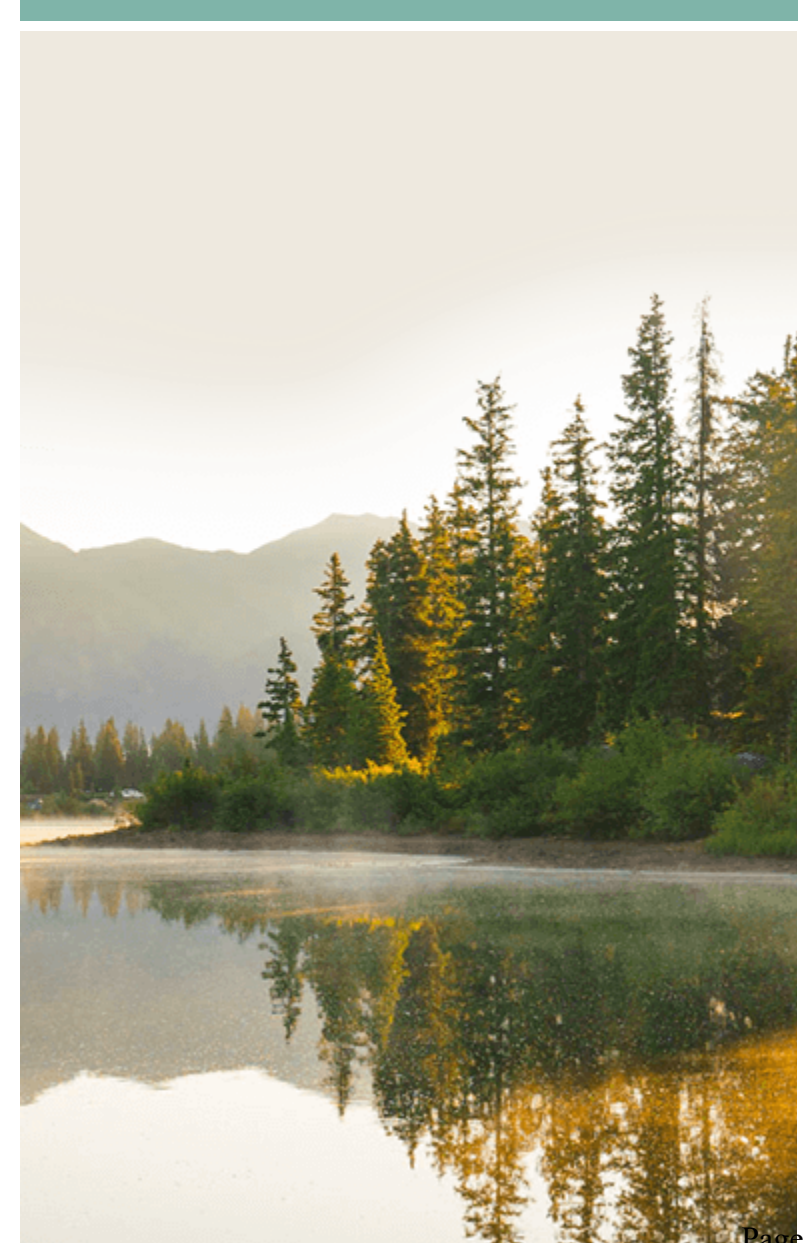
Three Resolutions for Capital, Operating and Mill Levy Certifications

Budget is adopted

**By January  
31, 2024**

Submit the Adopted Budget to the Department of Local Affairs (DOLA)

Publish the Adopted Budget online through OpenGov and PDF. Submit to GFOA for the Distinguished Budget Award



## RECOMMENDATION

- It is the recommendation that the City Council, by motion, move to approve Resolution R-2023-48 appropriating sums of money to the various funds and spending agencies, in the amounts and for the purpose as set forth below, for operating expenditures for the city of Durango, Colorado for the 2024 budget year



AGENDA DOCUMENTATION

Item 11.3

Meeting Date: December 5, 2023

TO: DURANGO CITY COUNCIL      FROM: DEVON SCHMIDT, CHIEF FINANCIAL OFFICER

SUBJECT    A RESOLUTION ADOPTING THE 2024 ANNUAL CAPITAL BUDGET FOR THE CITY OF DURANGO

RECOMMENDATION:

It is the recommendation that the City Council, by motion, move to approve the Resolution appropriating sums of money to the various funds and spending agencies, in the amounts and for the purpose as set forth below, for Capital expenditures for the city of Durango, Colorado for the 2024 budget year.

BACKGROUND SUMMARY:

The City Manager’s Proposed Budget for 2024 has been reviewed and discussed by the City Council after receipt of the City Manager’s Proposed Budget at the retreat on October 10, 2023. The Proposed Budget outlines and details the purpose and extent of each expenditure in each accounting fund. In addition, a public hearing was held on November 7 and 21, 2023, to allow public participation and input. Per the Council’s direction, certain amendments have been made to estimated revenues and proposed expenditures. Amendments, as recommended by staff, have also been incorporated. Staff amendments are like corrections and adjustments due to better information obtained since the budget was initially proposed. During reconciliation, a list of items was reviewed by the City Council. The attached resolution has incorporated all amendments, both staff’s and City Council’s, as discussed with the City Council at Budget Reconciliation on November 7, 2023. In addition, the proposed changes have been incorporated in the adopted budget.

STRATEGIC PLAN ALIGNMENT:

Financial Excellence and High-Performing Government

ALTERNATIVE OPTIONS CONSIDERED:

N/A

FISCAL IMPACT:

The City Manager’s 2024 Capital Budget will authorize spending in the amount of \$101,417,445 in the capital funds, which includes inter-fund transfers out.

POTENTIAL ADVERSE IMPACTS:

N/A

NEXT STEPS AND TIMELINE:

By January 31, 2024 staff will submit the Adopted Budget to the Department of Local Affairs, publish the adopted budget online through OpenGov, and submit it to the Government Finance Officers Association for the Distinguished Budget Award.

**RESOLUTION NO. R-2023-0049**

**A RESOLUTION SUMMARIZING EXPENDITURES AND REVENUES FOR EACH FUND AND ADOPTING AN CAPITAL BUDGET FOR THE CITY OF DURANGO, COLORADO FOR THE CALENDAR YEAR BEGINNING ON THE FIRST DAY OF JANUARY, 2024 AND ENDING ON THE LAST DAY OF DECEMBER, 2024**

**WHEREAS**, the City Council of the City of Durango has appointed José Madrigal as City Manager, to prepare and submit a proposed budget to said governing body at the proper time; and

**WHEREAS**, José Madrigal City Manager, has submitted a proposed budget to this governing body on October 10, 2023 for its consideration; and

**WHEREAS**, upon due and proper notice, published or posted in accordance with the Charter, said proposed budget was open for inspection by the public at the designated place, a public hearing was held on November 7 and 21, 2023, and interested citizens were given the opportunity to file or register any objections to said proposed budget; and

**WHEREAS**, whatever increases may have been made in the expenditures, like increases were added to the estimated revenues or taken from carryover reserves, also known as fund balances, so that the budget remains in balance, as required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Durango, Colorado, in regular meeting assembled, that:

**Section 1.** The estimated revenues and expenditures for each capital fund and estimated unappropriated carryover reserves/fund balances for each fund are shown on Exhibit A, attached hereto and incorporated herein.

**Section 2.** That the capital budget as submitted, amended, and summarized by fund is hereby approved and adopted as the capital budget of the City of Durango for the year 2024 as shown on Exhibit A, attached hereto and incorporated herein.

**Section 3.** That the capital budget hereby approved and adopted shall be made a part of the public records of the City of Durango.

Approved and adopted the 5th day of December 2023.

CITY OF DURANGO

CITY COUNCIL OF THE CITY OF  
DURANGO

Attest:

\_\_\_\_\_  
Faye Harmer, City Clerk

\_\_\_\_\_  
Mayor



Exhibit A- 2024 Capital Expenditures												
By Fund	Esitimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
2015 Sales Tax Fund	16,223,274	12,133,596	-	-	12,133,596	23,864,927	-	1,000,000	24,864,927	(12,731,331)	3,491,943	-
2019 Sales Tax Fund	6,702,454	5,530,075	-	-	5,530,075	11,757,200	-	200,000	11,957,200	(6,427,125)	275,329	-
Capital Project Fund- General Fund	597,910	4,805,000	-	62,000	4,867,000	5,425,522	-	-	5,425,522	(558,522)	39,388	-
2005 Open Space, Parks, & Trails Fund	7,747,895	2,805,904	-	-	2,805,904	7,806,703	-	453,557	8,260,260	(5,454,356)	2,293,539	-
2005 Capital Improvement Fund	202,777	2,786,733	-	-	2,786,733	2,439,312	-	-	2,439,312	347,421	550,198	-
Water Capital Fund	8,574,161	-	-	6,700,000	6,700,000	12,090,073	-	-	12,090,073	(5,390,073)	3,184,088	5,906,076
Sewer Capital Fund	(1,135,658)	-	-	1,440,830	1,440,830	1,642,587	-	-	1,642,587	(201,757)	(1,337,415)	4,444,571
Airport Capital Fund	2,678,869	29,755,523	-	-	29,755,523	32,303,796	-	-	32,303,796	(2,548,273)	130,596	15,126,717
Trash and Recycle Capital Fund	833	-	-	12,356	12,356	-	-	-	-	12,356	13,189	902,419
Sales Tax Bond Debt 2007 Fund	183,003	2,435,718	-	-	2,435,718	2,433,768	-	-	2,433,768	1,950	184,953	-
<b>TOTAL CAPITAL PROJECTS FUNDS</b>	<b>41,775,518</b>	<b>60,252,549</b>	<b>-</b>	<b>8,215,186</b>	<b>68,467,735</b>	<b>99,763,888</b>	<b>-</b>	<b>1,653,557</b>	<b>101,417,445</b>	<b>(32,949,710)</b>	<b>8,825,808</b>	<b>26,379,783</b>





December 5, 2023

City Council

# A RESOLUTION ADOPTING THE 2024 ANNUAL CAPITAL BUDGET FOR THE CITY OF DURANGO

Devon Schmidt

Financial Services

Financial Excellence High Performing  
Government



### **Mission** (Why we exist)

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Respect | Innovation | Well-Being

## ■ **A RESOLUTION ADOPTING THE 2024 ANNUAL CAPITAL BUDGET FOR THE CITY OF DURANGO**



# 2024 ANNUAL CAPITAL BUDGET FOR THE CITY OF DURANGO



By Fund	Estimated Beginning	Revenues	Charges for Services Provided	Transfers In	Total Revenues	Expenditures	Charges for Services Out	Transfers Out	Total Expenditures	Fund Balance +/-	Ending Fund Balances	Combined Ending
2015 Sales Tax Fund	16,223,274	12,133,596	-	-	12,133,596	23,864,927	-	1,000,000	24,864,927	(12,731,331)	3,491,943	-
2019 Sales Tax Fund	6,702,454	5,530,075	-	-	5,530,075	11,757,200	-	200,000	11,957,200	(6,427,125)	275,329	-
Capital Project Fund- General Fund	597,910	4,805,000	-	62,000	4,867,000	5,425,522	-	-	5,425,522	(558,522)	39,388	-
2005 Open Space, Parks, & Trails Fund	7,747,895	2,805,904	-	-	2,805,904	7,806,703	-	453,557	8,260,260	(5,454,356)	2,293,539	-
2005 Capital Improvement Fund	202,777	2,786,733	-	-	2,786,733	2,439,312	-	-	2,439,312	347,421	550,198	-
Water Capital Fund	8,574,161	-	-	6,700,000	6,700,000	12,090,073	-	-	12,090,073	(5,390,073)	3,184,088	5,906,076
Sewer Capital Fund	(1,135,658)	-	-	1,440,830	1,440,830	1,642,587	-	-	1,642,587	(201,757)	(1,337,415)	4,444,571
Airport Capital Fund	2,678,869	29,755,523	-	-	29,755,523	32,303,796	-	-	32,303,796	(2,548,273)	130,596	15,126,717
Trash and Recycle Capital Fund	833	-	-	12,356	12,356	-	-	-	-	12,356	13,189	902,419
Sales Tax Bond Debt 2007 Fund	183,003	2,435,718	-	-	2,435,718	2,433,768	-	-	2,433,768	1,950	184,953	-
<b>TOTAL CAPITAL PROJECTS FUNDS</b>	<b>41,775,518</b>	<b>60,252,549</b>	<b>-</b>	<b>8,215,186</b>	<b>68,467,735</b>	<b>99,763,888</b>	<b>-</b>	<b>1,653,557</b>	<b>101,417,445</b>	<b>(32,949,710)</b>	<b>8,825,808</b>	<b>26,379,783</b>

CITY OF DURANGO, COLORADO

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APPENDIX AND  
ASSOCIATED  
POLICIES

**VIEW THE  
2024  
BUDGET  
ON  
OPENGOV**

## NEXT STEPS

**December  
5<sup>th</sup>**

Final Reading and Final Approval Two Budget Appropriations: Operating & Capital

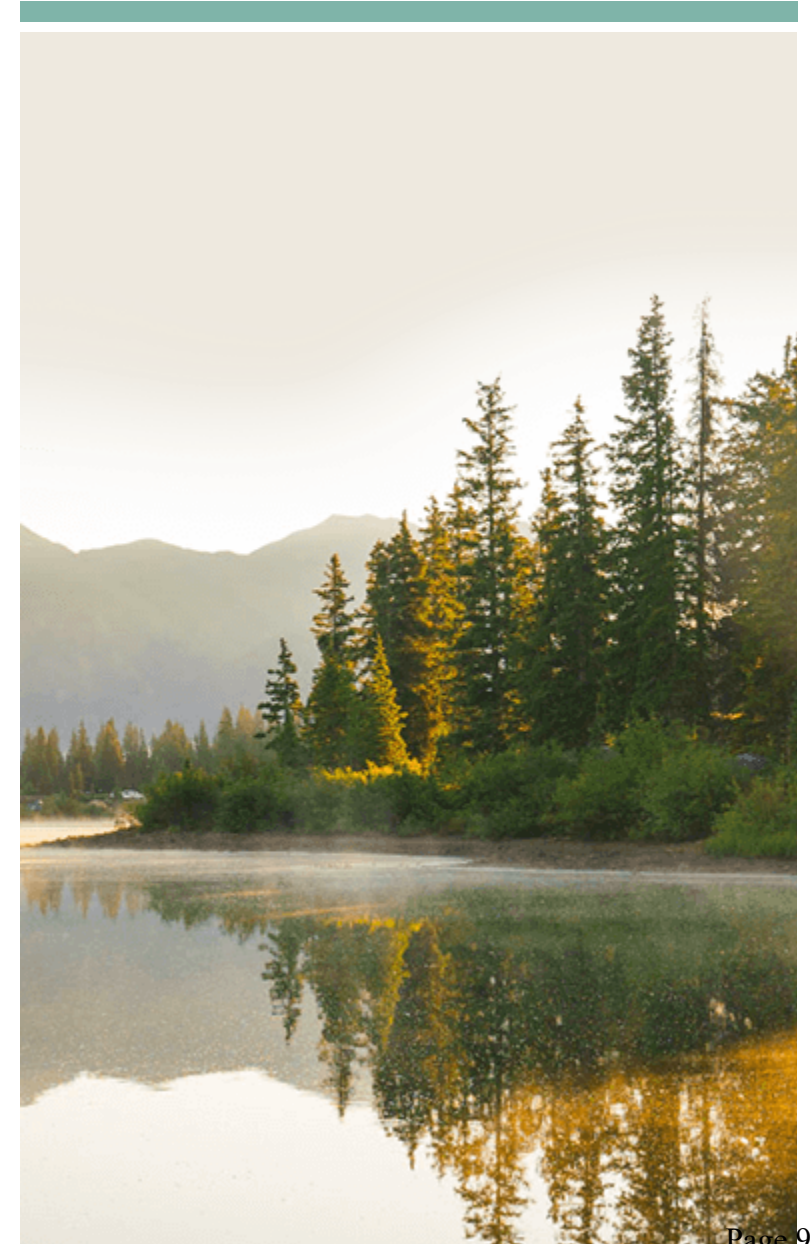
Three Resolutions for Capital, Operating and Mill Levy Certifications

Budget is adopted

**By January  
31, 2024**

Submit the Adopted Budget to the Department of Local Affairs (DOLA)

Publish the Adopted Budget online through OpenGov and PDF. Submit to GFOA for the Distinguished Budget Award



## RECOMMENDATION

- It is the recommendation that the City Council, by motion, move to approve Resolution R-2023-49 appropriating sums of money to the various funds and spending agencies, in the amounts and for the purpose as set forth below, for Capital expenditures for the city of Durango, Colorado for the 2024 budget year



AGENDA DOCUMENTATION

Item 11.4

Meeting Date: December 5, 2023

TO: DURANGO CITY COUNCIL FROM: DEVON SCHMIDT, CHIEF FINANCIAL OFFICER

SUBJECT A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE 2023 APPROPRIATIONS

RECOMMENDATION:

It is the recommendation that the City Council, by motion, approve the budget resolution R-2023-50 for the 2023 Budget Adjustment for the City of Durango.

BACKGROUND SUMMARY:

This item incorporates several unanticipated budget adjustments for the 2023 Budget. The budget impacts associated with the 2023 Budget are related to the following:

General Fund:

- Credit Card Fees that the City of Durango does not pass on to the customers
- Old hire police plan annual contribution and COLA retroactive increase
- Common Threads project
- Budget-neutral request in software maintenance from a refund for a service that was not provided in 2022

General Fund Capital

- Common Threads contracting in 2023 and completion in 2024.

Airport

- Fuel, overtime, and deicing chemicals - Account for a heavy winter season and corresponding snow removal activities
- Heavy equipment repairs - Unexpected electrical system failure on Volvo loader
- Professional Services - Conduct stormwater drainage analysis of US Forest Service apron
- Electric and gas utilities - Account for increased utilization of 820 Airport Road facilities
- Credit card processing fees – In line with significantly elevated parking lot revenue generation
- Contracted custodial services - Account for a large 2022 invoice that was delayed in delivery and booked to the 2023 budget

Water Operating and Building Maintenance

- The solar panel purchase and installation was included in the EPC. Site grading was included in the Water Construction Fund. McKinstry has expanded the scope to include site grading, this request moves the site grading funding from the water construction fund to the EPC.

Self-Insurance Fund:

- Health Insurance claims are challenging to forecast based on the occurrence- it is hard to forecast accidents and illnesses
- Removal of contingency creates challenges for unpredictable events.
- Staff is now recommending a budget amendment based on the previous December's claims and actuals.

Risk Management Fund:

- The budget year and Insurance year match, meaning if high claims happen in December, there is a timing issue in receiving claim expenditures.
- Workers' compensation and property claims are challenging to forecast based on the occurrence- it is hard to forecast accidents.
- Human Resources and Finance has been working to shop the policies to ensure the best prices are offered by the carriers.

**STRATEGIC PLAN ALIGNMENT:**

Financial Excellence and High-Performing Government

**ALTERNATIVE OPTIONS CONSIDERED:**

Bring a resolution after the year in 2024 for 2023.

**FISCAL IMPACT:**

Fund	Amount
General Fund	226,987
General Fund Capital	58,310
Airport	173,000
Building Maintenance	-
Water Construction Fund	35,000
Self-Insurance Fund	226,000
Risk Management Fund	141,500

**POTENTIAL ADVERSE IMPACTS:**

N/A

**NEXT STEPS AND TIMELINE:**

Increase the amended budget for 2023 by year's end.



RESOLUTION R-2023-0050

A RESOLUTION TO AMEND THE 2023 BUDGET FOR THE PURPOSE OF BUDGET ADJUSTMENTS TO THE 2023 APPROPRIATIONS

WHEREAS, under the provisions of Article V, Section 10 of the Durango City Charter, the City Council may make additional appropriations during the budget year for unanticipated expenditures required by the city not exceeding, however, actual revenues and unappropriated surplus; and

WHEREAS, to accomplish the goals of City Council and foster a team oriented working environment resulted in budget impacts and incorporates several unanticipated budget adjustments increasing, transferring, or amending the appropriations for expenditures and revenues; and

WHEREAS, there exists sufficient funds within fund balance;

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1. That the City Council of the City of Durango, in regular meeting assembled, that 2023 budget shall reflect the changes and the appropriations for 2023 are increasing, transferring, or amending according to the tables below:

General Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
Revenues				
11-1000-66559		Refund for a software service that was not provided to the PD	24,000	
Expenses				
11-4210-31499		Refund for a software service that was not provided to the PD	24,000	
11-4911-32799		Credit Card Fees	100,000	
11-4999-31299		Old hire police plan annual contribution and COLA retroactive increase	126,987	
Net Effect on Fund Balance			(250,987)	-

Self-Insurance				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
83-7320-31099		Self-Insurance Year-End	226,000	
Net Effect on Fund Balance			(226,000)	

Risk Management				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
84-7520-31199		Risk Management Year End	141,500	
Net Effect on Fund Balance			(141,500)	

General Fund Capital				
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			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
	191	Common Threads	58,310	
Net Effect on Fund Balance			(58,310)	

Airport Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
95-8611-32799		Increase credit card processing fees to correspond with higher than anticipated parking lot revenue generation	25,000	
95-8614-23199	70036	Increase fuel budget to account for elevated unleaded fuel commodity pricing	10,000	
95-8614-23199	70037	Increase fuel budget to account for diesel fuel utilization during a heavier than average winter season	21,000	
95-8614-31299	70215	Conduct stormwater drainage analysis of US Forest Service apron in advance of planned deconfliction from sanitary sewer system.	30,000	
95-8614-34199	70257	Increase electric utility budget to account for increased utilization of 820 Airport Road facilities	8,000	
95-8614-34399	70258	Increase gas utility budget to account for increased utilization of 820 Airport Road facilities and elevated commodity pricing	12,000	
95-8615-12199		Increase overtime budget to account for heavier than average winter season and corresponding snow removal activities	5,000	
95-8615-25199	70077	Increase airfield deicing chemical budget to account for heavier than average winter season	10,000	
95-8615-31499	70263	Contracted Custodial Services - Accounting for 2022 invoice that was delayed on receipt and booked to 2023 budget.	17,000	
95-8615-36199	70103	Heavy equipment repairs - Unexpected electrical system failure on Volvo loader	25,000	
95-8616-12199		Increase overtime budget to account for heavier than average winter season and corresponding snow removal activities	10,000	
Net Effect on Fund Balance			(173,000)	-

Water Construction Fund				
			Budget Increase/(Decrease)	
Account Number	Project Number	Account Description	One-Time	Recurring
43-5301-31499	1138	Moving water treatment plant site work into the scope of the EPC	35,000	
Net Effect on Fund Balance			(35,000)	

Building Maintenance Fund				
			Budget Increase/(Decrease)	



Account Number	Project Number	Account Description	One-Time	Recurring
Revenues				
86-1000-66649	0711	Transfer from water fund for water treatment plant site work in EPC	35,000	
Expenses				
86-8199-31499	0711	EPC budget increase to account for additional scope of work on water treatment plant (originally budgeted in water fund)	35,000	
Net Effect on Fund Balance			-	

Approved and adopted this 5<sup>th</sup> Day of December, 2023.

CITY OF DURANGO, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk



December 5, 2023

# 2023 BUDGET AMENDMENTS

DEVON SCHMIDT

FINANCIAL SERVICES

FINANCIAL EXCELLENCE AND  
HIGH PERFORMING  
GOVERNMENT



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*“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”*

### **Vision** (What we want to be)

*“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”*

### **Values** (What we believe in)

Teamwork | Dependability | Professionalism | Service |  
Respect | Innovation | Well-Being

It is the recommendation that the City Council, by motion, approve the attached resolution authorizing the budgetary appropriations for 2023.

## REASON FOR REQUESTS:

### General Fund

- Credit Card Fees that the City of Durango does not pass on to the customers
- Old hire police plan annual contribution and COLA retroactive increase
- Common Threads project
- Budget neutral request in software maintenance from a refund for a service that was not provided in 2022

### Airport:

- Fuel, overtime, and deicing chemicals - Account for a heavy winter season and corresponding snow removal activities
- Heavy equipment repairs - Unexpected electrical system failure on Volvo loader
- Professional Services - Conduct stormwater drainage analysis of US Forest Service apron
- Electric and gas utilities - Account for increased utilization of 820 Airport Road facilities
- Credit card processing fees – In line with significantly elevated parking lot revenue generation
- Contracted custodial services - Account for a large 2022 invoice that was delayed in delivery and booked to 2023 budget

### Water Fund to Building Maintenance Fund

- The solar panel purchase and installation was included in the EPC. Site grading was included in the Water Construction Fund. McKinstry has expanded the scope to include site grading, this request moves the site grading funding from the water construction fund to the EPC.

## REASON FOR REQUESTS CONTINUED:

### Self Insurance Fund:

- Leadership has put forth an effort has been made to correct the challenges in Self Insurance by:
  - Increasing Stop Loss reimbursement to \$100k to reduce the annual premium cost of stop loss
  - Offered in 2023 a High Deductible Health Plan
  - Switched to a PEPM model for city expenses and revenues to follow industry best practices and better forecasting abilities.
  - Working to have fund balance match IBNR of \$635k and have one month of average claims in fund balance
  - Quarterly smart consumer series for all employees

### Risk Management Fund:

- The budget year and Insurance year match, meaning if high claims happen in December, there is a timing issue in receiving claim expenditures.
- Workers' compensation and property claims are challenging to forecast based on the occurrence- it is hard to forecast accidents.
- Human Resources and Finance has been working to shop the policies to ensure the best prices are offered by the carriers.

# CURRENT CHALLENGES AND OPPORTUNITIES FOR IMPROVEMENT

## Challenges:

- The budget year and Insurance year match, meaning if high claims happen in December, there is a timing issue in receiving claim expenditures.
- Workers' compensation, property claims, and Health Insurance claims are challenging to forecast based on the occurrence- it is hard to forecast accidents and illnesses
- Removal of contingency creates challenges for unpredictable events.

## Opportunity for Improvement Implemented and continued

- Self Insurance will switch to a July 1 enrollment
- Staff will worked in 2024 to reduce the re-appropriations of projects by including them in reconciliation.
- Staff is now recommending a budget amendment based on previous December claims and actuals.

# RECOMMENDATION

It is the recommendation that the City Council, by motion, approve R-2023-50 authorizing the budgetary appropriations for 2023.

Fund	Amount
General Fund	226,987
General Fund Capital	58,310
Airport	173,000
Building Maintenance	-
Water Construction Fund	35,000
Self Insurance Fund	226,000
Risk Management Fund	141,500





TO: DURANGO CITY COUNCIL                      FROM:     DEVIN KING, MULTIMODAL MANAGER

SUBJECT:     A RESOLUTION ADOPTING THE 2023 MULTIMODAL TRANSPORTATION  
                  PLAN – EIN, ESR, ELSP, DEI

**RECOMMENDATION:**

It is the recommendation that the City Council, by motion, approve the attached resolution adopting the 2023 Multimodal Transportation Plan.

