



City of Woodland Park

City Council - Revised October 4, 2023***

***Note - there is no added content from the original agenda, revision is a change to the order of the items.

October 5, 2023 at 6:30 PM

AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the August 17, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)
 - B. Approval of the September 7, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)
 - C. Approval of the September 21, 2023 City Council Meeting Minutes.
(Presenter City Clerk Leclercq)
6. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)**
7. **UNFINISHED BUSINESS**
(Public Comment may be heard)
8. **ORDINANCES ON INITIAL POSTING**
(Public comment may be heard)
9. **PUBLIC HEARINGS**
(Public comment may be heard)
 - A. Approval of an Emergency Ordinance No. 1461, an Ordinance of the City Council for the City of Woodland Park, Colorado Amending Title 18 of the Woodland Park Municipal Code, Concerning Zoning Districts Where Short Term Rentals are Allowed to be Licensed and Operated within the City Limits of Woodland Park, Colorado and Declaring an Emergency. (L)
(Presenter City Attorney Wilson)
 - B. Approval of Resolution No. 907, Series 2023, a Resolution of the City Council of Woodland Park, Colorado, Calling a Special Election For December 12, 2023 and Directing that a Citizen's Initiative be Placed on the Ballot at Said Election. (L).
(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)
 - C. Approval of Resolution No. 908, Series 2023, a Resolution of the City of Woodland Park, Colorado, Placing Ordinance No. 1462, Series 2023 on the

Ballot for the Special Election on December 12, 2023. (L)
(Presenter City Attorney Wilson)

- D. Ordinance No. 1455, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short Term Rentals. (L) (Tabled from the July 6, 2023 City Council Meeting)
(Presenter Planning Director Schminke)
- E. Ordinance No. 1460, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications For Short-Term Rental Licenses. (A)
(Presenter City Attorney Wilson)

10. NEW BUSINESS - all listed above under Public Hearings
(Public comment may be heard)

11. REPORTS
(Public comment not necessary)

- A. Mayor's Report
- B. Council Reports
- C. City Attorney's Report
- D. City Manager's Report

12. ADJOURNMENT

Key to agenda abbreviations:

(A) Administrative- matters involving day-to-day decisions such as approving contracts, hiring staff and the procurement of goods and services. Administrative actions generally do not require formal actions by the elected body.

(L) Legislative- typically in the policy arena; legislative matters affect large areas and large groups of people, such as enacting dog regulations or amending the City code. Legislative action generally involves motions, resolutions and ordinances.

(QJ) Quasi-Judicial- apply general rules to a specific interest, such as zoning change affecting a single piece of property, or a special use permit. Quasi-Judicial actions generally involve adjudication, sometimes in writing, but not a resolution or ordinance. Decision for Quasi-Judicial proceedings are made exclusively based upon the testimony presented on the record. Ex-parte communication (communication outside the official hearing) between elected officials and citizens is not permitted on Quasi-Judicial



City of Woodland Park

August 17, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following an Executive Session of the City Council: Pursuant to C.R.S. Section 24-6-402(4)(e)(1) for determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators and the following purses are provided for identification purposes; BSA reservoir project, Mayor LaBarre called the regular City Council Meeting to order.

The following individuals were present for the Executive Session: Mayor LaBarre, Mayor Protem Case, Councilmember Connors, Councilmember Harvey, Councilmember Neal, Councilmember Zuluaga, City Attorney Romberg, Deputy City Manager City Clerk Leclercq, Interim City Manager/Finance Director Vassalotti, Utilities Director Wiley and Councilmember Nakai appeared via zoom. Councilmember Nakai stated for the record that she was alone in the room. The Executive Session concluded at 6:16 PM.

The following Council members were present for the Council Meeting: Mayor LaBarre, Mayor Protem Case, Councilmember Connors, Councilmember Harvey, Councilmember Neal, Councilmember Zuluaga, Councilmember Nakai appeared via zoom,

The following Staff Members were present: Interim City Manager/Finance Director Vassalotti, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, Utilities Director Wiley, Public Works Director Schmitt, Senior Planner Gates, City Attorney Romberg and It Intern Barnes.

Prior to the start of the meeting, Mayor LaBarre made the following announcement: Regarding the Executive Session, Council received an update regarding the property transaction and parameters for negotiating a future reservoir. The Development agreement will be introduced in public and voted on in the future.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Appointment of Jon DeVaux to the Pikes Peak Area of Local Government Citizen Advisory Committee.

(Presenter Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq introduced Jon DeVaux and shared his interest in re-applying for the Citizen advisory Committee to PPACG.

Following a brief interview by Council with DeVaux, the following motion was made:

Motion: to approve the appointment of Jon DeVaux to the Pikes Peak Area of Local Government Citizen Advisory Committee. Case/Neal. Motion carried 7-0.

City Clerk Leclercq administered the Oath of Office to DeVaux and Council thanked him for his service to the Community.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

Councilmember Zuluaga shared that a correction to the August 3, 2023 minutes needed to be made. Zuluaga reviewed under Item 7 the question "Would the Council like to give the awards a final review before being distributed? The answer should be no, not yes. City Council agreed and City Clerk Leclercq shared she would make that change.

The following motion was made: to approve the Consent Agenda including the minutes as amended. Case/Neal. Motion carried 6-0. Nakai was disconnected from zoom at the time of the vote.

- A.** Approval of the July 20, 2023 City Council Minutes.(A)
(Deputy City Manager/City Clerk Suzanne Leclercq)

Mayor LaBarre presented all items on the Consent Calendar and the following motion was made with an amendment to the August 3, 2023 minutes. Under signature events, it should read that the Council will not be reviewing the Signature Events. City Clerk Leclercq noted for the record the amendment.

Motion: to approve the Consent Calendar with amendment to the August 3 minutes. Case/Neal. Motion carried 6-0. Councilmember Nakai was disconnected from zoom at this time and did not participate in the vote.

- B.** Approval of the August 3, 2023 City Council Minutes. (A)
(Deputy City Manager/City Clerk Suzanne Leclercq)
- C.** Consider Ordinance No. 1458, Series 2023, on initial posting, an Ordinance Designating a Local Historic Landmark for the Roberts House Located at 750 CR 21 as Requested by Steve Plutt, a Citizen of the Community and set the Public Hearing for September 7, 2023 (QJ) (Presenter Planning Director Karen Schminke, AICP)
- D.** Approval of the July 2023 Statement of expenditures and authorize the Mayor to sign Warrants in payment thereof. (A)
(Interim City Manager/Finance Director Aaron Vassalotti)
- E.** Approval of Contract Between Olgoonik Enterprises, LLC and the City of Woodland Park for \$724,992. (A)
(Public Works Director, Ben Schmitt)
- F.** Request to approve a change order in the amount of \$46,760.00 to the existing contract with Respec for additional design requirements and additional construction management for the construction of the pump station (DOVE Project). (A)
(Utilities Director Kip Wiley)

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Andrew Austin wanted to make suggestions to change the school zone signs so that the lights are not flashing when school is not in session.

Gail Gerig shared information on the upcoming Braver Angels meeting - inviting the public to attend.

Annie Carter shared that she felt the City's flowers were a disappointment this year. Ms. Carter also shared that the medians were full of weeds and looked pathetic.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Consider Ordinance No. 1456, Series 2023, an Ordinance Further Extending the Pines at Tamarac Planned Unit Development (PUD) Master Plan and Preliminary Plat. (QJ) (Presenter Senior Planner, CJ Gates)

Senior Planner Gates shared his staff report regarding Ordinance No. 1456, Series 2023.

BACKGROUND: In the year 2000, the Daysprings Christian Fellowship Subdivision was approved which consisted of a total of two lots. In 2002, construction began on the Impact Church on Lot 1 and Lot 2 has never been developed. On July 18, 2019 City Council approved the Pines at Tamarac PUD Final Master Plan and Preliminary Plat. The Master Plan consisted of 26 single family lots on the 20.61 acre lot.

On May 6, 2021 City Council approved a two-year extension of the Pines at Tamarac PUD Master Plan to July 18, 2023 and a one-year extension of the Pines at Tamarac Preliminary Plat to July 18, 2022. On August 25, 2022 the Planning Commission approved another one-year extension of the Preliminary Plat so it would expire July 18, 2023 along with the PUD Master Plan.

On May 15, 2023 Planning staff received a request from the applicant for a 2-year extension of the approved Pines at Tamarac PUD Master Plan and a 1-year extension of the approved Pines at Tamarac Preliminary Plat. Construction of this project is still anticipated, and no changes have been made to the original plans. When completed, the project will contain 26 dwelling units over 20.61 acres for a density of 1.26 dwelling units per acre. All units will be single family residential, and accessed off of 3 newly created right-of-ways (Chardonnay Rd, Zinfandel Rd, and Cabernet Way).

STAFF FINDINGS Staff believes that it is reasonable to extend the preliminary plat for an additional year as well as the PUD Master Plan for two years. By Code, a preliminary plat can only be extended for 1 year at a time (§17.20.090), while PUDs can be extended for 2 years (§18.30.050). Granting this extension would have the Preliminary Plat expire on July 18, 2024 and the PUD Master Plan would expire on July 18, 2025. Additionally, all conditions as originally approved will also be extended and would still be in effect and apply.

REFERRALS AND NOTIFICATIONS Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. Staff has received no written comments regarding this extension proposal. The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, and the City Manager as well as external referral agencies including CORE, Black Hills Energy, CDOT, North East Teller County Fire Protection District (NETCFPD), and the City of Woodland Park Police Department. A comment from NETCFPD was received stating they are in favor of the extension. CORE submitted a comment via email on June 16, 2023 stating they do not approve of the extension and will require a 15-foot front lot utility easement. CORE's full comment is attached hereto. Staff would like to point out that the approved Preliminary Plat consists of a 15-foot utility easement on all typical local residential road sections.

PLANNING COMMISSION RECOMMENDATION The Planning Commission heard this item on July 13, 2023 (draft minutes attached) and unanimously recommend that the City Council approve a request by David Garretson (Applicant & Property Owner) for a 2-year extension of the approved Pines at Tamarac Planned Unit Development (PUD) Master Plan and a 1-year extension of the approved Pines at Tamarac Preliminary Plat for residential development on 20.16 acres on Lot 2, Block 1, Dayspring Fellowship (205 Sourdough Road) in the Pines at Tamarac PUD Zone District.

Following Gates presentation the following motion was made.

