

AGENDA  
OURAY CITY COUNCIL

**December 21, 2020**

**Work Session 10am**

Join Zoom Meeting  
<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230  
Passcode: 491878

Or Dial:  
+1 408 638 0968  
+1 669 900 6833

- Electronic copies of the Council Packet are available on the City website at [www.cityofouray.com](http://www.cityofouray.com). A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

**Work Session – 10am**

Caps on Sewer Taps

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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TO: Ouray City Council  
FROM: Aja Tibbs, Community Development Coordinator  
DATE: December 21, 2020  
SUBJECT: Review Sewer Tap Limit Ordinance

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### **REQUEST**

To review and provide feedback to staff regarding the existing sewer tap limit ordinance.

### **BACKGROUND**

In 2018, the wastewater permit issued to the City of Ouray by the Colorado Department of Health and Environment (CDPHE) required that the city take all necessary action to reduce the impacts of new development to the existing wastewater treatment plant (WWTP) until a new treatment plant could be constructed and operational. As a result, Ordinance 01 – 2019 was adopted on January 22, 2019 which enacted several requirements to limit new development or future service needs from the existing plant. The ordinance was written based on a study performed by JVA Consulting Engineers which evaluated the existing WWTP historic flows and capacity limits, as well as anticipated development projects through 2019. *Ordinance 01-2019 and the updated JVA Study has been attached for reference.*

The sewer tap limit ordinance has now been in place for nearly two years. Since adoption, several unforeseen factors have impacted its relevance to today's current situation. Below is an outline of conflicts that have arisen with the current ordinance and issues that warrant council's consideration.

### **DISCUSSION TOPICS**

Since adoption of Ordinance 01-2019, staff has found that the dates and general timeline of the new WWTP has shifted, that the anticipated development projects included in the study have been modified. Below is a summary of each requirement, the conflict that has occurred through use of the ordinance, and the discussion points needing feedback from council.

#### *Timeline*

At the time of the Ordinance, it was thought that a new WWTP would be "financially feasible" in 2023. Due to COVID budget cuts, staff turnover, and council direction it is possible the treatment plant will not be constructed in 2023. Additionally, paragraph 6 states that a WWTP must be commissioned within 24 months of the Ordinance. This provision will be void assuming that this condition is not met within the next month.

- Should the Ordinance be amended to extend the expected dates for service?
- Is there another appropriate time to conditionally approve projects prior to construction of the WWTP?

## *Development Projects*

While most of the anticipated development projects are complete, some of the anticipated projects will not be developed or have closed. The Hot Springs West Motel is no longer moving forward, and the service needs identified for Cavallos Restaurant (AKA Ouray Wing Co.) can be modified. Taking into account the anticipated development and new un-anticipated development, staff believes that approximately thirty (30) taps remain from the original study and twenty-six (26) additional can be reallocated. However, the current ordinance only allows these to be used for single-family residential dwellings or other small connections amounting to less than 330gpd of wastewater flow and organic loading 0.6lb./day.

- Should staff proceed only allowing single-family residential or small project sewer connections for the remaining thirty connections, or should the remaining capacity be modified to assess additional capacity for projects that did not move forward? May more than one service connection be allocated to a project so multi-family residential or larger commercial/residential properties could be constructed?
- Based on more capacity to be allocated, how shall staff evaluate or prioritize future development applications? Shall it remain on a first-come, first-served basis, or shall there be certain application types that are given priority (such as conditionally approved or affordable housing projects)?

## **OPTIONS FOR THE CITY COUNCIL**

Staff respectfully requests the council to consider the previously described issues and provide feedback. Direction will be taken at the work session to either amend the existing ordinance, or proceed with the existing limitations as drafted in Ordinance 01-2019.

## **ATTACHMENTS**

- Ordinance 01-2019
- JVA December 18, 2020 updated letter, including JVA Study: *"City of Ouray Wastewater Treatment Plan Capacity – Future Development Summary,"* December 11, 2018

December 18, 2020

Silas Clarke, City Administrator  
320 6<sup>th</sup> Ave., P.O. Box 468  
Ouray, CO 81427

RE: City of Ouray – Wastewater Treatment Plant Capacity Evaluation Update  
1008.5e

Dear Silas:

In December of 2018, the City of Ouray (Ouray), requested that JVA, Inc. (JVA) evaluate the City's current and historic wastewater flows to the existing wastewater treatment plant (WWTP) to provide recommended guidelines for future development. The purpose of the recommendations was to reduce the City's risk of exceeding 95 percent of the City's permitted hydraulic and organic discharge limit prior to beginning construction on a new WWTP. A summary of the City's discharge permit limits, historic and current flows, anticipated permitted development through 2019, and recommendations for future development were included in the JVA analysis dated December 11, 2018.

The City has requested minor updates to this analysis to assist the City Council in determining the remaining number of allowable taps, based on updates to the development listed in the previous memo. The City informed JVA that two establishments listed in Attachment 2 of the *Future Development* Summary memo, attached, were not developed. These establishments were the Hot Springs West Motel and the Cavallos Restaurant. Additionally, five taps have been installed since the analysis was completed. Therefore, this additional flow and loading from the five taps was taken into account in the new estimate of remaining taps.

According to Table 1 of the attached memo, historic data indicated that in the summer months, one tap accounted for approximately 330 gallons per day (gpd) and 0.40 pounds of 5-day biochemical oxygen demand (BOD5) per day (ppd). In the winter months, one tap accounted for approximately 250 gpd and 0.14 ppd. However, the Ordinance adopted by the City lists the maximum allowable flow and loading per tap at 330 gpd and 0.6 ppd. This more conservative value should be considered for the amount of allowable taps remaining and was used in subsequent calculations.

