

HB24-1304 Guidance

Concerning Parking Requirements within Metropolitan Planning Organizations.

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Section 1: Background

The Legislative Declaration of HB24-1304 emphasizes that requirements for minimum amounts of off-street parking limit the amount of housing that can be built on many sites, and that many parking spaces provided for residential developments remain unused. One recent study of multifamily housing near RTD stations found that approximately 40 percent of parking spaces for market rate housing and 50 percent of parking spaces for income-restricted housing are unused by residents at peak times.¹ Minimum parking requirements that exceed what is necessary for the residents and visitors not only increase the cost of housing but also lower development density, which is associated with higher vehicle ownership, more vehicle miles traveled, more greenhouse gas emissions, and reduced walking and bicycling.² Lowering residential development density also increases the costs of building and maintaining infrastructure needed to serve residential projects.³

Section 2: Summary of Law

In general, communities subject to the law are prohibited from enacting or enforcing minimum off-street parking requirements on multifamily housing developments and some mixed-use developments in specific locations. The law contains some exceptions to its basic requirements, and addresses additional issues not covered in this summary. This section summarizes the key requirements of HB24-1304 but does not substitute for a close reading of the law itself.

This document explains how DOLA will determine local government compliance. It does not constitute legal advice, and local governments are encouraged to consult with their municipal or county attorney for that purpose.

The law's provisions take effect on June 30, 2025. All capitalized terms in this guidance are defined in the law.

Section 2.1: Applicability

C.R.S. 29-36-103(1) and (2)

[HB24-1304](#) applies to:

- Those portions of Colorado Home Rule or statutory cities and towns, Territorial Charter cities and towns, and consolidated cities and counties, that are located

¹ [Residential Parking in Stations Areas: A Study of Metro Denver](#)

² What do residential lotteries show us about transportation choices? - Adam Millard-Ball, Jeremy West, Nazanin Rezaei, Garima Desai, 2022

Effects of Parking Provision on Automobile Use in Cities: Inferring Causality - Christopher T. McCahill, Norman Garrick, Carol Atkinson-Palombo, Adam Polinski, 2016

Households with constrained off-street parking drive fewer miles | Transportation

³ [Relationships between Density and per Capita Municipal Spending in the United States](#)

in a Metropolitan Planning Organization (MPO) and in an Applicable Transit Service Area, as shown on the maps produced by the Department of Local Affairs (hosted on the [DOLA website](#)), regardless of the population of those areas; and

- Those portions of Colorado counties, including Home Rule counties, that are located in a Metropolitan Planning Organization (MPO) and in Applicable Transit Service Area, as shown on the map produced by the Department of Local Affairs, regardless of the populations of those areas.

A list of communities that contain an Applicable Transit Service Area subject to the new law as of the publication of this guidance can be found at the end of this document.

Section 2.2: Key Terms Used in the Law

Summarized from C.R.S. 29-36-102

This section lists several key terms defined in the law. Please note that the law contains numerous additional definitions that may be important in specific contexts.

"Adaptive Reuse" means the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the structure and adapting such elements to a new use.

"Applicable Transit Plan" means a plan of a transit agency whose service territory is within a metropolitan planning organization, including a system optimization plan or a transit master plan that: (a) has been approved by the governing body of a transit agency on or after January 1, 2019, and on or before January 1, 2024; (b) identifies the planned frequency and span of service for transit service or specific transit routes; and (c) identifies specific transit routes for short-term implementation according to that plan, or implementation before January 1, 2027.

"Applicable Transit Service Area" means an area designated by the map created in Section 29-36-106. (see below for more detail on this process and criteria)

"Commuter Bus Rapid Transit Service" means a bus rapid transit service that operates for a majority of its route on a freeway with access that is limited to grade-separated interchanges.

"Land Use Approval" means any final action of a local government that has the effect of authorizing the use or development of a particular parcel of real property.

"Loading Space" means an off-street space or berth that: (a) is on the same site with a building or contiguous to a group of buildings; (b) is designated for the temporary parking of either: (I) a commercial vehicle while materials are loaded in or unloaded

from the vehicle; or (II) a vehicle while passengers board or disembark from the vehicle; and (c) abuts upon a street, alley, or other means of access.