Motion: to approve Ordinance No. 1456, Series 2023, an Ordinance Further Extending the Pines at Tamarac Planned Unit Development (PUD) -.Master Plan and Preliminary Plat. Neal/Zuluaga. Motion carried

- B.** Consider Ordinance No. 1457, Series 2023, an Ordinance Approving the Modification of the Allowed Use of Lot 4 of the Wal-Mart PUD from "Eating/Drinking Place, Eat-In And Drive-Through" to also Allow a Car Wash. (QJ) (Presenter Senior Planner, CJ Gates)

Prior to this presentation Councilmember Harvey recused herself.

Senior Planner Gates presented his Staff Report regarding Ordinance No. 1457, Series 2023.

Lot 4 (subject property) is located on the southern end of Woodland Park, west of Highway 24, and within the northern portion of the Wal-Mart PUD. Figure 2 identifies the location of Lot 4 within the Wal-Mart PUD.

Lot 4 (subject property) is located on the southern end of Woodland Park, west of Highway 24, and within the northern portion of the Wal-Mart PUD. Figure 2 identifies the location of Lot 4 within the Wal-Mart PUD.

BACKGROUND On April 13, 2005 Woodland Park City Council approved a request to rezone 49.09 acres from Agricultural to Planned Unit Development (PUD). This PUD is known as the Wal-Mart PUD due to the fact that construction of a Wal-Mart Super Center was planned for this parcel. In 2007, City Council approved the Final Plat which consisted of 6 lots and 4 tracts. The Wal-Mart store was to be built on lot 1 while lots 2-6 were to be developed in the future with various commercial uses.

Within the Wal-Mart Center Final Development Plan Narrative associated with the current approved PUD, there are specific uses set forth regarding what type of commercial activity can operate on each lot. The language in the current Development Plan Narrative Reads:

“Lots 2 through 4 are for general commercial use and have been depicted on the Final Development Plan as financial institution with three drive-through windows, eating/drinking place for eat-in service, and eating/drinking place for drive-in and through service. These lots could be interchanged as any of these uses for comparable uses allowed by the Woodland Park Code. The maximum building height for lots 2 through 4 is 35 feet.”

In reviewing the application, staff identified a discrepancy in the information provided by the applicant. Specifically, the maximum building height language was omitted from the project narrative submitted for this project. However, there were no language omissions in the subsequent documents attached to the application submitted by the applicant. The maximum building height of 35 feet on lot 4 is not subject to change in accordance with this application. If this requested PUD amendment is approved, only the use for Lot 4 will change to also allow for a car wash.

Page 1 of the approved Wal-Mart PUD plan set includes a table labeled BUILDING AND PARKING DATA which specifies the uses and other standards for the development of the lots within the PUD.

While the current approved narrative lumped lots 2-4 together, this table on Page 1 lists the lots individually, each with a different use and standards.

In addition to this requested PUD amendment, and as seen on the attached application, the applicant has also applied for a site plan review of the proposed car wash. The Final Site Plan review is a Zoning Development Permit and is reviewed and approved administratively through the City of Woodland Park Planning Department. The applicant outlines within their narrative that the proposed car wash maintains the access point contemplated in the original PUD site plan on the west side of the property. The proposed car wash will remain under the original area limitation of 4,000 square feet outlined within the PUD plan. Building setbacks, signage locations, and landscape buffers will also stay the same.

The Applicant submitted an application on December 21, 2022 and the Planning Commission heard this request on February 9, 2023. The applicant subsequently withdrew their application on March 16, 2023. The applicant submitted an identical application to the Planning Department on May 3, 2023. There is no difference from the December application to the current application. Due to the fact that the applicant withdrew their application, they must start the entire process over again and the application must be routed back through the Planning Commission for a recommendation and City Council for a final determination.

CODE COMPLIANCE The following applicable sections of Chapter 18.30 have been considered in the evaluation and analysis of this PUD amendment:

§18.30.010 Purpose.

A. The purpose of the PUD district is to provide more flexibility and latitude of design, to provide for a greater variety of principle and accessory uses in the development or redevelopment of lands, to meet the technological changes in concepts and to encourage

initiative and more efficient allocation and creative development of parks, recreation areas and open space. Complies. The proposed PUD amendment would provide greater flexibility in the development of the parcel by allowing for a use not specifically listed within the PUD. The proposed use, a car wash, is a commercial use that has similarities to the current proposed use of "Eating/Drinking place, Eat-in and Drive-through".

B. To best accomplish these objectives, and in order to develop an acceptable plan that is in keeping with other chapters of this title, it is essential that the proponents coordinate their development with the planning commission. Complies. Everything related to the PUD amendment is approvable by the City of Woodland Park City Council.

§18.30.020 Where district may be established.

Not applicable.

The PUD zone district for this land was established in 2005 with Ordinance No. 1017, Series 2005.

§18.30.030 Requirements for approval [for siting a PUD zone]. Not applicable.

The PUD zone district for this land was established in 2005. The proposed amendment's compliance with the PUD Final Development Plan Municipal Code is assessed below.

§18.30.080 Final Plan Requirements – A

Approval This is a request is to change the type of commercial use of only one lot within the overall PUD. The proposed site plan for the car wash use, which is reviewed administratively, maintains the original access and design requirements.

A. The development plan of the PUD district shall meet the requirements of accepted land planning practices; promote public health, safety, and general welfare; provide adequate light, air, privacy and convenience; lessen and avoid congestion of the public streets and highways; conserve the values of surrounding properties; and protect against fire, panic, explosion, noxious fumes, flooding along natural watercourses, and other hazards. Complies. The PUD amendment meets accepted land planning practices. It promotes public health, safety, and general welfare in the design, it provides adequate light, air, privacy and convenience within and adjacent to the site.

B. The proponents of a PUD shall, after review of the preliminary plan with the planning commission, submit a final plan of development to the planning commission for its consideration, upon which plan the commission shall advertise and hold at least one public hearing. The development plan shall include, but not be limited to, the following information:

1. Location and size of the area involved;

Complies. The PUD Amendment consists of approximately 0.91 acres of land west of Highway 24 and immediately adjacent to the intersection of Highway 24 and Morning Sun Drive.

2. All improvements of surrounding properties lying adjacent to the proposed PUD district; Complies. Surrounding property uses and improvements remain unchanged.

3. The dwelling unit per tract density of residential areas included in the plan; Complies. No dwelling units are proposed.

4. Areas proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses,

Complies. Required land conveyances occurred when the subdivision plat was recorded and are consistent with the PUD plan. No additional land is proposed to be conveyed, dedicated, or reserved for parks, parkways, playgrounds, or school sites.

5. The location and width of proposed streets, public ways, easements and other similar public and private facilities;

Complies. The applicant is proposing the entrance and exit to the site from the west side of the property the Private Access Drive labeled on the site plan. This same access is labeled as "35' Public Access and Utility Easement" on the recorded plat. The site plan will need to be updated for consistency with the recorded subdivision plat. No new public streets are proposed and the location of the access to the proposed site is consistent with the approved PUD Plan.

6. The use, height, bulk and location of all principal and accessory buildings on the development plan;

Complies. The applicant is proposing to change the use of the property to a car wash facility. The proposed building meets standards per the City of Woodland Park Municipal Code site plan requirements (MC 18.34) as well as what is currently allowed per the PUD requirements.

7. Agreements, provisions, or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open space. Said agreements, provisions or covenants must be written so as to be acceptable to the city;

Complies. A letter of property owner permission to develop a car wash on Lot 4 of the WalMart PUD is included within attachment 3 of the applicant's application.

8. A development schedule indicating the following: a. The approximate date when construction of the project can be expected to begin, Complies. The applicant proposes to begin construction in spring of 2023 and complete construction in early 2024. b. The stages in which the project will be completed and the approximate date when construction of each stage can be expected to begin; Complies. Development of Lot 4 will occur in one phase. The applicant expects to begin construction in spring of 2023 and complete construction in early 2024.

9. The feasibility of the proposal for the disposition of sanitary waste and storm water runoff; May Comply. The applicant has access to an 8" sanitary sewer main on the north side of the property which is located within an existing utility easement. The car wash proposes to tap into this sanitary sewer main from the northeast corner of the proposed building. The proposed utility plan is included within the application. Also attached is the Red-line Comment Packet generated from Staff and referral agency review which includes comments regarding utilities on the site. This provision should comply once the applicant has resolved said comments.

10. The location, number and dimensional plans of proposed off-street parking and loading facilities;

Complies. The proposed car wash is a change in use on Lot 4 of the Wal-Mart PUD. Since the current PUD does not include parking requirements for this proposed use the applicant is proposing to meet the City's established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee

stalls. The proposed parking plan is also included within the application.

11. A schematic landscaping plan indicating approximate location, number and type of shrubs, conifer, or deciduous trees or other form of landscaping treatment;
May Comply. The applicant included a detailed landscape plan within the application. Staff included redline comments within the landscape plan. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code and the current approved PUD. A detailed compliance check will occur with administrative review of proposed site plan.

12. All information required to be contained upon and the supplemental material to be accompanied with a preliminary subdivision plat in accordance with Sections 17.20.070 and 17.20.080 of the city's subdivisions regulations which has not been previously required;
Not applicable. This property was subdivided previously and no further subdivision is proposed.

13. In addition to the above, planned business development proposal shall include the following:

a. A traffic impact study,
May comply. A traffic study was reviewed with the initial entitlement of the PUD. Subsequent development of the remaining Lots is subject to providing an updated traffic study which is reviewed with the requested site plan review for each Lot.

b. Description, location and extent of fences, earth berms and/or other buffer areas.
Complies. The applicant included the location and extent of fences, earth berms and/or other buffer areas within the application.

c. Description, location and extent of proposed signs
Complies. The applicant included the location and extent of proposed signs within the application.

d. Lighting standards and heights,
Complies. The applicant included a photometric plan within the application.

e. Location and extent of outside storage areas with proposed methods of concealment from abutting streets and residential areas,
Complies. No outside storage is proposed.

f. Estimated employment projections,
Complies. Champion Express car wash will operate with three employees per day.

g. Public cost/benefit analysis,
Complies. There are no anticipated public cost with this development

h. A statement to be affixed to a final development which shall read: " All activities and uses shall be authorized and be operated to meet the Performance Standards set forth in Chapter 18.33 Use Regulations – Performance Standards, of the City of Woodland Park Municipal Code, Zoning Regulation,"
Complies. The applicant included the above statement within the Site Development Plan Cover Sheet.

i. Any reasonable information specifically requested by the planning commission, city council or city staff relevant to determining if the requested use is appropriate pursuant to these standards.
Complies.