The table on the following page indicates the amount of taps regained from the Hot Springs West Motel and the Cavallos Restaurant not being developed. This is to provide an estimate of the taps represented by each establishment should the projects move forward in the future.

Establishment	Flow (gpd)	Tap Equivalent based on Flow <sup>1</sup>	Loading (ppd)	Tap Equivalent based on Loading <sup>2</sup>	Taps Regained <sup>3</sup>
Hot Springs West Motel	5,520	16	6.9	11	11
Cavallos Restaurant	5,030	15	9	15	15
Total Taps Available from Loss of Establishments			26		
Notes:					
<sup>1</sup> Flow divided by allowable flow of 330 gpd/tap = tap equivalent					
<sup>2</sup> Loading divided by allowable loading of 0.6 ppd/tap = tap equivalent					
<sup>3</sup> Taps regained is the minimum of the taps regained from either the flow or loading calculation					

The updates to the planned developments adjusted the values in Table 3 in the previous memo. Table 3 should be replaced as follows. The projected average flow and loadings include the addition of the developments presented in the updated Attachment 2, as well as the five additional taps mentioned by the City that have been developed.

**Table 1. Summary of Influent Conditions after Permitted Development are Connected**


Parameter	Permit Limit	95% Limit	Projected Avg.	Additional Taps to 95%
Summer Flow (MGD)	0.363	0.34	0.284	185
Summer Organic Loading (lbs/day)	400	380	346	57
Winter Flow (MGD)	0.25	0.24	0.220	54
Winter Organic Loading (lbs/day)	275	261	143	197

This updated table suggests that based on conservative assumptions of winter flows, the addition of 54 taps can be allowed before the WWTP influent exceeds 95 percent of its rated capacity.

Per the Ordinance the City has asked anyone building, even a remodel or bathroom addition, to provide engineering calculations to ensure they are not adding additional “maximum load.” JVA recommends that a study be provided if additional load is expected, i.e. an increase to the number of occupants of a house or an increase in users of an establishment. JVA can work with the City on a case by case basis if needed to evaluate impacts from proposed taps.

Sincerely,

JVA, INCORPORATED

By:   
 Cooper Best, P.E.  
 Senior Project Manager

Enclosure:

- Updated Attachment 2
- City of Ouray WWTP Capacity Evaluation – Future Development Summary, dated December 11, 2018

CC: Joe Coleman – City of Ouray  
 Melissa Rhodes – JVA, Inc.



Additional Permitted 2019 Development									
Land Use	Units	Total	Notes	Use	Loading	2019	2019		
						GPD	lbs/day		
<b>Residential<sup>1</sup></b>									
Single-family <sup>2</sup>	units	7	from David's List 2018 (5) after subtracting the townhouses) David's List 2019 (2) Allan Cook and Francis	200	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	1,400	4.2
Accessory Dwelling Units <sup>3</sup>	units	4	David's List - (3) adding a bedroom and bathroom (1) short term rental converting to long term during the off season	150	gal/day/unit	0.40	BOD <sub>5</sub> lbs/day/unit	600	1.6
Condos, Apts, Townhomes <sup>2</sup>	units	14	Dave Manfredi (4) David's List (3) Citizen Bank (3) apartments Wright Opera House (2) apartments Tommy Campbell (2) townhomes	150	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	2,100	8.4
					<b>Subtotal</b>		<b>Subtotal</b>	<b>4,100</b>	<b>14.2</b>
<b>Tourism<sup>4</sup></b>									
Hotel, B&B, Lodging	units	0	Hot Springs West Motel	120	gal/day/unit	0.00	BOD <sub>5</sub> lbs/day/unit	0	0.0
					<b>Subtotal</b>		<b>Subtotal</b>	<b>0</b>	<b>0.0</b>
<b>Commercial<sup>4</sup></b>									
Public Restroom <sup>5</sup>	number of toilets	6	Citizen Bank Public Bathroom Wright Opera House Expanded Bathroom	1,728	gal/fixture 8 hours	1.92	BOD <sub>5</sub> lbs/day	10,368	1.9
Restaurant/Bar/Brewery <sup>6</sup>	ft <sup>2</sup>	0	Cavallos Restaurant	0.00	gal/day/ft <sup>2</sup>	0.0	BOD <sub>5</sub> lbs/day	0	0
Office/Professional Service <sup>7</sup>	ft <sup>2</sup>	5,000	Citizens Bank Office Area	0.04	gal/day/ft <sup>2</sup>	0.60	BOD <sub>5</sub> lbs/day	205	0.6
Light Industrial <sup>8</sup>	ft <sup>2</sup>	20,000	Wright Opera House Event Space Citizens Bank Event Space	0.18	gal/day/ft <sup>2</sup>	4.00	BOD <sub>5</sub> lbs/day	3,562	4
					<b>Subtotal</b>		<b>Subtotal</b>	<b>14,135</b>	<b>7</b>
					<b>Total</b>		<b>Total</b>	<b>18,235</b>	<b>21</b>

Note

<sup>1</sup> Using historical residential use data from Siegrist 1976, Mayer 1999, Lowe 2009

<sup>2</sup> Assume 3 people per unit at 0.20 lbs/day per Gunnison County OWTS regulations

<sup>3</sup> Assumes ADU same as tiny home per Gunnison County OWTS regulations 0.4 lbs/day per unit

<sup>4</sup> Using historical commercial use data from Corps of Engineers 1983, AWWA RF 2000, using 50th percentile values from summary tables

<sup>5</sup> Per Gunnison County per toilet per hour 0.04 lbs/fixture/hour - assumed 6 for both facilities and used for 10 hours

<sup>6</sup> Assumes 0.06 lbs/meal and 150 meals per day (number of seats unknown 150 is approximately 50 seats at 3 meals per day)