**BACKGROUND SUMMARY:**

Following extensive public engagement including 29 meetings, 4 online surveys, 3 stakeholder meetings, the 2023 Multimodal Transportation Plan has been drafted to serve as a guide for multimodal transportation infrastructure and transportation demand management initiatives in the city of Durango and surrounding planning area. City staff are presenting the plan for City Council’s adoption by resolution. This follows City Council’s opportunity to review the final draft of the plan during the Study Session on November 7, 2023.

The draft plan is focused on alignment with the Federal Highway Administration’s (FHWA) framework for an action plan and the Safe System Approach. The Safe System Approach recognizes that humans make mistakes and that the transportation system should be designed with redundancies to keep everyone safe. To align with FHWA’s definition of an action plan, crash data and other data points were added to the plan along with actions to reduce the city’s crash statistics. This will strategically position the city to apply for the new federal funding opportunities coming up over the next few years.

The draft plan also establishes project prioritization criteria based off readily available data metrics to provide a more holistic and equitable approach to prioritizing projects. This criteria framework builds off data points presented in the existing conditions section of the plan. The idea of corridors and connections was created to represent movements of people in the community based off input from the community, origin and destination data, and network analysis. To create the recommended projects list in the plan, previously prioritized projects were included as well as needs expressed by the community and identified deficiencies based on the corridors and conditions. Lastly, preferred pedestrian and bicycle facilities prioritized by the community and Multimodal Advisory Board were recommended in the plan for both new development and rehabilitation projects. These components of the plan will help create more efficiency in the prioritization and design process.

**STRATEGIC PLAN ALIGNMENT:**

*EFFECTIVE INFRASTRUCTURE NETWORK*

- 1. *Mobility: Accessibility, Transit, and Streets System*
  - 1.1 *Improve Safety and connectivity for all modes of transportation.*
  - 1.2 *Integrate Parking into Transportation Demand Management Program.*
  - 1.5 *Design transportation system improvements to maximize safety, innovation, accessibility, and resident satisfaction.*
  - 1.7 *Advance community accessibility and walkability.*

*ENHANCED LIVABILITY & SENSE OF PLACE*

- 3. *Enhance Durango’s sense of place in ways that celebrate the community’s character, cultural heritage, outdoor roots, access to nature, and unique amenities*
  - 3.1 *Create and enhance parks, public spaces, and streetscapes as safe, inviting, and memorable places for all users*

*ENVIRONMENTAL SUSTAINABILITY & RESILIENCE*

- 1. *Reduce the city’s carbon footprint*

*DIVERSITY, EQUITY, INCLUSION*

- 1. *Foster strong partnerships and engagement with community groups*
  - 1.1 *Incorporate Effective Community Outreach, establishing points of connection with the different community groups included but not limited to, Black, Indigenous, People of Color, LGBTQ+, undocumented immigrants, disabled, houseless, those with mental illness, seniors, and other under-represented communities.*

**ALTERNATIVE OPTIONS CONSIDERED:**



Updating and adopting the Multimodal Transportation Plan are a priority for the city’s grant opportunities, planning processes, and infrastructure projects.

**FISCAL IMPACT:**

There are no fiscal impacts related to adoption of the plan. As recommended improvements are progressed, funding requests will be presented to City Council, if necessary.

**POTENTIAL ADVERSE IMPACTS:**

No adverse impacts are anticipated from implementation of these policies.

**NEXT STEPS AND TIMELINE:**

Upon adoption of the plan, city staff will begin to use the plan as a guide for improvements to achieve the vision and goals of the plan.

**RESOLUTION R-2023-0051**

**A RESOLUTION ADOPTING THE 2023 MULTIMODAL TRANSPORTATION PLAN, AN UPDATE OF THE 2016 MULTIMODAL TRANSPORTATION PLAN, TO GUIDE THE CITY TOWARD AN INTEGRATED MULTIMODAL TRANSPORTATION NETWORK**

**WHEREAS**, the 2023 Multimodal Transportation Plan guides the implementation of projects and development toward an integrated multimodal network, by establishing a multimodal vision, measurable goals and actions, baseline data, multimodal corridors and connections, preferred bicycle and pedestrian facilities, and a prioritization framework; and

**WHEREAS**, the 2023 Multimodal Transportation Plan identifies equity, safety, accessibility, connectivity, sustainability, and public health and community as goals for the plan; and

**WHEREAS**, the City of Durango updated the 2016 Multimodal Transportation Plan through extensive community engagement with twenty-nine (29) meetings, additional pop-up outreach, four (4) online public surveys, and three (3) stakeholder meetings; and

**WHEREAS**, Durango City Council recognizes the need to improve the City’s transportation network to be an integrated multimodal network and prioritize the safety and accessibility of all road users; and

**WHEREAS**, Durango City Council recognizes that transportation impacts multiple facets of the community including economic vitality, equity, and sustainability goals, and that it is important to have a strategic guide for how to best manage the city’s multimodal transportation network;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURANGO**, that the City of Durango adopts the 2023 Multimodal Transportation Plan to guide Durango to an integrated multimodal transportation network.

Approved and adopted this 5<sup>th</sup> day of December, 2023.

CITY OF DURANGO, COLORADO

By:

\_\_\_\_\_  
Melissa Youssef, Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk

2023

# MULTIMODAL TRANSPORTATION PLAN



Durango Trolley on Main Avenue, Courtesy of the City of Durango



Bicyclist on 15th Street, Courtesy of the City of Durango



Person on crosswalk on 15th Street, Courtesy of the City of Durango



# Thank You and Acknowledgements

The City of Durango's Multimodal Division would like to thank the many community members, partner organizations, Multimodal Advisory Board, stakeholders, consultant team, and internal city departments that contributed to this plan update. This plan update started during the height of the pandemic and continued as the world went through major changes. The updated plan builds upon the work that was started over a decade ago in creating the original Durango Multimodal Master Transportation Plan.

## 2023 City Council

MAYOR MELISSA YOUSSEF  
MAYOR PRO-TEM JESSIKA BUELL  
COUNCILOR GILDA YAZZIE  
COUNCILOR OLIVIER BOSMANS  
COUNCILOR DAVE WOODRUFF

## 2022 Multimodal Advisory Board

CHAIR SARAH KELLY  
VICE CHAIR JOHN SHAW  
KATHY MORRIS  
SPENCER COMPTON  
MARTHA MASON  
PAIGE WAGNER  
ASFLC LIAISON FINN JOHNSON

## City Staff

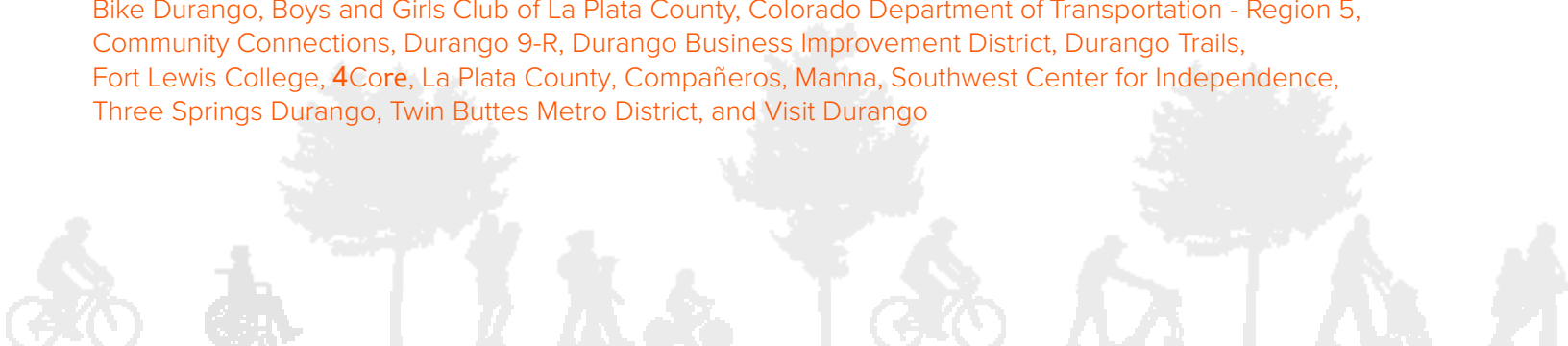
TRANSPORTATION DEPARTMENT DIRECTOR, SARAH HILL  
MULTIMODAL MANAGER, DEVIN KING  
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FOUR CORNERS MAPPING & GIS, ANNA RILING  
DHM DESIGN, ANN CHRISTENSEN

## Thank You to Partners and Stakeholders

Bike Durango, Boys and Girls Club of La Plata County, Colorado Department of Transportation - Region 5, Community Connections, Durango 9-R, Durango Business Improvement District, Durango Trails, Fort Lewis College, 4Core, La Plata County, Compañeros, Manna, Southwest Center for Independence, Three Springs Durango, Twin Buttes Metro District, and Visit Durango



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A cyclist on Main Avenue,  
Courtesy of the City of Durango

# SUMMARY

Multimodal transportation focuses on providing safe and equitable space for multiple modes of transportation in the infrastructure network. The United States' transportation network has been developed around moving people and goods in motor vehicles in recent history. This plan focuses on moving people by multiple transportation modes with an emphasis on safety.

The plan is laid out in five chapters. The first two chapters focus on defining the “why” and take a look at Durango’s existing conditions. The last three chapters focus on the goals and implementation of the plan.

## CHAPTER 1: INTRODUCTION

This chapter focuses on the need for the Multimodal Transportation Plan and provides the overall approach of the plan to achieve the vision. The plan’s focus is on creating a multimodal transportation network that addresses the needs of the community. To get there, the plan uses the Safe System Approach and builds off the multiple other plans conducted over the years.

## CHAPTER 2: EXISTING CONDITIONS

This plan uses data to establish a baseline and to evaluate where needs exist. Existing conditions include community demographics, current conditions of the transportation infrastructure, crash statistics, needs identified by the public, and education. Crash and travel statistics are important data points for prioritizing and understanding the existing transportation network deficits.

## CHAPTER 3: GOALS AND ACTIONS

The goals and actions to achieve the plan’s vision are outlined in detail in this chapter. This chapter also highlights the funding mechanisms in which these goals are implemented by the city’s Transportation Department.

## CHAPTER 4: IMPLEMENTATION

This chapter establishes a criteria framework for prioritization of projects in an objective way and outlines the pathway to achieving the plan’s goals and vision. Included in this chapter is a list of multimodal transportation corridors and connections and the identified projects to improve Durango’s multimodal transportation network. This chapter also identifies preferred bicycle and pedestrian facilities and makes land use code recommendations.

## CHAPTER 5: MOVING FORWARD

The last chapter sets the standard for how effectiveness of the plan will be evaluated and how the City will ensure that this plan continues to evolve as the community changes.





Photo: View of Durango from Animas Mountain courtesy of Debra Van Winegarden

# 1 INTRODUCTION

## WHY A MULTIMODAL TRANSPORTATION PLAN?

The City of Durango's Multimodal Transportation Plan guides the implementation of projects to move Durango towards an integrated multimodal transportation network by establishing baseline data and following the plan goals of connectivity, safety, equity, sustainability, and public health and community. The plan's transportation policy focuses on moving people, not just moving motor vehicles, and on reducing injury crashes and fatalities. The City adopted its first Multimodal Transportation Master Plan in 2012 and has continued to update the plan to guide the implementation of projects and act as Durango's road map for multimodal connectivity, safety, and accessibility. Whether one is walking or rolling from a parked car to the front door of a business, or from a transit stop to home, the goals and actions outlined in this plan all aim to achieve the vision of creating a safe and fully connected multimodal transportation network.

The City acknowledges that promoting multimodal transportation inherently improves the health of the community by reducing vehicle emissions, air pollution and ground water contamination, and by increasing physical activity. For the purposes of this plan, accommodations and facilities are defined as any facility, design feature, operational change, or maintenance activity that enables and improves access to, or travel by, transit, cycle, walking, rolling, or rideshare means. This is particularly important as virtually all trips, regardless of purpose, begin and end with walking or rolling.

According to the most recent greenhouse gas (GHG) inventory for Durango, transportation and mobile sources account for approximately 85,000 metric tons of carbon dioxide equivalent (CO<sub>2</sub>e) emissions, 28% of the community's total emissions. Of these emissions, roughly 90% are attributed to on-road transportation calculated by using vehicle miles traveled (VMT) data. Throughout the implementation of the Multimodal Transportation Plan, where projects and efforts can directly demonstrate a reduction in VMT, associated GHG reductions can be calculated.





## WHY A PLAN UPDATE IN 2023?

Since 2016, Durango has experienced changes in demographics, increases in traffic volumes, changes in community needs, and changes in development. In addition to these local changes, there are several national trends that have evolved and impacted Durango, such as the increase in e-bike use and other electric personal assistive mobility devices, a shift in work patterns, and increasing demand for access to outdoor recreation.

These changes, coupled with a national shift in transportation planning to the Safe System Approach (described in detail below), instigate the need for an update to the 2016 Multimodal Transportation Plan. The City of Durango's 2021 Strategic Plan identified an update to the Multimodal Transportation Plan by 2023 under the Ensure Effective Infrastructure Network goal. City Council then prioritized the update by adopting funding in 2022 and 2023.

The Multimodal Transportation Plan is set within the broader context of the City of Durango 2017 Comprehensive Plan, the City's Land Use and Development Code, the Parks, Open Space and Trail Master Plan, and the 2030 Transportation Integrated Plan with a resulting transportation system expected to support the sustainability and quality of life goals set by the community.

## MULTIMODAL TRANSPORTATION PLAN APPROACH

The Multimodal Transportation Plan's approach to achieving the city's goals uses both the Safe System Approach from the U.S. Department of Transportation (USDOT) and the Six E's.

Figure 1: Safe-System Approach

### SAFE SYSTEM APPROACH

- Safe road users: Ensuring the safety of all road users, pedestrians, transit riders, bicyclists, motor vehicle drivers and passengers, and other rollers.
- Safe vehicles: Creating safer vehicles for both occupants and other road users, especially vulnerable road users like pedestrians and bicyclists by using innovative technologies.
- Safe speeds: Setting appropriate speed limits on roadways, using context sensitive design, education, outreach and enforcement.
- Safe roads: Designing roadways to be predictable and redundant to reduce the consequences of mistakes. Humans make mistakes and roadway infrastructure should be designed to accommodate for mistakes or reduce the severity of those mistakes.



Source: Doctor, M., Ngo, C., Ocel, N., Scurry, K., and Shaw, J. (2020). "Safe System – An Approach Toward Zero Traffic Deaths." FHWA's *Safety Compass Newsletter* 14(3), 4-6.

- Post-crash care: Response time and equipment is crucial to caring for humans that have been injured in a crash. Ensuring the latest technologies and safe and efficient routes is key to ensuring injuries are less consequential.

The City of Durango can address these elements at a local level in varying capacities. This plan includes steps for how the City of Durango will address these Safe System elements and make Durango a safe and equitable place to get around by any mode of choice.



## THE SIX E'S

Prior to the Safe System Approach, the City has historically used the Six Es as a checklist and framework to achieving multimodal goals. This framework is used by several of the City's partner organizations such as those that host programs the city participates in like the Safe Routes to School Partnership, League of American Bicyclists, and Walk Friendly Communities. While the Safe System Approach will guide the City to safety, the Six E's will still be a valuable checklist for continuing the shift of Durango's transportation network from primarily car-centric to more inclusive of multimodal options and for achieving sustainability goals.

1. **ENGINEERING:** CREATING A SAFE TRANSPORTATION NETWORK FOR ANY MODE OF CHOICE WITH THE SAFE SYSTEM APPROACH ELEMENTS AT THE CORE.
2. **EDUCATION:** GIVING PEOPLE OF ALL AGES AND ABILITIES THE SKILLS AND CONFIDENCE TO USE TRANSPORTATION MODES OTHER THAN SINGLE-OCCUPANCY VEHICLES (SOVS).
3. **ENCOURAGEMENT:** CREATING A STRONG MULTIMODAL CULTURE THAT WELCOMES AND CELEBRATES RIDING TRANSIT, BICYCLING, WALKING, AND CARPOOLING.
4. **ENFORCEMENT:** ENSURING SAFE ROADS FOR ALL USERS IN AN EQUITABLE MANNER.
5. **EVALUATION:** ASSESS PROGRAMS AND INFRASTRUCTURE FOR EFFECTIVENESS AND IMPROVEMENTS.
6. **EQUITY:** ENSURING THAT THE TRANSPORTATION NETWORK AND PROCESSES ARE ACCESSIBLE TO ALL, INCLUDING BUT NOT LIMITED TO ALL RACES, ETHNICITIES, LANGUAGES, AND ABILITIES LIVING AND VISITING DURANGO.

All projects must ultimately be designed to meet standards in the Land Use and Development Code and be approved by the City Engineer in accordance with Manual on Uniform Traffic Control Devices (MUTCD) and American Association of State Highway and Transportation Officials (AASHTO) design standards. In addition, the City's Multimodal Division coordinates with other City departments on an ongoing basis to prioritize maintenance and the implementation of projects.

Examples of standard street cross sections can be found in the Land Use and Development Code Section 4-2-2-3 in Appendix A. These cross section standards determine the minimum rights-of-way for different types of streets and can be used as examples for the reconstruction of roadways.

It is the intent of the City for this to be a living document once adopted; as new deficiencies are discovered they may be added to the plan at any time, and as this occurs the plan priorities will be updated. The plan shall be reviewed and updated on an ongoing basis as needed.

## OTHER KEY PLANS

There are multiple City plans that the Multimodal Transportation Plan works in partnership with: the ADA Transition Plan for Transit, Comprehensive Parking Management Plan, EV Readiness Plan, North Main Corridor Mobility Study, Sustainability Plan, and CDOT Access Control Plan. These plans help to inform as well as support the goals in this plan.

### ADA TRANSITION PLAN FOR TRANSIT

The 2016 ADA Transition Plan for Transit is an evaluation of ADA compliance at all transit facilities in the city and recommendations to bring to be ADA compliant. This plan not only outlines steps to improve existing transit facilities, but also provides guidance on new transit facilities.



### COMPREHENSIVE PARKING MANAGEMENT PLAN, 2022

In 2022, the City went through a community public process to create a Comprehensive Parking Management Plan. The plan evaluated existing parking supply, LUDC code requirements, and population forecasting to determine future parking needs. Based off this evaluation, the plan makes recommendations for the City to manage parking efficiently and meet the needs of the community while also supporting the City's Strategic Plan goals. One key aspect of this plan's recommendation includes ways to reduce the parking demand by using Transportation Demand Management strategies.

### EV READINESS PLAN

The city of Durango collaborated with the La Plata Electric Association (LPEA) to create the EV Readiness Plan. The plan outlines strategies to achieve a GHG emissions reduction by 2050. Strategies for public adoption related to the Multimodal Transportation Plan include electric vanpools and carshares, and e-bikes programs.

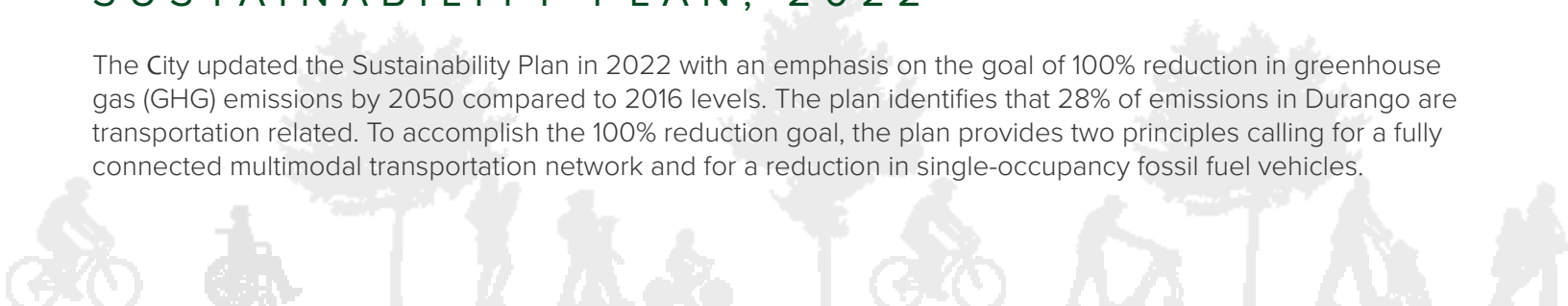


### NORTH MAIN CORRIDOR MOBILITY STUDY

In 2015, the city coordinated with CDOT to study existing conditions along the North Main Avenue corridor (US Highway 550) and make recommendations for mobility improvements along the highway, adjacent routes, and intersections. The study includes conceptual designs for North Main Avenue intersections and enhanced crossings. Key crossings identified are Park Avenue, 19th Street, 22nd Street, 25th Street, 27th Street, 30th Street, 32nd Street, 35th Street, and Animas View Drive.

### SUSTAINABILITY PLAN, 2022

The City updated the Sustainability Plan in 2022 with an emphasis on the goal of 100% reduction in greenhouse gas (GHG) emissions by 2050 compared to 2016 levels. The plan identifies that 28% of emissions in Durango are transportation related. To accomplish the 100% reduction goal, the plan provides two principles calling for a fully connected multimodal transportation network and for a reduction in single-occupancy fossil fuel vehicles.



Durango’s Sustainability Plan identifies the primary strategies for reducing transportation related emissions and pollution: decrease VMT through mode-shifting, decrease vehicle emissions through fuel-switching (i.e., shifting to electric vehicles), and encourage land use code and design principles that further promote these efforts. The Sustainability Plan points to the Multimodal Transportation Plan as Durango’s primary guiding document for mode shift and VMT reduction. Ultimately, sustainable transportation is concerned with moving people and goods as safely and efficiently as possible with the smallest amount of associated, emissions, resources, and dedicated land use.

## CDOT ACCESS CONTROL PLAN (ACP)

The City coordinated with the Colorado Department of Transportation (CDOT) in 2008 to create an Access Control Plan (ACP) for U.S. Highway 550 between College Drive and Park Avenue. The section between College Drive and 14th Street was implemented in 2021-2022. The ACP includes intersection improvements, medians, and closing of driveways to improve safety along the highway. The development of a Grandview ACP is currently underway in 2023, covering Highway 160 East near Three Springs. The City and CDOT intend to collaborate on the development of an ACP for U.S. Highway 550 from Park Avenue to Animas View Drive in 2024.

## VISION & GOALS

The vision of the plan is to create a safe and equitable transportation network that is fully connected and allows people of any race, ethnicity, gender identity, and ability to move safely and efficiently by their mode of choice. Achieving this vision will mean that a person of any age or ability can safely and conveniently travel by any mode of transportation throughout Durango.

## GOALS

The following goals were identified by the community through the public outreach process to guide policies, programs, and infrastructure improvements toward the vision of a fully-connected transportation network.

**THE CITY OF DURANGO’S MULTIMODAL TRANSPORTATION PLAN ENVISIONS:**

**Connectivity:** Establish a fully connected, safe, accessible, and convenient multimodal transportation network that provides comprehensive mobility options throughout the City’s Comprehensive Planning Area.

**Safety:** Improve overall transportation network safety, with emphasis on vulnerable road users, by working toward a zero-fatality transportation network.

**Equity:** Develop transportation infrastructure that equitably accommodates all people and is accessible to all mode users and abilities.

**Sustainability:** Support shifting trips to sustainable modes to meet Durango’s Sustainability Plan’s goals for GHG emissions reduction.

**Public Health & Community:** Provide the community with easy access to recreation and community activities that promotes an inclusive and healthy community.



# PUBLIC OUTREACH & PLANNING PROCESS

The City of Durango Multimodal Division conducted a nearly-year-long public outreach process beginning in April of 2021. Much of this outreach was conducted during the height of the COVID-19 pandemic requiring a variety of outreach methods. Outreach efforts included virtual meetings, in person meetings at locations in each of the zones identified in the 2016 Multimodal Transportation Plan, booths at events, booths at the Farmers Market, presentations at Business Improvement District meetings, Community Relations Community’s Latinx Subcommittee and the Senior Center and Southwest Center for Independence, two online surveys, and an online interactive Geographic Information Systems (GIS) map. These varied outreach opportunities allowed the City to receive diverse feedback and gave multiple mediums for the public to engage with the plan update.

Following the extensive outreach process, the City contracted with a consultant team to assist in the updating of the plan by providing technical expertise to the process. The update process started with a visioning session with the Multimodal Advisory Board (MAB) in December of 2022. This visioning session included coming up with vision and goals, mapping of needed improvements, and creating of preferred treatments. After the MAB’s visioning meeting, staff began working with the consultant team to draft a vision, goals, corridors and connections, prioritization framework, and preferred treatments. These elements of the plan update were taken to MAB meetings for comment by both the board and the public. Simultaneously, two stakeholder meetings were held to obtain feedback on the aforementioned elements from community organizations that represented diverse stakeholders in the community. Once an initial draft was created, it was circulated throughout the City’s various departments and the consultant team for comments. In the fall of 2023, the draft plan was presented to the stakeholder organizations for comments and was also posted on the City website for further comment. Through this input the Multimodal Transportation Plan was further refined to meet the community’s need.

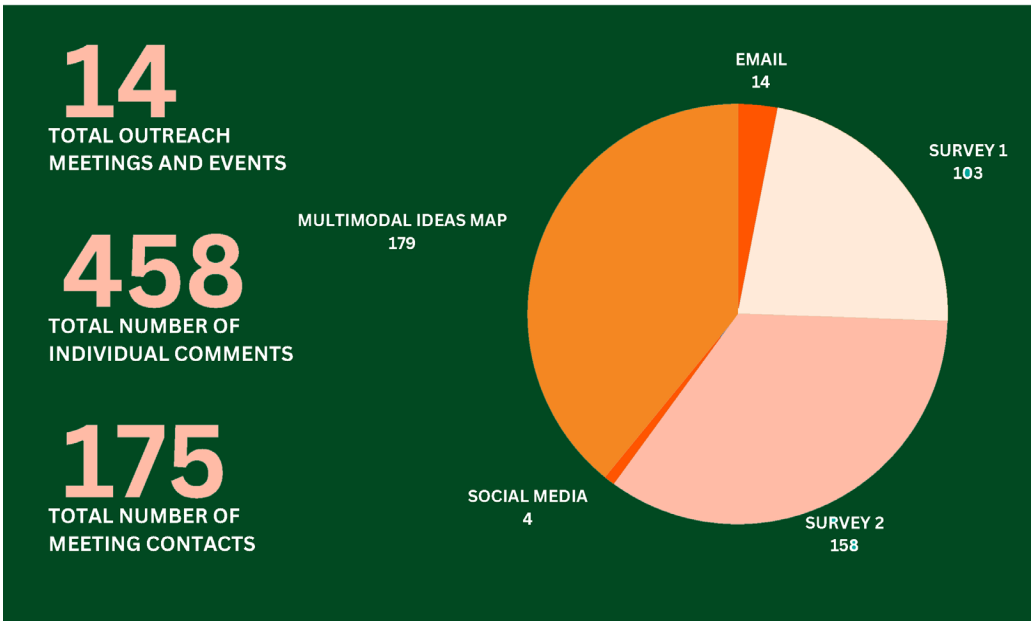


Figure 2: Community Outreach







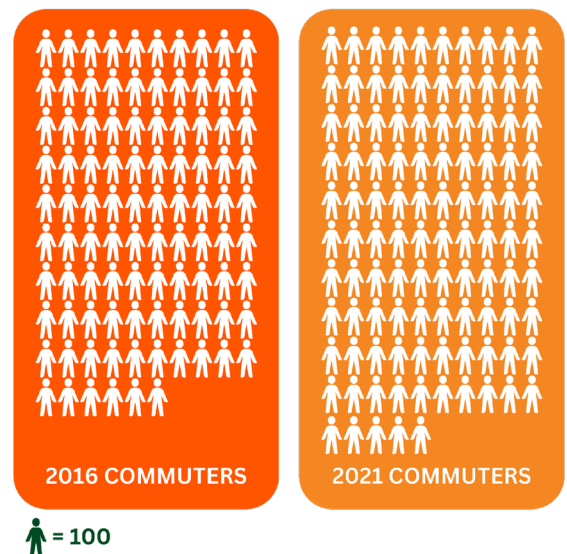
## 2 EXISTING CONDITIONS

### COMMUNITY SNAPSHOT

The City of Durango's population is approximately 19,071 and the county in which the city resides, La Plata County, has a population of approximately 56,138 as of the 2020 U.S. Census. According to the American Community Survey 5-Year Estimates, 10.6% of the city's population is considered to be in poverty and 5.2% of the population under the age of 65 has a disability. Approximately two-thirds (67%) of the population in Durango is within the typical working age of 18-65 with the median age being 38.6. Lastly, 78.5% of the population identifies as White alone, with 8.6% of the population identifying as Hispanic or Latino and 7% identifying as American Indian.