"Maximum Parking Requirement" means a requirement established in local law that limits the number of parking spaces that may be made available in connection with a real property.

"Minimum Parking Requirement" means a requirement established in local law that a number of parking spaces be made available in connection with a real property.

"Parking Space" means an off-street space designated for motor vehicle parking. A parking space does not include a loading space.

"Regulated Affordable Housing" means affordable housing that: (a) has received loans, grants, equity, bonds, or tax credits from any source to support the creation, preservation, or rehabilitation of affordable housing that, as a condition of funding, encumbers the property with a restricted use covenant or similar recorded agreement to ensure affordability, or has been income-restricted under a local inclusionary zoning ordinance or other regulation or program; (b) restricts or limits maximum rental or sale price for households of a given size at a given area median income, as established annually by the United States Department of Housing and Urban Development; and (c) ensures occupancy by low- to moderate-income households for a specified period detailed in a restrictive use covenant or similar recorded agreement.

NOTE: *This statute does not define multifamily housing. C.R.S. 38-45-101 offers a reasonable definition of multifamily, which reads ““Multi-family dwelling” means any improved real property used or intended to be used as a residence and that contains more than one dwelling unit. Multi-family dwelling includes a condominium or cooperative.” Another common definition of multifamily housing is any building with three or more residential units, which is how building codes typically delineate residential building types. If your jurisdiction’s definition of multifamily differs significantly from these common definitions, please reach out to DOLA early to discuss.*

Section 2.3: What Does the Law Require Local Governments to do?

Summarized from C.R.S. 29-36-103(1) and (2) and 29-36-106

HB 24-1304 prohibits local governments that are subject to the law from enacting or enforcing Minimum Parking Requirements on multifamily housing developments located in Applicable Transit Service Areas on or after June 30, 2025. DOLA must produce an official map for use by subject jurisdictions of the Applicable Transit Service Areas by September 30, 2024. The prohibition applies to all new multifamily

residential development, regardless of whether it is a freestanding residential building or part of a mixed-use building or development that also contains some non-residential uses. In addition, the prohibition applies to Adaptive Reuse of an existing building for completely residential purposes, and to Adaptive Reuse of an existing building for a mix of uses in which at least 50 percent of the resulting use is residential. Importantly, the law does not prohibit residential or mixed-use developers from including off-street parking in the development; it simply prohibits the local government from requiring that parking as part of its zoning or land development regulations or procedures.

Section 2.4: What Types of Local Parking Regulations Are Still Allowed in Applicable Transit Service Areas?

Summarized from C.R.S. 29-36-103(3)

The law clarifies that nothing prevents local governments from addressing several parking-related issues in Applicable Transit Service Areas, including:

- **Residential parking voluntarily provided by the developer.** If the developer voluntarily includes off-street parking in a residential or mixed use development, the local government may:
 - Require that those parking spaces include the same number of spaces for persons with disabilities that would be required under the Americans with Disabilities Act.
 - Require that those spaces include the number and type of electric vehicle charging spaces required by the Colorado Model Electric Ready and Solar Ready Code developed pursuant to HB22-1362.
 - Impose maximum limits on the amount of off-street parking spaces voluntarily provided (i.e. Maximum Parking Requirements).
 - Require that the developer charge for the use of those parking spaces (i.e., not make them available free of charge to residents, businesses, or patrons of the development).
 - Require that the developer contribute to a parking enterprise, parking permitting system, or a shared parking plan.
- **Bicycle parking.** The local government may adopt or enforce minimum requirements for bicycle parking.
- **Compliance with affordable housing funding conditions.** If the local government has obtained funding to support affordable housing development, and that funding requires that a minimum number of parking spaces be

included in the development, the local government may accept the funding and may impose and enforce the parking requirements necessary to comply with those funding conditions. If the developer has obtained funding to support affordable housing development, and that funding requires that a minimum number of parking spaces be included in the development, the developer may voluntarily provide those parking spaces.