<sup>7</sup> Assumes 0.06 lbs/day per employee per eight hour shift (number of employees unknown assume 10)

<sup>8</sup> Assumed 0.02 lbs/day/seat per bar/cocktail use - 100 seats assumed for each space (Gunnison County)



**JVA, Incorporated**  
817 Colorado Avenue  
Suite 301  
Glenwood Springs,  
CO 81601  
970.404.3100  
info@jvajva.com

December 11, 2018

Katie Sickles, City Administrator  
320 6<sup>th</sup> Ave., P.O. Box 468  
Ouray, CO 81427

[www.jvajva.com](http://www.jvajva.com)

RE: City of Ouray Wastewater Treatment Plant Capacity – Future Development Summary  
JVA Job Number: 2444.6c

Dear Katie:

As requested by the City of Ouray (Ouray), JVA, Inc. (JVA) has evaluated the City's current and historic wastewater flows to the existing wastewater treatment plant (WWTP) to provide recommended guidelines for future development. The purpose of the recommendations are to reduce the City's risk of exceeding 95 percent of the City's permitted hydraulic and organic discharge limit prior to beginning construction on a new municipal wastewater treatment plant. A summary of the City's discharge permit limits, historic and current flows, anticipated permitted development through 2019, and recommendations for future development are included in this analysis below.

The City's average influent wastewater flow (million gallons per day, MGD) and organic loading (measured as milligrams per liter, mg/L, 5-day biochemical oxygen demand, BOD5) have been collected per the requirements of the Colorado Discharge Permit System (Permit Number CO-0043397) monthly. In 2018, as part of the Wastewater Treatment Master Plan, additional influent sampling was conducted. City staff have noted that flow data prior to 2017 and organic data prior to 2018 are potentially unreliable. Average influent flow data from 2017 was higher than historical flow and 2018 data, likely due to the increase in flow from the Hot Springs Pool connection during this period. The City is reported to have approximately 800 existing sewer taps. This information was used to determine the summer and winter flow and loading allocation per tap in the service area. This approach does not consider specific use types, such as commercial, industrial, multi-use and hotels, and residential. The per tap allocations are considered approximations for planning purposes. A summary of flow and loading conditions for the summer and winter are provided in Table 1 and Table 2. Historic flow and loading graphs are provided in Attachment 1.

**Table 1. Summary of Summer (April – October) Influent Conditions**

Parameter	Permit Limit	95% Limit	2017 – 2018 Avg.	2017 Avg.	2018 Avg.	Per Tap Avg.
Flow (MGD)	0.36	0.34	0.26	0.30	0.23	330 gal/tap/day <sup>1</sup>
Organic Loading (lbs/day)	400	380	278	191	322	0.40 lbs/tap/day <sup>2</sup>
<sup>1</sup> Based on 2017 – 2018 Average <sup>2</sup> Based on 2018 Average						

**Table 2. Summary of Winter (November – March) Influent Conditions**

Parameter	Permit Limit	95% Limit	2017 – 2018 Avg.	2017 Avg.	2018 Avg. <sup>1</sup>	Per Tap Avg. <sup>2</sup>
Flow (MGD)	0.25	0.24	0.23	0.25	0.20	250 gal/tap/day
Organic Loading (lbs/day)	275	261	102	170	115	0.14 lbs/tap/day
<sup>1</sup> January – March Only <sup>2</sup> Based on January – March 2018 data (Based on historic data - 2017 winter flow and loading appear higher than typical)						

On October 30, 2018, the City provided a summary of the permitted development through 2019. Wastewater flow and loading using industry standard land use values were used to project the additional flow and organic load from 2019 development. Estimates were made for public restroom operation hours as well as square footage of commercial facilities. Updating these approximations once additional information is available is recommended. The letter provided by David Doherty, City



Building Inspector documenting the additional permitted development and the projection calculations are provided as Attachment 2. Based on this evaluation, the additional influent flow is estimated at 0.029 MGD and the additional organic loading is estimated at 37 lbs/day.

Assuming the same use patterns for the new developments in summer and winter the total flow and loading to the WWTP after connection to the municipal collection system are shown in Table 3.

**Table 3. Summary of Influent Conditions after Permitted Development are Connected**


Parameter	Permit Limit	95% Limit	Projected Avg.	Additional Taps to 95%
Summer Flow (MGD)	0.36	0.34	0.293	143
Summer Organic Loading (lbs/day)	400	380	358	54
Winter Flow (MGD)	0.25	0.24	0.229	44
Winter Organic Loading (lbs/day)	275	261	156	-

Replace  
with  
Updated  
Table 3

Due to the concerns with existing data reliability for influent flow, loading, and number of existing sewer connections JVA recommends the guidelines for future development as incorporated into the draft regulation prepared for Ouray City Council, until a new wastewater treatment plant is commissioned.

The recommendations for development guidelines are based on JVA's current understanding of the influent flows and organic loading to the WWTP. Continued daily flow monitoring, particularly during winter months, and weekly influent BOD<sub>5</sub> sampling is recommended to further refine these guidelines and maintain compliance with the City's municipal wastewater discharge permit. If there is anything we can do to assist the City moving forward, please do not hesitate to contact me directly at (720) 975 - 1439