According to 2020 U.S. Census data, a majority of working households have access to at least one vehicle with only 1.8% having no vehicle access and 71% having access to two or more vehicles. 94.3 % of the working population works in La Plata County, meaning travel outside La Plata County is low; however, this does not identify the number of commuters into Durango or account for commuters into the City from places like New Mexico or Montezuma or Archuleta Counties.

Figure 3: Commuter Trends



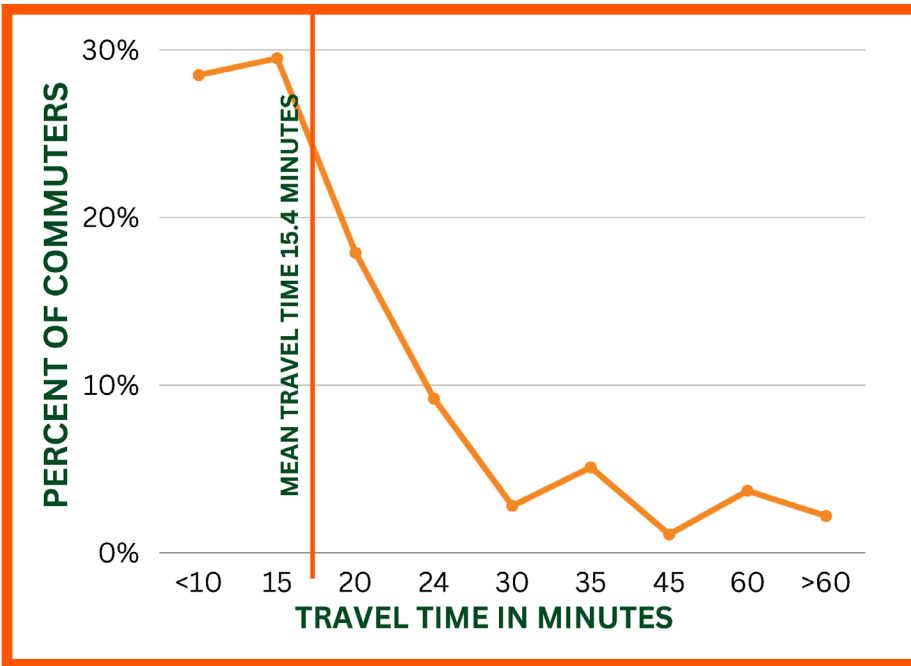
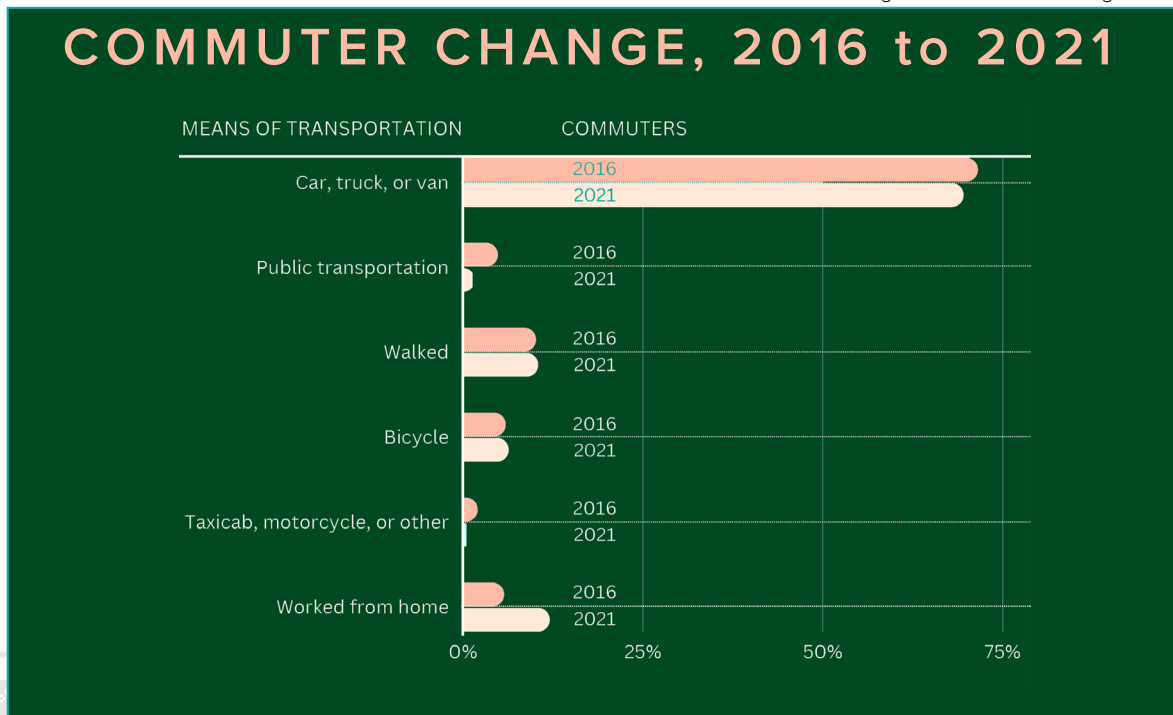


Figure 4. Source: U.S. Census Bureau. (2023) 2021 American Community Survey 5-year Estimate Subject Tables. Retrieved from <https://api.census.gov/data/2016/acs/acs5/subject>

The mean travel time to work was 15.4 minutes with 58% being under 14 minutes for city of Durango residents. The majority, 61.8%, of the working population, go to work between 6:30 a.m. to 9:00 a.m., which also coincides with school drop-off times making this a notable peak traffic time for Durango.

According to data from the American Community Survey 5-Year Estimates, single-occupancy vehicle (SOV) use as a means of transportation to work had a small reduction in 2021 compared to 2016, meaning the majority of people are still driving alone. Carpooling and public transportation use were lower in 2021 than in 2016, likely a result of the COVID-19 pandemic. It should be noted that at the time of the writing of this plan, transit ridership numbers have bounced back to pre-pandemic levels. Bicycling and walking had small increases, and working from home had the largest change with a significant increase likely due to COVID-19 and more flexible work schedules.

Figure 5: Commuter Change from 2016 to 2021



# CURRENT MULTIMODAL TRANSPORTATION CONDITIONS

The 2016 Multimodal Transportation Plan (MTP) had an inventory of needed improvements identified. Since 2016, over 70 improvements identified in the in the 2016 MTP have been completed with multiple large-scale projects currently under design at the writing of this plan. Improvements made since 2016 are highlighted in the table below.

LOCATION	IMPROVEMENTS COMPLETED
East 8th Avenue and 3rd Street	College Drive and East 8th Avenue Traffic Calming: Rectangular Rapid Flashing Beacon (RRFB) and pedestrian refuge at entrance to Horse Gulch Medical Campus.
East 3rd Avenue and 14th Street	Installed crosswalks on all intersections.
College Drive/Goeglein Gulch Road from East 8th Avenue, up to Jenkins Ranch Road	Bicycle lane striped.
East 3rd Avenue from southern end to 15th Street	Installed thermoplastic Shared Lane Markings.
East 8th Avenue from 8th Street to Fort Lewis Drive, Rim Drive from East 8th Avenue to Fort Lewis Drive and along Fort Lewis Drive	Installed thermoplastic Shared Lane Markings.
East 2nd Ave to East 3rd Avenue along 15th Street	Painted sharrow markings.
8th Avenue and 8th Street	Bicycle parking added in existing pull-out area.
East 8th Avenue from College Drive to 8th Street	Bicycle lane striped.
East 3rd Avenue between 14th Street and 15th Street	Sidewalk repaired
8th Street from East 3rd Avenue east to East 7th Avenue	Bicycle lane markings installed.
College Drive/Goeglein Gulch Road from East 8th Avenue, up to Jenkins Ranch Road	Bicycle lane markings installed.
East 3rd Avenue from southern end to 15th Street	Bicycle route signed.
9th Street from East 3rd Avenue east to East 6th Avenue	Bicycle route signed.
22nd Street Intersection	Intersection improved with bike facilities.
32nd Street Intersection	Intersection improved with bike facilities.
Manhole on 31st Street between North Main Ave and West 2nd Avenue	Manhole fixed.

Figure 6.1: Improvements Completed



LOCATION	IMPROVEMENTS COMPLETED
30th Street Crossing of North Main Avenue	RRFP and pedestrian refuge installed at 2900 mid-block.
32nd Street Bicycle/Pedestrian Bridge	Bridge constructed.
27th Street Intersection	Pedestrian signal improved to be more visible and audible.
North Main Avenue from 14th Street to Animas View Drive	Bicycle facilities added to North Main Avenue.
Roosa Avenue from intersection of US Highway 160 West to 9th Street	Bicycle route signage installed.
Northern ends West 2nd Avenues	Installed bicycle route signage.
West Park Avenue and East Park Avenue from El Paso Street to east end	Installed shared lane markings.
Hidden Valley Circle from Arroyo to Overend Mountain Park Trailhead	Proposed bicycle route. Westbound at Borrego, install bicycle route signage.
Animas River Trail (ART) connection from bridge behind Community Recreation Center to Library	Animas River Trail (ART) re-paved from Demon Bridge to Rank Park.
Animas River Trail (ART) Animas City Park Trail Extension	Extended trail from 33rd Street to Oxbow
North Main Avenue and 32nd Street	Installed covered transit shelter at City Market.
El Paso Street from Forest Avenue to Eastlawn Avenue	Installed thermoplastic Shared Lane Markings.
25th/Junction Street from West 2nd Avenue to the City limits (CR 204)	Proposed bicycle route. Install thermoplastic Shared Lane Markings and created bike lanes from Virginia to CR 204.
Montview Parkway from Delwood Avenue to 22nd Street	Installed shared lane markings.
9th Street from Roosa Avenue to Camino del Rio	Sidewalk on south side of 9th Street connected and curb ramps improved.
Animas River Trail from Swinging Bridge to Iris Park	Animas River Trail (ART) improved.

Figure 6.2: Improvements Completed



# STREETS

The City of Durango has a range of street types and there are multiple agencies who are responsible for elements of the transportation network. There are two highways within Durango city limits that serve as major routes for moving people and goods through the region, US Highway 550, which bisects the city north to south and Highway 160, which runs east to west. The highways are managed by the Colorado Department of Transportation - Region 5.

U.S. Highway 550 is a national truck route with a functional classification of principal arterial with an estimated 35,000 Annual Average Daily Traffic (AADT). Approximately 4% of that traffic is trucks traveling through. The highway has speeds ranging from 55mph on the extremities to 35mph through the core of Durango. The two sections of the highway in Durango's core make up Camino Del Rio (southern end of town throughout 14th Street) and North Main Avenue (14th Street to the northern end of town), which serve as the main commercial access and arterial for the city. The cross-section of the highway along Camino del Rio and North Main Ave includes 5-foot bike lanes in both directions, 4 travel lanes, and a two-way left-turn lane in the center, which the Camino del Rio portion recently had converted to center left turn lanes with medians. The location of the highway, traffic volumes, and speeds poses an obstacle for bicycle and pedestrian travel across town, separating residential areas from schools and commercial areas. As the safety section in this chapter discusses, many injury crashes occur on this highway at major intersection crossings. Collaborating with CDOT will be key to improving crossings and corridor conditions to improve safety and multimodal connectivity.

State Highway 160 travels through Durango and provides major connections to surrounding communities including Bayfield, Mancos, and the rural portions of La Plata County. Durango serves as a regional economic hub, drawing people from these surrounding communities and areas into Durango for work and commercial activities. Within Durango, Highway 160 specifically functions as a connection for Three Springs and commercial and residential areas west of downtown. Highway 160 East near Three Springs is a 4-lane separated highway with speeds of 50 mph. Highway 160 West has 4-lanes with a two-way left turn lane (TWLTL) and bike lanes in both directions with speeds from 45 mph to 35 mph. Multifamily housing directly access the highway. Similar to US Highway 550, Highway 160 is a national truck route with a functional classification of principal arterial and an estimated 39,000 AAD with an average of 5% truck traffic. Both sections have transit routes that serve areas along the highway, but both also have opportunities for improved multimodal infrastructure like park and ride facilities, protected or separated bicycle facilities and improved pedestrian infrastructure.

The rest of Durango is made up of a network of arterial, collector, and local streets. Due to the natural geographic barriers around Durango and the large proportion of regional population that lives in the county and commutes into Durango, some arterial streets have a character resembling local or collector streets more than arterial. Arterial streets are characterized by serving high volumes and longer trips within a city with fewer direct accesses and mainly commercial access. Collectors provide access to larger residential and commercial developments and provide connections from local streets to arterials. Local streets provide direct access to residential properties with driveways and have low speeds and volumes. Some arterials such as 32nd Street and Junction Street serve as arterials but have characters more typical of local or collector streets with residential driveways and low speeds. These unique characteristics create multimodal network and design challenges that require innovative solutions to improve safety and connectivity. Figure 6 shows the existing street network and street classifications.

The City of Durango adopted Complete Streets Designs into the Land Use Development Code (LUDC) in 2014 when the code was updated. Section 4-2-2-1(B) provides general requirements in regard to multimodal connectivity but can be improved to be more directive.



# EXISTING STREET NETWORK

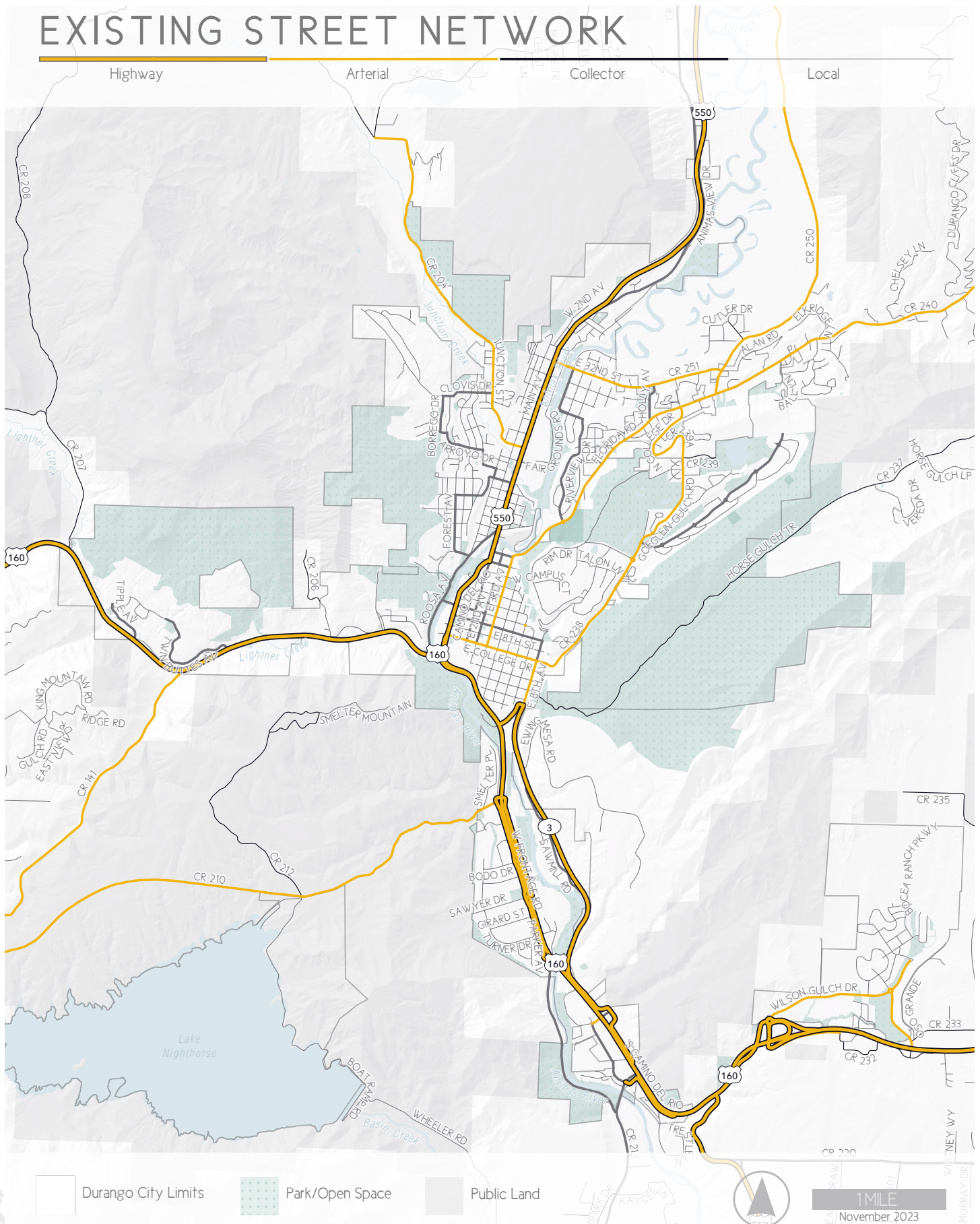


Figure 7: Existing Street Network

# PEDESTRIANS

In 2022, Durango was designated as a Bronze level Walk Friendly Community by Walk Friendly Communities. Through the designation process, the City was provided with an evaluation that identified areas for improvement. Identified areas included parking management to reduce driving, data collection, connectivity and accessibility, education, and map resources.

Durango's pedestrian network encompasses a variety of sidewalk types, curb ramps, shared use paths, and intersection treatments. Most of Durango has a complete sidewalk network; however, there are parks, rural county road sections, and older neighborhoods where sidewalk sections are missing. In many of these cases, there are right-of-way, development, or topographical constraints to installing sidewalk. In addition to missing sidewalk sections, the variability in sidewalk widths, condition, edges, and slope varies on a block-to-block basis leading to accessibility barriers. The same goes for curb ramps or lack thereof throughout the city.

The City has a few tools for updating sidewalks and curb ramps to ADA compliance including requiring updates with redevelopment, 50/50 sidewalk cost-sharing program, ADA ramp program, and capital improvement projects. To encourage private property owners to implement sidewalk improvements, there is a 50/50 sidewalk costsharing program where the City partners with property owners to make improvements to the sidewalks. This applies to residential neighborhoods and commercial properties. The voluntary 50/50 sidewalk program can be applied for through the City's Public Works Department. Typically, the City allocates approximately \$50,000 to go towards the 50/50 sidewalk program each year.

In addition to sidewalks, the City maintains the Animas River Trail (ART), a hard surface shared use path that stretches over 8 miles through Durango's Animas River Greenway. The ART, managed by the City's Parks and Recreation Department, serves as the spine of the overall trail network and provides connectivity and easy access to a variety of parks, open spaces, and natural surface trails, as well as Durango's community recreation center, public library, downtown, commercial areas, neighborhoods, and schools. There are also several other side and shared use paths throughout the city that provide additional pedestrian infrastructure.

Intersection treatments for pedestrians include everything from crosswalks at controlled intersections, midblock crossings, HAWK beacons, rectangular rapid flashing beacons (RRFBs), crossings with pedestrian refuges, and underpasses. The city has only two No Turn On Red intersections. There are also several intersections with slip lanes, which can increase safety risks for pedestrians. Many signals in the city do not have pedestrian lead intervals allowing pedestrians to start crossing the street prior to vehicle traffic moving.

Lastly, maintenance of facilities is covered in multiple ways. Sidewalk and curb ramp repair and snow/ice removal is the responsibility of the adjacent property owner per the City of Durango Municipal Code. Snow removal is required within 24 hours and is enforced by the City; however, enforcement is currently limited and inconsistent. Shared use paths managed by the City are repaired and cleared of snow by Parks and Recreation staff. Equipment for snow removal on city pedestrian and bicycle assets is often a design constraint. Due to the varied responsibilities, accessibility of pedestrian facilities is often poor due to dilapidated or noncompliant ADA facilities and snow and ice in the winter.





# EXISTING PEDESTRIAN NETWORK

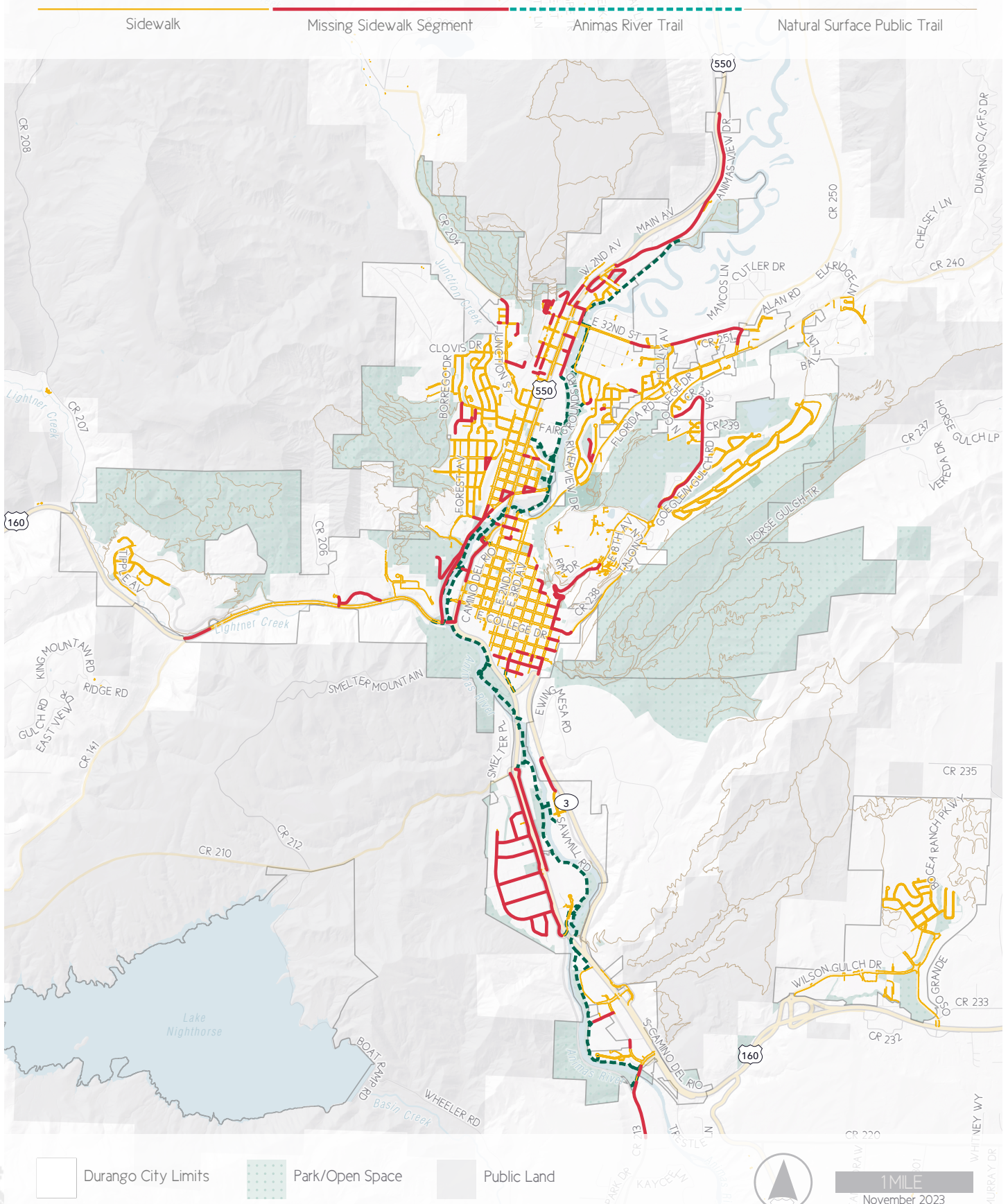


Figure 8: Existing Pedestrian Network

# BICYCLES

For over 120 years bicyclists have been riding in and around Durango for transportation and recreation. During that time Durango has become an important hub of bicycle culture in America and a cycling destination known throughout the world. The City of Durango's multimodal program has become an integral part of the Durango cycling community, tasked with maintaining and improving the on-street bicycle facilities within city limits and sponsoring several bike events in Durango throughout the year.

Durango's cycling community is vibrant and active, with bike shops and cycle tourism constituting a significant and growing part of Durango's economy. Since Durango's achievement of silver-level Bicycle Friendly Community status in 2009 and gold-level status in 2012, 2016, and 2020, the Durango community has continued to work together to improve cycling infrastructure, access and awareness to support cyclists of all types.

Numerous cyclists use Durango's multimodal transportation system every day: from the 5-year-old riding with mom or dad, to the young adult commuting to school, to the hearty commuter who rides every day, to the recreational cyclist, to the new cyclist on an e-bike. The city strives to provide bike facilities for all types of cyclists; however, this is not at the expense of safety for any user. The existing cycling infrastructure is made up of shared use paths, bike lanes, low volume roads with shared lane markings (sharrows) and identified low stress bicycle routes with wayfinding signage. Additionally, there are crossings including trail underpasses, at-grade shared use path crossings with hybrid beacons and rectangular rapid flashing beacons (RRFBs), bike boxes and bike lane markings at intersections. While this infrastructure has helped grow the bicycle network, further bicycle infrastructure is necessary to make Durango truly safe and accessible for every bicyclist.

An important element of bicycle infrastructure is bicycle parking. The City of Durango's Land Use Development Code has bicycle parking standards; however, these standards are dated and only impact new development. To improve bicycle access in the Central Business District (CBD) and in response to demand from citizens and local businesses along Main Avenue, the City implemented an on-street bicycle parking program in coordination with partnering businesses. From April through November, on-street bike corrals are installed on each side of downtown Main Avenue. Off-street uniform bike parking is installed on parking meters approximately every 20 feet along Main Avenue, and its sides streets, from 5th Street to 14th Street. The Durango Transit Center is equipped with a secure, covered bike parking garage with space for 20 bikes and covered parking for 20 bikes at the end of the transit concourse. Over 50% of citywide transit stops are equipped with bike racks for bike parking, and each transit bus can carry up to 3 bikes at a time.