- **Parking agreements entered prior to the Effective Date.** If the local government has entered into agreements before July 1, 2025, to encourage the production of affordable housing by reducing otherwise-applicable Minimum Parking Requirements for one or more specific developments, the local government may continue to enforce those agreements after July 1, 2025.

Section 2.5: Is There an Exception Allowing Minimum Parking Standards?

Summarized from C.R.S. 29-36-104

Local governments subject to the law can impose a Minimum Parking Requirement of up to one space per dwelling unit in limited circumstances. Each exception is only available for a specific project (not an entire community) that (a) contains 20 or more housing units, or (b) is a Regulated Affordable Housing project. The process to obtain an exception is not simple, and use of the exception requires the local government to submit periodic reports to DOLA to ensure that use of the exception does not undermine the purpose of the law.

To impose this Minimum Parking Requirement, the local government must, within 90 days after receipt of a completed application for an eligible project, conduct (or have someone conduct) a project-specific analysis and publish specific findings. The findings must:

- (a) Be supported by substantial evidence that supports a finding of substantial negative impact on safe pedestrian, bicycle, or emergency access to the housing development project, or on existing on- or off-street parking spaces within one-eighth mile of the project;
- (b) Include parking utilization data collected from the area within one-eighth mile of the project;
- (c) Be reviewed and approved by a professional engineer; and
- (d) Demonstrate that the local government implementation of strategies to manage demand for on-street parking for the area within one eighth-mile of the project would not be effective to mitigate a substantial negative impact found pursuant to this section. Guidance for implementing strategies to

manage parking will be included in the parking management best practices resource that DOLA is required to publish by December 31, 2024.

If the required findings are published within 90 days and the local government imposes a minimum off-street parking requirement, then the local government will be required to submit information regarding the use of the exception to DOLA no later than December 31, 2026, and annually thereafter.

Section 2.6: Reporting Requirement

Summarized from C.R.S. 29-36-104(3)

If a local government uses the limited exception detailed in C.R.S. 29-36-104 and imposes a Minimum Parking Requirement of up to one parking space per unit on a multifamily residential development in an Applicable Transit Service Area, the local government must file information, in a form and manner that will be specified by DOLA at a later date, regarding the use of that exception with DOLA no later than December 31, 2026, and annually thereafter.

Section 2.7: What does the Law Require DOLA to do?

Summarized from C.R.S. 29-36-105 and 106

To assist local governments to comply with the requirements of HB24-1304, the law requires DOLA to prepare an official map of Applicable Transit Service Areas no later than September 30, 2024, for use by subject jurisdictions to identify the areas where the law applies. As indicated in the definition of this key term, the map includes areas within one-quarter mile of:

- Existing commuter and light rail stations with planned or scheduled service that has a frequency of every 30 minutes or more frequent between 7am and 10am, and 4pm and 7pm;
- Existing Commuter Bus Rapid Transit stations, such as those served by RTD's Flatiron Flyer routes; or
- Planned or existing stops served by public bus routes that have a planned or scheduled frequency of 30 minutes or more frequent on weekdays, excluding seasonal service.

In addition, the law requires DOLA to work with the Colorado Department of Transportation and the Colorado Energy Office to engage with stakeholders to develop and publish best practices and technical assistance materials to support local governments in optimizing parking supply and managing parking demand. The resources must focus on increasing affordable housing production and housing supply, and cover topics including Maximum Parking Requirements, transportation demand

management, parking benefit districts and on-street parking management, right-sizing parking, shared parking, and addressing parking needs for affordable housing. DOLA, CEO, and CDOT will be conducting stakeholder engagement in the fall and summer of 2024 to develop these resources, and the law requires that the results be published no later than December 31, 2024.

Section 3: Guidance

Colorado local governments subject to HB24-1304 who are reviewing current zoning laws and regulations for alignment with the law's requirements should focus on:

Section 3.1: Applicability statements for Minimum Parking Requirements

Many local zoning and development codes that impose Minimum Parking Requirements on new development or adaptive reuse projects begin with an applicability statement clarifying where those standards apply. Compliance with the law can be accomplished by modifying that statement to clarify that Minimum Parking Requirements for multifamily residential development and the types of Adaptive Reuse projects covered by the law do not apply to the areas shown on the Applicable Transit Service Area map published by the Colorado Department of Local Affairs (DOLA) by September 30, 2024. To increase transparency and user-friendliness, a map of those areas, or a cross-reference to the DOLA map, can be included in the zoning and development code.