§18.30.100 Permitted uses. All uses allowed in a PUD are permitted conditionally and are designated under PUD in the table of permitted uses for business, industrial and residential districts located in Section 18.09.090.

May Comply. The uses allowed within this PUD were established at the time the PUD was approved. This is a request to change the use of Lot 4 from and “Eating/Drinking place, Eat-in and Drive-through” to also allow for a car wash. While the applicant has proposed updated narrative language for the PUD, the Table on Page 1 of the approved PUD Final Development Plan will need to be updated to reflect this change.

§18.30.110 Dimensional Standards. The lot area per dwelling unit within a planned unit development, exclusive of the area occupied by streets, will be in harmony with the surrounding areas (reference Section 18.30.030), intent and purpose of this chapter and determined by serviceability, recommended by the planning commission and approved by city council. The maximum density permitted within a planned unit development is two dwelling units per gross acre. All other dimensional standards, including the maximum percentage of lot coverage by buildings, structures and impervious surface, the maximum height of buildings and structures, the minimum frontage of lots and the minimum front, side and rear yard building and structural setback requirements, shall be recommended by the Planning Commission and approved, approved with conditions or disapproved by City Council.

May Comply. Only Lot 4 is subject to this request. Page 1 of the approved PUD Plan of Development includes a table labeled BUILDING AND PARKING DATA (Figure 9) that provides standards for development. The dimensional standards proposed for this new use meet every requirement except for the parking standards, which the applicant is proposing to meet the City’s established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee stalls. A revised Page 1 of the overall PUD Plan.

§18.30.120 Parking. Off-street parking requirements in a PUD district shall be as follows:

A. For residential uses, as provided in Chapter 18.39 of this title; Not applicable. No residential use is proposed on this site.

B. For non-residential uses, off-street parking and loading shall be as provided in accord with the requirements of Chapter 18.36. Complies. The applicant is proposing to meet the City’s established parking requirements in MC Section 18.39.20. The proposed carwash will include 23 stacking spaces, ten vacuum stalls, and three employee stalls.

§18.30.130 Landscaping. Landscaping shall be adequate to provide a park-like appearance for the land, buildings and structures located within the boundaries of the planned unit development district.

May Comply. The applicant included a detailed landscape plan within the application. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code

and the current approved PUD. A detailed compliance check will occur with administrative review of the proposed Final Site Plan.

SITE PLAN REVIEW CRITERIA AND FINDINGS Municipal code section §18.34 Site Plan regulates the review of site plan reviews. §18.34.010 states: "In order to ensure a quality development in the city, it is essential that new development meet minimum standards for the design, construction and the use of such developments to complement existing uses, to insure adequate utility and service systems, and to promote the health, safety and welfare of the city's citizens. (Ord. No. 966-2003, § 2, 4-3-2003)." § 18.34.070 specifies the standards by which all conditional uses must comply in order to receive approval. The proposed site plan was analyzed within the CC zone district

A. The proposed development shall conform to the provisions, objectives, and policies of all city plans, adopted and in effect at the time of application, including but not limited to: growth management, transportation, utilities, capital improvements, and downtown redevelopment. Complies. The development is consistent with the following principles and goals as specified in the City's Comprehensive Plan and future land use map. Economic Development Objective 1.2: Retain area business and assist with expansion or adding complementary businesses to create clusters and critical mass. Land Use and Growth Objective 1.1: Ensure that new development fits the intent of the Future Land Use Map and uses the land and community resources. Facilities efficiently and in an environmentally sensitive manner. All new development should contribute to Woodland Park's mountain western identity.

B. The proposed development shall conform to the provisions, standards and requirements of all city regulations, adopted and in effect at the time of application, including but not limited to: zoning, subdivision, mobile homes, utilities, buildings and construction, business regulations, and engineering specifications.

May Comply. City staff has called out issues within the applicant's site plan including landscaping, building architecture and Utility concerns. Comments must be addressed during the construction document phase of the application process.

C. The proposed development shall be designed, constructed, and maintained to accommodate the traffic generated and not unduly increase congestion or traffic on the site and in the vicinity of the site.

May Comply. A traffic study was reviewed with the initial entitlement of the PUD. Subsequent development of the remaining Lots is subject to providing an updated traffic study which is reviewed with the requested site plan review for each Lot.

Colorado Department of Transportation submitted which is attached hereto. Within the comment, CDOT states that an access permit for this development is not needed.

D. The proposed development shall be designed, constructed, and maintained with appropriate regard to topography, surface drainage, soil potentials, natural and manmade hazards, streams, and environmentally significant features.

Complies. The development plan has been prepared with care to minimize impacts to existing topography. Final site grading and drainage are reviewed and inspected by the City Engineer and must be approved administratively during the construction document phase of the application process.

E. The proposed development shall be designed, constructed, and maintained with adequate

water supply, wastewater disposal, solid waste disposal, air quality protection methods, and surface water drainage.

May Comply. The applicant has access to an 8" sanitary sewer main on the north side of the property which is located within an existing utility easement. The car wash proposes to tap into this sanitary sewer main from the northeast corner of the proposed building. The proposed utility plan is included within the application. The applicant send an email to staff on May 11, 2023 in response to a request by staff asking the applicant to outline their specific water usage. According to the applicant, the proposed car wash has estimated they will use 95.25 gallons of water per car. Of the 95.25 gallons, 20 gallons is fresh water and 75.25 gallons are recycled water. They also estimate that around 63.5 gallons of water will be recycled per wash and approximately 11.47 gallons are discharged to the waste water/sewer system. Lastly, the applicant is expecting to wash around 240 cars per day at peak weekend traffic days.

F. The proposed development shall be designed, constructed, and maintained to not unduly increase the public danger of fire, explosion, and other safety hazards upon the public, and persons residing or working on the site and vicinity.

Complies. No safety hazards are created or identified with this project. Construction shall conform to the applicable building and fire codes and construction activity is subject to the noise regulations.

G. The proposed development shall be designed, constructed and maintained to not unduly diminish or impair but to become compatible with the use and enjoyment of vicinity property. To such end the development may be required to provide architectural design schemes and fixtures such as, but not limited to, fencing, landscaping, and buffer areas.

May Comply. The applicant included a detailed landscape plan within the application. This provision may comply if the applicant is consistent with the Woodland Park Municipal Code and the current approved PUD. A detailed compliance check will occur with administrative review of proposed site plan.

REFERRALS AND NOTIFICATIONS Adjacent property owners within 150 feet were mailed a letter notifying them of the submittal of the application as well as all meeting dates including the scheduled Planning Commission public hearing. The site was posted with a public notice poster and notice of the public hearing was published in the Pikes Peak Courier in compliance with the Municipal Code. Staff has received no public comments regarding this rezoning proposal. The application was referred to the City Utilities/Public Works Director, the City Attorney, the City Inspector, the City Engineer, City Manager, CDOT, Woodland Park Police Department, and West Teller County Fire. CDOT submitted a comment to City Staff which is attached hereto. City staff issued red-line comment packets back to the applicant.

PLANNING COMMISSION RECOMMENDATION The Planning Commission heard this item on July 13, 2023 (draft minutes attached) and recommend that the City Council approve a PUD Amendment to change the use from "Eating/Drinking Place, Eat-in and "Drive-through" to also allow a car wash on lot 4 of the Wal-Mart Center and amend Building and Parking Data with the following conditions:

1. A final updated site plan, resolving all issues identified on the redlined plans must be approved by the City before any Zoning Development Permit (ZDP) will be issued.
2. Prior to the issuance of a building permit, the applicant shall submit for and receive approval of a: a. Final Site Plan for a permitted use including landscaping, drainage, architectural elevations, access, etc.; b. Infrastructure Zoning Development Permit c. ZDP's

and Building Permits for all new construction, including: i. All Civil/Construction drawings ii. Final Drainage Report iii. Final Landscaping Plan iv. Final Site Plan v. Final Floor Plans and Elevations vi. Final Grading, Sediment and Erosion Control Plan (with BMP's) vii. Final Utility Plan (water, sewer, power, etc.) viii. Final Photometric Plan ix. CO Stormwater Permit/Stormwater Management Plan

3. An amended Page 1 of the PUD Plan of Development must be submitted with an updated Building and Parking Data Table to reflect the change in use and parking for Lot 4.

4. The Private Access Drive labeled on the site plan must be updated for consistency with the recorded subdivision plat.

5. The applicant shall amend the proposed building façade to better harmonize with the Woodland Park “mountain western” aesthetic.

6. The applicant shall provide fencing substantially the same as the fencing requirements within Section 18.42.070 of the Woodland Park Municipal Code as it were to apply to the subject parcel.

During the public comment portion of the July 13, 2023 Planning Commission Hearing, written comments were submitted to the Planning Commission and reviewed by that speaker.

Following Gates presentation Mayor LaBarre opened the Public Comment portion of the Public Hearing and Dan Taylor shared his opinion on some of the applicants statements.

Following a lengthy discussion by Council as to whether or not they can deny this application based on water, City Attorney Romberg shared that she would look into that. Council decided to extend the Public Hearing on Ordinance No. 1457 to the following Council Meeting which would be September 7 and wait for the City Attorney's opinion.

Motion: to table Ordinance No. 1457, Series 2023 to the September 7, 2023 City Council Meeting. Neal/Case. Motion carried 6-0.

The time being 9:03 PM Mayor LaBarre called for a short recess.

Mayor LaBarre called the meeting back to order at 9:14 PM.

10. NEW BUSINESS

(Public comment may be heard)

- A.** Resolution # 906, Series 2023, of the City Council For The City Of Woodland Park, Authorizing The Transfer Of A Tract To The City For A Detention Pond And Associated Drainage Facilities. (A)
(Presenter Utilities Director Kip Wiley)

Public Works Director Schmitt reviewed Resolution #906, Series 2023 of the City Council for the City of Woodland Park, Authorizing the Transfer of a Tract to the City for a Detention Pond and Associated Drainage Facilities.

There being no Council questions, the following motion was made:

Motion: to approve Resolution #906, Series 2023 of the City Council for the City of Woodland Park, Authorizing the Transfer of a Tract to the City for a Detention Pond and Associated Drainage Facilities. Neal/Connors. Motion carried 7-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

B. Council Reports

Mayor Pro-tem Case shared an update from PPACG regarding the plan for the replacement of traffic signals in 2024.

Councilmember Nakai shared information on the upcoming Green House Tour.