Sincerely,  
JVA, INCORPORATED

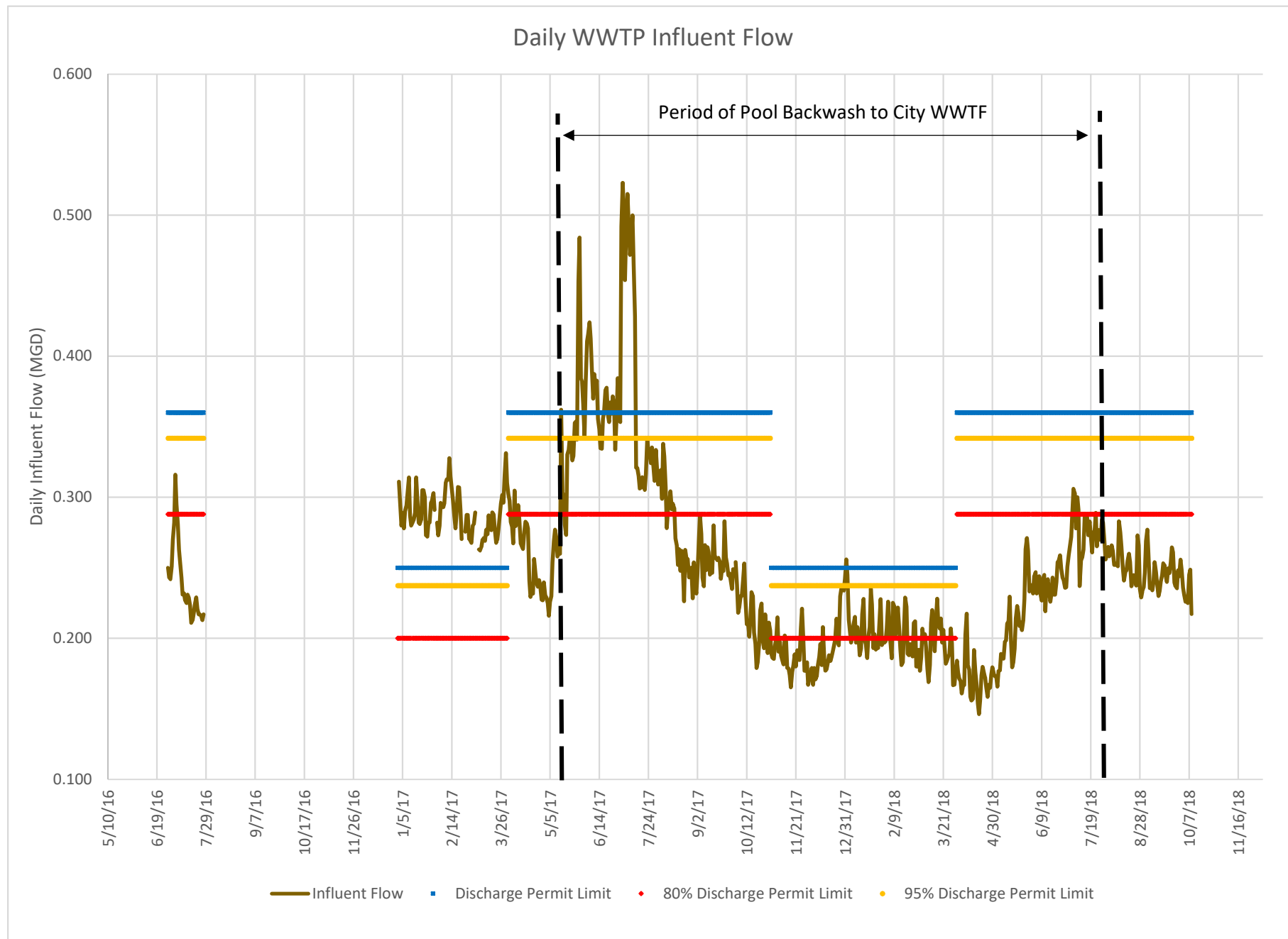
By:   
Leanne Miller, P.E.  
Project Manager

Enclosure:  
Attachment 1: Historic Flow and Loading Graphs  
Attachment 2: Permitted Development Through 2019

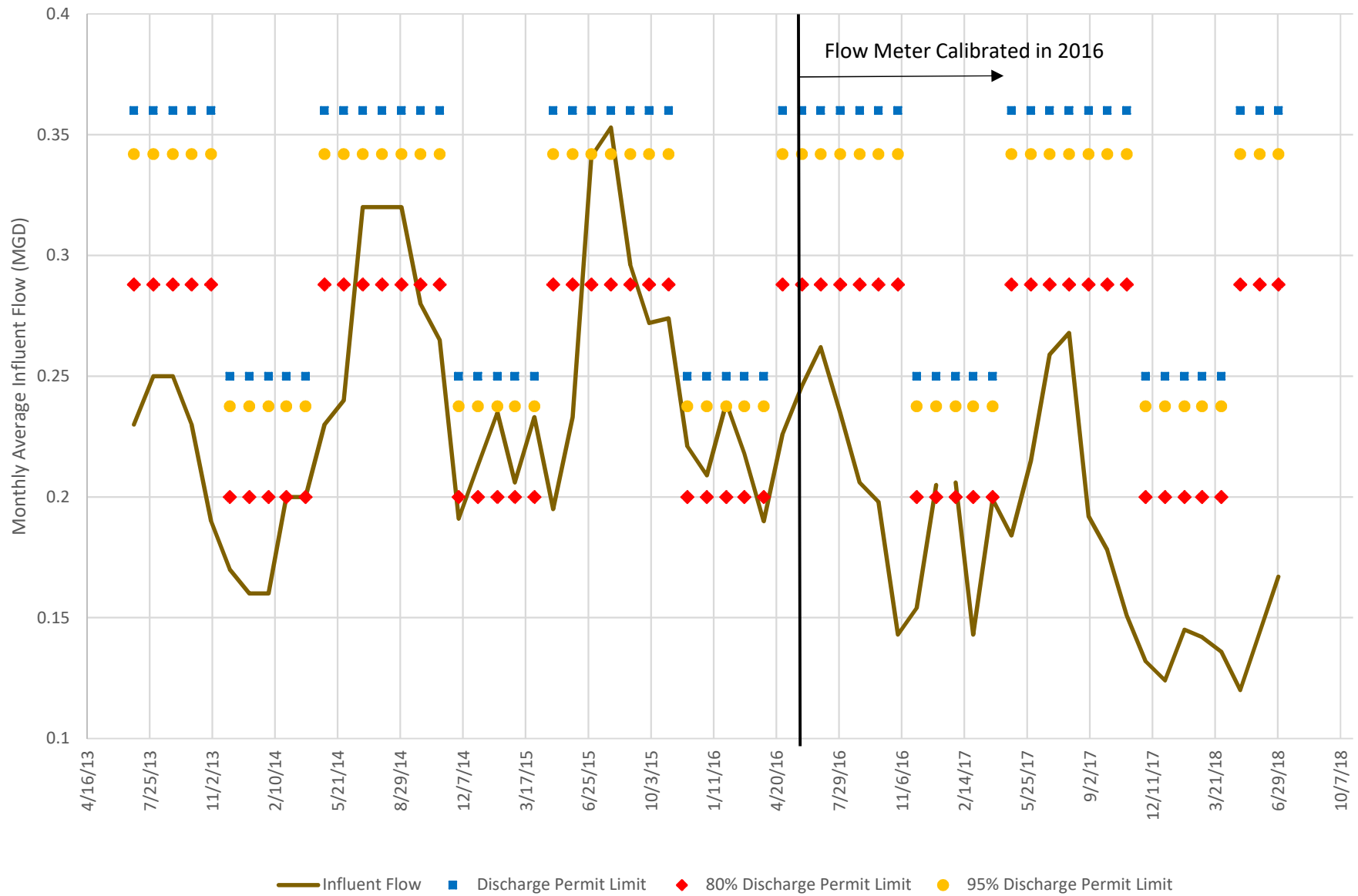
CC: Chris Hawkins, Community Development Director  
Joe Coleman, Director of Public Works  
Carol Viner, City Attorney  
Kevin Tone, P.E., President JVA Inc.