Similarly to pedestrian facilities, bicycle facilities and their accessibility are often dictated by maintenance. The City does not have protected bike lanes due to the current lack of equipment and personnel to maintain them. During the winter months, bike lanes are often inaccessible due to snow and debris that gets plowed into them. This is especially a problem where there is not a landscape buffer between the sidewalk and roadway for plowed snow to go into. Additionally, street sweeping does not occur in the winter due to the need of water and icing issues with the street sweeping equipment. For the City to have a safe and accessible bicycle network year-round, solutions are needed for maintenance.





# EXISTING BICYCLE NETWORK

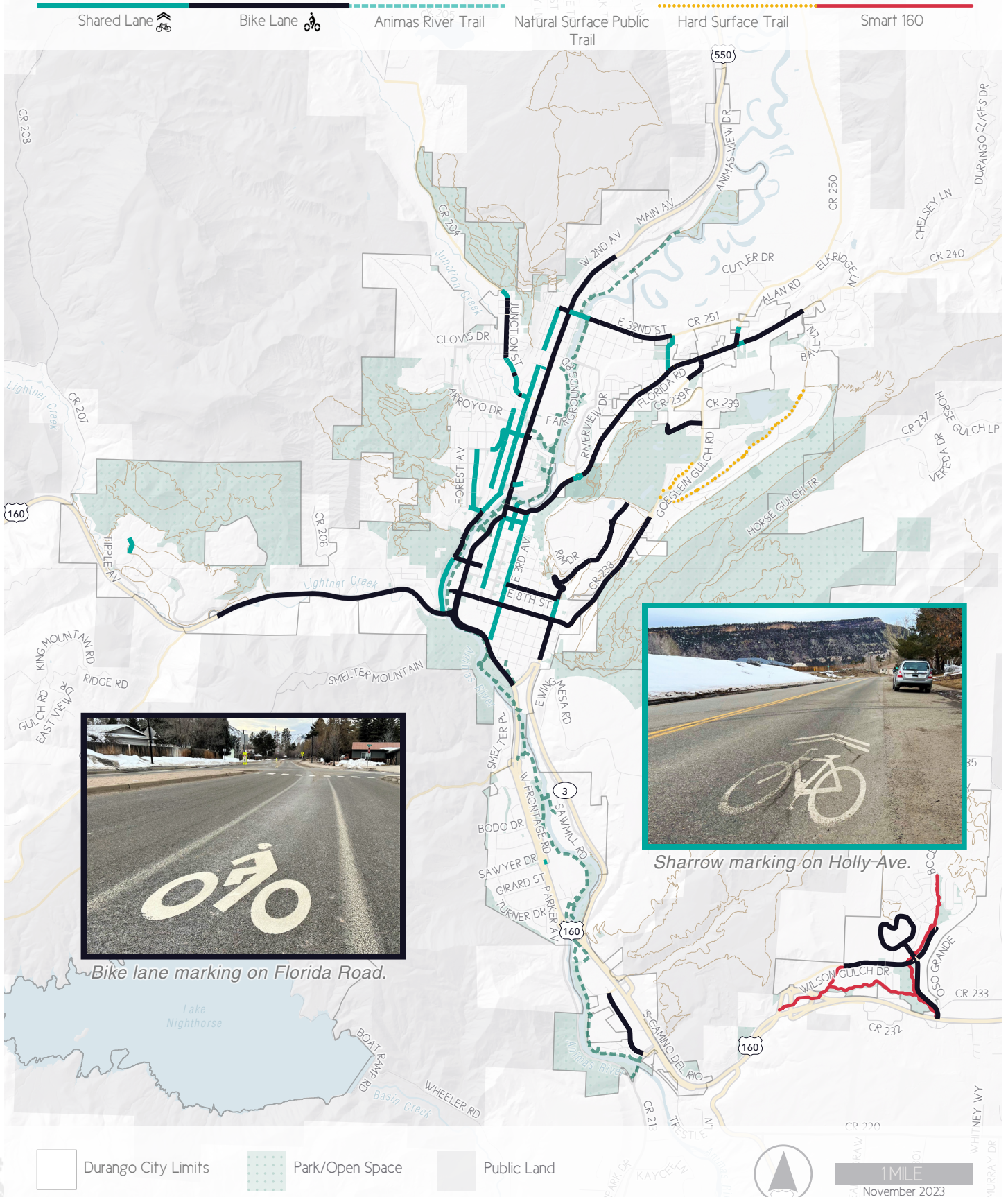


Figure 9: Existing Bicycle Network



# TRANSIT

Durango Transit routes serve locations throughout the municipal limits of Durango. Durango Transit has operated since 1982 (originally the Durango Lift, 1982-1997). In 2009, Durango Transit opened the doors to the region's first Intermodal Transit Center, which serves as the regional hub for public and intercity transit services. The Durango Intermodal Transit Center is used by Road Runner Transit, Bustang, and Purgatory Resort and staff coordinates services with a number of other regional health and human service transportation providers.

Durango Transit operates fixed-route, on-demand, and paratransit door-to-door service within the city limits of Durango. Bus stops are serviced every 30 minutes on all routes, except the Main Avenue Trolley which runs at 20-minute headways. The fixed-route service operates four loop bus routes and one trolley route that runs along Main Avenue. Transit service operates from 7:00 A.M. to 8:40 P.M. leaving many hospitality workers and patrons without transit service in the late hours. To address this need, Durango Transit is launching an evening on-demand service in October 2023, which will operate 7 days a week from 8:00 P.M. until midnight. Durango Transit's Opportunity Bus (a dial-a-ride complementary paratransit service for elderly and disabled populations) is available during all fixed-route service hours and services all areas within  $\frac{3}{4}$  mile of the fixed-route service area. All Durango transit buses are wheelchair accessible. There are multiple payment methods including an app, bus passes, and cash as well as multiple discount opportunities for different population groups.

The transit service provides bicycle racks on all the buses providing space for 3 bicycles on the front. The majority of transit stops have bicycle racks for secure bicycle parking. In addition, some transit stops have open shelters, benches, and trash cans. The 2016 ADA Transition Plan recommends providing shelters and benches at every transit stop as funding allows. Most transit stops have some form of lighting for safety and visibility.

The City of Durango Transportation Department conducts a yearly transit ridership survey to analyze transit use. Ridership numbers had recovered to pre-pandemic levels at the time of this plan update in 2023. The 2022 survey results indicated shifts in transit use patterns. Some notable shifts from 2019 are a reduction in visitor numbers and an increase in county residents using transit. The equity and economic importance of transit is apparent with 60% of riders being dependent on transit for transportation, most riders making below \$25,000 a year, and 52% using transit for work commutes.

Durango's transit service provides a much needed and used multimodal transportation option for community members. Needs for extended service hours, increased frequency, and an expanded service area have been consistently expressed by community members. Expanding service to accommodate these priorities presents an opportunity for increased ridership.



# EXISTING TRANSIT NETWORK

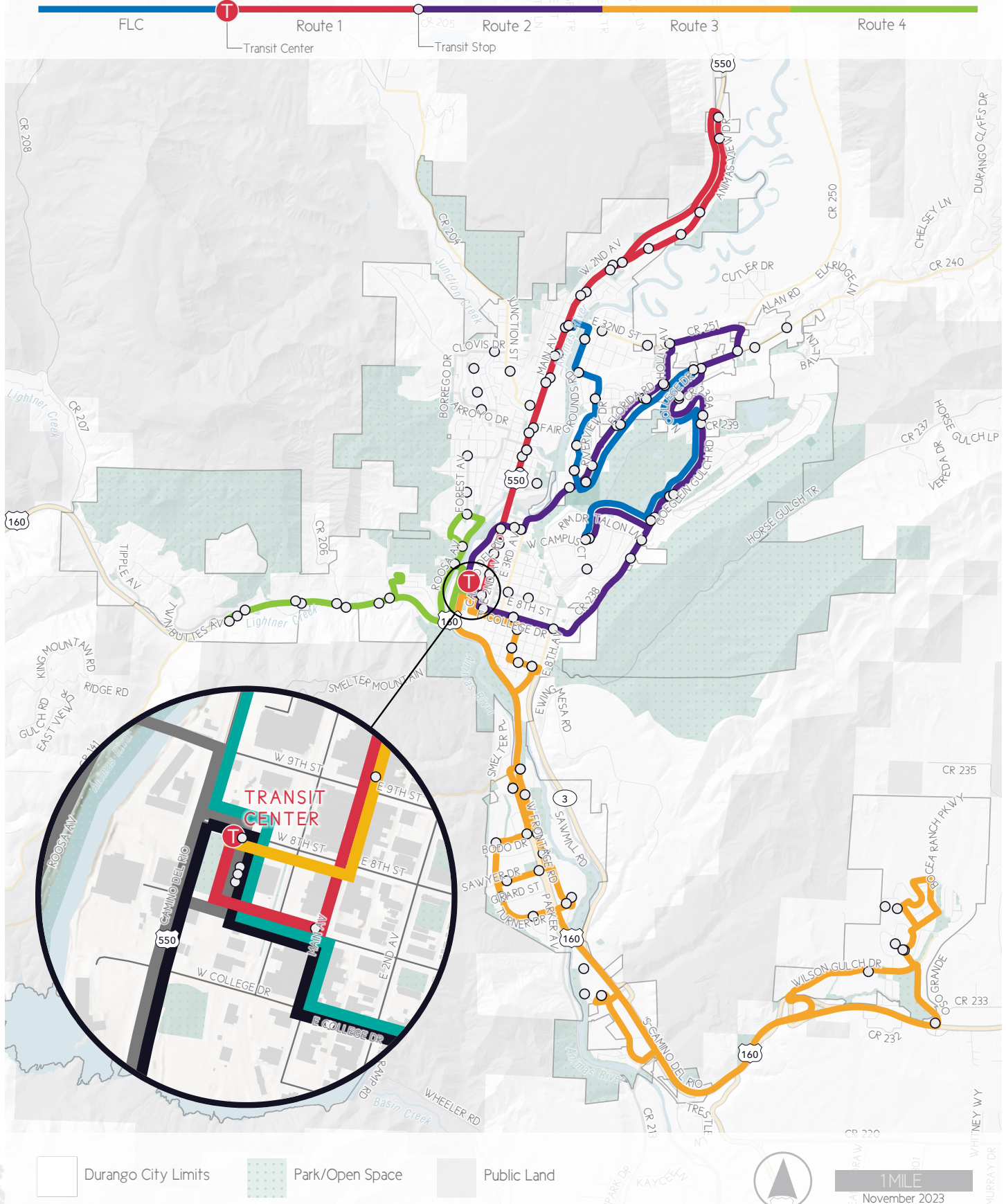


Figure 10

## PARKING

Parking is an important tool for transportation demand management (TDM). The City of Durango's parking can be grouped into three categories: private off-street parking, free on-street public parking, and paid on-street and off-street public parking. All these parking types are dictated by the city's Land Use Development Code and Code of Ordinances.

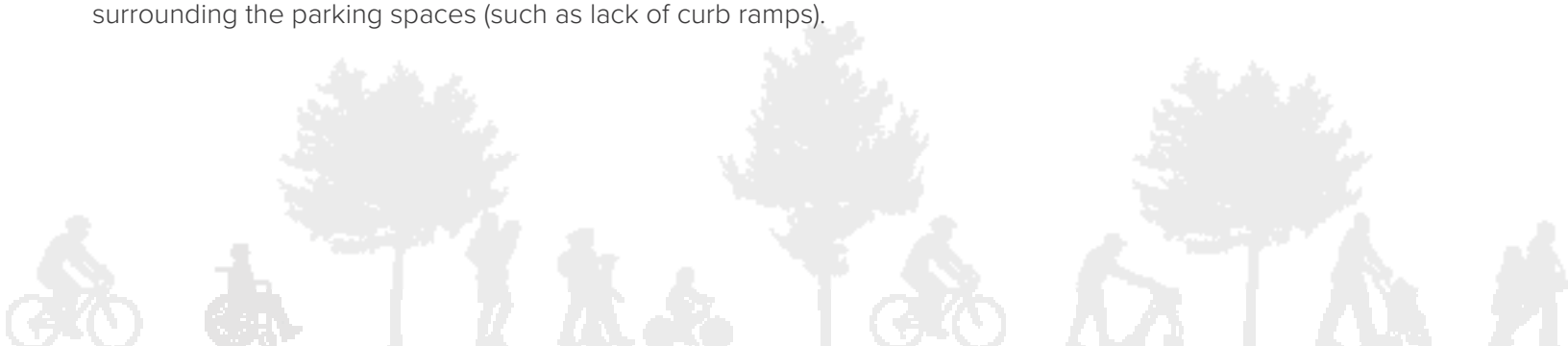
The CBD has approximately 1,000 metered on-street parking spaces and in excess of 350 parking spaces in off-street permitted municipal parking lots. Parking meters are enforced year-round from 8:00 A.M. to 6:00 P.M., Monday through Friday. There is no parking meter enforcement on holidays or weekends. The 30-minute, 3-hour, and 10-hour meters provide downtown parking options, along with the permitted municipal parking lots. The City provides four municipal parking lots: one at the Transit Center and three along East 2nd Avenue. The use of these lots from 7:00 A.M. to 5:00 P.M. requires a pre-purchased permit, sold on a daily or monthly basis with multi-month discounts available. Overnight and weekend parking is available at any of the municipal parking lots free of charge. Violations are subject to citations and fines.

In 2022, the City hired a consultant to create a Comprehensive Parking Management Plan (CPMP) to evaluate the city's parking policies, inventory, dynamics, and future. The CPMP highlighted that much of the city's parking downtown is underutilized and that TDM strategies existed to utilize the parking more efficiently and encourage community members to drive single-occupancy vehicles (SOV) less and relieve pressure on parking. Many employees who work downtown in the Central Business District (CBD), park in the outskirts of downtown, in residential areas or in areas with limited parking where on-street parking is free. This puts stress on surrounding neighborhoods and makes it difficult to implement pedestrian and bicycle improvements in these areas due to the demands placed on existing limited parking. To utilize parking more efficiently, the CPMP recommends encouraging programs that would incentivize employees to park in underutilized locations where there is a surplus of parking. It also recommends looking at strategies such as using satellite parking locations paired with transit service to downtown or other popular destinations. Lastly, the plan discusses the power of limited parking and parking pricing heavily dictates commuting mode choice.

The City's Parking Division conducts parking analyses to determine vacancy rates in metered parking spaces and municipal parking lots twice a week since 2012. The results of the parking analyses continually conclude that occupancy rates vary from 40 to 80% in the CBD during operational hours. Based on industry research, a parking problem is indicated by less than 20% vacancy rates in parking spaces. From this data, the CPMP concluded that Durango does not have a parking availability problem, but a utilization problem.

The City of Durango has 29 designated accessible parking spaces in the CBD for vehicles displaying a valid placard. All vehicles parked in these designated spaces must have a valid disability plate or placard properly displayed.

Drivers with a properly displayed disability placard or plate may park for an unlimited time in any metered spaces without paying the meter. This same courtesy is applied to patrons driving a government plate or markings on official business. While these policies help create more accessible parking for community members, it has been noted by several in the community that much of this parking is still not accessible due to existing infrastructure surrounding the parking spaces (such as lack of curb ramps).



# SAFETY

Analyses were conducted of data from the Colorado Department of Transportation (CDOT) crash database. Between 2016 and 2021, there were a total of 5,295 crashes reported in Durango. While many of those crashes had no apparent injuries, 71 resulted in serious injuries or fatalities with a total of 7 fatalities.. Serious injuries and fatalities have been on the rise since 2018 with a large jump in 2021, which aligns with national trends.

The crash data from CDOT shows that approximately half of the crashes were located at an intersection. There are no strong correlations related to crashes and speeds apparent in the data due to the high volume of streets with 25 to 35 mph speed limits. Additionally, most crashes occurred during the daytime and during dry conditions. That is, likely because that is when most people are on the road. Rear-end crashes were the most frequent crash type, with pedestrian and bicycle crashes among the top 10 crash types. Most crashes occur during the work week, Monday through Friday. Crashes are most common in the afternoon to early evening hours.

A quick look at the bicycle and pedestrian crash data from the Durango Police Department shows a trend of crashes at major intersections and along arterials. Intersections along North Main Avenue and Camino del Rio (U.S. Hwy 550), shows how the road is an obstacle and needs bicycle and pedestrian connections across this major highway that splits Durango. Specific intersections with high crash rates include 27th Street, 12th Street and 9th Street. In addition to these intersections, the data also suggests the need for protected bicycle lanes along arterials or optional parallel corridors for bicyclists.

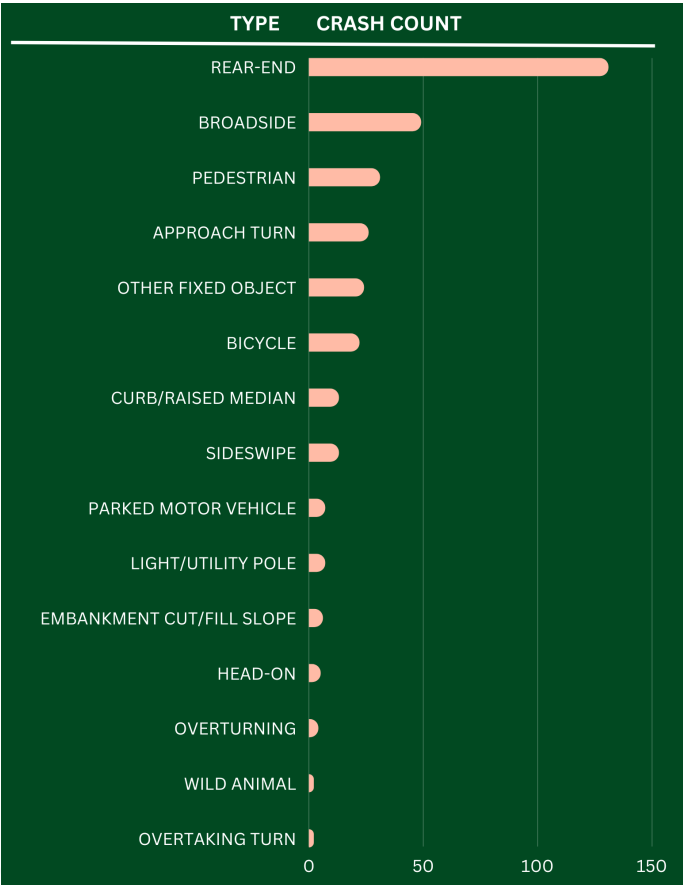


Figure 12: Crash Statistics

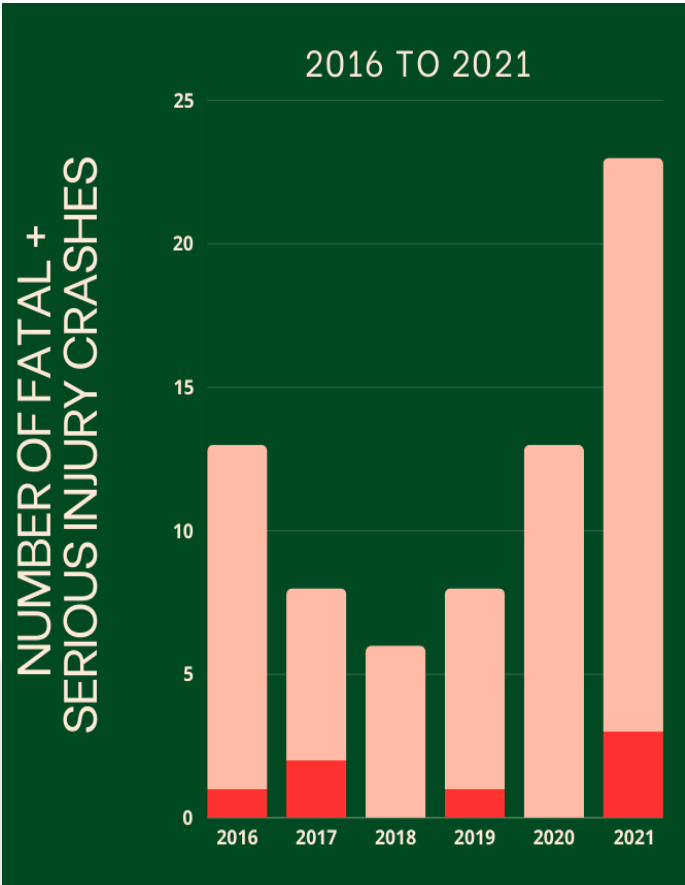


Figure 12.1: Crash Statistics



# BICYCLE AND PEDESTRIAN CRASHES

SINCE  
2016

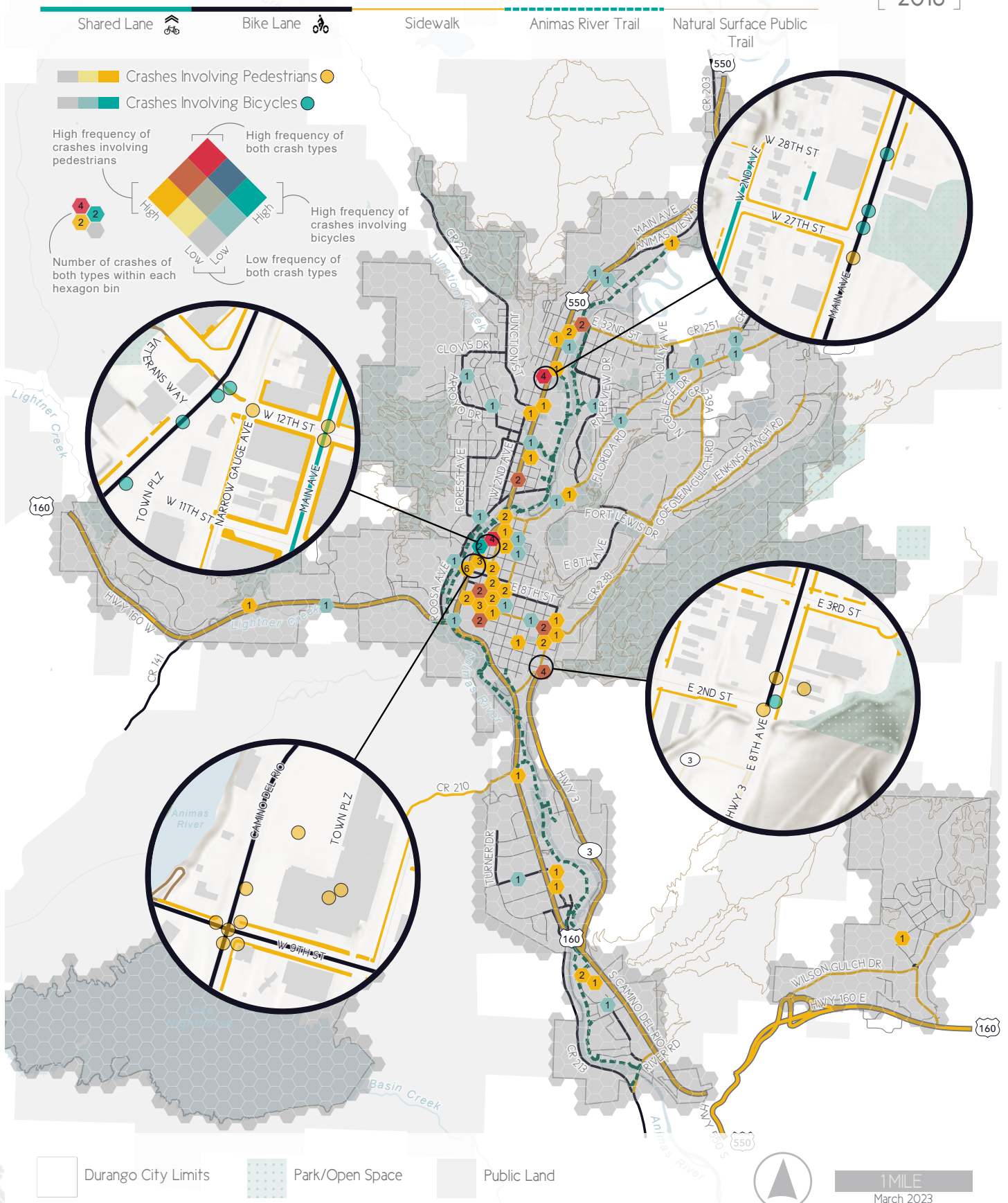


Figure 13: Bike/Pedestrian Crashes

# HIGH INJURY NETWORK

[SINCE  
2016]

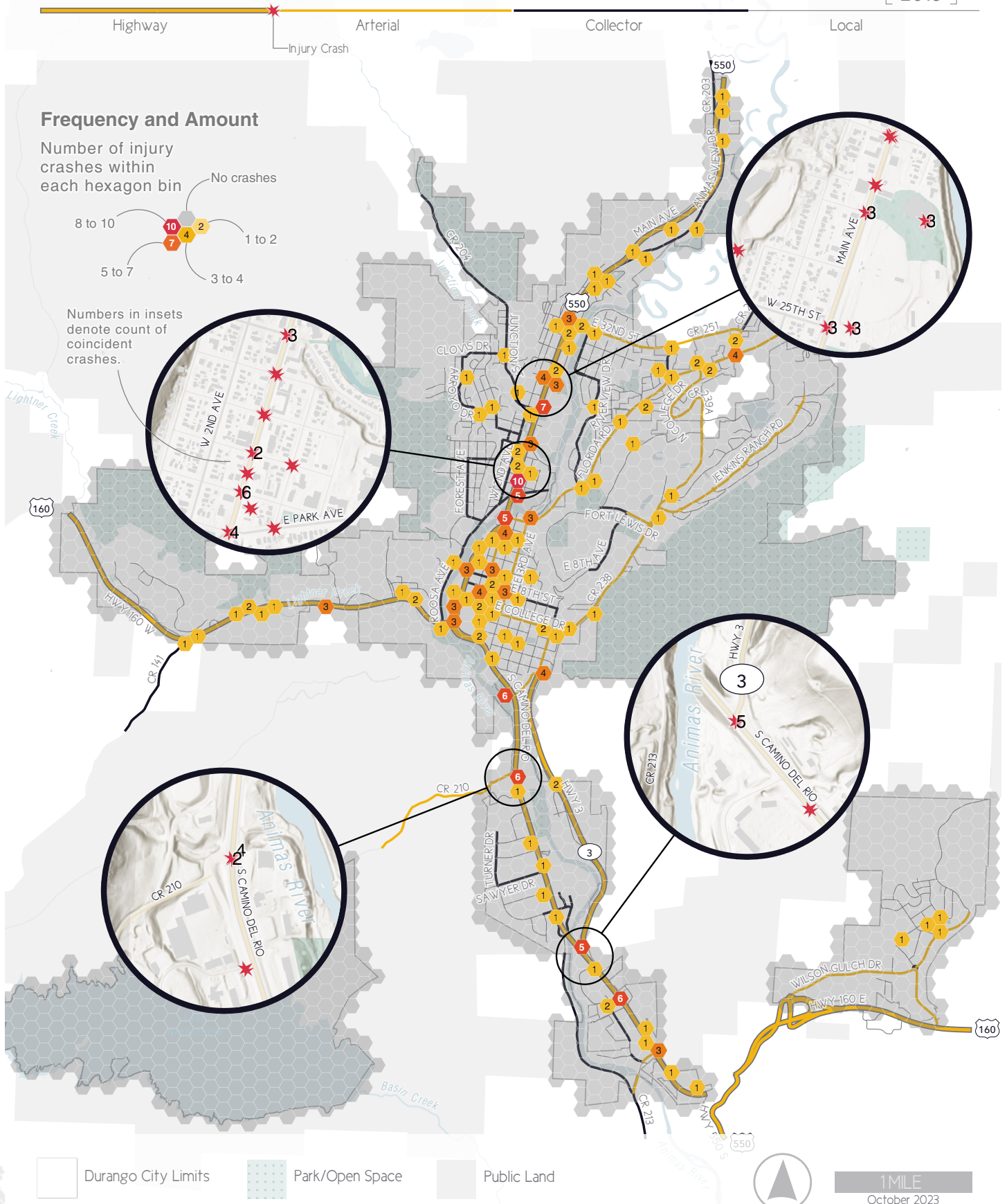


Figure 14: High Injury Network

# AFFORDABLE HOUSING

The connection between injuries/fatalities and disadvantaged communities has been observed by multiple entities including the Federal Highway Administration (FHWA) and Center for Disease Control (CDC). This connection has helped prioritize the need for safer streets in areas that are categorized as disadvantaged communities per the United States Department of Transportation (USDOT). Disadvantaged communities are defined by the USDOT as “census tracts (a) experiencing disproportionate effects (as defined by Executive Order 12898); (b) that contain areas of persistent poverty as defined in 49 U.S.C. section 6702(a)(1); (c) that are historically disadvantaged as defined by DOT’s mapping tool for Historically Disadvantaged Communities; or (d) other federally designated community development zones.” Due to Durango’s makeup, the City does not have a census tract that meets this definition; however, that does not mean that Durango does not have disadvantaged communities within its limits. Affordable housing and more broadly, multifamily housing, are good identifiers of where disadvantaged communities may exist in the community.