If the local government wants to take advantage of the limited exceptions allowing imposition of a one-space-per-unit Minimum Parking Requirements in certain cases, that exception should be included in the applicability statement. For example, the applicability statement could be modified to state that minimum parking standards shall not apply in the areas shown on the DOLA map except as permitted by C.R.S. Section 29-36-104.

NOTE: A growing number of communities around the country are removing Minimum Parking Requirements altogether. Despite the limited scope of HB24-1304, Colorado communities subject to the law may want to consider removing Minimum Parking Requirements for all uses within their Applicable Transit Service Areas, or for multi-family housing developments in each of the zoning districts that have any overlap with their Applicable Transit Service Areas, or from the entire community, in order to simplify implementation, avoid potential overregulation of parking, and further reduce housing costs.

Section 3.2: Parking standards in zoning districts or a parking table

Many zoning and development codes include a Minimum Parking Requirement in one or more zoning districts and some codes consolidate that information into a parking table. These sections of the zoning and development code should be revised to eliminate the Minimum Parking Requirement for types of multifamily and Adaptive Reuse mixed use development covered by the law. If the local government wants to take advantage of the limited exceptions allowing imposition of up to one space per unit Minimum Parking Requirements in certain cases, that exception should be noted or cross-referenced in this section. The example in Section 4 below illustrates one way to do so.

Section 3.3: Criteria or standards for approving multifamily housing developments

If the local government wants to take advantage of the limited exceptions allowing imposition of up to a one space per unit Minimum Parking Requirement in certain cases, it should also revise the criteria used to review and approve multifamily residential development and Adaptive Reuse projects covered by the law to state that a Minimum Parking Requirement of up to one space per unit may only be imposed if the local government publishes the findings required by the law within 90 days after receiving a completed application for the project. These revisions can be incorporated into use-specific standards, or into the criteria applicable to approval of conditional use or site plan approvals for multifamily residential developments or Adaptive Reuse projects covered by the law.

Section 3.4: Demonstrating Compliance

The simplest method by which Subject Jurisdictions may comply with the requirements of HB24-1304 is by revising local zoning and land use regulations so that any revisions necessary to comply with the law be completed by June 30, 2025. If a Subject Jurisdiction is uncertain about their ability to revise their regulations prior to the compliance deadline, they are urged to contact DOLA as soon as possible.

Section 4: Examples

The following two examples are from zoning ordinances currently in use in Colorado, with ~~red-strikeout-text~~ used to show text that could be deleted and red underlined text that could be added to comply with the law. These examples are presented not as recommended approaches, but to illustrate examples of the minimum changes necessary to comply with the requirements of HB 24-1304.

Example 1

In this example, we assume that the community does not want to implement the exceptions that would allow it to require one parking space per dwelling unit in those circumstances allowed by the law.

Sec. [1] General provisions.

- a) Off-street parking is an accessory use in all districts and is subject to [Section X], except for the area limitations. Off-street parking in the Transit Oriented Development District can be considered either a main use or an accessory use. An SUP is required for off-street parking as a main use in the TOD district.
- (b) The off-street parking requirements for each use are listed in [Section 2 below]. However, no off-street parking shall be required for new multiple dwelling development or in any adaptive reuse development in which more than 50 percent of the gross floor area of the development is in residential dwelling use, within those areas designated by statute and identified by a map maintained by the Colorado Department of Local Affairs as Applicable Transit Service Areas.

[. . .]

- (h) In all districts, required off-street parking shall be available as free parking, except up to one-half of the required parking may be contract parking on other than an hourly or daily fee basis.
- (i) Except as specifically permitted in this article, all off-street parking shall be provided on the lot occupied by the main use. When adequate cross-access agreements are in place, off-street parking for a main use may be permitted on an adjacent lot.