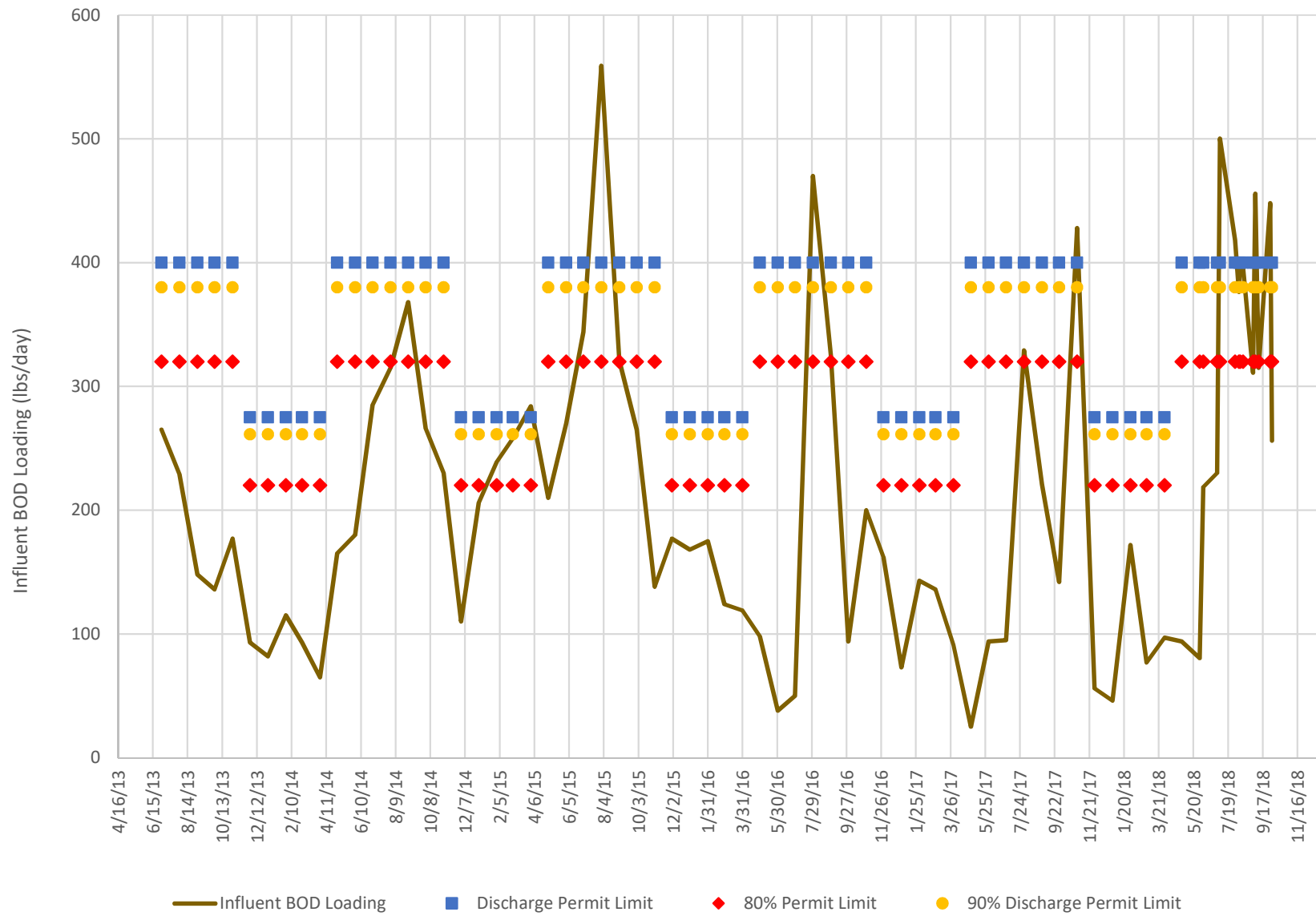
# **ATTACHMENT 1**



# Monthly Average WWTP Influent Flow



# Monthly Average WWTP Influent Organic Loading



# **ATTACHMENT 2**

320 6<sup>th</sup> Avenue  
PO Box 468  
Ouray, Colorado 81427



970.325.7211  
Fax 970.325.7212  
www.cityofouray.com

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Joe, Chris

As requested, please see information below when considering Sewer capacity.