Councilmember Connors shared information on the upcoming Veterans Rally.

C. City Attorney's Report

D. City Manager's Report

City Clerk Leclercq shared that the Citizens Initiative petitioner turned in petitions to her today with more to follow.

Finance Director Vassalotti shared the Sales Tax report for June 2023.

There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 9:30 PM.

1. Sales Tax Report-June 2023

12. ADJOURNMENT

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

Hilary LaBarre, Mayor



City of Woodland Park

September 7, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session regarding the City Council Budget Goals and Priorities for the 2024 City of Woodland Park Budget Mayor LaBarre called the City Council Meeting to order.

The following Councilmembers were present: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Nakai, Councilmember Neal, Councilmember Harvey and Councilmember Zuluaga.

The following Staff Members were present: Interim City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, City Attorney Williams, Public Works Director Schmitt, Utilities Director Wiley, Planning Director Schminke, IT Intern Barnes,

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Presentation of the first Purple Heart sign for the City of Woodland Park.
(Presenter, Jim Bartlett)

Jim Bartlett, a Purple Heart recipient, presented the City Council with the City of Woodland Park's first Purple Heart Sign.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Consideration of Ordinance No. 1459, Series 2023, on initial posting, an Ordinance of the City Council, for the City of Woodland Park, Colorado, Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations to License and Regulate Short-Term Rentals and set the Public Hearing for September 21, 2023.(A)
(Presenters, Councilmember Zuluaga and Councilmember Connors)

Motion: to approve Ordinance No. 1459, Series 2023, on initial posting, an Ordinance of the City Council, for the City of Woodland Park, Colorado, Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations to License and Regulate Short Term Rentals and Set the Public Hearing for September 21, 2023. Zuluaga/Connors. Motion failed 3-4 with Harvey, LaBarre, Case and Neal voting no.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Arnie Sparnins asked the Council what does it take for the council to listen to their constituents regarding STR's?

Jerry Penland shared with the Council that the citizens have spoken regarding STR's.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Ordinance No. 1458, Series 2023, an Ordinance Designating a Local Historic Landmark for the Roberts House Located at 750 CR 21 as Requested by Steve Plutt, a Citizen of the Community (QJ) (Presenter Planning Director Karen Schminke, AICP)

Planning Director Schminke reviewed her staff report with the Council sharing the following information:

Background: On June 29, 2023 Steve Plutt, a citizen of the community, nominated the property which contains the Roberts House and Barn for consideration of a Local Historic Landmark Designation. On July 11, 2023 Michael Lawson, the City of Woodland Park city manager signed the application as property owner representative. The subject property is zoned PUD and is located south of the Walmart store with an address of 750 CR 21, Woodland Park, CO.

The property is also known as the Junction House and is significant for its importance as a stage stop/way station for travelers up Ute Pass on their way to points west. The primary clientele were freight wagons. The application submitted by Mr. Plutt contains a more extensive history of the property and the Roberts family than the 2006 architectural inventory. From the 2006 architectural inventory, the original Junction House was constructed in 1873 and burned down in 1912. Historically, there were many outbuildings on the property across the dirt road. The current cabin was constructed in 1915 by M.J. (Pop) Taylor, a contractor who earned his living constructing log houses. Additions were constructed, windows were changed out and scalloped fascia trim was added circa 1940s. Circa 1950s the deck and mud room addition were constructed and the east shed roof addition was constructed. About 2002-2003 the old stagecoach barns were burned down.

This building's level of integrity, relative to the seven aspects of integrity as defined by the National Park Service and the Colorado Historical Society (setting, location, design, materials, workmanship, feeling, and association) has diminished. The building retains many of its rustic style character defining elements (log construction, small paned windows and overhanging roof) but the additions have partially obscured these elements changing the design, material and workmanship of the building. Per the architectural inventory prepared in 2006, "This building no longer has sufficient integrity to convey its significance on a National or State Level, but still has sufficient integrity to be locally landmarked because of its association with the Roberts and Taylor families. There is also enough historic fabric left to maintain its integrity on a local level." (See Architectural Inventory Form OAHF 1403, Resource Number 5TL.3488).

While the 2006 inventory did not believe the property to significance at a National or State level, it found the property to have local significance and noted in more detail that: The building lost most of its significance through the years as the many additions were constructed on the building and decorative elements were added and the rustic, character

defining elements were either modified or partially covered (log construction, low pitched overhanging roof with exposed rafters, small paned windows). Today the building is located adjacent to a large commercial development. The building is locally significant for its association with the Roberts and Taylor families.

Criteria: In accordance with Resolution No. 602, Series 2003, the Historical Preservation Committee shall evaluate the nomination in regards to the following criteria for a Local Landmark Designation for a residential building:

1. The structure should be at least fifty years old.
2. The property is historically significant through one or more of its: a. architectural design; b. association with an historical event, period or person; c. physical impact and location within the City of Woodland Park; and d. potential to provide important information concerning the history of Woodland Park.
3. The structure should have sufficient original or accurately restored materials that maintain its original historic character.

Findings:

1. The Roberts House is more than 50 years old, having been built in 1915.
2. The property as described in this Staff Report and by the attached Architectural Inventory Form OAHP 1403, Resource Number 5TL.3488 is historically significant due to the property and persons associated with its ownership.
3. Although the building has been added to over time the main cabin is still similar to its original rustic style and character. Historic Preservation Committee (HPC)

Recommendation: The HPC held a public hearing on August 8, 2023 and voted unanimously to recommend approval of the Roberts House (aka The Junction House), located at 750 CR 21 with a legal description of Track D, Wal-Mart Center, Woodland Park, CO, as a Local Historic Landmark based upon the findings stated above.

Steve Plutt and Hildred Davis both spoke regarding the Roberts House. Ms. Davis's family lived and worked in that house.

Following the presentation of this ordinance, Mayor LaBarre opened up the Public Comment portion of the Public Hearing. There being no Public Comment Mayor LaBarre closed the Public Hearing and the following motion was made.

Motion: to approve Ordinance No. 1458, Series 2023 an Ordinance Designating a Local Historic Landmark for the Roberts House located at 750 CR 21 as Requested by Steve Plutt, a citizen of the Community. Connors/Nakai. Motion carried 7-0.

- B.** Ordinance No. 1457, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, Approving the Modification of the allowed use of Lot 4 of the Wal-Mart PUD from "Eating/Drinking Place, Eat-In and Drive-Through" to also allow a car wash. (QJ) (Tabled from August 17, Council Meeting. Public Comment closed)
(Presenter Senior Planner, CJ Gates)

Prior to the start of this hearing, Councilmember Harvey recused herself.

Mayor LaBarre reminded the Council that this item was tabled at the August 17 City Council Meeting and the Public Comment portion of this hearing was closed.

Senior Planner Gates shared that there was no new information regarding this agenda item to share.

Following Council discussion regarding water, noise and traffic the following motion was made.

Motion: to approve Ordinance No. 1457, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, approving the Modification of the allowed use of Lot 4 of the Wal-Mart PUD from "Eating/Drinking Place, Eat In and Drive Through" to also allow a car wash. Case/Neal. Vote tied 3-3 with Nakai, Zuluaga and Connors voting no. Harvey was recused from the vote. As per Council's Rules and Procedures a tie means that the issue fails.

10. NEW BUSINESS

(Public comment may be heard)

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

Councilmember Neal shared a report from the DDA meeting of September 5.

Councilmember Zuluaga gave a report from KWPB and let the Council know that Jeanette Horwood resigned from the committee.

Councilmember Connors gave a report from the HPC and also thanked Steve Plutt for all his hardwork repairing tombstones at the Woodland Park Cemetery.

B. Council Reports

C. City Attorney's Report

D. City Manager's Report

12. ADJOURNMENT

There being no further City business, Mayor LaBarre adjourned the City Council Meeting at 8:01 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

Hilary LaBarre, Mayor



City of Woodland Park

September 21, 2023 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session with Bob Widner, City Attorney for Centennial, Colorado and author of "Bob's Rules of Order" Mayor LaBarre called the City Council Meeting to order.

The following Councilmembers were in attendance: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Harvey, Councilmember Nakai, Councilmember Zuluaga and Councilmember Neal appeared via zoom.

The following staff members were also in attendance: Interim City Manager/Finance Director Vassalotti, Deputy City Manager/City Clerk Leclercq, Planning Director Schminke, IT Helpdesk Technician Barnes, Communications, Marketing Coordinator Higgenbotham and City Attorney Wilson.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. City of Woodland Park Police Department Awards Presentation,
(Presenter Chief of Police Deisler)

Brian Bledsoe, Lisa Seal, Amber Hartman and Robin Lindberg were all presented quarterly awards by Chief of Police, Chris Deisler.

- B. Your local Ambulance, Challenges and Solutions.
(Captain, Daniel Campbell, Ute Pass Regional Health Services District)

Deputy Chief, Dave Hansher from the Ute Pass Regional Health Services District shared some of the challenges facing the Ute Pass Ambulance District.

- C. Creek Week proclamation.

Executive Director Ali Schuch shared the events of the upcoming Creek Week Cleanup. Following Shuch's presentation Mayor Labarre read the 2023 Creek Week proclamation into the record.

- D. Housing Needs Assessment presentation.
(Presenter Brian Points, Points Consulting)

Pedro Jimenez, from Points Consulting, shared a presentation with the Council regarding the Housing Needs Survey results.

- E. Re-cap and thank you to the City of Woodland Park regarding the Salute to Veterans Rally.
(Presenter Jim Wear, Founder/Organizer of the Salute to Veterans Rally)

Jim Wear, Founder/Organizer of the Salute to Veterans Rally, thanked the City of Woodland Park Staff and City Council for their support of the 2023 Veterans Rally.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A.** Consideration of Ordinance No. 1460, Series 2023, an Ordinance on initial posting, of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission , Acceptance, Processing and Approval of Applications for Short Term Rental Licenses, and set the Public Hearing for October 5, 2023. (A)
(Presenter City Attorney Nina Williams)

Motion: To approve Ordinance No. 1460, Series 2023, an Ordinance on initial posting, of the City Council for the City of Woodland Park, Colorado Further Extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of Applications for Short Term Rental -Licenses, -.and, set the Public Hearing for October 5, 2023. Zuluaga/Case. Motion passed 7-0.