The City has prioritized affordable housing in recent years. This priority is closely tied to multimodal transportation, especially transit. As the Durango Transit yearly surveys show, there is a large correlation between lower incomes and dependency on transit, which aligns with national statistics. With further creation of affordable housing, it will be increasingly essential to also support that housing with multimodal transportation options. Additionally, it is important to ensure safety is equitable across neighborhoods and improvements are not only focused on wealthier neighborhoods. These measures and considerations will further Durango’s initiative to provide affordable housing and labor force for the local economy. It should also be noted that as Durango’s population ages, these initiatives will further assist people being able to age in place and sustain a diverse community.

Affordable housing is defined in the 2017 Comprehensive Plan as, “Housing capable of being purchased or rented by a household earning less than 80% of area median income, based on a household’s ability to make monthly payments necessary to obtain housing. Housing is considered affordable when a household pays less than 30% of its gross monthly income (“GMI”) for housing costs, including utilities.” For this plan’s purpose, mobile home and tiny home parks have been included on the Affordable Housing map to capture housing areas that function as affordable housing in practice even if they do not fit the provided definition. As the map shows, affordable housing is mixed throughout the city, but areas of higher density affordable housing are located on highways and arterials toward the outskirts of the city. Due to greater dependency on transit and lack of motor vehicles in households considered low-income, this emphasizes the need for transit service to these areas and multimodal corridors.





# AFFORDABLE HOUSING

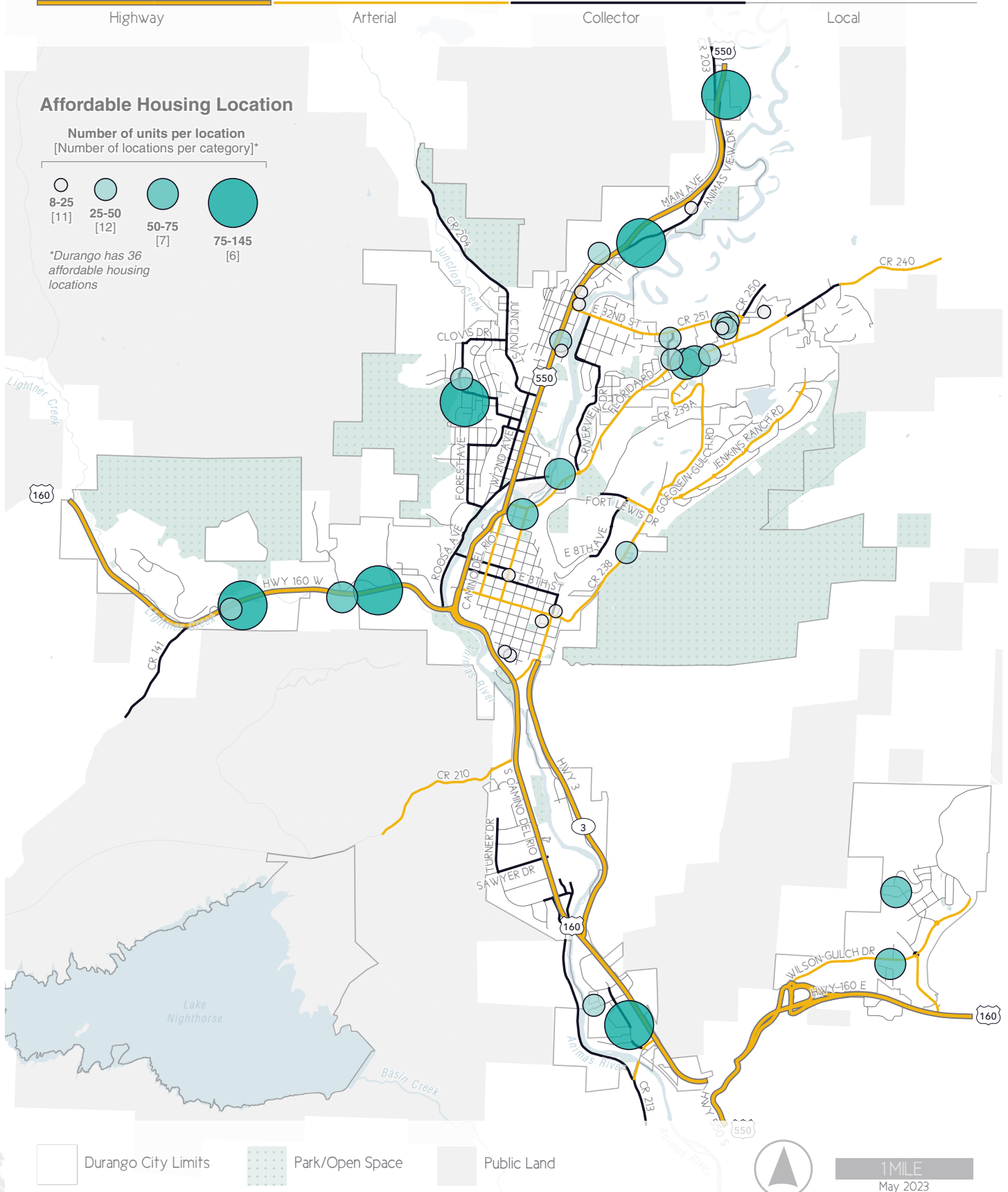


Figure 15: Affordable Housing

# EDUCATION & ENCOURAGEMENT

The City operates a few programs to educate and encourage community members to travel more sustainably and safely. One of the main programs the City offers is Way to Go Durango, which is an incentive-based program to encourage participants to sustainably commute more. This program is open to all community members in Durango. In addition to encouraging mode shift, it also helps provide the City with more data points on multimodal transportation for grants and sustainability efforts.

Monthly, the City's Multimodal Division sends out a newsletter to over 2,000 subscribers with around a 50% open rate. This newsletter includes everything from updates on projects, safety tips, event advertisement, awareness campaigns, parking tips, and other education information. Paired with the newsletter are social media education campaigns and transportation and safety information on the website.

For those individuals willing to try shifting to an alternative mode, the City of Durango offers individualized travel training. The Multimodal Division has developed a transportation demand management program for small groups and individuals in Durango interested in getting out of single occupancy vehicles and commuting by public transit, bike, foot, or carpooling. Durango residents can schedule an in-person training session and the program instructors will help them identify the best routes from their homes to the places they want to go within the Durango community or connecting to regional services.

For local Durango businesses interested in promoting sustainable modes of transportation to their employees, the City developed a travel training program, offering site visits to businesses in order to evaluate strengths and potential barriers to commuter success. The Multimodal Division staff works with businesses to develop options for increasing the commuter-friendliness of local workplaces and conducts trainings with wellness coordinators, management staff, or all employees about the different modes of transportation, routes specific to their location, and tools to successful clean commuting.

## TRANSPORTATION DEMAND MANAGEMENT

Transportation demand management (TDM) is the strategy of encouraging people to use multiple modes of transportation to spread out the demand on infrastructure. Other modes of transportation include transit, biking, walking, and ridesharing. The city's current TDM strategies include events, a multimodal incentivization program called Way to Go Durango, Safe Routes to School programs, and travel training for businesses and individuals.

Ridesharing in Durango has historically been informal, from resident-created park-and-rides to Facebook carpooling groups to a local business run vanpool. Rideshares include business/organization or municipality managed vanpools and carpools. With many employees in Durango living outside of the City in the region and commuting into the city every day, there are a lot of opportunities for rideshare. While there are a couple of official park and rides in the county along highways that serve commuters around the region, there are not any official lots or locations within city limits. There are known informal areas within the City that are used as park and rides, including Animas City Park and a gravel lot near the Twin Buttes trailhead.

Additionally, the City does not have an official carpool ride matching service for the public to use. Park and rides create additional options for parking when serviced by transit or shuttles and help reduce traffic in congested areas of town by increasing ridesharing.





Celebrating Community Events  
Courtesy of the City of Durango

## EVENTS

The City holds multiple events throughout the year to encourage sustainable commuting. Many of these events have been occurring for a decade or more and involve extensive community collaboration. The City hosts an annual Clean Commute Week during June, in partnership with the State of Colorado Bike to Work Day. It is a celebration of walking, biking, carpooling, and riding transit around Durango. In addition to Clean Commute Week, the city hosts a Winter Bike to Work Day each year in February.

With a more educational component, the City works with Durango 9-R School District and private schools to conduct Safe Routes to Schools events and activities. These events and activities have included Walk 'n Roll- a-Thons, walk and bike parades, walk audits, bicycle rodeos, and safety towns. Some of these events are coordinated by the City's police department (PD) like bicycle rodeos and safety towns. The majority of these programs have taken place at the elementary schools but have begun to expand to middle schools. The City's Multimodal Division, in collaboration with Durango 9-R and other nonprofit organizations, have successfully obtained Safe Routes to School grants to promote these educational programs over the years and rely heavily on the grant funding to operate these program efforts.



## PUBLIC NEEDS

Through the community outreach process, the City gathered information and data from local community members regarding their multimodal transportation needs. This outreach included two online surveys, fourteen meetings and events, and an online interactive map. Meetings and events included meetings by zone, in person and virtual, Business Improvement District presentations, farmers market booths, event outreach, meetings with seniors and disabled populations and Latinx community, and the Multimodal Advisory Board. Outreach efforts included Spanish translation and interpretation and were held in accessible locations to receive representative feedback from the community. While the COVID-19 pandemic made the public outreach process more challenging, it forced a greater variety of outreach methods to be employed reaching people that may have not been typically reached in traditional outreach approaches.

Common themes from the outreach included expanded transit service, increased bike lane network, protected bike lanes, safer pedestrian crossings, improved ADA accessibility, better bicycle and pedestrian connections, and slower traffic speeds. Along with needs, the public was also assessed regarding their preference of pedestrian and bicycle facilities based on roadway types and intersections. The public input received during the outreach process has helped shape the goals, recommendations, and criteria framework in this plan. Additionally, the feedback from the public input has helped identify the corridors and connections and the associated projects.

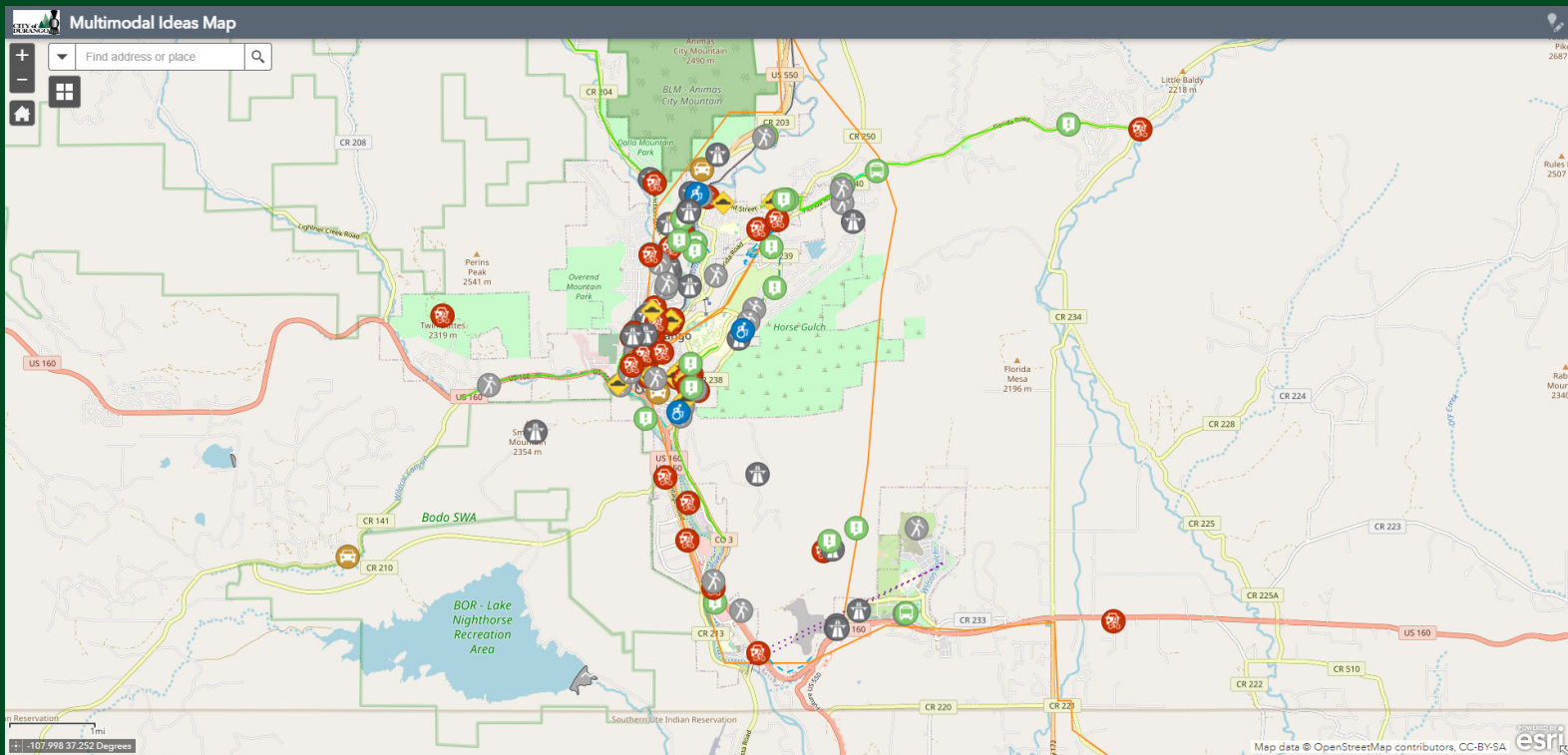


Figure 16: MultiModal Ideas Map





# 3 GOALS & ACTIONS

## GOALS

These areas of focus were identified by the community through the public outreach process to guide policies, programs, and infrastructure improvements toward the vision of a fully-connected transportation network.

Each goal contains strategies and actions to be accomplished. Departments and agencies necessary for coordinating the implementation of each action are identified and listed. Multimodal improvements involve the coordination of several departments across the organization. While the multimodal division will take the lead on the plans actions, communication and coordination is essential for achieving the goals of this plan.

CONNECTIVITY

SUSTAINABILITY

SAFETY

PUBLIC HEALTH

EQUITY

COMMUNITY

- **CONNECTIVITY.** Establish a fully connected, safe, accessible and convenient multimodal transportation network that provides comprehensive mobility options throughout the City's Comprehensive Planning Area.

Action Item	Description	Department/Agency
<b>Objective 1) Improve existing infrastructure to create a complete network of multimodal corridors and connections.</b>		
1.1	Prioritize multimodal Capital Improvement Projects through the budgeting process according to the prioritization matrix in Chapter 4 of this plan.	TD
1.2	Collaborate with the Streets Division and CDOT on street maintenance projects to make multimodal improvements such as signage and striping by meeting quarterly to review projects.	TD, PW, CDOT
1.3	Install traffic calming treatments on streets when opportunities are available, at least once a year, including quick-build treatments according to criteria framework in Chapter 4.	TD, PW
1.4	Provide last-mile and first-mile facilities with each capital improvement project, including transit stop and parking improvements.	TD
<b>Objective 2) Ensure new development provides multimodal infrastructure according to the Land Use Development Code (LUDC) requirements and preferences provided in this plan.</b>		
2.1	Include Multimodal Division staff in the Community Development Department's weekly review of projects.	TD, CD
2.2	Update the LUDC with multimodal recommendations in Chapter 4 over the next 4 years.	TD, CD

Figure 171: Objectives

#### Department / Agency Key

TD Transportation Department  
 SD Sustainability Division  
 PR Parks and Recreation Department  
 PW Public Works Department  
 CD Community Development Department  
 PD Durango Police Department  
 GIS GIS Division  
 DFPD Durango Fire Protection District  
 PIO Public Information Office  
 D9R Durango 9-R  
 SO Sheriff's Office  
 CDOT Colorado Department of Transportation

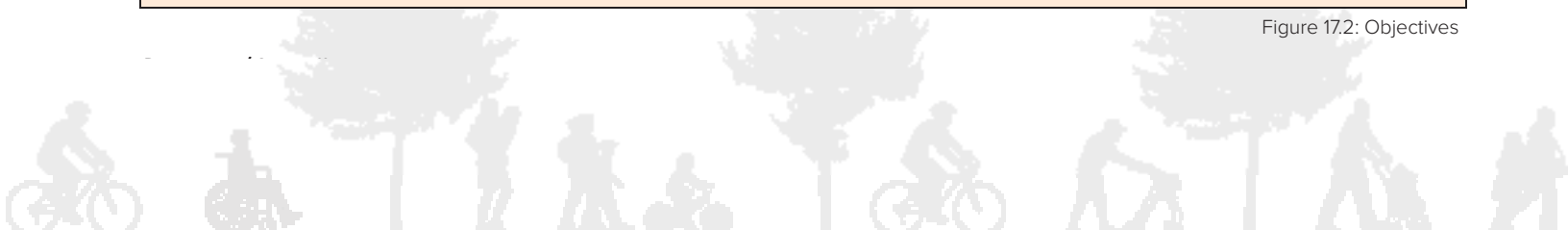




- **SAFETY.** Improve overall transportation network safety, with emphasis on vulnerable road users, by working toward a zero-fatality and serious injury transportation network.

Action Item	Description	Department/Agency
Objective 1) City Council adoption of a Vision Zero resolution.		
Objective 2) Improve data collection and analysis.		
2.1	Use CDOT crash data to track and map crashes annually to analyze crash trends and hotspots.	TD, GIS, PD, CDOT
2.2	Invest in data collection software or equipment to easily collect data on volumes, speeds, and modes of travel including bicycle and pedestrian movements in the next 4 years.	TD, PW, CD
2.3	Establish at least two new unique and interactive ways for the public to provide safety concerns or needs for Durango's transportation network.	TD, PW, PIO
2.4	Create a system or tool to routinely analyze level of traffic stress (LTS) for bicyclists and pedestrians on streets.	TD, GIS, PW
Objective 3) Expand community outreach and education programs.		
3.1	Expand Safe Routes to School programs to all schools in Durango and create an established program with long-term partners in the next 4 years.	TD, D9R
3.2	Provide creative education material on the Multimodal web page and social media in the next year.	TD, PIO
3.3	Work with community partners to create a bicycle education program with a League Cycling Instructor in the next 4 years.	TD
3.4	Promote driver safety education programs both internally and in the community within the next year.	TD, PD, HR
Objective 4) Improve the City's response time to community transportation safety concerns.		
4.1	Implement quick-build projects to quickly respond to safety concerns prior to future capital improvements or achieve low-cost quick-wins.	TD, PW
4.2	Partner with Durango Police Department and Durango Fire Protection District to create an equitable, but quick enforcement response to traffic safety concerns.	TD, PD, DFPD, SO
Objective 5) Use proven innovative technologies and best practices when redesigning a street or conducting maintenance.		
5.1	Include lighting in capital improvement and maintenance projects.	TD, PW
5.2	Plan for further growth of e-bikes and the need for wider shared use paths, mode separated paths, and/or other safety measures, by revising the LUDC and updating policies.	TD, PR, PD, PW
5.3	Adhere to latest and most applicable guidance from FHWA, PROWAG, NACTO, and AASHTO in design.	TD, PW, CD
5.4	Ensure new transportation infrastructure projects are designed for maintenance like snow and debris removal in a 24-hour period by city equipment.	TD, PR, PW

Figure 17.2: Objectives



- **EQUITY.** Develop transportation infrastructure that equitably accommodates all people and is accessible to all mode users and abilities.

Action Item	Description	Department/Agency
<b>Objective 1) Improve maintenance of existing facilities.</b>		
1.1	Increase budget for maintenance of bicycle and pedestrian infrastructure to purchase specialized equipment and/or additional staff.	TD, PW, PR
1.2	Investigate and implement mechanisms for ensuring sidewalks and curb ramps are maintained and kept clear of snow and debris to create a more ADA compliant and accessible pedestrian network year-round.	TD, PW, PR
<b>Objective 2) Prioritize projects more equitably.</b>		
2.1	Prioritize capital improvement projects based on the criteria framework in Chapter 4 that takes crash data, volumes, and surrounding demographics and development into consideration.	TD, PW
2.2	Increase diversity in community feedback by using varied approaches for public engagement with a target of at least 300 residents, with a makeup consistent with census data for Durango's demographics.	TD, PIO
<b>Objective 3) Increase and improve outreach efforts.</b>		
3.1	Develop project outreach protocols that consider impacted community members' needs which may include outreach at off-times or at locations that are convenient for the target audience, and/or have childcare provided if necessary.	TD, PIO
3.2	Build relationships with community organizations that work with underserved community groups to obtain feedback and conduct effective outreach.	TD
3.3	Continue to provide interpretation, translation, and other accommodations for community members at all meetings and in all outreach materials.	TD, PIO
<b>Objective 4) Expand transit services.</b>		
4.1	Investigate transit service improvements including new or expanded routes, increased frequency, improved bus stop infrastructure, or expanded hours of service to determine what is most needed in the community.	TD, PW
4.2	Continue to investigate sustainable and increased funding sources for transit services.	TD, PR
4.3	Fully implement 2016 ADA Transition Plan within the next 10 years.	TD, PW, CD

Figure 17.3: Objectives



- **SUSTAINABILITY.** Increase mode shift to meet Durango’s Sustainability Plan’s goals for GHG emissions reduction.

Action Item	Description	Department/Agency
<b>Objective 1) Expand and improve Durango’s transportation demand management (TDM) programs.</b>		
1.1	Increase commuter program active memberships by improving the program platform to include mobile app and improved functionality for other TDM strategies.	TD
1.2	Foster and establish community vanpool services and ride matching opportunities in the community.	TD, SD
1.3	Implement parking demand strategies provided in the 2022 Comprehensive Parking Management Plan including taking steps to investigate and develop park and rides.	TD, PW, SD, CD
<b>Objective 2) Include sustainable design elements in projects.</b>		
2.1	Ensure multimodal capital improvement projects include street trees and drought tolerant landscaping.	TD, PR
2.2	Mitigate environmental impacts with infrastructure projects such as implementing innovative stormwater management practices.	TD, PW

Figure 17.4: Objectives

- **PUBLIC HEALTH & COMMUNITY.** Provide the community with easy access to recreation and community activities that promotes an inclusive and healthy community.

Action Item	Description	Department/ Agency
<b>Objective 1) Increase access to active transportation options.</b>		
1.1	Work with community partners to provide some form of bike share for community members and visitors.	TD
1.2	Create online and physical maps of bicycle and pedestrian routes throughout Durango with routes rated by comfort level.	TD
1.3	Increase access to e-bikes by promoting use and ownership through rebates and other benefits.	TD, SD
<b>Objective 2) Expand and Enhance Community Events</b>		
2.1	Increase event attendance by improving incentives, activities, and marketing.	TD
2.2	Partner with existing community events to provide multimodal activities including bike valet, transit service, education, or other initiatives.	TD, PR
2.3	Hold open streets or block parties in various neighborhoods with focus on children’s activities.	TD

Figure 16.5: Objectives



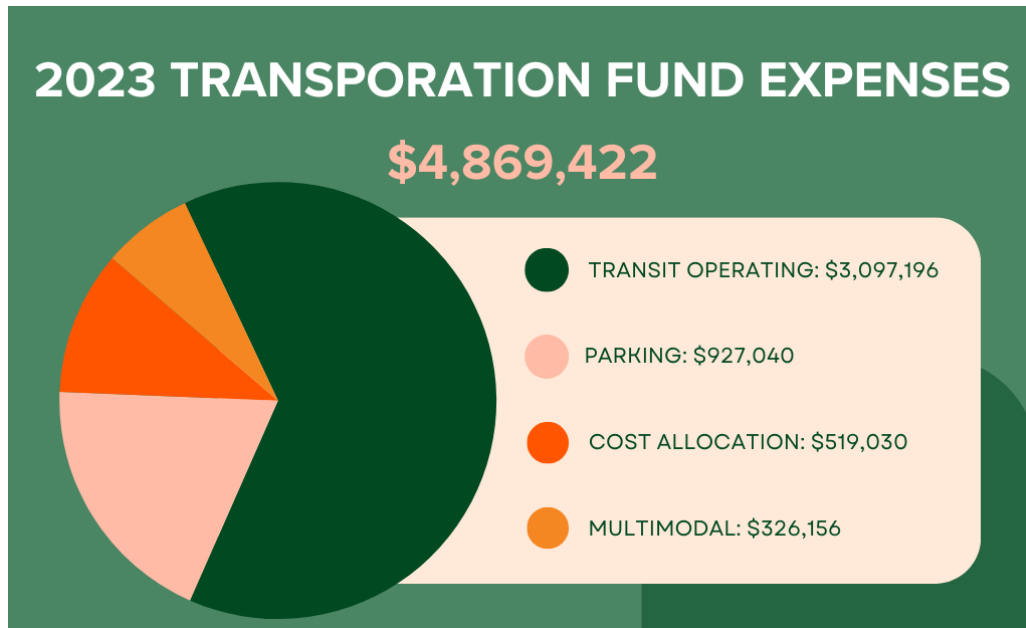


Figure 18: Transportation Funding

## TRANSPORTATION FUNDING

### MULTIMODAL CAPITAL FUNDING

Multimodal capital improvement projects (CIP) identified in this plan are funded through the 2015 Half Cent Sales and Use Tax , which was approved by voters to include expenses related to pedestrian and bicycle improvements. The Half-Cent Sales and Use Tax generates approximately \$4,000,000 annually over 20 years, which is shared with Parks and Recreation projects. The Financial Advisory Board makes recommendations to City Council on the expenditures of the 2015 Half Cent Sales and Use Tax. The City has been successful in receiving both federal and state grants to implement multimodal infrastructure projects, including Highway Safety Improvement Program, Transportation Alternatives Program, FASTER Funding, Multimodal Transportation Mitigations and Options Funding, and Colorado Senate Bills 260 and 267.