(8) New Single Family Dwellings connected or to be connected between 6/1/18 and 6/1/19

- This is permitted work on file as of 10.18.18
- (2) of these are permits that have been extended over the last few years
- (3) of these are Townhomes where Investment fees paid for years ago.

(3) Permits adding (1) bedroom and bathroom

(1) Short Term Rental converted to Long Term during off-season

Citizens State Bank:

- Roof: Function area
- Top Floor: 3 Apartments
- Ground Level: Banking Facility
- Basement: (2) community public bathrooms per arrangement with the City, Wet bar/Coffee Service

Wright Opera House:

- New section added for events- bar, catering kitchen, expanded Men's and Ladies restrooms
- (2) apartments that have been dormant will be renovated and rented

~~Former Cavallo's Restaurant~~ Dormant for a few years, now back online as the Ouray Wing Co, Restaurant serving 3 meals a day.

Projects with Approved Building/Site Plans but no permits issued:

- ~~Hot Springs West Motel (46) 1 bed/bath suites, onsite laundering of bedding~~

Proposals for next year include:

- Tommy Campbell to complete project-(2) townhomes (Investment Fees paid years ago)
- Dave Manfredi- 4 townhomes
- Alan Cook- (1) single family dwelling
- Francis- (1) Single family dwelling

David Doherty  
Building Inspector  
City of Ouray, CO  
(970)325-7063



Replace with Updated Attachment 2

Additional Permitted 2019 Development									
Land Use	Units	Total	Notes	Use	Loading	2019	2019		
						GPD	lbs/day		
<b>Residential <sup>1</sup></b>									
Single-family <sup>2</sup>	units	7	from David's List 2018 (5) after subtracting the townhouses) David's List 2019 (2) Allan Cook and Francis	200	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	1,400	4.2
Accessory Dwelling Units <sup>3</sup>	units	4	David's List - (3) adding a bedroom and bathroom (1) short term rental converting to long term during the off season	150	gal/day/unit	0.40	BOD <sub>5</sub> lbs/day/unit	600	1.6
Condos, Apts, Townhomes <sup>2</sup>	units	14	Dave Manfredi (4) David's List (3) Citizen Bank (3) apartments Wright Opera House (2) apartments Tommy Campbell (2) townhomes	150	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	2,100	8.4
					<b>Subtotal</b>		<b>Subtotal</b>	<b>4,100</b>	<b>14.2</b>
<b>Tourism <sup>4</sup></b>									
Hotel, B&B, Lodging	units	46	Hot Springs West Motel	120	gal/day/unit	0.15	BOD <sub>5</sub> lbs/day/unit	5,520	6.9
					<b>Subtotal</b>		<b>Subtotal</b>	<b>5,520</b>	<b>6.9</b>
<b>Commercial <sup>4</sup></b>									
Public Restroom <sup>5</sup>	number of toilets	6	Citizen Bank Public Bathroom Wright Opera House Expanded Bathroom	1,728	gal/fixture 8 hours	1.92	BOD <sub>5</sub> lbs/day	10,368	1.9
Restaurant/Bar/Brewery <sup>6</sup>	ft <sup>2</sup>	6,000	Cavallos Restaurant	0.84	gal/day/ft <sup>2</sup>	9.0	BOD <sub>5</sub> lbs/day	5,030	9
Office/Professional Service <sup>7</sup>	ft <sup>2</sup>	5,000	Citizens Bank Office Area	0.04	gal/day/ft <sup>2</sup>	0.60	BOD <sub>5</sub> lbs/day	205	0.6
Light Industrial <sup>8</sup>	ft <sup>2</sup>	20,000	Wright Opera House Event Space Citizens Bank Event Space	0.18	gal/day/ft <sup>2</sup>	4.00	BOD <sub>5</sub> lbs/day	3,562	4
					<b>Subtotal</b>		<b>Subtotal</b>	<b>19,165</b>	<b>16</b>
					<b>Total</b>		<b>Total</b>	<b>28,785</b>	<b>37</b>

Note

<sup>1</sup> Using historical residential use data from Siegrist 1976, Mayer 1999, Lowe 2009

<sup>2</sup> Assume 3 people per unit at 0.20 lbs/day per Gunnison County OWTS regulations

<sup>3</sup> Assumes ADU same as tiny home per Gunnison County OWTS regulations 0.4 lbs/day per unit

<sup>4</sup> Using historical commercial use data from Corps of Engineers 1983, AWWA RF 2000, using 50th percentile values from summary tables

<sup>5</sup> Per Gunnison County per toilet per hour 0.04 lbs/fixture/hour - assumed 6 for both facilities and used for 10 hours

<sup>6</sup> Assumes 0.06 lbs/meal and 150 meals per day (number of seats unknown 150 is approximately 50 seats at 3 meals per day)

<sup>7</sup> Assumes 0.06 lbs/day per employee per eight hour shift (number of employees unknown assume 10)

<sup>8</sup> Assumed 0.02 lbs/day/seat per bar/cocktail use - 100 seats assumed for each space (Gunnison County)