- B.** Consideration of Ordinance No. 1459, Series 2023, on initial posting, an Ordinance of the City Council, for the City of Woodland Park, Colorado, Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations to License and Regulate Short-Term Rentals and set the Public Hearing for October 5, 2023. (A)
(Presenters, Councilmember Zuluaga and Councilmember Connors)

Motion: to approve Ordinance No. 1459, Series 2023 on initial posting, an Ordinance of the City Council, for the City of Woodland Park, Colorado, Amending Title 5 of the Woodland Park Municipal Code, Concerning Business Regulations to License and Regulate Short Term Rentals and set the Public Hearing for October 5, 2023. Connors/Zuluaga. 3-4 motion failed with Harvey, Case, Neal and LaBarre voting no.

- C.** Approval of the August 2023 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof.

Motion to approve the August 2023 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof. Case/Nakai. Motion passed 7-0.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA (1)

Debbie Miller, President of the Chamber of Commerce, shared some exciting upcoming events with the Council and audience to include an event being held on October 5, called Eggs & Issues with House Representative Brittney Petterson and on October 9 a Candidate Forum for the RE-2 School Board candidates. Miller shared that the Candidate Forum would be recorded.

Sharon Richardson shared that Victory Life Church would be hosting a School Board Candidate forum that would be held at the Woodland Park School District Auditorium on October 2.

Kitten Walker shared that she is pleased with the good relationship between the Chamber of Commerce and Charis Bible College. Walker shared that there is no conflict with Victory Life Church hosting the candidate forum and that their mission is to activate and educate the community.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

9. PUBLIC HEARINGS

(Public comment may be heard)

10. NEW BUSINESS

(Public comment may be heard)

- A.** Approval of Subdivision Development Agreement - The Grove at Spruce Haven
(Presenter, Planning Director Karen Schminke, AICP)

Planning Director Schminke shared her Staff Report with the Council sharing the following:

The Conditional Use Permit for The Grove at Spruce Haven, a townhome development, was approved in July 2022 by Ordinance 1424, Series 2022. This project is located at 920 Spruce Haven Drive and consists of six (6) 2-unit attached single family dwellings on 2.18 acres in the Multi-family Residential Suburban (MFS) zone. A townhome plat has since been administratively approved and was recorded in July 2023.

The Developer has been installing all the required infrastructure and in the near future would like to begin obtaining building permits for the individual dwelling units. As a result, a subdivision development agreement (SDA) is required, along with a financial guarantee for the infrastructure that has not yet been completed (primarily storm system improvements and private roadway). It is at the City's discretion to enter into a contract with the Developer whereby the Developer shall guarantee to complete all improvements required by City Code, or otherwise specified by the City according to city specifications.

Attached for your consideration is the proposed SDA which is based on the City's Sample SDA. To secure this contract, the Developer is required to provide, subject to approval of the City Council, either a cash escrow, an irrevocable letter of credit, or bond. The amount of the financial security is required to be at least equal to the cost, as estimated by the Developer and approved by the city engineer, of installing all required improvements plus 50 percent. For this project, it is the contractor, Johnson Constructors, LLC, who has obtained a Site Improvement Performance Bond. As a result, the proposed SDA includes both the Developer, 920 Spruce Haven, LLC, and the Contractor, Johnson Constructors, LLC.

The following motion was made: To approve the Subdivision Development Agreement - the Grove at Spruce Haven to include the additional -requirements of a receipt of bond for improvements as stated in the Development Agreement. Case/Nakai. Motion carried 7-0.

- B.** Citizens Initiative Petition results and steps moving forward.
(Presenter Deputy City Manager/City Clerk Leclercq)

City Clerk Leclercq shared the following information with the Council:

As Council is aware on August 21, 2023 the City Clerk's Office received a Citizen's Initiative Petition regarding "An Ordinance of the Citizens of Woodland Park for the City of Woodland Park, Colorado Amending Title 18 of the Woodland Park Municipal Code, Concerning Zoning Districts where Short-Term Rentals are Allowed to be licensed and Operated within the City Limits of Woodland Park, Colorado" totaling 1438 signatures.

The requirements for this petition were 1018 signatures, which was equal to 15% of the voters for the City of Woodland Park.

This past Tuesday, I officially certified this petition as being sufficient. I certified 1345 signatures. Only needing 1018 signatures, they had 327 more signatures than needed.

As the Council is also aware, as per CRS 31-11-110 within 40 days after an initiative petition is filed, which was August 21, a protest in writing under oath may be filed in the office of the City Clerk by any registered elector who resides in the municipality, setting forth specifically the grounds for such protest. The protest period for this petition will end on September 29, 2023.

As per State Statute CRS 31-11-104 regarding Initiative Petitions - the proposed ordinance may be adopted without alteration by the legislative body within 20 days following the final determination of petition sufficiency. If not adopted by the legislative body, the legislative body shall refer the proposed ordinance, petitioned for, to the registered electors for a special election. The dates of this election must be between 60 days and 150 days.

If the Council desires this to go to a Special Election, I recommend the date of December 12. This date meets the criteria as put forth in state statute. It also won't interfere or confuse the voters with the upcoming regularly scheduled election in April. Following the work session this evening and consensus from the Council, I will bring forth on October 5, a Resolution announcing the election date of December 12 and the ballot question to be put on the ballot. As you all know, this evening the Council will be discussing whether or not there will be other questions added to this ballot.

As per the same state statute as quoted above, if it is the Council's desire, alternative ordinances may be submitted at the same election, and, if two or more conflicting measures are approved by the people, the one that receives the greatest number of affirmative votes shall be adopted in all particulars as to which there is a conflict.

City Clerk Leclercq shared that more details would be discussed this evening during the work session following this Council Meeting.

C. Council discussion of Mill Levy.

(Presenter Interim City Manager/Finance Director Aaron Vassalotti)

Finance Director Vassalotti shared a presentation with the Council regarding the Mill Levy and potential scenarios if it was to be reduced. Vassalotti shared that this was in preparation for a joint meeting with the City and County being held on September 27 to discuss the Mill Levy.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the upcoming events for the next two weeks.

B. Council Reports

Mayor Pro-tem Case shared an update from PPACG and updates from WAC.

Councilmember Zuluaga shared updates regarding KWPB.

Councilmember Nakai asked the City Attorney to give an update on the IGA discussion with the School District and City Attorney Wilson shared that he sent an email to the School Board and has not had a response. Mayor LaBarre shared that she also reached out to the President of the School Board and has heard no response either.

Councilmember Nakai also congratulated the citizens on their Initiative Petition.

Councilmember Connors shared an update of the HPC.

Immediately following the conclusion of the Council Meeting, the City Council held a work session to discuss items to be put on the Special Election Ballot.

C. City Attorney's Report

D. City Manager's Report

12. ADJOURNMENT

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2023

Hilary LaBarre, Mayor

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1461, SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLE 18 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING ZONING DISTRICTS WHERE SHORT-
TERM RENTALS ARE ALLOWED TO BE LICENSED AND OPERATED WITHIN
THE CITY LIMITS OF WOODLAND PARK, COLORADO, AND DECLARING AN
EMERGENCY**

WHEREAS, the City of Woodland Park, Colorado (“City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”) and its Citizens, possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety, and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City and its Citizens also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 18, concerning zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Citizens find and determine it is necessary to amend certain provisions of Title 18 to adopt regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Citizens find such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, in response to community concerns with short-term rentals, in November 2021, the City started investigations and outreach efforts concerning short-term rentals; and

WHEREAS, in the Community Engagement Report on short-term rentals published in July 2022, the top concern residents express about short-term rentals was “Community Character”; and

WHEREAS, without consideration to the community concern with short-term rentals, the City Council on November 17, 2022, passed Ordinance 1431 allowing short-term rentals to be licensed and operated in single family residential houses, anywhere in the City with no restrictions;

and

WHEREAS, by a successful Referendum Petition, the Citizens stopped Ordinance 1431, sending it back to City Council for their action to Repeal or send it to a Special Election; and

WHEREAS, City Council repealed Ordinance 1431 on February 16, 2023, as the Citizens asked them to do; and

WHEREAS, the Citizens desire to maintain the character of its residential neighborhoods which enhances the quality of life for its residents, protects public peace, welfare, health, safety, and preserves housing stock for residential use; and

WHEREAS, there is a need to codify where short-term rentals are allowed to be licensed and operate in the City in Title 18 Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new section 18.06.480, regarding definitions pertaining to Short-Term Rentals is added as follows:

18.06.480 – Definitions pertaining to Short-Term Rentals

18.06.480.1 – Non-Primary Residence Short-Term Rental Units

Non-Primary Residence short-term rental units means the short-term rental unit is not the primary residence of the owner/operator.

18.06.480.2 – Primary Residence

Primary Residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

18.06.480.3 – Primary Residence Short-Term Rental Units

Primary residence short-term rental units means the short-term rental unit is the primary residence of the owner/operator.

18.06.480.4 – Short-Term Rental Business

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

18.06.480.5 – Short-Term Rental Unit

Short-term rental unit means a dwelling unit, or a portion thereof, that is rented or utilized for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Section 3. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HS C	PUD
...													
L. Lodgings.													
...													
<u>4A. Non-Primary Residence Short-term rental units in accordance with Section 18.78.050</u>								P	P	P	P		
<u>4B. Primary Residence Short-term rental units in accordance with Section 18.78.050</u>	P	P				P		P	P	P	P		P

Section 4. A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 – Short-Term Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) Licensing requirement

(1) All short-term rental units shall comply with Title 5 Business Requirements and Title 18 Zoning Requirements of the Woodland Park Municipal Code.

(b) Short-term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City.

- (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
- (2) Short-term rental units are not permitted in bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.
- (3) No short-term rental shall be operated in such a way as to constitute a nuisance.
- (4) The maximum number of occupants that are permitted in a short-term rental shall be two (2) people per legal bedroom plus an additional two (2) people. Notwithstanding the foregoing, the maximum occupancy per short-term rental unit shall be twelve (12) occupants.
- (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
- (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom. Off-street, on-site parking shall be utilized first with no overnight, overflow parking on the street allowed.
- (7) To operate a Primary Residence as a short-term rental, at least one of the primary residents must live on-site throughout the visitor's stay.

Section 5. Current Business Licenses Operating Short-Term Rental Businesses. No new Business Licenses or Renewal Licenses to operate a short-term rental unit will be issued or renewed that does not conform to the Zoning District Table of Permitted Uses in 18.09.090 for short-term rental units after December 31, 2024. The clear intent of this paragraph is to not allow Non-Primary Residence Short-Term Rental Units in Single Family Residential Neighborhoods within the City, Zoning Districts SR, UR, and PUD and Multi-Family Residential Neighborhoods, MFS and MFU Zoning Districts after December 31, 2024.