Sec. [2] Off-street parking and loading requirements chart.

Off-Street Parking and Loading Requirements		
Use	Required Off-Street Parking	Required Off-Street Loading
Part VIII. Residential Uses		
Multiple dwellings <u>[A]</u>	a) One space for each 500 square feet of floor area, up to a maximum of three for each dwelling unit.	None.
	b) One guest space shall be provided for each five dwelling units and shall be distributed throughout the site.	

Off-Street Parking and Loading Requirements		
Use	Required Off-Street Parking	Required Off-Street Loading
Retirement housing [A]	Seven-tenths of a space for each dwelling unit or suite, plus one space for each 300 square feet of floor area not in a dwelling unit or suite.	None
<u>A. No off-street parking shall be required for new multiple dwelling development or for adaptive reuse development in which more than 50 percent of the gross floor area of the development is in residential use, within those areas designated by the statute and identified in a map maintained by the Colorado Department of Local Affairs as Applicable Transit Service Areas.</u>		

Example 2

In this example, we assume that the community wants to implement the exceptions that would allow it to require one parking space per dwelling unit in those circumstances allowed by the law.

ARTICLE X. - PARKING AND LOADING

DIVISION X-1. - PURPOSE AND APPLICATION OF ARTICLE

X-1-1. - Purpose of article. The purpose of this Article is to specify minimum requirements for the provision and design of off-street parking and loading areas, in proportion to the parking, loading, and transportation demands of different land uses throughout the City. The standards in this Article are intended to provide for adequate off-street parking and loading while supporting walkable urbanism in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. Off-street parking requirements in this Article shall apply to automobile, motorized vehicle, and bicycle parking.

X-1-2. - Application of article. The divisions within this Article are applied as follows:

- A. Division X-2. Parking and Loading Calculations, sets out standards for calculating the number of required parking and loading spaces based on the anticipated demand for parking and loading generated by the use of the subject property. The Division also provides for certain exemptions from parking requirements, as well as methodologies for reducing the amount of required parking. Notwithstanding other provisions of Division X-2, no off-street parking shall be required for new multifamily development or for

adaptive reuse development in which more than 50 percent of the gross floor area of the development is in residential use, within those areas designated by the statute and identified in a map maintained by Colorado Department of Local Affairs as Applicable Transit Service Areas, unless the provisions of Section Y-3-2D apply, in which case a minimum parking requirement of 1 space per dwelling unit shall apply.

- B. Division X-3, Parking and Loading Design, sets out standards for the design of parking and loading areas.
- C. Division X-4, Use and Maintenance of Parking Areas, sets out standards for how parking areas may be used, as well as minimum standards for their ongoing maintenance.

DIVISION X-2. - PARKING AND LOADING CALCULATIONS

X-2-1. - Calculation of required parking spaces.

- A. Generally. Section X-2-2, Parking Requirements Tables, sets out the number of parking spaces that are required for additions, significant redevelopment, and new developments for each land use that is listed in [Division A] Land Use by Zoning District.

...

X-2-2. - Parking requirements tables.

- A. Residential Land Uses. The required off-street parking for residential land uses is set out in Table X-2-2A, Residential Land Use Parking Standards.

Table X-2-2A: Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Standard Housing Types	
Multifamily and Multiplex ¹	efficiency units: 1.4 sp./du
	1 BR units: 1.6 sp./du
	2 BR units: 2.1 sp./du
	3+ BR units: 2.5 sp./du
Multifamily, Affordable ^{2,1}	efficiency units/ 1 BR units: 1.4 sp./du
	2 + BR units: 2.0 sp./du
Multifamily, Senior ^{3, 1}	1 sp./du
TABLE NOTES:	
<u>¹ No off-street parking shall be required for new multifamily development or for adaptive reuse development in which more than 50 percent of the gross</u>	

Table X-2-2A: Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
<u>floor area of the development is in residential use, within those areas designated by the statute and identified in a map maintained by Colorado Department of Local Affairs as Applicable Transit Service Areas, unless the requirements of Section Y-3-2.D have been met, in which case the provision of 1 space per dwelling unit applies.</u> ² Projects that receive Low Income Housing Tax Credits. ³ Age restricted projects for residents 62 years and older.	