### TRANSPORTATION OPERATIONS FUNDING

The Transportation Services Enterprise Fund includes transit operations, administration and capital, parking operations, and multimodal operations. In 2023, the Fund's adopted budget totaled \$4,869,422 in expenses and \$4,128,394 in revenue. The fund balance can sustain current operations through 2027, but an additional source of ongoing revenue must be identified in order to fund transit operations in the long term. Durango City Council's 2022 Strategic Plan identifies a goal to develop a sustainable funding strategy for expanded transit operations (EIN 1.3)





Transit Center Parking Lot  
Courtesy of the City of Durango

## FEDERAL AND STATE FUNDING

Grants make up a significant portion of the Transportation Services Fund revenues that fund operating, planning and transit capital expenses. Federal sources include, but are not limited to, Federal Transit Administration (FTA) grants, and Colorado Department of Transportation (CDOT) administered grants such as Multimodal Transportation and Mitigations Options Fund (MMOF) and FASTER funding.

Today, the City's transit program relies heavily on FTA Section 5311 administration and operating, FTA Section 5310 mobility management funds, and FTA Section 5339 transit capital funds, administered and allocated through CDOT. In 2023, grants comprised a total of \$1,787,539 for administration, operating, mobility management, capital, and planning costs.

## LOCAL FUNDING

Local funding sources of the Transportation Services Enterprise Fund include parking fees and citations, Lodgers' Tax, farebox revenue, and contracts. The City maintains a contract with the Associated Students of Fort Lewis College (ASFLC) to provide transit services to all registered FLC students. The contract was renewed in 2023 for another five years, with a modest escalated increase. Additionally, the City collaborates regularly with local businesses and organizations for Free Transit Day sponsorships.





# 4 IMPLEMENTATION

## PROJECT PRIORITIZATION & IMPLEMENTATION PROCESS

This plan identifies infrastructure projects for future implementation to create a safer, connected, and accessible multimodal transportation network. Projects are identified from community feedback, through staff prioritization of corridors and connections, and through analysis of existing multimodal network connectivity. Projects are prioritized using the Criteria Framework established in this chapter. Annually, staff develops a proposed 5-year Capital Improvement Project plan based on the prioritized projects. Transportation staff presents the 5-Year Multimodal CIP to the Financial Advisory Board as part of the annual budget process. The Financial Advisory Board makes recommendations to City Council on the funding of Capital Improvement Projects.

This process will also be applied to future projects recommended by the community outside of this plan or from changes in development or needs. If a proposed project scores high in the criteria framework, it will be prioritized by staff for 2015 Half Cent Sales and Use Tax funding according to its ranking with other identified projects. It is recognized that there needs to be some flexibility in this prioritization process; however, this process is intended to take precedence in most cases. Projects that score between 30 – 50 are considered high priorities, 20 – 29 are considered medium priorities, and 1-19 are considered lower priorities. This framework creates a more equitable process for prioritizing projects instead depending on the loudest voices in the community and establishes a data based methodology.





# CRITERIA FRAMEWORK

Criteria	Criteria Details	Points
Crash history (5-year)	Fatalities and/or bike or pedestrian crashes	5
	Multiple injury crashes	3
	One injury crash	1
Road Classification	Arterial	3
	Collector	2
	Local	1
School route	Identified school route	3
Speeding history	> 30% of traffic speeding	5
	10 - 30% of traffic speeding	3
	< 10% of traffic speeding	1
Affordable housing	Affordable housing located on corridor	5
	Corridor or connection between affordable housing and commercial areas	3
	Improves overall connectivity, but is not near or on a connection to affordable housing	1
Commercial Areas	Located within commercial zone	3
	Route to commercial zone	1
	Not located enroute to or within commercial zone	0
Pedestrian infrastructure	Missing pedestrian infrastructure (sidewalks, ADA ramps, etc.)	5
	Pedestrian infrastructure not compliant with ADA	3
	Only enhances pedestrian infrastructure	1
	Does not improve pedestrian infrastructure	0
Corridor or Connection	New multimodal corridor or connection	5
	Improvements to existing corridor or connection	3
	Not identified as corridor or connection	1
Parks, Trails, or Open Spaces	Adjacent to parks or trails	3
	Route to parks or trails	1
Cost	Low cost (< \$30k)	5
	Medium cost (< \$500,000)	3
	High cost (> \$500,000)	1
Grants or Outside Funding	Over 25% funded	5
	Below 25% funded	3
	Potential for funding	1
	No outside funding	0
Time	< 6 months to complete	3
	6 – 24 months to complete	1
	> 24 months to complete	0
Point Total		50

Figure 19: Criteria Framework

## CORRIDORS & CONNECTIONS

These corridors and connections were identified from community input, projects identified in previous plans, the Multimodal Advisory Board, injury network, road classification, and data of movements. Corridors follow existing roadways and routes that community members use to traverse and travel through the city and into the city from the surrounding region. Connections link gaps in corridors or areas that are not already connected by multimodal corridors or need more direct connections to encourage travel outside of a single-occupancy vehicle (SOV). The corridors and connections do not specify facilities, only general areas that are important for safety and multimodal facilities. It is important to note that while these are identified travel corridors and connections, some involve other jurisdictions and private land ownership that may limit or create boundaries to them.

# CORRIDORS AND CONNECTIONS

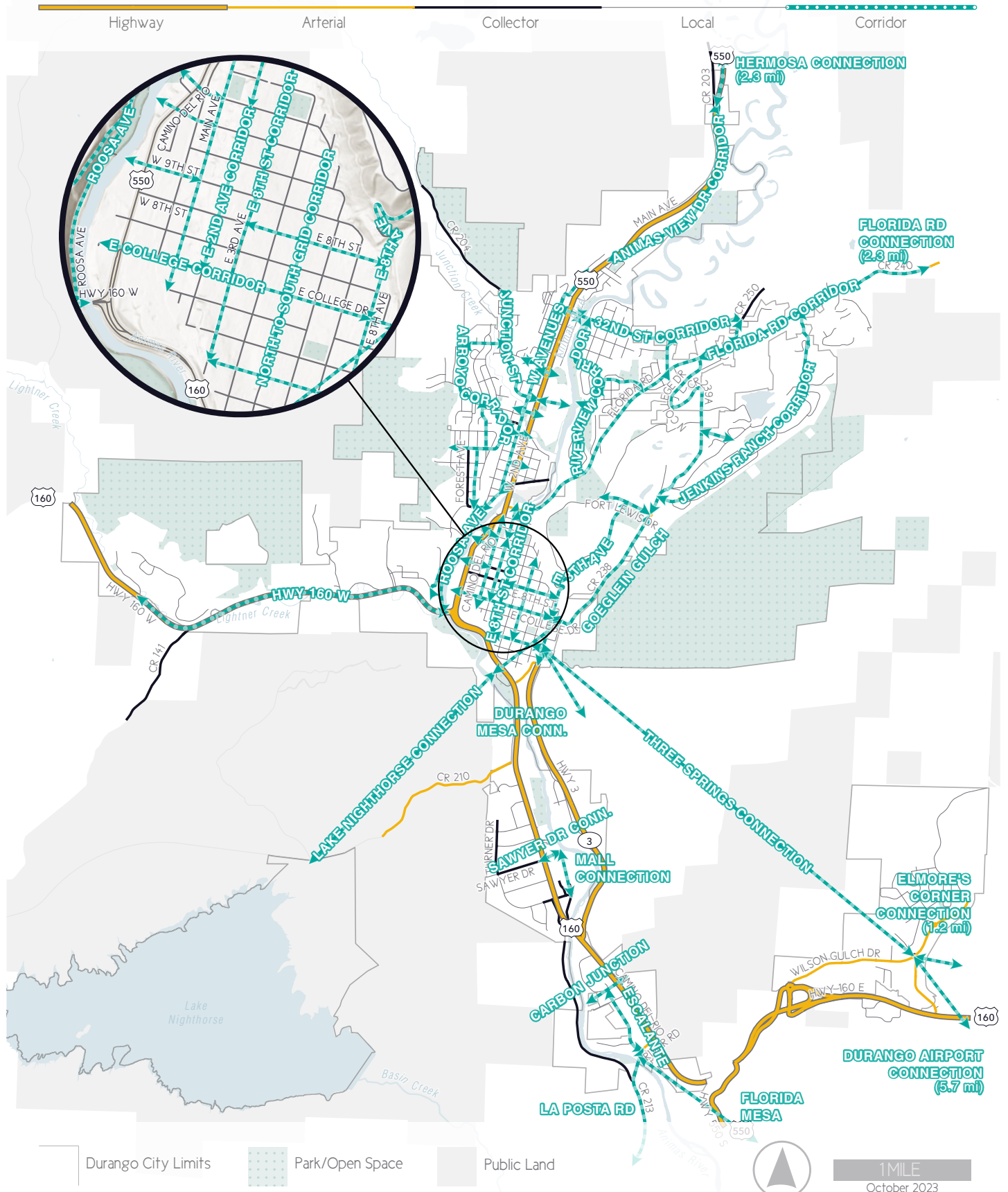


Figure 20: Corridors + Connections

# PROPOSED PROJECTS

These projects were created from a needs assessment of current infrastructure conditions and public needs along identified corridors and connections. These projects are not all encompassing, and it is acknowledged that there could be necessary improvements outside of these projects. The projects in this list are long-term capital improvement projects but could be implemented with quick-build treatments as described in the next section. Each project has a general estimated cost to assist in the prioritization. The estimated costs correspond to the cost category defined in the criteria framework.

Figure 21.1: Proposed Projects

Corridor/Connection	Project Name	Description	Estimated Cost	Priority
Hwy 160 West Corridor	160 West Pedestrian Connections	Addressing lack of pedestrian crossings on Hwy 160 W	High	High
	Lightner Creek Bicycle Route	Improved separated bicycle infrastructure from Twin Buttes to the Animas River Trail	High	High
	Wildcat Commuter Improvements	Study of park and ride facilities and transit connections for westward commuters	Medium	High
Roosa Avenue Corridor	Roosa Bicycle and Pedestrian Improvements	Installation of bicycle and pedestrian facilities along Roosa Avenue including transit improvements	High	High
Lake Nighthorse Connection	Lake Nighthorse Multimodal Connection	Provide safe bicycle access to Lake Nighthorse from the Animas River Trail.	High	Medium
Camino Connections	12th St Connection	Install bicycle and pedestrian underpass	High	Medium
	9th St Connection	Improve safety for bicyclists and pedestrians at this intersection	Medium	Medium
	11th St Connection	Formalize 11th St intersection and provide pedestrian and bicyclist connectivity	High	Medium
Downtown Main Avenue Corridor	Downtown Pedestrian Improvements	Improve accessibility for pedestrians and safety along Main Avenue	High	Medium
Sawyer Dr Connection	Sawyer Drive Connection	Provide a safe pedestrian and bicycle crossing near Sawyer Dr to create access from BODO to mall	Medium/High	High
Carbon Junction Connection	Carbon Junction Connection	Carbon Junction to Animas River Trail	Medium/High	High
Mall Connection	Mall Connection	South end of the mall to the Animas River Trail	Medium	Medium
La Posta Road Corridor	La Posta Rd Bicycle and Pedestrian Improvements	Road to connect to Animas River Trail and Escalante Dr	High	Low
	La Posta Transit Service	As La Posta Road develops, transit service provisions will be necessary	Medium	Low
Escalante Drive Corridor	Escalante Safe Crossings	Provide and improve pedestrian crossings on Escalante Drive	Low/Medium	High
Florida Mesa Connection	Florida Mesa Bicycle Route	Create a safe bicycle route to connect southern La Plata County with Animas River Trail	Medium/High	Medium
	Florida Mesa Commuter Improvements	Study of park and ride facilities and transit connections for southern commuters	Medium	Medium
Durango Airport Connection	Durango Airport Transit Connection	Establish airport transit service	Medium	Low
Three Springs Connection	Three Springs Bicycle Connection	Provide convenient bicycle connection between Three Springs and Downtown	High	High
Elmore's Corner Connection	Elmore's Corner Commuter Connection	Study of park and ride facilities and transit connections for Hwy 160 E commuters	Medium	Medium
Durango Mesa Connection	Durango Mesa Bicycle and Pedestrian Connection	Establish accessible bicycle and pedestrian connection to the future Durango Mesa Park	High	Medium
Goeglein Gulch Connection	Goeglein Gulch Bicycle and Pedestrian Connection	Bicycle and pedestrian connection from Santa Rita to Goeglein Gulch	High	High
E 3rd St Corridor	E 3rd St Bike Boulevard	Turn E 3rd St into a bike boulevard from E 3rd Ave to E 8th Ave	Low/Medium	Medium

Corridor/Connection	Project Name	Description	Estimated Cost	Priority
E 8th Avenue Corridor	E 8th Ave Pedestrian Safety	Improve E 8th Ave pedestrian infrastructure and crossings	High	High
E 5th Avenue Corridor	E 5th Ave Bike Boulevard	Turn E 5th Ave into a bike boulevard from 12th St to 3rd St	Low/Medium	Medium
E 3rd Avenue Corridor	E 3rd Ave Pedestrian and Bicycle Safety	Improve bicycle and pedestrian safety along E 3rd Ave	Low/Medium	High
MidTown Connection	MidTown Safety and Connectivity Improvements	accessibility, and connectivity in MidTown from 15th St to 12th St	High	High
Florida Rd Corridor	Colorado Ave Pedestrian Connectivity	Improve pedestrian crossing at Colorado Ave	Low/Medium	Medium
	CR 240 Commuter Connection	Study rideshare and transit connection needed improvements	Medium	High
Hillcrest Dr Connection	Hillcrest Dr Pedestrian and Bicycle Connection	Create pedestrian and bicycle connection from Jenkins Ranch Rd through Hillcrest Dr to Goeglein Gulch Rd	Medium/High	Low
Ball Lane Connection	Ball Lane Connection	Provide an accessible bicycle and pedestrian connection from Jenkins Ranch to Florida Rd	High	Medium
North College Corridor	North College Bicycle and Pedestrian Improvements	Bicycle and pedestrian improvements to North College Dr	High	High
32nd St Corridor	32nd St Bicycle and Pedestrian Improvements	Improvements to create a safer bicycle and pedestrian network	High	High
Holly Connection	Holly Bicycle Connection	Create a safe bicycle connection from Florida Rd to 32nd St	Low/Medium	Low
Riverview Connection	Riverview Trail Connection	Create an accessible bicycle and pedestrian connection from Riverview to Animas River Trail	Medium/High	Medium
Animas View Dr Corridor	Animas View Dr Bicycle and Pedestrian Improvements	Add pedestrian and bicycle infrastructure to Animas View Dr	High	Medium
North Main Avenue Corridor	North Main Ave Safety Improvements	Traffic calming improvements to North Main Ave	High	High
	Hermosa Commuter Connection	Study park and ride locations and transit connections	Medium	High
West Avenues Corridor	West Avenues Bicycle Boulevard	Bicycle boulevard from 32nd St to Roosa Ave	Low/Medium	Medium
Junction St Corridor	Junction St Bicycle and Pedestrian Connectivity	Improve pedestrian accessibility and connectivity and bicycle safety	High	Medium
27th St Connection	27th St Safe Crossing	Improve safety for bicycle and pedestrians crossing North Main Ave	Medium	High
28th St Connection	Junction St Bicycle and Pedestrian Connection	Create an accessible pedestrian and bicycle connection from 28th St to Junction St	High	Medium
25th St Connection	25th St Safe Crossing	Improve safety for bicycle and pedestrians crossing North Main Ave	Medium	High
19th St Connection	19th St Safe Crossing	Improve safety for bicycle and pedestrians crossing North Main Ave	High	Medium
Crestview Corridor	Improve Crestview Bicycle Safety	Improve bicycle facilities around Crestview	Low/Medium	Low
Rockridge Corridor	Arroyo Bicycle Improvements	Improvements to bicycle facilities along Arroyo	Low	High
Recreation Center Corridor	Recreation Center Corridor	Multimodal improvements along E. 2nd Ave from 32nd Street to Durango Community Recreation Center	High	Medium
South Downtown Connection	South Downtown Connection	Bicycle and pedestrian connection from Animas River Trail to E. 1st Street	High	Medium
Animas River Trail Corridor	Connector Trails	Improved separated bicycle infrastructure from Twin Buttes to the Animas River Trail	Medium/High	High
Animas River Trail Corridor	Animas River Trail Improvements	Continued improvements to the trail and widening for increased e-bike use	High	Low

Figure 21.2: Proposed Projects



# PREFERRED TREATMENTS

**Every level of bicyclist should be able to travel around Durango safely according to their personal level of comfort.** Providing facilities for all cyclists allows for fast commuters to ride on the road safely, which in turn increases the safety and maintains lower speeds on the City's shared-use paths such as the Animas River Trail. This allows those less confident riders or those who prefer a more leisurely pace a more pleasant commute. Connecting all city bicycle networks provides for more options, increase safety, and promotes a more connected and comprehensive transportation system.

The highest level of bike facility, a protected bike lane or separated facility, should be considered first on arterial roadways, followed by lesser levels of bike facilities. Typically, bike lanes are identified in locations where the existing street width is sufficient to stripe them in place. A buffered bike lane or striped bike lane may be most appropriate on streets that do not have the space for a protected bike lane. Shared lane markings (sharrows) and bike routes are in place where the existing street width is not wide enough to allow for striping of a bike lane. Implementation of new bike lanes on existing streets may require road diets with re-striping to narrow the travel lanes. Road diets shift space from motor vehicle lanes to create room to stripe bike lanes or provide other multimodal facilities, while reducing speeding and improving safety for motorists and passengers. Road diets are a highly effective infrastructure improvement that can be implemented quickly and at a low cost, but they do come with some considerations where there is large delivery truck activity.

During the community outreach phase of this plan, input was sought on preferred bicycle and pedestrian facilities. Using this feedback, the plan develops the following preferred treatments that adhere to transportation design best practices for road classifications and corridors. While these facilities are identified by the community as the preferred treatment when feasible, it should be acknowledged that due to constraints in rights-of-way, topography, and existing conditions, these preferred facilities may not be able to be used in every applicable situation and it will be context-dependent.



A cyclist rides past the Transit Center.  
Courtesy of the City of Durango

# PREFERRED BICYCLE FACILITIES ALONG MULTIMODAL CORRIDORS

**Arterial streets** are characterized by serving high volumes and longer trips within a city with fewer direct accesses and mainly commercial access. **Collectors** provide access to larger residential and commercial developments and provide connections from local streets to arterials. **Local streets** provide direct access to residential properties with driveways and have low speeds and volumes.

## ARTERIAL - PROTECTED BIKE LANES OR SEPARATED BIKE FACILITIES

Protected bike lanes and separated bike facilities provide the highest level of safety for bicyclists by physically separating them from motor vehicles. These facilities also encourage use by multiple types of cyclists making them ideal for encouraging cycling for a broad spectrum of people's comfort level and ability. These facilities require the most right-of-way width compared to other facilities, as well as additional maintenance and contextual considerations.

Figure 22.1: Arterial

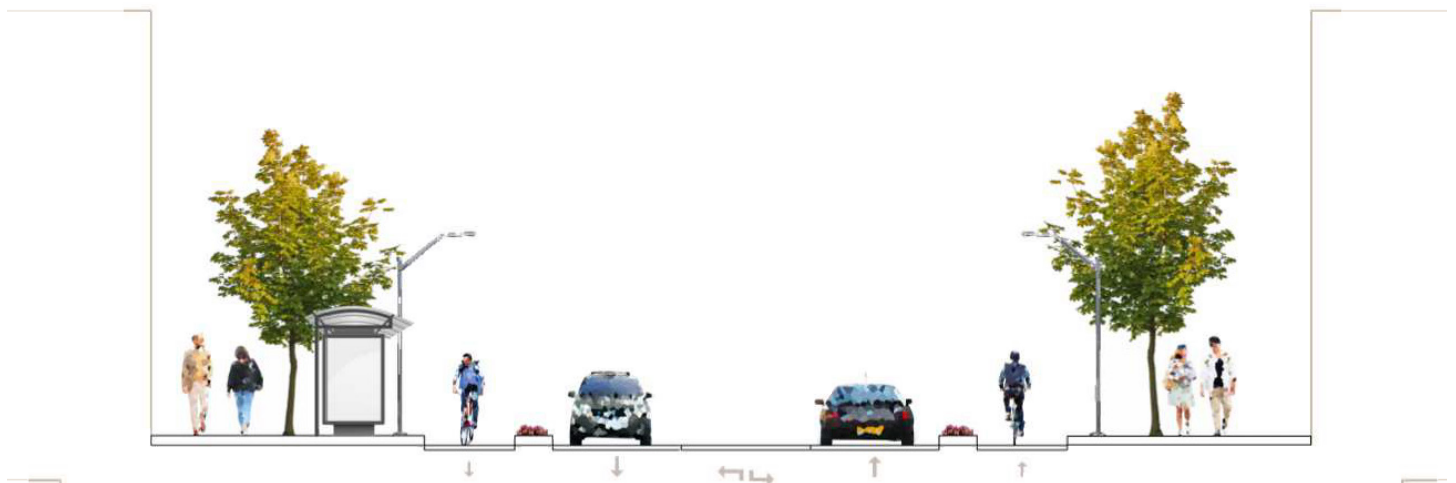


Figure 22.2: Arterial



## COLLECTOR - BIKE LANES

Painted bike lanes are low cost and designate space in the existing roadway for bicyclists. They do not provide a physical barrier between motor vehicles but keep bicyclists and motor vehicles separate. Due to Durango's collector streets typically having on-street parking, tradeoffs may exist between preserving parking and implementing bike lanes.



Figure 23: Collector

## LOCAL - BICYCLE BOULEVARD

Local streets provide an opportunity for low stress bike routes that traverse the city off the main networks and provide neighborhood-scale connections. Bike boulevards restrict motor vehicle traffic to local traffic only and include traffic calming features to keep speeds slow. Motor vehicle volumes and speeds must be low since bicyclists share the travel lane with motor vehicles.



Figure 24: Local

# PREFERRED PEDESTRIAN FACILITIES ALONG MULTIMODAL CORRIDORS

## ARTERIAL

Landscape strip buffered sidewalk on both sides or a side path with walking and bicycle uses separated.

Sidewalks or side paths separated from high traffic speeds and volumes by landscaping provides a more comfortable experience. In addition to the more comfortable pedestrian experience, it slows vehicle speeds by narrowing the roadway and landscaping can keep temperatures lower and provide shade during the warmer months. Additionally, the landscape buffer provides space for snow to be plowed in a way that does not impede the pedestrian path. Buffered facilities take up more space and can be difficult to fit in existing roadway rights-of-way and existing topography.

## COLLECTOR AND LOCAL

Landscape strip buffered sidewalk or parking buffered sidewalk.

In cases where there is not space for landscape strip buffers, sidewalk can be buffered by parking. Again, this separates pedestrians from higher traffic volumes and speeds and provides for a more comfortable experience. It should be noted that parking is not consistent and passenger door zones may infringe into the sidewalk where pedestrians are walking. Additionally, the use of parking to buffer pedestrian zones may be in conflict with the goal of adding bike lanes where doing so would require removal of on-street parking.



Pedestrians on Main Avenue  
Courtesy of the City of Durango



# QUICK-BUILD & PILOT PROJECTS

To address community safety concerns and needs more responsively, quick-build projects allow the city to deploy treatments rapidly and test treatments out before millions of dollars have been spent. Quick-build projects use low-cost materials to build temporary treatments. Common quick-build projects are traffic calming features like mini-roundabouts, curb extensions, pinchpoints, protected bicycle lanes, bike boulevards, open streets, and chicanes. Often, quick-build projects are referred to as pilot projects because they also demonstrate potential new designs for a roadway and provide the ability to assess effectiveness and functionality prior to permanent construction.

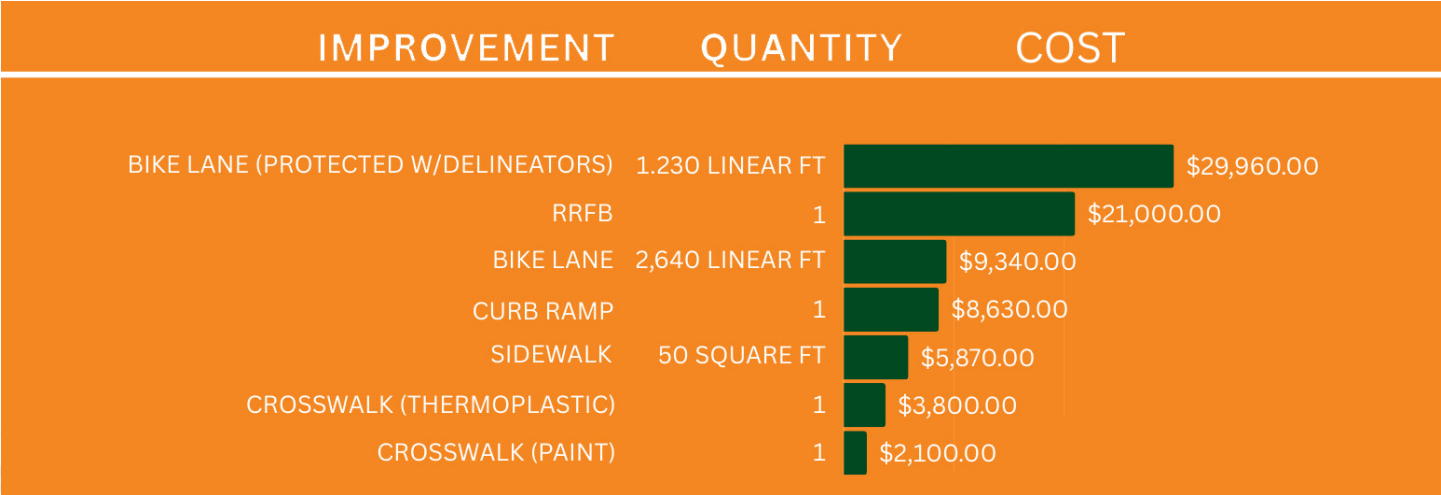
In 2022 and 2023, the City began implementing quick-build projects. Two quick-build projects in Durango include the “pedlet,” a temporary metal walkway on Downtown Main Avenue in the 700 block that demonstrates the Downtown’s Next Step Project which is designing widened sidewalks and curb extensions at the intersections. Another quick-build project is the West Park Avenue Traffic Calming Pilot project, which used paint and flex posts to create curb extensions and pinchpoints to help slow traffic speeds.