Section 6. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

Section 8. Emergency Declaration. Pursuant to C.R.S. § 31-16-105, the City Council hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public health, safety and welfare and the financial well-being of the City because in order to comply with the requirements of C.R.S. 31-11-104, this ordinance must be passed as an emergency ordinance.

PASSED BY CITY COUNCIL FOLLOWING PUBLIC HEARING THIS _____ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 907
(Series of 2023)

**A RESOLUTION OF THE CITY COUNCIL OF WOODLAND PARK, COLORADO,
CALLING A SPECIAL ELECTION FOR DECEMBER 12, 2023 AND DIRECTING
THAT A CITIZEN’S INITIATIVE BE PLACED ON THE BALLOT AT SAID
ELECTION.**

WHEREAS, the City of Woodland Park voters possess the authority to propose municipal legislation by a Citizens Initiative petition;

WHEREAS, the city clerk has received a Citizens Initiative petition and issued a final determination of sufficiency thereon;

WHEREAS, the City Council has chosen not to adopt the initiated ordinance as proposed pursuant to C.R.S. 31-11-104(1), and the Council is therefore legally obligated to refer the ordinance as proposed to the electors of the City at an election.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, determinations, facts and findings of the City Council.

Section 2. The City Council hereby calls for the City Clerk to take the necessary steps to set this matter for a special election on December 12, 2023 pursuant to C.R.S. 31-11-104 and Section 2.3 of the City Charter.

Section 3. The City Clerk shall take the steps necessary to ensure that the ordinance attached hereto as “Exhibit A” appears on the December 12, 2023 special election ballot distributed to municipal electors.

Section 4. C.R.S. 31-11-111(1) requires that council set a ballot titled for the proposed measure; accordingly, the following ballot title is set:

SHALL THE WOODLAND PARK MUNICIPAL CODE BE AMENDED TO DEFINE A SHORT-TERM RENTAL UNIT AS A DWELLING UNIT THAT IS RENTED OR UTILIZED FOR FURNISHING LODGING FOR ANY PERIOD OF LESS THAN THIRTY (30) CONSECUTIVE DAYS AND TO DEFINE PRIMARY RESIDENCE AS THE PLACE WHERE A PERSON SPENDS A MAJORITY OF THEIR TIME DURING THE YEAR; PROVIDING THAT SHORT-TERM RENTAL UNITS THAT ARE THE PRIMARY RESIDENCE OF THE OWNER/OPERATOR ARE ALLOWED IN ALL SINGLE-FAMILY AND COMMERCIAL ZONING DISTRICTS AND SHORT-TERM RENTAL UNITS THAT ARE NOT THE PRIMARY RESIDENCE OF THE OWNER/OPERATOR ARE ONLY ALLOWED IN COMMERCIAL ZONING DISTRICTS AND IMPOSING REQUIREMENTS TO WHICH SHORT-TERM RENTAL UNITS WILL BE SUBJECT, INCLUDING OCCUPANCY LIMITS, PARKING REQUIREMENTS, AND A REQUIREMENT THAT THE PRIMARY RESIDENT BE LIVING ON-SITE DURING A SHORT-TERM RENTAL VISITOR STAY?

THE FOREGOING RESOLUTION IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WOODLAND PARK, COLORADO ON THIS 5th DAY OF OCTOBER, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

EXHIBIT A

CITY OF WOODLAND PARK, COLORADO

ORDINANCE NO. _____, SERIES _____

AN ORDINANCE OF THE CITIZENS OF WOODLAND PARK FOR THE CITY OF WOODLAND PARK, COLORADO, AMENDING TITLE 18 OF THE WOODLAND PARK MUNICIPAL CODE, CONCERNING ZONING DISTRICTS WHERE SHORT-TERM RENTALS ARE ALLOWED TO BE LICENSED AND OPERATED WITHIN THE CITY LIMITS OF WOODLAND PARK, COLORADO

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”) and its Citizens, possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. §31-23-301 the City and its Citizens also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City and its Citizens also possesses the authority to regulate the operation of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Citizens finds and determines it is necessary to amend certain provisions of Title 18 to adopt regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Citizens finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, in response to community concerns with short-term rentals, in November 2021, the City started investigations and public outreach efforts concerning short-term rentals; and

WHEREAS, in the Community Engagement Report on short-term rentals published in July 2022, the top concern residents express about short-term rentals was “Community Character”; and

WHEREAS, without consideration to the community concern with short-term rentals, the City Council on November 17, 2022, passed Ordinance 1431 allowing short-term rentals to

be licensed and operated in single family residential houses, anywhere in the City with no restrictions; and

WHEREAS, by a successful Referendum Petition, the Citizens stopped Ordinance 1431, sending it back to City Council for their action to Repeal or send it to a Special Election; and

WHEREAS, City Council repealed Ordinance 1431 on February 16, 2023, as the Citizens asked them to do; and

WHEREAS, the Citizens desire to maintain the character of its residential neighborhoods which enhances the quality of life for its residents, protects public peace, welfare, health, safety, and preserves housing stock for residential use; and

WHEREAS, there is a need to codify where short-term rentals are allowed to be licensed and operate in the City in Title 18 Zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITIZENS FOR THE CITY OF WOODLAND PARK, COLORADO AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by its Citizens.

Section 2. A new section 18.06.480, regarding definitions pertaining to Short-Term Rentals is added as follows:

18.06.480 – Definitions pertaining to Short-Term Rentals

18.06.480.1 – Non-Primary Residence Short-Term Rental Units

Non-Primary Residence short-term rental units means the short-term rental unit is not the primary residence of the owner/operator.

18.06.480.2 – Primary Residence

Primary Residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

18.06.480.3 – Primary Residence Short-Term Rental Units

Primary residence short-term rental units means the short-term rental unit is the primary residence of the owner/operator.

18.06.480.4 – Short-Term Rental Business

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

18.06.480.5 – Short-Term Rental Unit

Short-term rental unit means a dwelling unit, or a portion thereof, that is rented or utilized for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Section 3. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HS C	PUD
...													
L. Lodgings.													
...													
<u>4A. Non-Primary Residence Short-term rental units in accordance with Section 18.78.050</u>								P	P	P	P		
<u>4B. Primary Residence Short-term rental units in accordance with Section 18.78.050</u>	P	P				P		P	P	P	P		P

Section 4. A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 – Short-Term Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) Licensing requirement

(1) All short-term rental units shall comply with Title 5 Business Requirements and Title 18 Zoning Requirements of the Woodland Park Municipal Code.

(b) Short-term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City.

(1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.

(2) Short-term rental units are not permitted in bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.

(3) No short-term rental shall be operated in such a way as to constitute a nuisance.

(4) The maximum number of occupants that are permitted in a short-term rental shall be

two (2) people per legal bedroom plus an additional two (2) people.

Notwithstanding the foregoing, the maximum occupancy per short-term rental unit shall be twelve (12) occupants.

(5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.

(6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom. Off-street, on-site parking shall be utilized first with no overnight, overflow parking on the street allowed.

(7) To operate a Primary Residence as a short-term rental, at least one of the primary residents must live on-site throughout the visitor's stay.

Section 5. Current Business Licenses Operating Short-Term Rental Businesses. No new Business Licenses or Renewal Licenses to operate a short-term rental unit will be issued or renewed that does not conform to the Zoning District Table of Permitted Uses in 18.09.090 for short-term rental units after December 31, 2024. The clear intent of this paragraph is to not allow Non-Primary Residence Short-Term Rental Units in Single Family Residential

Neighborhoods within the City, Zoning Districts SR, UR, and PUD and Multi-Family Residential Neighborhoods, MFS and MFU Zoning Districts after December 31, 2024.

Section 6. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from and after its publication as required.

CITY OF WOODLAND PARK, COLORADO
RESOLUTION NO. 908
(Series of 2023)

**A RESOLUTION OF THE CITY COUNCIL OF WOODLAND PARK, COLORADO,
PLACING ORDINANCE 1462 SERIES 2023 ON THE BALLOT FOR THE SPECIAL
ELECTION ON DECEMBER 12, 2023.**

WHEREAS, the appropriate regulation of short-term rentals has been a controversial issue within the City of Woodland Park; and,

WHEREAS, the citizens have referred a ballot initiative concerning short term rental regulation to the ballot at a special municipal election to be held on December 12, 2023; and,

WHEREAS, pursuant to C.R.S. 31-11-111(2), the City Council may submit any question to a vote by registered voters;

WHEREAS, the City Council wishes to provide voters at the December 12 election with an alternative approach to short term rental regulation to that proposed by petition.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are hereby incorporated as conclusions, determinations, facts and findings of the City Council.

Section 2. The City Clerk shall take the steps necessary to ensure that Ordinance 1462, attached hereto as “Exhibit A” appears on the December 12, 2023 special election ballot distributed to municipal electors.

Section 3. C.R.S. 31-11-111(1) requires that council set a ballot titled for the proposed measure; accordingly, the following ballot title is set:

An ordinance referred by the Woodland Park City Council, amending Titles 5 and 18 of the Woodland Park Municipal Code concerning the zoning, regulation and licensing of short term rental units (STR) within the City, and in connection therewith defining “short term rental unit” and other terms, requiring a license to operate an STR, setting conditions for the issuance and revocation of STR licenses and permitting Council to establish a license fee; amending the zoning code to designate the zoning districts in which STRs will be permitted, setting standards in connection with such use, and setting caps on the number of STRs permitted in single family residential and planned unit development districts.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED BY THE CITY COUNCIL OF
WOODLAND PARK, COLORADO ON THIS 5th DAY OF OCTOBER, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

EXHIBIT A

CITY OF WOODLAND PARK, COLORADO

ORDINANCE NO. 1462, SERIES 2023

**AN ORDINANCE OF THE CITY OF WOODLAND PARK, COLORADO
AMENDING TITLES 5 AND 18 OF THE WOODLAND PARK MUNICIPAL
CODE, CONCERNING BUSINESS REGULATIONS AND ZONING, TO
LICENSE AND REGULATE SHORT-TERM RENTALS**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 and Title 18 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Council finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Chapter 5.22, concerning Short-Term Rentals, is hereby added to Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Titles 5 and 18 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the trustee of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a dwelling unit, or a portion thereof, that is rented or leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License from the City with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.

- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/short-term rental business licensee.
- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR – **42**; UR – **28**; PUD – **4**. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts. The established caps shall not apply to short-term rental units which are the short-term rental business licensee's primary residence, as defined in Section 5.22.010.
- (h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City. New Short-Term Rental Business Licenses, once available, will be processed and issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18.
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to

property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

- (j) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.
- (k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: accessory dwelling units (ADUs) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, rental apartment units, apartment buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures.
- (l) All short-term rental units within the SR, UR or PUD zoning districts must comply with the distance restrictions established in Section 18.78.050.
- (m) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

5.22.030 - Application, issuance and renewals.

- (a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City, on application forms provided by the City. New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.
- (b) The City may issue a new Short-Term Rental Business License upon all the following conditions:
 - (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
 - (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
 - (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.

- (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.
- (c) The City shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:
 - (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
 - (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.
 - (3) There are no outstanding or pending health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
 - (4) Within the last twelve (12) months there has been no more than two cited violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than two violations of any of the Short-Term Rental Business License or application requirements or there have been no more than two violations of the Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
 - (6) All applicable requirements in Section 5.22.020 are met.
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the short-term rental business licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
- (e) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12) months of any of the terms pertaining to the Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. A new section 18.06.480, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.480 – Short-term rental business.

“Short-term rental business” means the occupation of leasing or renting one (1) or more short-term rental units.

Section 4. A new section 18.06.481, regarding the definition of Short-term rental unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a portion thereof, that is rented or leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Section 5. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

18.09.090 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SP L	NC	CC	SC	CBD	HSC LI	PU D
...													
L. Lodgings.													
...													
<u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u>	<u>PC</u>	<u>PC</u>						<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>

Section 6. A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 – Short-Term Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) Licensing requirements

- (1) All short-term rental units shall comply with Chapter 5.22 of the Woodland Park Municipal Code, which establishes conditions under which a property owner may apply for a Short-Term Rental Business License.

(b) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:

- (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
- (2) Short-term rental units are not permitted in accessory dwelling units (ADUs) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.

-
- (3) No short-term rental unit shall be operated in such a way as to constitute a nuisance.
 - (4) The maximum number of occupants permitted in a short-term rental unit shall be two (2) people per legal bedroom plus an additional two (2) people.
 - (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
 - (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a minimum of one (1) parking space per bedroom.
 - (7) The number of short-term rental units in a zoning district shall not exceed the established cap for such zoning district as established in Chapter 5.22.
 - (8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.* Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business License within two (2) months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in certain zoning districts, the distance restrictions within Section 18.78.050(b)(8), and the caps established in Chapter 5.22 shall not apply to such new Short-Term Rental Business License applications or to subsequent renewals for the same short-term rental unit made by the same license holder. For the first two (2) months after the effective date of this Ordinance, if the number of Short-Term Rental Business License applications submitted exceeds the cap imposed by this Ordinance, the City shall process applications from current and valid business license holders operating a short-term rental business first, before processing other Short-Term Rental Business License applications.

Section 8. *Biennial Review of Caps.* Within two (2) years after the effective date of this Ordinance, and for every two (2) years thereafter, the City Council shall review, if applicable, the established caps for the maximum number of short-term rental units permitted within certain zoning districts.

Section 9. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 10. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required, and following its approval by the voters at a special election to be held on December 12, 2023.



STAFF REPORT

TO: Mayor LaBarre and City Council

FROM: Karen Schminke, Director of Planning & Building Services

DATE: October 5, 2023

SUBJECT: Ordinance No. 1455, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short Term Rentals. (L) (Tabled from the July 6, 2023 City Council Meeting)
(Presenter Planning Director Schminke)

BACKGROUND: See attached report.

RECOMMENDATION:

Approve Ordinance No. 1455, Series 2023, an Ordinance of the City Council for the City of Woodland Park, Colorado, Amending Titles 5 and 18 of the Woodland Park Municipal Code, Concerning Business Regulations and Zoning, to License and Regulate Short-Term Rentals.

ATTACHMENTS:

1. Memo to CC for Oct 5 PH 2023-1005
2. Ordinance 1455 - PC Recommendation 6.29.23
3. 2023.06.29 PC Special Meeting Minutes - Signed
4. PC 2022 recommended ORD with CC 2023-0601 requests annotated
5. STR Residence data by zone 6.20.2023



City of Woodland Park Memo for City Council

Meeting Date: October 5, 2023

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
9A	Planning	Karen Schminke, AICP Planning Director

AGENDA ITEM

PUBLIC HEARING regarding Ordinance 1455, Series 2023, an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals.

HISTORY

Short term rentals can best be explained as the renting of either a part of a residence or the whole residence for less than 30 consecutive days. For background information, the City's current zoning regulations do not explicitly address this type of rental in any zoning district. Nor does the City does not regulate long-term (30 consecutive days or longer) residential rentals.

Within Title 3 – Revenue and Finance, lodging tax and its applicability is clearly outlined:

3.38.010 - Lodging tax levied; use of revenues.

A. There is levied a tax of five and seven-tenths per cent on the purchase price paid for the short-term (less than thirty consecutive days) leasing or rental of any hotel room, motel room, apartment, lodging or inn room, motor hotel, guest house, mobile home, trailer court, bed and breakfast, or any other place that furnishes sleeping accommodations under any concession, permit, right of access, license to use or other agreement or otherwise within the city.

B. The revenues from said tax shall be used for the payment of activities associated with economic enhancement and sustainability of the city, to include without limitation capital projects and annual operating and maintenance expenses for beautification and streetscape purposes throughout the city and for advertising, marketing, and promotion of the city.

As with any other business in the City, business licenses (as detailed in Title 5) have been required for those who are operating an STR. These licenses assist the City in tracking which businesses should be reporting and submitting applicable sales and lodging taxes.

Over two years ago the Planning Commission identified short term rentals (STR) as an issue that should be reviewed and possibly addressed with a Code change. In 2022 the City undertook an extensive public engagement process, the purpose of which was to develop a thorough understanding of the benefits and impacts of short term rentals and to build consensus on addressing the use in City Code. After three joint work sessions between Planning Commission and City Council, in September 2022 Planning Commission recommended an ordinance to City Council to license and regulate STRs. City Council subsequently amended the Planning Commission recommendation and adopted Ordinance 1431 in November 2022. After a citizen referendum, City Council voted to repeal Ordinance 1431 in February 2023. All these activities have been chronicled on the City's community engagement website What's Up Woodland Park. This website can be accessed through this link:

[Short-term Rentals | What's Up Woodland Park \(whatsupwoodlandpark.com\)](https://www.whatsupwoodlandpark.com/Short-term-Rentals)

2023 PROPOSED ORDINANCE

City Council held a work session on March 2, 2023 and again on June 1, 2023 to again discuss the potential licensing and regulation of short-term rentals. At the June 1, 2023 work session, it was the consensus of a majority of Council members to request a new ordinance to license and regulate STRs, starting with the original Planning Commission recommendation from September 29, 2022, but with the following revisions (annotated copy attached for reference):

- Page 2 – Short-term rental unit definition – delete word ‘utilized’
- Page 3 – section (g) – revise cap % based on the current number of licenses and round up to a whole %
- Page 4 – Revise (k) – so accessory dwelling units can be used for an STR; Delete (l)(distance separation requirements) and (n)(not subject to ordinance requirements if renting a portion of your primary residence while concurrently occupying the home).
- Page 5 – Revise (c)(4) and (5) to ‘no more than two violations’
- Page 6 – Revise to two violations within the past 12 months for Chapter provisions or business license and Good Neighbor Guidelines
- Page 7 – Revise (b)(2) – so accessory dwelling units can be used for an STR
- Page 8 – Delete (8) (distance separation requirements); Revise Section 7 (transition and legacy provisions); Delete and new Section 8 establishing biennial review of caps on licenses.

Planning Commission held work sessions on June 8, 2023 and June 22, 2023 where the revisions requested by City Council were reviewed. The Planning Commission further refined the ordinance, requesting additional revisions to clarify and clean-up some wording, and adding back in the distance separations requirements between STR units.

During the second work session the Planning Commission finalized their recommendation for caps on the number of STR units. Rather than setting the caps at a percentage of available dwelling units in each zone district, the Commission proposed using a firm number. They also chose to make a distinction between primary residence STR units and non-primary residence STR units. The proposed ordinance does not limit the number of STR units that meet the criteria

for being someone's primary residence. Non-primary residence STR units are proposed to be capped at 25% less than the current number of operating non-primary residence STRs.

For your reference, attached to this memo is a work sheet that shows the number of STR units by zone district. This information is further broken apart in each zone district by primary residence STR units and non-primary residence STR units. This information was used by Planning Commission to make a recommendation on license caps. The consensus of Planning Commission after each of their June 2023 work sessions is also shown on the work sheet.

This ordinance has also been further refined so that the provision that establishes caps that limit the number of licenses for non-primary residence STRs is located in Title 5 which regulates licensing, specifically Section 5.22.020 (g). The requirement to provide minimum distance separation requirements between STRs is found in the Title 18 which regulates zoning, specifically Section 18.78.050 (b)(8).

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on the propose ordinance on June 29, 2023. At the conclusion of the hearing, the Planning Commission voted unanimously (5-0) to approve an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals with the provisions, updates, and corrections as presented tonight, to go forward to the City Council and public hearing.

ATTACHMENS

Ordinance 1455, Series 2023 as recommended by Planning Commission
Planning Commission Minutes from June 29, 2023
2022 PC Recommendation with 2023 Council Requested Revisions Annotated
STR Data by Zone June 2023

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1455, SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLES 5 AND 18 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS AND ZONING,
TO LICENSE AND REGULATE SHORT-TERM RENTALS**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 and Title 18 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Council finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF WOODLAND PARK, COLORADO as follows:**

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Chapter 5.22, concerning Short-Term Rentals, is hereby added to

Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Titles 5 and 18 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the trustee of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a dwelling unit, or a portion thereof, that is rented or leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License from the City with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/short-term rental business licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap within such zoning districts. The established cap in those districts shall be as follows: SR – **42**; UR – **28**; PUD – **4**. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts. The established caps shall not apply to short-term rental units which are the short-term rental business licensee's primary residence, as defined in Section 5.22.010.
- (h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City. New Short-Term Rental Business Licenses, once available, will be processed and issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18.
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (j) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.
- (k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: accessory dwelling units (ADUs) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, rental apartment units, apartment

buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures.

- (l) All short-term rental units within the SR, UR or PUD zoning districts must comply with the distance restrictions established in Section 18.78.050.
- (m) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

5.22.030 - Application, issuance and renewals.