Y-3-2. - Residential standards.

A. Single-Family Detached.

1. In the MX-S and MX-U zoning districts, in order to buffer existing single-family detached dwellings, the single-family detached lot shall only adjoin or be located across a local street from an existing or approved single-family residential subdivision. The lot width that is used for the housing type shall be within 25 percent of the average lot width of the adjoining lots or the lots that are directly across the local street (as applicable) that are developed with single-family detached dwelling units.
2. In the MX-N district, single-family detached units shall not be adjacent to arterial streets.

B. Duplex.

1. Each individual duplex dwelling unit shall have a separate exterior entrance and separate utility meters.

C. Townhome.

1. Each individual townhome dwelling unit shall have direct access to a street, alley, or shared open space.

D. Multifamily.

1. No off-street parking shall be required for new multifamily development or for adaptive reuse development in which more than 50 percent of the gross floor area of the development is in multifamily use, within those areas designated by the statute and identified in a map maintained by Colorado Department of Local Affairs as Applicable Transit Service Areas, unless the provisions of Subsection D.2 below apply, in which case one space per dwelling unit shall be provided.

2. The City may require that up to one off-street parking space be provided for each dwelling unit if all of the following requirements are met:
 - (a) The multifamily project is a new development project containing 20 or more dwelling units, or contains regulated affordable housing as defined in C.R.S. 29-36-102;
 - (b) Within 90 days after receipt of a complete application for the proposed multifamily development, the City has published written findings that not imposing or enforcing a minimum parking standard in connection with the proposed multifamily development would have a substantial negative impact on:
 - (i) Safe pedestrian, bicycle, or emergency access to the multifamily development, or;
 - (ii) Existing on- or off-street parking spaces within one-eighth mile of the multifamily development;
 - (c) The findings required in Subsection D.2 must:
 - (i) Be supported by substantial evidence in support of such findings;
 - (ii) Include parking utilization data collected from the area within one-eighth mile of the multifamily development;
 - (iii) Demonstrate that the City's implementation of strategies to manage demand for on-street parking in the area within one-eighth mile of the multifamily development would not be effective to mitigate the substantial negative impacts contained in such findings; and
 - (iii) Have been reviewed and approved by a professional engineer, as defined in C.R.S. 12-120-202(7).

Section 5: List of jurisdictions with areas subject to HB24-1304

This law applies to Applicable Transit Service Areas in each of the following communities. Please refer to the Applicable Transit Service Areas map on the [DOLA website](#) to see areas in each community subject to the new law.

- | | |
|----------------------------|--|
| 1. Arvada | 34. Northglenn |
| 2. Aurora | 35. Pueblo |
| 3. Boulder | 36. Sheridan |
| 4. Broomfield | 37. Superior |
| 5. Centennial | 38. Thornton |
| 6. Cherry Hills
Village | 39. Unincorporated
Adams County |
| 7. Colorado Springs | 40. Unincorporated
Arapahoe County |
| 8. Columbine Valley | 41. Unincorporated
Boulder County |
| 9. Commerce City | 42. Unincorporated
Douglas County |
| 10. Denver | 43. Unincorporated
El Paso County |
| 11. Edgewater | 44. Unincorporated
Jefferson County |
| 12. Englewood | 45. Unincorporated
Larimer County |
| 13. Erie | 46. Unincorporated
Pueblo County |
| 14. Evans | 47. Unincorporated
Weld County |
| 15. Federal Heights | 48. Westminster |
| 16. Fort Collins | 49. Wheat Ridge |
| 17. Fountain | |
| 18. Foxfield | |
| 19. Garden City | |
| 20. Glendale | |
| 21. Golden | |
| 22. Greeley | |
| 23. Greenwood
Village | |
| 24. Lafayette | |
| 25. Lakeside | |
| 26. Lakewood | |
| 27. Littleton | |
| 28. Lone Tree | |
| 29. Longmont | |
| 30. Louisville | |
| 31. Loveland | |
| 32. Manitou Springs | |
| 33. Mountain View | |