Quick-build projects require cross-departmental and agency coordination due to the impact on multiple operations like snowplowing, striping, street sweeping, trash and recycling pickup, and emergency response. This coordination takes time and requires flexibility with design strategies. Under the Bipartisan Infrastructure Law that was passed in 2021, there are many grant opportunities available to the City to help coordinate studies and guidance for infrastructure strategies and test implementation. Specifically, this plan recommends the City investigate these grant opportunities to study speed management practices that strike a balance between emergency services, winter maintenance, multimodality, and reducing speeds. The study should investigate both permanent and temporary quick-build treatments as an interim solution to test strategies for a corridor.

## COMMON IMPROVEMENT REQUESTS COST ESTIMATES IN 2023

These costs include traffic control, materials, and general labor costs. However, they do not include studies, mobilization efforts, unique circumstances like utility relocations, demolition, special grading needs, or outreach. The costs listed below are estimates based on 2023 costs, and are intended to provide the reader with basic general information on common infrastructure improvement costs.

Figure 25: Common Improvement Requests





# APPLYING THESE COSTS TO A PROPOSED PROJECT

To demonstrate how much a full multimodal reconstruction project can cost, rough estimates of a shared use path improvement project on three quarters of a mile of an arterial street are outlined in Figure 26.

Figure 26: Cost Example

5-FT SIDEWALK, CURB & GUTTER, 12-FT SIDE PATH ON ONE SIDE WITH 3-FT CONCRETE BUFFER				
Item	Unit	Quantity	Unit Price	Total Cost
5-ft Concrete Sidewalk {4-in Thick}	SY	2520	\$ 90.00	\$ 226,800.00
12-ft Shared Use Path {6-in Thick - Fiber Reinforced}	SY	6030	\$ 150.00	\$ 904,500.00
3-ft Stamped Concrete	SY	1530	\$ 200.00	\$ 306,000.00
Curb & Gutter	LF	9000	\$ 45.00	\$ 405,000.00
Hot Mix Asphalt Patching	TON	3150	\$ 225.00	\$ 708,750.00
Full Depth Pavement Reclamation	SY	20925	\$ 15.00	\$ 313,875.00
Subtotal				\$ 2,864,925.00
40% FOR MOBILIZATION, DEMO, TRAFFIC CONTROL, SURVEYING, ETC.				\$ 1,145,970.00
TOTAL			\$	4,010,895.00



Photo: The T in the Animas Valley  
Courtesy of the City of Durango

# LAND USE DEVELOPMENT CODE RECOMMENDATIONS

It is acknowledged that some of the recommendations in this plan will require updates to the Land Use Development Code and Code of Ordinances in order to be implemented. A summary of these code recommendations are highlighted below as a guide.

Create a parking reduction process for new residential and commercial development or redevelopment to demonstrate a reduction in projected trip generation from planned transportation demand management practices. These practices may include but are not limited to being located on a transit route, providing transit passes, providing shared cycles, indoor or covered cycle storage, wellness programs to incentivize sustainable commuting, and carpool or vanpools programs.

Revise bicycle parking requirements to match the preferred bicycle racks style and location per the American Pedestrian and Bicycle Professionals Bicycle Guidelines. Bicycle parking spaces should also take into consideration tricycles and larger e-bikes to accommodate the expanding e-bike and tricycle use. Additionally, incentives should be created to encourage existing businesses and development to retroactively install or update bicycle parking to meet new standards.

The overall goal of the design standards should be focused on moving people, not cars, and be ingrained in complete streets principles. Update street design standards to be more flexible for new development projects by providing alternate street cross-sections that allow for contextual fit. Standard street cross-sections should be updated to reflect the preferred bicycle and pedestrian facilities by street classification as outlined in this plan and include elements for traffic calming.

The Multimodal Transportation Plan should be referenced in the Complete Streets Policy section in regard to multimodal corridor and connectivity. Multimodal connections from or through new development or redevelopment should be clearly required. This may require easements be dedicated for future infrastructure or new infrastructure to be installed at the cost of the develop or a public private partnership.







The Durango T-Crossing Main Avenue  
Courtesy of the City of Durango

# 5 MOVING FORWARD

This plan is a call to action. To achieve the goals and vision of this plan, the City, in collaboration with other agencies, organizations and businesses, and individuals in the community will have to work together on implementing the outlined actions. City staff will be tasked with coordinating, prioritizing, and implementing projects and programs, and obtaining funding.

This plan is a road map to making Durango a safe and equitable transportation network that is fully connected and allows people of any race, ethnicity, gender identity, and ability to move safely and efficiently by their mode of choice.



# MEASURING SUCCESS

As Durango continues to grow and technology continues to advance, and once goals in this plan are achieved, effort will be required to maintain that success. Success will be indicated by incremental progress on the various actions for each goal. This should be measured quarterly and presented to City Council and the community for transparency and accountability. There are multiple ways to measure and report progress.

One way to measure progress is to use the City’s existing budgeting key performance indicators (KPIs) reporting. The City currently uses KPIs organization wide to measure the effectiveness of departments as they make progress towards achieving strategic goals. This is done quarterly in relation to budget updates. There are multiple KPIs that relate to the goals in this plan and more can be added to measure success. In addition to KPIs, the multimodal division should release a yearly report card of achievements and progress.

There are national organizations such as Bicycle Friendly Community, Walk Friendly Community and People for Bikes that evaluate the City’s bicycle and pedestrian infrastructure programming to rank them according to similar criteria outlined in this plan. These organizations are a good resource for outside evaluation of progress.

It is not anticipated that Durango will achieve this vision overnight and it will likely be a continuous process as technologies, needs, population, and development change. It is recommended that this plan be updated every 5 years to ensure proper alignment with City Council strategic goals, compliance with most recent best practices and strategies, update data, assessment of implementation, and analysis of effectiveness. This update should be performed by City staff with feedback from the community and organizations.





AGENDA DOCUMENTATION

Item 11.6

Meeting Date: December 5, 2023

TO: DURANGO CITY COUNCIL FROM: TOM SLUIS,  
PUBLIC INFORMATION OFFICER

SUBJECT VISIT DURANGO 2024 CONTRACT

RECOMMENDATION:

Approve a resolution authorizing the city manager to execute a contract with Visit Durango for 2024.

BACKGROUND SUMMARY:

The city of Durango contracts with Visit Durango to provide sustainable tourism marketing services and to manage the Welcome Center at 802 Main Ave. Funds for this contract are generated by the city’s lodgers’ tax collection, which is a levy on hotel rooms in city limits. Lodgers’ tax collections of 5.25% are allocated according to the April 2021 ballot language approved by voters:

- 55% FOR SUSTAINABLE TOURISM MARKETING, INCLUDING ADVERTISING AND ATTRACTING CONFERENCES, CONVENTIONS, AND MEETINGS;
- 20% FOR TRANSPORTATION AND TRANSIT SERVICES, EQUIPMENT, AND FACILITIES;
- 14% FOR ARTS AND CULTURAL EVENTS, PROGRAMS AND FACILITIES;
- AND 11% FOR ANY OF THE ABOVE PURPOSES OR OTHER PURPOSES RELATED TO THE IMPACTS OF TOURISM AS COUNCIL MAY DETERMINE.

The contract for 2024 is not to exceed \$2.18 million.

Key areas of the contract:

Item	2023	2024
Invoices	Invoiced monthly; contract amount divided by 12 for equal installments	Invoiced monthly; amount based on services provided. Services adjusted if quarterly review shows greater than 10% variance between estimated collections and actuals.
Payments	Monthly payments typically more than prior month’ collections during tourist shoulder season (January/February); typically less during summer months.	Monthly payments not to exceed prior month’s collections. Visit Durango to use reserves to cover deficit if needed.
Lodgers’ tax collected beyond estimate for the year	Any overage approved by council	Any overage approved by council
Visit Durango budget	Visit Durango provides budget for staff review	No budget review (fee for monthly services instead).
Reserve fund	None required of Visit Durango	Two months average collections required.
Right to terminate	Staff	Council

STRATEGIC PLAN ALIGNMENT:

Financial Excellence and High-Performing Government

ALTERNATIVE OPTIONS CONSIDERED:

N/A

FISCAL IMPACT:

The amount of the annual contract with any entity responsible for spending the city lodgers’ tax based on the April 2021 ballot language will vary based on collections.

POTENTIAL ADVERSE IMPACTS:

None.

**NEXT STEPS AND TIMELINE:**

Sign the contract and finalize negotiations with Visit Durango before the end of 2023.

**RESOLUTION R-2023-0052**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT BETWEEN THE CITY OF DURANGO AND DURANGO AREA TOURISM OFFICE d.b.a. VISIT DURANGO FOR SUSTAINABLE TOURISM MARKETING SERVICES AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT**

**WHEREAS**, the City of Durango (“City”) wishes to enter into a contract for sustainable tourism marketing services and the operation of the Durango Welcome Center related to the terms set under the April 2021 city ballot measure; and

**WHEREAS**, this Resolution must be in accordance with and pursuant to the City of Durango’s Charter and other constitutional, statutory and regulating provisions pertaining to the City; and

**WHEREAS**, it is the desire of the City Council to enter into this contract for services provided by Visit Durango.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Durango, Colorado that:

**RESOLVED**, That the City Council of the City of Durango, in regular meeting assembled,

Section 1. The City Council hereby authorizes the execution of this contract and authorizes the City Manager to execute the documents necessary to complete this transaction for services with Visit Durango.

Approved and adopted this \_\_\_\_ day of \_\_\_\_\_, 2023.

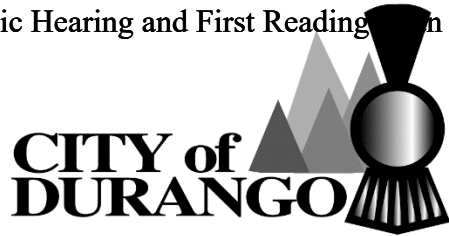
CITY OF DURANGO,  
COLORADO

By:

\_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk



AGENDA DOCUMENTATION

Item 12.1

Meeting Date: December 5, 2023

TO: DURANGO CITY COUNCIL FROM: SARAH HILL, TRANSPORTATION DIRECTOR

SUBJECT CONSIDERATION OF AN ORDINANCE TO APPROVE A LICENSE AGREEMENT, INCLUDING A LEASE, BETWEEN TESLA, INC. AND THE CITY OF DURANGO REGARDING ELECTRIC VEHICLE SUPERCHARGERS AT THE DURANGO TRANSIT CENTER - EIN

RECOMMENDATION:

It is the recommendation of the City of Durango Transportation Director and Sustainability Manager that City Council, following a public hearing, by motion, adopt the proposed ordinance authorizing the City Manager to execute a License Agreement, including a Lease, between Tesla, Inc. and the City of Durango regarding electric vehicle superchargers at the Durango Transit Center.

BACKGROUND SUMMARY:

This is a public hearing to consider an ordinance regarding a license agreement for Tesla to install and operate eight (8) electric vehicle (EV) fast charging stations (branded as “Superchargers”) in the Durango Transit Center Parking lot. The City of Durango’s charter states that an ordinance process is required for leasing any real property of the City. The license agreement is not a formal lease, but it was determined that the ordinance process is the most appropriate avenue for this agreement.

In the spring of 2023, City staff began exploring the best approach for installing additional EV fast charging at the Transit Center based on existing and projected demand of the existing two fast chargers operated by the City at this site. In the summer of 2023, multiple state and federal grant opportunities focusing on EV fast charging were opened. Tesla applied for and was awarded the National Electric Vehicle Infrastructure Formula Program (NEVI) grant to expand EV fast charging infrastructure along the Highway 160 corridor, with Durango identified as a key location.

City staff evaluated a proposed license agreement from Tesla alongside alternative approaches to expanding EV fast charging in Durango. Given the context of the significant grant award to Telsa and the terms of the proposed license agreement, City staff determined this to be the most favorable and viable approach.

STRATEGIC PLAN ALIGNMENT:

Environmental Sustainability & Resilience

ALTERNATIVE OPTIONS CONSIDERED:

An alternative approach would be for the City to self-fund and self-manage the installation and operation of new EV charging stations. This is the approach that has been used for the existing EV charging stations at the Transit Center. In order for this approach to be financially viable, the City would have to pursue and be awarded grant funding to offset a significant portion of up-front project costs. While potential grant opportunities do exist, it is not guaranteed that Durango would be awarded. Furthermore, the City would still have to provide a certain amount of up-front capital improvement funding with this approach and then would have to recoup that cost through usage fees on the City-owned stations. The financial terms of the agreement with Tesla are comparable to this alternative, but with the benefit of not requiring City staff time to oversee a major construction project. A license agreement with Tesla would be the fastest approach to installing new stations.

FISCAL IMPACT:

The City of Durango will receive a rental payment from Tesla for the use of the space throughout the term of the agreement. The amount of this rent can be seen in the rental agreement.

All installation and management costs will be borne entirely by Tesla. Tesla will operate the EV charging stations, manage associated use fees, and collect associated revenues.

The license agreement does not require the City of Durango to perform any work related to the licensed area or Supercharge installation.

POTENTIAL ADVERSE IMPACTS:

If the City were to install a parking garage or perform other major construction that would impact the licensed area during the 10-year base lease term, the City would bear the cost of uninstalling and re-installing the Tesla stations.

**NEXT STEPS AND TIMELINE:**

Final reading and final vote for adoption of ordinance: January 2, 2024.

If adopted, Tesla would begin project work as soon as possible in 2024 with the goal of opening the stations by Q3 2024.



**ORDINANCE NO. O-2023-**

**AN ORDINANCE AUTHORIZING THE EXECUTION A  
LICENSE AGREEMENT, INCLUDING A LEASE, WITH  
TESLA, INC. REGARDING THE LEASE AND USE OF AN  
AREA OF THE DURANGO TRANSIT CENTER PARKING  
LOT FOR THE INSTALLATION AND OPERATION OF  
ELECTRIC VEHICLE FAST CHARGING STATIONS AND  
DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, The City of Durango is the owner of the real property located at 250 West 8<sup>th</sup> Street in Durango, Colorado, commonly known as the Durango Transit Center; and

**WHEREAS**, Tesla, Inc. wishes to enter into a license agreement to install, operate, and maintain a Supercharger Station consisting of eight (8) electric vehicle (EV) fast charging stations (“Superchargers”) within a licensed area of said property, together with the right of ingress and egress to the licensed area; and

**WHEREAS**, Article II, §11(d) of the Charter of the City of Durango, Colorado requires the adoption of an ordinance to convey or lease or authorize the conveyance or lease of any real property owned by the City; and

**WHEREAS**, City of Durango staff and the City’s Attorney’s Office have reviewed the terms of the license agreement and find it to be a favorable and viable option for expanding EV fast charging within Durango; and

**WHEREAS**, the Electric Vehicle Readiness Plan adopted by City Council and the Board of Directors of La Plata Electric Association (LPEA) in June of 2021 identifies the goal of expanding electric vehicle (EV) charging infrastructure to incentives and meet the demand of a growing number of electric vehicles owned by residents and visitors; and

**WHEREAS**, the State of Colorado 2023 EV Plan identifies ambitious goals of EV sales and the recently adopted Colorado Clean Cars standard directs vehicle manufacturers to sell 82% EVs by 2032; and

**WHEREAS**, Durango sits at the intersection of Highway 160 and Highway 550 which are both are federally designated EV corridors; and

**WHEREAS**, a public hearing has heretofore been held before the City Council of the City of Durango, and the Council has determined, subsequent to said public

hearing, that the proposed license agreement between Tesla, Inc. and the City of Durango under the terms and conditions of the said Agreement, a true and correct copy of which is attached hereto as Exhibit A, would be in the best interests of the citizens of the City of Durango.

**NOW, THEREFORE, THE CITY OF DURANGO HEREBY ORDAINS:**

**Section 1.** That the proposed license agreement between Tesla, Inc. and the City of Durango, a true and correct copy of which being attached hereto as Exhibit A, should be and the same is hereby approved.

**Section 2.** That the City Manager shall have the authority to execute said license agreement.

**Section 3.** This ordinance shall become effective ten (10) days after its passage and final publication as provided by law.

CITY COUNCIL OF THE CITY OF  
DURANGO

Attest:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

STATE OF COLORADO                    )  
  ) ss.  
COUNTY OF LA PLATA                )

I, Faye Harmer, City Clerk of the City of Durango, La Plata County, Colorado, do hereby certify that Ordinance No. O-2023- was regularly introduced and read at a regular meeting of the City Council of the City of Durango, Colorado on the \_\_\_\_ day of \_\_\_\_, 202\_\_, and was ordered published in accordance with the terms and conditions of the statutes in such cases made and provided, in the Durango Herald, a newspaper of general circulation, on the \_\_\_\_ day of \_\_\_\_, 202\_\_, prior to its final consideration by the City Council.

\_\_\_\_\_  
City Clerk

I further certify that said Ordinance No. O-2023- was duly adopted by the Durango City Council on the \_\_\_\_day of \_\_\_\_, 202\_\_, and that in accordance with instructions received from the Durango City Council, said ordinance was published by title only in the Durango Herald on the \_\_\_\_ day of \_\_\_\_, 202\_\_.

\_\_\_\_\_

## EXHIBIT A

### SUPERCHARGER LICENSE AGREEMENT

This License Agreement (this “License”) is effective as of the date it is fully executed (the “Effective Date”) by and between Licensor (as defined below) (“Licensor”) and Tesla, Inc., a Delaware corporation (“Licensee”). Licensor and Licensee are each referred to herein as a “Party” and collectively as the “Parties.” Clause references are to clauses in the Key Terms, and section references are to sections in the General Terms and Conditions (Exhibit B). Exhibit A and Exhibit B are incorporated by reference in this License. In the event of a conflict between the Key Terms and Exhibit B, the Key Terms shall prevail.

#### Key Terms

- (a) **Licensor** City of Durango, a Colorado Home Rule municipality.
- (b) **Property**  
(Section 1) Commonly known as Durango Transit Center, located at 250 W 8th St, Durango, CO 81301 (the “Property”).
- (c) **Licensed Area**  
(Section 1) Ten (10) existing parking spaces which will be converted into seven (7) parking spaces, one (1) pull-through space, and eight (8) feet of additional parking width to provide disability access and approximately three hundred (300) square feet of space for equipment on the Property, all as depicted on Exhibit A (the “Licensed Area”).
- (d) **Charging Stalls**  
(Section 1) Eight (8) charging stalls.  
  
Parking spaces in the Licensed Area shall be outfitted for charging with DC charge posts (“Superchargers”), of which four (4) shall serve as dedicated charging stalls (“Dedicated Stalls”), and four (4) shall serve as charging stalls that allow general parking for up to thirty (30) minutes (“Enabled Stalls”). Licensee shall have the option to convert Enabled Stalls into Dedicated Stalls on ten (10) days written notice in order to satisfy demand for charging services, subject to Counterparty approval, which shall not be unreasonably withheld, conditioned or delayed. All Superchargers installed in the Licensed Area shall be capable of charging both Tesla and non-Tesla vehicles.
- (e) **Due Diligence Period** (Section 2) 365 days following the Effective Date (“Due Diligence Period”).
- (f) **Commencement Date** (Section 4) Within 365 days following the end of the Due Diligence Period.
- (g) **Base Term**  
(Section 5) Ten years from the last day of the month in which the Commencement Date occurs (the “Base Term”).
- (h) **Renewal Term**  
(Section 5) Periods of five years (each a “Renewal Term”).
- (i) **Termination Notice**  
(Section 5) At least eighteen (18) months (the “Notice Period”).

- (j) **Rent** Licensee will pay one thousand dollars (\$1,000) per month (the “Rent”) for the Licensed Area in advance on the first business day of each calendar month during the Term. If the Term begins any day other than the first business day of a month, the first rent payment shall include payment for the partial month in which the Term begins, prorated based on the number of days in such month. The Rent shall increase by three percent (3 %) on each anniversary of the Commencement Date. Notwithstanding the foregoing, Rent payments shall begin only after Licensor has completed Licensee’s vendor onboarding documentation, and payments shall be made to the account or address specified in such documents.
- (k) **Charging Reports** Licensee shall deliver to Licensor quarterly reports regarding the usage of the Supercharger Station, which state: (a) the average duration of the charging sessions for said period; and (b) the average number of charging sessions for said period. Notwithstanding anything to the contrary, Licensor agrees that Licensee shall own and continue to hold title and all rights to information provided in such reports, including any anonymized information.
- (l) **Temporary Impairment.** Licensee agrees that Licensor may temporarily restrict access to up to fifty percent (50%) of the charging stalls if necessary to accommodate special events and perform maintenance to the paved portions of the Licensed Area, provided that Licensor shall use commercially reasonable efforts to minimize any impairment of the Licensed Area, and except in the case of snow removal, garbage collection or an emergency, Licensor shall provide Tesla at least thirty (30) days advance written notice stating the date, time, duration and scope of the planned impairment or special event.
- (m) **Relocation** Licensor shall have the right to relocate the Licensed Area at any time during the Term upon at least twelve (12) months written notice to Licensee, provided that (a) the new Licensed Area provides for an equivalent footprint for charging stalls and charging equipment, (b) the new Licensed Area can be supplied with equivalent utility service, (c) the new Licensed Area is similar in terms of ease of access, safety, security, and proximity to amenities and (d) Licensor obtains Licensee’s written approval of the new Licensed Area, which shall not be unreasonably withheld, conditioned or delayed. All costs of relocation shall be borne by Licensor. Licensor shall cooperate with Licensee to ensure the new Supercharger Station is open to the public before the former Supercharger Station is decommissioned. In the event the relocation prevents the foregoing from occurring, then Licensor acknowledges and agrees to provide Licensee with space to set up temporary mobile charging stalls during any downtime between the former Supercharger Station and the new Supercharger Station and Licensee’s Term shall be extended by the amount of days of the delay.

[SIGNATURES ON FOLLOWING PAGE]

**IN WITNESS WHEREOF**, the Parties have each caused an authorized representative to execute this License as of the date signed below.

**LICENSOR:**

City of Durango  
A Colorado Home Rule municipality

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**E-mail for notices:**

Transportation@durangogov.org

**Phone number for urgent issues:**

970-375-4940

**LICENSEE:**

Tesla, Inc.  
a Delaware corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**E-mail for notices:**

superchargerhost@tesla.com

**Phone number for urgent issues:**

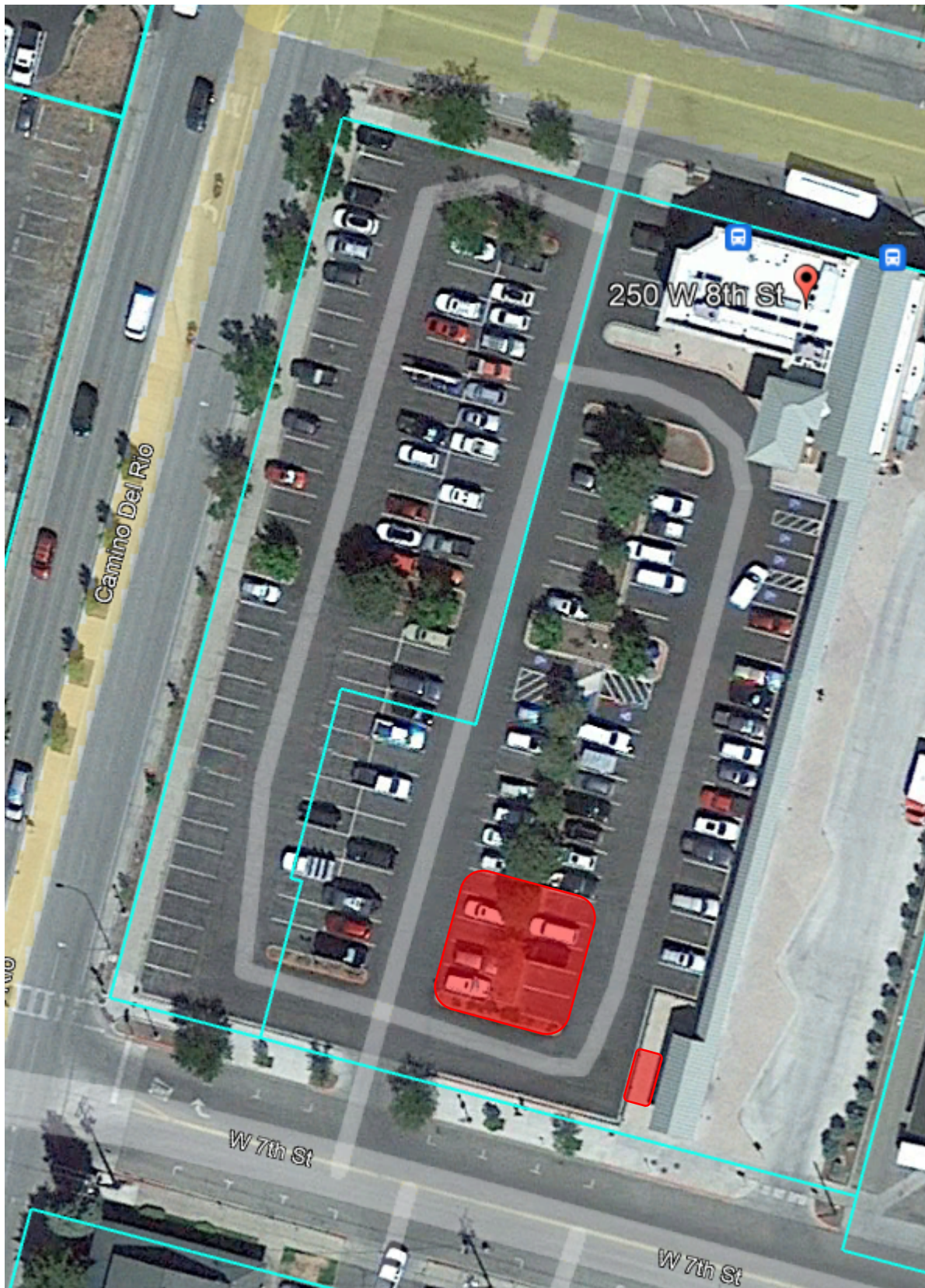
725-223-2400





**EXHIBIT A**  
**Licensed Area**

Licensed area represented by red areas shown below.





**Exhibit B**  
**General Terms and Conditions**

1. **Licensed Area.** Licensors hereby grants to Licensee the right to use the Licensed Area pursuant to Section 6, to install, operate and maintain a Supercharger Station (defined below), together with the right of ingress and egress to the Licensed Area. This License shall not create any leasehold interest in the Property.

The “Supercharger Station” shall consist of: (a) Superchargers, Wall Connectors (if indicated in Clause (d)), signage and power electronics equipment to provide charging to the charging stalls described in Clause (d) and other trade fixtures determined by Licensee that may include, without limitation, a canopy, solar panels, an energy storage system and fence or other visual barriers (collectively, the “Trade Fixtures”); and (b) necessary utility infrastructure, which may include, without limitation, a utility transformer, metering equipment, switchgear, conduit, wiring and foundations (collectively, the “Infrastructure”).

2. **Due Diligence Period.** Licensee shall have the option to terminate this License within the Due Diligence Period in the event that: (a) Licensee is unable to obtain all permits and approvals required by applicable governing bodies; or (b) Licensee, in its reasonable business judgment, determines that it would incur substantial unanticipated costs to complete Licensee’s Work (defined in Section 3) or that there is insufficient demand for charging to justify building the Supercharger Station. In the event that Licensee terminates the License pursuant to this Section 2, Licensee shall deliver written notice of termination to Licensors and this License shall be of no further force or effect.