## **CITY OF OURAY**

### **ORDINANCE NO. 01 (Series 2019)**

**AN ORDINANCE OF THE CITY OF OURAY, COLORADO TO ESTABLISH A TEMPORARY NEW SEWER TAP CONNECTION LIMITATION UNTIL A NEW OR UPGRADED WASTE WATER TREATMENT FACILITY IS COMPLETED AND OPERATION BEGINS AND SETTING FORTH PENALTIES FOR VIOLATIONS.**

**WHEREAS**, the City of Ouray (City) is authorized operate and maintain its sewerage facilities for its own use and for the use of public and private consumers and users within and without the territorial boundaries of the municipality pursuant to C.R.S. 31-35-402(b) and City of Ouray Home Rule Charter, 8.3-A;

**WHEREAS**, any rights granted by the City to the its sewer system, are subject to the most comprehensive oversight, control, and management by the City to ensure that nothing can be done that would interfere with the successful long-term operation of the sewer systems or impair such systems for the benefit of the people of the City pursuant to City of Ouray Home Rule Charter, 8.3-D;

**WHEREAS**, the City holds a valid Colorado Discharge Permit, being Permit Number CO0043397, from Colorado Department of Public Health and Environment (CDPHE) to operate its current wastewater treatment plant;

**WHEREAS**, the Discharge Permit requires the City to reduce any activity to maintain compliance with the effluent limitations of the permit by controlling production, sources of wastewater or discharges until an alternative method of treatment is provided;

**WHEREAS**, if the City exceeds ninety-five percent (95%) of the City's permitted discharge limits, the permit requires that expansion commence or cease issuance of building permits;

**WHEREAS**, in 2018, the City hired JVA, Inc. a consulting engineering firm, to evaluate the City's current and historic wastewater flows to the existing wastewater treatment plant (WWTP) and to provide recommended guidelines for future development;

**WHEREAS**, JVA, Inc. determined that the City is at risk of exceeding ninety-five



percent (95%) of the City's permitted hydraulic and organic discharge limits and that the City requires a new WWTP or significant modifications to the existing WWTP;

**WHEREAS**, the City's has determined that a new or upgraded WWTP will be fiscally feasible in 2023;

**WHEREAS**, JVA, Inc. conducted an evaluation of the treatment plant capacity, including any permitted development in progress to determine how many additional taps may issue between now and 2023 and still allow the City to meet its discharge limits under its permit;

**WHEREAS**, the recommendations for development guidelines by JVA, Inc. are based upon the current understanding of the influent flows and organic loading to the WWTP and that continued daily flow monitoring, particularly during the winter months, and weekly influent Biological Oxygen Demand (BOD) sampling may require further refinement of these guidelines to maintain compliance with the City's discharge permit;

**WHEREAS**, the City previously enacted a wastewater treatment surcharge of \$15.00 per month, per EQR, to be used for engineering and financial planning for an expansion or replacement of the City's WWTP and to meet its statutory obligations under C.R.S. 25-8-501(5)(d) and (e);

**WHEREAS**, the City finds it necessary to establish a limit on the number of new sewer connections and to limit development by requiring the submission of calculations for proposed flow and organic matter loading to demonstrate that the development will not exceed the daily hydraulic and organic loading guidelines; and

**WHEREAS**, the recommended guidelines for future development set forth by JVA, Inc. in this ordinance are conservative and subject to change such that this ordinance shall be a stand-alone ordinance and not be codified to the City of Ouray Land Use Code.

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

The City of Ouray hereby declares a temporary new sewer connection limitation until such time as a new or upgraded wastewater treatment plant is commissioned, as follows:

1. A maximum of thirty-five (35) additional sewer connections (Maximum Connections) are allowed, as amended from time to time.
2. One (1) sewer connection shall not exceed daily influent wastewater flow of 330 gpd and organic loading of 0.6 lbs./day (Maximum Load) to the existing wastewater treatment plant.
3. Any approved building permits or site development permits as set forth on attached Exhibit A, shall be allowed to connect to the sewer and these additional sewer connections shall not be included in the Maximum Connections calculation so long as:
  - a. the building permit or site development permit has not expired;
  - b. the capacity of each connection shall not exceed Maximum Load; and
  - c. the issuance of the sewer connection will not reasonably cause the wastewater treatment plant to exceed ninety-five percent (95%) of the discharge limits.
4. The redevelopment or change of use and/or occupancy for existing buildings shall not exceed the Maximum Load per connection.
5. New development, redevelopment or change of use and/or occupancy that intends to connect to the existing wastewater treatment plant shall comply as follows:
  - a. submit an engineering evaluation of the wastewater influent flow and organic loading measured as a five (5) day biological oxygen demand (Engineering Calculations) for review and approval, as follows:
  - b. the Engineering Calculations shall not exceed Maximum Load;
  - c. a licensed wastewater engineer or the City's wastewater engineer shall be used to perform required Engineering Calculations, at the applicant's choosing and the City shall not bear any responsibility or expense for such Engineering Calculations;