3. **Alterations.** Licensee shall, at its’ sole cost, make alterations to the Licensed Area to install the Supercharger Station (“Licensee’s Work”). Licensee’s Work shall only occur after: (a) Licensors has approved the plans and specifications in writing; and (b) Licensee has obtained all permits and approvals required by applicable governing bodies. Once Licensee’s Work begins, it shall proceed with diligence and continuity until complete. Licensee may upgrade or replace its Trade Fixtures in its sole discretion during the Term, provided that any other alterations to the Supercharger Station shall be approved in advance by Licensors. Licensors’ approval of the plans and specifications shall not be unreasonably withheld, conditioned or delayed. Licensee shall promptly repair any damage to the Property caused by Licensee, its agents, contractors and employees (collectively, “Licensee Parties”) while performing Licensee’s Work. In addition to Licensee’s Work, Licensee shall replace a concrete pad adjacent to Licensed Area with a non-charging parking space; provided that such additional work shall be included on the approved plans and after the completion of such work Licensee shall have no further obligations with respect to such work.

4. **Commencement Date.** The Supercharger Station shall be operational (the “Commencement Date”) within the time period specified in Clause (f) of the Key Terms, provided that such time shall be extended to the extent a delay is due to permitting, utility, or other requirements beyond Licensee’s control. Licensee shall deliver written notice to Licensors promptly following the Commencement Date to confirm such date as the start of the Base Term for recordkeeping purposes.

5. **Term and Termination.** The term of this License shall begin on the Commencement Date and shall expire at the end of the Base Term. Upon expiration of the Base Term, this License shall automatically renew for successive Renewal Terms (Renewal Term(s) together with the Base Term, the “Term”), subject to termination pursuant to this Section 5. Either Party, in its sole discretion and without cause, may terminate this License during any Renewal Term by delivering advance written notice of termination to the other Party specifying a termination date that follows the Notice Period and occurs during a Renewal Term.

6. **Use.** Licensee may use and occupy the Licensed Area during the Term to install, operate and maintain a Supercharger Station and for incidental purposes, which may include generating

photovoltaic electricity and operating an energy storage system, and for any other lawful use (the “Permitted Use”). Licensee is authorized to operate and collect payment for use of the Supercharger Station year round, twenty-four (24) hours per day and seven (7) days per week.

7. **Removal.** On or before the final day of the Term, Licensee shall, at its’ sole cost, remove the Trade Fixtures, leave the Infrastructure in a safe condition, and restore the Licensed Area to the condition that existed as of the first day of the Term, subject to exceptions for reasonable wear and tear. Licensor agrees that the Trade Fixtures are and shall remain the property of Licensee, and the Infrastructure shall become the property of Licensor upon termination of this License (except that Infrastructure upstream of the meter is and shall remain the property of the utility).
8. **Utilities.** Licensee agrees to arrange and pay the charges for all Licensee-related utility services provided or used in or at the Licensed Area during the Term. Licensee shall pay directly to the utility company the cost of installation of any and all such Licensee-related utility services and shall arrange to have the utility service separately metered. Licensor shall not be responsible for any damages suffered by Licensee in connection with the quality, quantity or interruption of utility service, unless the cause of the disruption or damage was Licensor’s gross negligence or intentional misconduct.
9. **Maintenance.** Licensee shall be responsible for maintaining the Supercharger Station at its’ sole cost (including repair and replacement of equipment, as necessary). Notwithstanding the foregoing, Licensor’s normal responsibility to maintain the common areas of the Property shall also apply to the Licensed Area, such as for trash removal, snow removal, repaving and restriping, and Licensor agrees to coordinate with Licensee on maintenance that will prevent the use of the Supercharger Station. If Licensee determines that the Licensed Area needs additional trash cans, or if Licensor requests additional trash cans, Licensee shall provide such trash cans to Licensor at Licensee’s sole cost.
10. **Licensor Covenants.** Licensor represents that: (a) it owns or leases the Property and has the power and authority to enter into this License; (b) it has obtained any required consents to enter into this License; (c) the Property is not subject to any conditions, restrictions or covenants incompatible with the Permitted Use; (d) this License does not violate any agreement, lease or other commitment by which Licensor is bound; (e) it will not lease, license or commit the parking spaces within the Licensed Area to any third party during the Term; and (f) it will not perform or allow excavation in the Licensed Area during the Term without Licensee’s advance written consent, other than superficial repaving.
11. **Default.** It shall be an “Event of Default” under this License if either Party fails to perform or observe any material term or condition of this License and such failure continues for a period of thirty (30) days after receipt of written notice thereof from the other Party, provided, however, that if the nature of such default is such that it cannot reasonably be cured within such thirty (30) day period and the defaulting Party commences to cure within the thirty (30) day period and proceeds with diligence and continuity, then such Party shall have additional time to cure as is reasonably required.
12. **Remedies.** The Parties acknowledge and agree that, if an Event of Default by the other Party has occurred and is continuing, the non-defaulting Party may: (a) terminate this License upon thirty (30) days advance written notice; or (b) exercise any other remedy available at law or in equity.
13. **Exclusions.** Notwithstanding anything herein to the contrary, each Party expressly releases the other from any claims for speculative, indirect, consequential or punitive damages, including, without limitation, any lost sales or profits.
14. **Indemnification.** Except to the extent a claim arises from any negligence or willful misconduct of an Indemnified Party, or any breach or alleged breach of Section 24 by Licensor, Licensee hereby agrees to indemnify, hold harmless and defend Licensor, its directors, officers, managers, members,

employees, agents and representatives (each an “Indemnified Party”) from all losses and liabilities, including court costs and reasonable attorneys’ fees, on account of or arising out of or alleged to have arisen out of any third party claim directly related to: (i) Licensee’s use of the Licensed Area; (ii) Licensee’s breach of this License; or (iii) bodily injury or damage to real or tangible personal property caused by the use of the Trade Fixtures.

15. **Insurance.** Through the duration of this License, Licensee shall maintain commercial general liability insurance with limits of not less than Two Million Five Hundred Thousand US Dollars (\$2,500,000 USD) per occurrence and Four Million US Dollars (\$4,000,000 USD) aggregate for combined single limit for bodily injury or third party property damage. The total limits above may be met by any combination of primary and excess liability insurance. A certificate evidencing such insurance shall be delivered to Licensors upon the execution of this License and upon reasonable request by Licensors. Licensee shall include Licensors as additional insured on its commercial general liability and, if applicable to meet limit requirements, umbrella and/or excess insurance policies, with respect to liability for services provided under this License. Licensee will maintain worker’s compensation insurance in accordance with state and federal law. This requirement may be waived by Licensee if Licensee is a qualified self-insured in the state where the Licensed Area is located. Insurance shall be maintained with responsible insurance carriers with a Best Insurance Reports rating of “A-” or better or through a formal self-insurance mechanism that has either (a) a Best Insurance Reports rating of “A-” or better; or (b) a financial size category of “VI” or higher, provided, that if such self-insurance program does not meet either (a) or (b), then Licensee’s use of self-insurance for the required coverages shall be subject to Licensors’ approval, not to be unreasonably withheld, conditioned or delayed.
16. **Environmental Matters.** Licensors represents and warrants that, to the best of its knowledge, the Licensed Area shall be delivered free of contamination that violates any applicable environmental law. Notwithstanding any provision in this License to the contrary, Licensors agrees that Licensee shall have no liability for any contamination of the Property, unless caused by Licensee Parties. Licensors is responsible for remediating to the extent required by applicable environmental law any contamination not caused by Licensee Parties, including any contamination encountered by Licensee Parties during construction.
17. **Confidentiality.** The Parties agree that the terms of this License and any non-public, confidential or proprietary information or documentation provided to one Party by the other Party in connection with this License are confidential information, and the Parties agree not to disclose such confidential information to any person or entity during the Term and for a period of three (3) years thereafter. Notwithstanding the foregoing, the Parties may disclose information (i) to their respective Affiliates, subcontractors, lenders, employees, financial, legal and space planning consultants, in each case that have a “need to know” such confidential information and have committed to treat the information as confidential under terms no less protective than the terms of this Section 17, provided that the Party disclosing such confidential information shall be liable for any disclosure by such authorized recipients, (ii) as permitted in Section 20, and (iii) as required by law, including but not limited to any public disclosure requests due to Licensors being a public entity subject to the Colorado Open Records Act, Sections 24-72-201 to -206, C.R.S (CORA), provided that prior to releasing this License, Licensors shall promptly notify Licensee to allow Licensee to seek a protective order or other appropriate remedy under CORA to redact certain terms in this License, if permitted by law, before the License is released. “Affiliate” of a Party is an entity that controls, is controlled by or is under common control with that Party, where “control” means possessing, directly or indirectly, the power to direct or cause the direction of the management, policies or operations of an entity, through ownership of voting securities, by contract or otherwise.
18. **Publicity.** Neither Party will use the other Party’s name, trademark or logo without obtaining the other Party’s prior written consent.

19. **Notices.** All notices, demands and approvals shall be in writing and shall be delivered to the electronic mail addresses provided on the signature page, and shall be deemed given on proof of transmission. Either Party may change their respective address for notices by giving written notice of such new address in accordance with this Section 19.
20. **Incentives.** Licensor agrees that Licensee shall own and receive the benefit of all Incentives derived from the construction, ownership, use or operation of the Supercharger Station, including, without limitation, from electricity delivered through, stored at or generated by the Supercharger Station. Licensor will cooperate with Licensee in obtaining all Incentives, provided that Licensor is not obligated to incur any out-of-pocket costs in doing so unless reimbursed by Licensee. If any Incentives are paid directly to Licensor, Licensor agrees to immediately pay such amounts over to Licensee. “Incentives” means (a) electric vehicle charging or renewable energy credits or certificates, carbon credits and any similar environmental or pollution allowances, credits or reporting rights, (b) rebates or other payments based in whole or in part on the cost or size of equipment, (c) performance-based incentives paid as periodic payments, (d) tax credits, grants or benefits, and (e) any other attributes, commodities, revenue streams or payments, in each of (a) through (e) under any present or future law, standard or program and whether paid by a utility, private entity or any governmental, regulatory or administrative authority. Licensor agrees that Licensee may disclose a redacted copy of this License if necessary to obtain Incentives.
21. **Governing Law.** This License shall be construed and enforced in accordance with the laws of the state in which the Licensed Area is located.
22. **Entire Agreement.** Each Party acknowledges and agrees that it has read and understood this License, and that it represents the entire agreement and understanding of the Parties with respect to the subject matter herein and supersedes all prior agreements, communications, or understandings, whether oral or written, with respect to the subject matter herein.
23. **Assignment.** Licensee shall not assign this License nor sublicense the Premises without the prior written consent of Licensor, which shall not be unreasonably withheld, conditioned or delayed; provided that the foregoing prohibition shall not limit Licensee’s ability to transfer this Agreement to a Licensee Affiliate.
24. **Miscellaneous.** This License may be executed in counterparts, each of which shall be deemed an original and all of which together will constitute one agreement. Electronic signatures and other signed copies transmitted electronically in PDF or similar format shall be treated as originals. If any provision of this License is invalid or unenforceable, the remainder of this License shall not be affected, and each provision shall be valid and enforceable to the fullest extent permitted by law. Any outstanding payment obligations and the terms of Section 17 shall survive termination of this License. This License shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns. Unless this License is terminated as expressly provided herein, this License shall survive any sale or transfer of Licensor’s interest in the Property or Licensed Area. Each Party shall comply with all applicable codes, laws and ordinances in fulfilling its respective obligations under this License. Licensee shall promptly remove or bond any liens placed on the Property as a result of any claims for labor or materials furnished to Licensee at the Licensed Area. This License is subject and subordinate to all ground or superior leases and to all mortgages which may now or hereafter affect such leases or the Property, and to all renewals, modifications, consolidations, replacements and extensions thereof; provided that Licensee’s rights under this License shall not be disturbed by such subordination so long as no Event of Default by Licensee exists beyond all notice and cure periods. LICENSOR AND LICENSEE EACH WAIVE, TO THE EXTENT PERMITTED BY APPLICABLE LAWS, THE RIGHT TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON OR RELATED TO, THE SUBJECT MATTER OF THIS LICENSE.





**AGENDA DOCUMENTATION**  
**Item 14.1**

Meeting Date: December 5, 2023

**TO: DURANGO CITY COUNCIL      FROM: DANIEL MURRAY, AICP -  
COMMUNITY DEVELOPMENT  
DEPARTMENT**

**SUBJECT    A REQUEST FOR THE ROAD NAMING OF CITY RIGHT OF WAY  
DEDICATED AS PART OF THE DOWNTOWN FIRE STATION –  
POWERHOUSE SUBDIVISION (JANUARY 2, 2024)**

**RECOMMENDATION:**

It is recommended that City Council, by motion, set a hearing date of January 2, 2024 for the Road Naming of City Right of Way dedicated as part of the Downtown Fire Station – Powerhouse Subdivision.

**BACKGROUND SUMMARY:**

A name for the new road right of way (ROW) is to be determined as part of the Downtown Fire Station and Powerhouse Minor Subdivision Preliminary Plan (#PR-23-0108). The Planning Commission reviewed and made a favorable recommendation on the subdivision at their September 25, 2023 meeting. City Council conducted a public hearing on October 17, 2023 and acted unanimously to approve the subdivision. The subdivision met the conditions of approval and was recorded on November 13, 2023 under reception number 1227476. The subdivision includes dedication of road ROW to the city, which is to be named. Pursuant to city policy for the naming of city assets such as roads, a commission such as the Planning Commission shall make a recommendation to City Council for final action. The Planning Commission will hear this item and make a recommendation on December 4, 2023.

**STRATEGIC PLAN ALIGNMENT:**

Enhanced Livability and Sense of Place

**ALTERNATIVE OPTIONS CONSIDERED:**

Alternatives to setting a public hearing include not setting a public hearing or setting a hearing for a different date.

**FISCAL IMPACT:**

To be addressed in the documentation for the public hearing.

**POTENTIAL ADVERSE IMPACTS:**

To be addressed in the documentation for the public hearing.

**NEXT STEPS AND TIMELINE:**

Upon setting the public hearing, City Council will take formal action on the road naming on January 2, 2024.

## **City of Durango Policy and Procedure for Naming or Renaming City Assets**

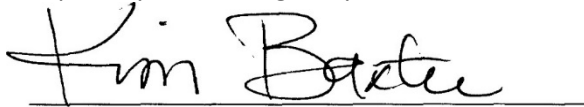
The process for naming or renaming any City asset such as public streets, public buildings, parks, trails, golf course, recreation center, swimming pool, ballfield, or any other facility managed and controlled by the City of Durango, shall be set forth herein, and in compliance with the City standards.

1. General — City assets provide an identity to the neighborhood or community in which they are located. Because of this importance, names should reflect the neighborhood or community history, significance, and appreciation of the land in which we live.
2. Submitting City Asset Names — To be considered, names shall be submitted to the City of Durango appointed committee with oversight of the asset including the Planning Commission, Parks and Recreation Advisory Board, or appropriate committee by the following method:
  - a. All requests shall be in writing and should include the following information:
    - i. State simply the reason for the proposed name.
    - ii. Indicate what public support there is for the proposed name.
  - b. Requests shall be accepted from the following:
    - i. Citizens who reside in the Durango area.
    - ii. Homeowners' associations or other civic groups in the Durango area.
    - iii. Asset Naming Contests — A minimum of three name's shall be submitted to the appointed City committee, Board, or Commission who shall verify compliance with these Policies and Procedures and will then make a recommendation to the Durango City Council, who, will make the final selection.
    - iv. Persons who donate property, or who contribute a significant portion of the development costs for the total facility, shall receive special consideration. Names submitted should meet the requirements contained herein, and not primarily seek personal aggrandizement.
    - v. Applicants for development which will result in the creation of public right-of-way.
    - vi. Other — as determined by a majority vote of the Board, Commission, or its committee.
3. Classifications — City assets may only be named using the following categories:
  - a. Cultural or Indigenous significance, event, or organization important to the history of Durango.
  - b. Persons' names — Persons with local significance for a number of years, contributions to the community, or those with state, regional or national significance. They may be either living or have been deceased for at least one year.
  - c. Great causes and ideas — Including but not limited to Peace, Independence, Friendship, and other similar categories.
  - d. Places, features, flora, and fauna — natural phenomena, rivers, horticulture, animals, recognizable area or neighborhood, descriptive name.

4. Considerations — The following are considerations to be used by the City committee, Board, or Commission in determining the suitability of the names submitted.
  - a. If a name is submitted commemorates cultural, Indigenous, historic event or organization, the Community Relations Commission or Indigenous committee shall review and consider the proposal and advance a recommendation to the appointed committee, Board or Commission.
  - b. A City asset may be named for important persons in the area, in the state of Colorado, or national significance.
  - c. In order for names of places to be considered, they shall be of demonstrable meaning to the citizens of this area.
  - d. Proposed names commemorating deceased persons shall be considered if the living next of kin have approved such a request. Their written approval should be submitted with the written request. If they disapprove, the name will not be considered. The exception would be in the case of an individual whose death is remote in history.
  - e. The request for naming or renaming of a City asset shall be a subject of a public hearing and notice will be published at least 15 days prior to the hearing and during that time, public comment will be accepted.
5. Timing — Timing is an important factor in City asset naming, for temporary designations often become permanent names. Therefore, the selection process should begin as soon as development is proposed for a City asset.
6. Final Selection — The City Council is responsible for the final designation of any name for a City asset and reserves the right to reject any or all names submitted for its consideration.

This Policy and Procedure for Naming or Renaming City Assets shall become effective upon adoption by the Durango City Council and shall remain in effect until such time as the City Council determines that it should be amended, suspended, or rewritten.

Adopted by the Durango City Council on June 15, 2021, as herein stated.

A handwritten signature in black ink, appearing to read "Kim Boster", is written over a horizontal line.

Mayor, City of Durango

2024

City Council Calendar



January						
M	T	W	T	F	S	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

February						
M	T	W	T	F	S	S
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29			

March						
M	T	W	T	F	S	S
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11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April						
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22	23	24	25	26	27	28
29	30					

May						
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26	27	28	29	30	31	

June						
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July						
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29	30	31				

August						
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September						
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30						

October						
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28	29	30	31			

November						
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24	25	26	27	28	29	30

December						
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16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

- City Council Meetings**  
*1st & 3rd Tues at 5:30pm*
- Study Sessions**  
*1st Tues at 2:15pm*
- City Councilor Office Hours**  
*various locations -  
corresponds with Council Meeting weeks*
- Special CC Meetings - ad hoc**
- Special CC Study Session**  
*ad hoc*
- Special Event - ad hoc**
- CC/Powerhouse Board Meeting**  
*ad hoc*
- CC/9-R School District Meeting**  
*ad hoc*
- City Observed Holidays**
- CC/Board of County Commissioners**  
*Quarterly, 2-4pm*
- Urban Renewal Authority**  
*2nd Monday of each month*
- Green Business Roundtable**  
*2nd Wednesday of each month 12-1pm*
- CC / DFPD Joint Study Session**  
*Bi-monthly*
- CC/Southern Ute Tribal Council**  
*Quarterly*



# AGENDA DOCUMENTATION

Meeting Date: December 5, 2023

**TO: DURANGO CITY COUNCIL      FROM:   DEVON SCHMIDT, CHIEF  
FINANCIAL OFFICER**

**SUBJECT   AN UPDATE ON THE RESOLUTION LEVYING GENERAL  
PROPERTY TAXES TO HELP DEFRAY THE COSTS OF  
GOVERNMENT FOR THE CITY OF DURANGO, COLORADO  
FOR THE 2024 BUDGET YEAR**

**RECOMMENDATION:**

No recommendation.

**BACKGROUND SUMMARY:**

In prior years the City had until December 15th to certify the Mill Levy assessed valuation from La Plata County, due to the passage of SB23B-001 in the 2023 extraordinary session, there are changes that affect the 2023 assessment calendar, the 2023 actual value adjustment for residential property, and the 2023 residential assessment rate. The City of Durango will have until January 10<sup>th</sup>, 2024 to certify the resolution levying the property taxes.

**STRATEGIC PLAN ALIGNMENT:**

Financial Excellence and High Performing Government

**ALTERNATIVE OPTIONS CONSIDERED:**

N/A

**FISCAL IMPACT:**

No fiscal impact with this update.

**POTENTIAL ADVERSE IMPACTS:**

N/A

**NEXT STEPS AND TIMELINE:**

Permitting La Plata County provides the Certification for the Mill Levy the resolution will be provided to the City for consideration on January 2<sup>nd</sup>, 2024.





# December 5, 2023

## City Council

### Mill Levy Certification Update

Devon Schmidt

Financial Services

FINANCIAL EXCELLENCE HIGH  
PERFORMING GOVERNMENT





### **Mission** (Why we exist)

*“The City of Durango and our employees provide, efficient city services, effectively maintain city assets and manage growth, are accountable, ethical, fiscally responsible, and collaborate with regional partners to improve the quality of life for our entire community.”*

### **Vision** (What we want to be)

*“Durango is an authentic, diverse, multigenerational, and thriving community. Our Residents value and enjoy our unique natural environment and benefit from the management of our City’s resources in a fiscally responsible, environmental, and socially sustainable manner.”*

### **Values** (What we believe in)

Teamwork | Dependability | Professionalism | Service |  
Respect | Innovation | Well-Being

- **Provide Council an update on when the resolution will before Council for approval for the Mill Levy Certification.**

# DELAYED MILL LEVY CERTIFICATION



With the passage of SB23B-001 in the 2023 extraordinary session, there are changes that affect the 2023 assessment calendar, the 2023 actual value adjustment for residential property, and the 2023 residential assessment rate.



Normal date:  
**December 15<sup>th</sup>**



Property tax year  
2023: **January 10<sup>th</sup>**  
**2024**

# QUESTIONS?

## **RESOLUTION R-2023-XX**

### **A RESOLUTION REPRIMANDING AND REPROACHING COUNCILOR OLIVIER BOSMANS FOR ACTING IN A MANNER UNBECOMING OF A COUNCILOR, BRINGING DISREPUTE TO THE DURANGO CITY COUNCIL AND ISSUING A LETTER OF APOLOGY TO THE CITY MANAGER AND HIS STAFF.**

**WHEREAS**, the City Council of the City of Durango is comprised of five elected councilors who serve with their appointed city manager as the governing body of the City of Durango; and

**WHEREAS**, public officials hold a public trust and are expected to adhere to a standard of behavior that does not violate or appear to violate that trust; and

**WHEREAS**, the citizens of Durango should be able to trust in the honesty and integrity of their City Councilors, and

**WHEREAS**, the Councilors of the City of Durango have adopted a Code of Conduct and Ethics that states city officials, officers, and employees are assumed and expected to act in accordance with; and

**WHEREAS**, it is a violation of the public trust for councilors to act outside of the Code of Conduct and Ethics they impose on city officials, officers, and employees, and

**WHEREAS**, there is a public expectation that the city council is responsible for overseeing and regulating the conduct of the individual councilors without the time, expense, and conflicts associated with councilor conduct and the council-appointed ethics board; and

**WHEREAS**, public reprimand and admonishment are the least severe consequences available for the regulation of a councilor's actions and behavior inconsistent with the expectations of the council; and.

**WHEREAS**, at the regular city council meeting held November 7, 2023, under new business Councilor Bosmans requested a vote to conduct an executive session; and

**WHEREAS**, Councilor Bosmans had no prior consultation with the city attorney concerning the request for an executive session; and

**WHEREAS**, Councilor Bosmans was questioned by other councilors about the nature of the request and he stated it was a personnel matter; and

**WHEREAS**, the city attorney suggested that Councilor Bosmans allow the meeting to adjourn to discuss the proper procedure to process the unrevealed concern; and

**WHEREAS**, Councilor Bosmans then requested a vote to conduct a special meeting that would not require prior consultation with the city attorney; and

**WHEREAS**, Councilors Youseff, Yazzie, and Woodruff expressed extreme concerns about the unknown and unannounced circumstances requiring a special meeting and that a vote against such a meeting would undermine the public trust by creating the perception that the council was unwilling to convene to investigate a matter that could only be about the city's appointed officials and;

**WHEREAS**, the city attorney advised a second time that unless the personnel matter was about him that the meeting be adjourned so he could advise Councilor Bosmans on a course of action; and

**WHEREAS**, Councilor Bosmans stated that the matter did not concern the city attorney and he wanted a vote to go forward to conduct a special meeting; and

**WHEREAS**, the council reluctantly voted 3 in favor; one abstention; and Mayor Pro Tem Buell being absent of conducting a special meeting without assigning a date for such a meeting; and

**WHEREAS**, on November 10, 2023, the city attorney produced a memorandum concerning the events that occurred at the November 7, 2023, Regular City Council Meeting, his meeting with Councilor Bosmans immediately after that meeting, and his investigation of the allegations revealed by Councilor Bosmans; and

**WHEREAS**, the memorandum is available for review through a public records request made to the Durango City Clerk. Information on this process can be found at [www.durangogov.org/1683/Transparency-Portal](http://www.durangogov.org/1683/Transparency-Portal) and;

**WHEREAS**, holding a public office requires the trust of the public, and actions that betray are unacceptable, and

**WHEREAS**, the Durango City Council finds that Councilor Bosmans' concerns did not warrant an executive session to discuss a personnel matter; and

**WHEREAS**, the Durango City Council finds that Councilor Bosmans' concerns did not warrant a special meeting for any purpose; and

**WHEREAS**, the Durango City Council finds that Councilor Bosmans intent was to manufacture the false public perception that the City Manager had committed an act that required council intervention prior to the adoption of the 2024 city budget; and

**WHEREAS**, the Durango City Council finds that Councilor Bosmans intentionally manipulated the city attorney and his fellow councilors to perpetuate this false public perception; and

**WHEREAS**, the City Council finds that the actions of Councilor OLIVIER BOSMANS have brought disrepute to the City and the City Council, and

**WHEREAS**, the purpose of a reprimand motion is to denounce misdeeds; and

**WHEREAS**, the purpose of a reproachment motion is to criticize with the intent to correct an unacceptable behavior; and

**NOW THEREFORE BE IT RESOLVED** by the City Council of the City of Durango, in the regular meeting assembled, \_\_\_\_\_, 202\_\_\_\_:

Councilor OLIVIER BOSMANS is hereby publicly reprimanded for acting in a manner unbecoming of a Councilor; and

Councilor Olivier Bosmans is hereby publicly reprimanded for bringing disrepute to the Council.

Councilor Olivier Bosmans is hereby publicly reproved with the intent to discourage any future conduct requiring censure and or more serious consequences; and

The City Council approves a letter of apology from the city council to the city manager and his staff for the actions of Councilor Bosmans; and

Notice of this Resolution of Reprimand and Reproachment shall be sent to all media outlets to whom the City of Durango sends official notices of public hearing; and

Notice of this Resolution of Reprimand and Reproachment shall be posted for a period of ten days on all public notice forums and locations of the City of Durango.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 202\_\_.

CITY OF DURANGO, COLORADO

By: \_\_\_\_\_  
Mayor

ATTEST:

By: \_\_\_\_\_  
Faye Harmer, City Clerk