- d. Only one (1) sewer connection per development is allowed;
  - e. the development or redevelopment of a Single Family Dwelling Unit, as defined under OLUC 7-2, shall not require submission of Engineering Calculations by a licensed wastewater engineer and the City shall determine whether the proposed use exceeds Maximum Load; and
  - f. Accessory Dwellings are subject to Maximum Load limits.
- 6. If a new or upgraded wastewater treatment plant will be commissioned within twenty-four (24) months, new building permits may issue that exceed the limitations set forth in Paragraph 5 so long as the permit contains an express condition that the building shall not be occupied or receive a certificate of occupancy until the new or upgraded wastewater treatment plant is operational.
  - 7. The City of Ouray may establish further conditions on sewer connections as may be necessary, by ordinance.
  - 8. The City of Ouray shall not allow any additional sewer connections for existing or new Recreational Vehicles (RV) or Recreational Vehicle (RV) Parks (RV Parks) until such time as a new or improved wastewater treatment plan is operational to limit any adverse impacts to the existing wastewater treatment plant caused by recreational vehicles dumping waste into the municipal sewer system. An RV Park shall not accept any discharge of effluent into its dump stations from an RV unless the RV is currently registered with and staying at the RV Park.
  - 9. It shall be unlawful to violate any provision of this ordinance and any violation shall be subject to the general penalties set forth under OLUC 1-4, as amended from time to time.
  - 10. The provisions of this Ordinance shall become effective on the thirty-first day following publication pursuant to C.R.S. 31-16-105.
  - 11. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be

adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

12. The amendment of provision of the Ouray Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right or duty established or accruing before the effective date of this ordinance.
13. All other conditions of connection to sewer system pursuant to OLUC 9-3 shall apply and this ordinance does not supplant any other conditions required to connect to the City of Ouray sewer system.

INTRODUCED, APPROVED AS INTRODUCED, AND ORDERED PUBLISHED on first reading by 4-0 vote of the Ouray City Council this 7<sup>th</sup> day of January, 2019.

CITY OF OURAY, COLORADO

By Pamela J. Larson  
Pamela J. Larson, Mayor

ATTEST:

Melissa M. Drake  
Melissa M. Drake, City Clerk

INTRODUCED, READ AND ADOPTED on second reading by 3-2 vote of the Ouray City Council this 22nd day of January, 2019.

CITY OF OURAY, COLORADO

By Pamela J. Larson  
Pamela J. Larson, Mayor

ATTEST:

Melissa M. Drake  
Melissa M. Drake, City Clerk

### CERTIFICATE OF ATTESTATION

I, Melissa M. Drake, Ouray City Clerk, hereby certify that Ordinance No. 1  
(Series No. 2019), was introduced, read and passed by the Ouray City Council on  
first reading on JANUARY 7, 2019. The Ordinance was published, in  
summary, in the *Ouray County Plaindealer* on JANUARY 10, 2019, and thereafter  
introduced, read and adopted by the Ouray City Council on JANUARY 22~~7~~,  
2019, and thereafter published in the *Ouray County Plaindealer*, as required by law.

Melissa M. Drake  
Melissa M. Drake, City Clerk

Additional Permitted 2019 Development									
Land Use	Units	Total	Notes	Use	Loading	2019	2019		
						GPD	lbs/day		
Residential <sup>1</sup>									
Single-family <sup>2</sup>	units	7	from David's List 2018 (5) after subtracting the townhouses) David's List 2019 (2) Allan Cook and Francis	200	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	1,400	4.2
Accessory Dwelling Units <sup>3</sup>	units	4	David's List - (3) adding a bedroom and bathroom (1) short term rental converting to long term during the off season	150	gal/day/unit	0.40	BOD <sub>5</sub> lbs/day/unit	600	1.6
Condos, Apts, Townhomes <sup>2</sup>	units	14	Dave Manfredi (4) David's List (3) Citizen Bank (3) apartments Wright Opera House (2) apartments Tommy Campbell (2) townhomes	150	gal/day/unit	0.60	BOD <sub>5</sub> lbs/day/unit	2,100	8.4
				Subtotal		Subtotal	4,100	14.2	
Tourism <sup>4</sup>									
Hotel, B&B, Lodging	units	46	Hot Springs West Motel	120	gal/day/unit	0.15	BOD <sub>5</sub> lbs/day/unit	5,520	6.9
				Subtotal		Subtotal	5,520	6.9	
Commercial <sup>4</sup>									
Public Restroom <sup>5</sup>	number of toilets	6	Citizen Bank Public Bathroom Wright Opera House Expanded Bathroom	1,728	gal/fixture 8 hours	1.92	BOD <sub>5</sub> lbs/day	10,368	1.9
Restaurant/Bar/Brewery <sup>6</sup>	ft <sup>2</sup>	6,000	Cavallos Restaurant	0.84	gal/day/ft <sup>2</sup>	9.0	BOD <sub>5</sub> lbs/day	5,030	9
Office/Professional Service <sup>7</sup>	ft <sup>2</sup>	5,000	Citizens Bank Office Area	0.04	gal/day/ft <sup>2</sup>	0.60	BOD <sub>5</sub> lbs/day	205	0.6
Light Industrial <sup>8</sup>	ft <sup>2</sup>	20,000	Wright Opera House Event Space Citizens Bank Event Space	0.18	gal/day/ft <sup>2</sup>	4.00	BOD <sub>5</sub> lbs/day	3,562	4
				Subtotal		Subtotal	19,165	16	
				Total		Total	28,785	37	

Note

<sup>1</sup> Using historical residential use data from Siegrist 1976, Mayer 1999, Lowe 2009

<sup>2</sup> Assume 3 people per unit at 0.20 lbs/day per Gunnison County OWTS regulations

<sup>3</sup> Assumes ADU same as tiny home per Gunnison County OWTS regulations 0.4 lbs/day per unit

<sup>4</sup> Using historical commercial use data from Corps of Engineers 1983, AWWA RF 2000, using 50th percentile values from summary tables

<sup>5</sup> Per Gunnison County per toilet per hour 0.04 lbs/fixture/hour - assumed 6 for both facilities and used for 10 hours

<sup>6</sup> Assumes 0.06 lbs/meal and 150 meals per day (number of seats unknown n 150 is approximately 50 seats at 3 meals per day)

<sup>7</sup> Assumes 0.06 lbs/day per employee per eight hour shift (number of employees unknown assume 10)

<sup>8</sup> Assumed 0.02 lbs/day/seat per bar/cocktail use - 100 seats assumed for each space (Gunnison County)

EXHIBIT A