- (a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City, on application forms provided by the City. New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.
- (b) The City may issue a new Short-Term Rental Business License upon all the following conditions:
 - (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
 - (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
 - (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
 - (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.
- (c) The City shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:
 - (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
 - (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.

- (3) There are no outstanding or pending health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
- (4) Within the last twelve (12) months there has been no more than two cited violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
- (5) Within the last twelve (12) months, there have been no more than two violations of any of the Short-Term Rental Business License or application requirements or there have been no more than two violations of the Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
- (6) All applicable requirements in Section 5.22.020 are met.
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the short-term rental business licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax, or any other tax, such as sales tax, or the annual license fee established by the City Council.
- (b) False statement of material fact contained in the application;
- (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
- (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
- (e) Two (2) cited violations within the last twelve (12) months of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or two (2) violations within the last twelve (12)

months of any of the terms pertaining to the Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time. If a Short-Term Rental Business License is revoked pursuant to this subsection, such revocation shall be in effect for a minimum of two (2) years.

5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. A new section 18.06.480, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.480 – Short-term rental business.

“Short-term rental business” means the occupation of leasing or renting one (1) or more short-term rental units.

Section 4. A new section 18.06.481, regarding the definition of Short-term rental unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a portion thereof, that is rented or leased for furnishing lodging accommodation or occupancy for any period less than thirty (30) consecutive days.

Section 5. Section 18.09.090 of the Woodland Park Municipal Code, concerning the Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

18.09.090 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HSC LI	PUD
...													
L. Lodgings.													
...													
<u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u>	<u>PC</u>	<u>PC</u>						<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>

Section 6. A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 – Short-Term Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) Licensing requirements

- (1) All short-term rental units shall comply with Chapter 5.22 of the Woodland Park Municipal Code, which establishes conditions under which a property owner may apply for a Short-Term Rental Business License.

(b) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:

- (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
- (2) Short-term rental units are not permitted in accessory dwelling units (ADUs) which are not located on the short-term rental business licensee's primary residence, as that term is defined in section 5.22.010, bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and/or sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district.
- (3) No short-term rental unit shall be operated in such a way as to constitute a nuisance.

- (4) The maximum number of occupants permitted in a short-term rental unit shall be two (2) people per legal bedroom plus an additional two (2) people.
- (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
- (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a minimum of one (1) parking space per bedroom.
- (7) The number of short-term rental units in a zoning district shall not exceed the established cap for such zoning district as established in Chapter 5.22.
- (8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.* Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business License within two (2) months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in certain zoning districts, the distance restrictions within Section 18.78.050(b)(8), and the caps established in Chapter 5.22 shall not apply to such new Short-Term Rental Business License applications or to subsequent renewals for the same short-term rental unit made by the same license holder. For the first two (2) months after the effective date of this Ordinance, if the number of Short-Term Rental Business License applications submitted exceeds the cap imposed by this Ordinance, the City shall process applications from current and valid business license holders operating a short-term rental business first, before processing other Short-Term Rental Business License applications.

Section 8. *Biennial Review of Caps.* Within two (2) years after the effective date of this Ordinance, and for every two (2) years thereafter, the City Council shall review, if applicable, the established caps for the maximum number of short-term rental units permitted within certain zoning districts.

Section 9. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 10. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

WOODLAND PARK PLANNING COMMISSION

SPECIAL MEETING MINUTES for June 29, 2023

Council Chambers, 220 W. South Avenue, Woodland Park

This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to kschminke@city-woodlandpark.org.

1. CALL TO ORDER & ROLL:

Chair Ken Hartsfield called the meeting to order at 6:30 pm.

Present	Chair Hartsfield
Present	Vice-Chair Lee Brown
Present	Commissioner Don Dezellem
Present	Commissioner George Jones
Present	Commissioner Kenneth Kennedy
Absent	Commissioner Larry Larsen
Absent	Commissioner Shawn Nielsen
Staff Present:	Planning Director Karen Schminke
	Senior Planner C.J. Gates

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: June 8, 2023

YES: Hartsfield, Brown, Dezellem, Jones, Kennedy.

NO: None.

Motion PASSES 5 – 0.

4. PUBLIC HEARINGS

- A.** Consider an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. **(L)**

Director Schminke presented an overview of the proposed ordinance, including current provisions such as lodging tax and business license requirements, zoning requirements, and the STR ordinance's history. She also reviewed direction received from City Council and recent work sessions. In Title 5 she reviewed sections including definitions, licensing requirements; license caps established; a requirement for a local contact person; the application, issuance and renewal process; revocation and suspension proposals; and penalties. She noted Title 18 includes the zoning requirements, including Table of Uses (18.09.090), and standards in 18.78.050 including the distance or separation requirement between STRs. Director Schminke addressed two corrections within the proposed Ordinance: the omission of the last phrase of 18.78.050 (8), and that the license caps are clearly included in the legacy provisions of Section 7. She concluded the presentation with the recommendation that should the Planning Commission find the provisions in the proposed Ordinance satisfactory, then Planning Commission recommend that Council approve the code amendments, including the staff corrections included this evening, as presented.

Planning Commissioners commented that Director Schminke had accurately captured their work in the proposed Ordinance. Director Schminke added her gratitude for Vice-Chair Brown's written documentation.

Chair Hartsfield opened the Public Comment portion.

Gerald Penland, Woodland Park resident and voter, stated that this proposed Ordinance is an improvement compared to Ordinance 1431, which Woodland Park voters rejected. He found three major problems with the proposed Ordinance: 1. That under “caps,” lodging businesses will still be able to operate forever in residential neighborhoods, 2. Legacy STRs being allowed to operate forever as long as they don’t cause any problems – at issue is the definition of problems and the legacy business license to a business in a residential zone; and 3. Licensing investors and problems. He supports STRs in only commercial zones and wants to preserve the character of the residential neighborhoods.

Deanne Betterman, a resident for 21 years, complimented the Planning Commission on their high integrity. She suggested that Woodland Park should only have owner-occupied STRs like Denver; STRs should only be allowed in commercial zones; STRs could destroy the foundation of Woodland Park’s good neighborhood by not knowing the neighbors; Garbage containment at STRs is a problem but the police reports are inaccurate; and people should not let their kids play outside if they are near an STR because of strangers.

Mary Sekowski, via Zoom, Woodland Park resident, supports the ordinance as a workable document. She also called many of Ms. Betterman’s ideas ludicrous and asked the Planning Commission to dismiss them.

Joe Fury, WP resident for about 30 years, believes the Planning Commission got it correct the first time around. STRs do not belong in residential zones because they are commercial entities.

Chair Hartsfield closed the public comment and opened discussion amongst the Commission members.

The Commissioners commented that the proposed Ordinance is a substantial improvement over the repealed Ordinance 1431; that legacy STRs in residential zones are now protected; HOAs can restrict or limit STR use in their subdivisions through covenants; an STR is actually still a residential use in a residential or commercial zone; and this proposed Ordinance has lower caps in the SR, UR, and PUD zones. It was the consensus of Planning Commission that this Ordinance reasonably addresses the needs of the community and is fair to the existing owners.

MOTION: Commissioner Kennedy moved and Commissioner Jones seconded to approve an Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals with the provisions, updates, and corrections as presented tonight, to go forward to the City Council and public hearing.

YES: Brown, Dezellem, Jones, Kennedy, Hartsfield.

NO: None.

Motion carries 5 – 0.

City Council is currently scheduled for a First Reading of this Ordinance on July 6, 2023 and Public Hearing on July 20, 2023 at 6:30 p.m.

5. **REPORTS:** Planning Director Schminke reported that a survey has gone live for the City’s housing needs assessment and will be soon promoted through the City’s website.
6. **ADJOURN:** The meeting was adjourned at 7:20 p.m.

Approved this 13th day of July, 2023 by


Ken Hartsfield, Chair

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. _____, SERIES 2022**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO AMENDING TITLES 5 AND 18 OF THE WOODLAND PARK
MUNICIPAL CODE, CONCERNING BUSINESS REGULATIONS AND ZONING,
TO LICENSE AND REGULATE SHORT-TERM RENTALS**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the City also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning the zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, in order to protect residential integrity and community character within the City, the Council finds and determines it is necessary to amend certain provisions of Title 5 and Title 18 to adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days; and

WHEREAS, the Council finds such regulations will also ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers; and

WHEREAS, the Council also finds and determines that the establishment of a licensing program will accomplish these goals, and that the subject regulations concerning short-term rentals are necessary to the health, safety and welfare of the public and to prevent adverse impacts to adjacent properties, neighborhoods and quality long-term rental housing units within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE
CITY OF WOODLAND PARK, COLORADO as follows:**

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. A new Chapter 5.22, concerning Short-Term Rentals, is hereby added to

Title 5, Business Regulations, of the Woodland Park Municipal Code to read as follows:

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

For the purpose of this Chapter the following words and terms have the following meanings, unless the context clearly indicates otherwise. Definitions included in Titles 5 and 18 of this Code shall apply to this Chapter unless they are otherwise expressly defined herein.

Applicant means the natural person owning the property, or the natural person controlling the corporate ownership of the property, or the natural person who is the trustee of the trust owning the property, which property is used as a short-term rental business, as evidenced on the recorded deed for the property.

Primary residence means a residence which is the usual place of return for housing and where a person lives and spends a majority of the time during the year as established by two (2) or more of the following current and valid documents: (1) driver's license or Colorado state identification card; (2) voter registration; (3) motor vehicle registration; (4) document(s) designated a primary residence for income tax purposes. A person may have only one (1) primary residence for purposes of this Chapter.

Short-term rental business means the occupation of leasing or renting one (1) or more short-term rental units.

Short-term rental unit means a dwelling unit, or a portion thereof, that is rented or utilized for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License ("License") from the City Clerk with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
- (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City Clerk shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.

- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- Per CC - To be revised to current & Round up*
- (g) Established Cap: The maximum number of short-term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR – 4%; UR – 8%; PUD – 4%. The City of Woodland Park Short-Term Rental Unit Inventory is a running tally of the number of licensed short-term rental units, which will be kept in the City Clerk’s office, and open and available for public inspection during business hours. This number shall be based on the survey of all existing dwelling units located within each of the SR, UR, and PUD zoning districts completed in the most recent calendar year, with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. No caps or maximum number of Short-Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts.
- (h) In the event the maximum number of licensed short-term rental units for a zoning district has been met, no new applications for short-term rental units will be accepted for that zoning district. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City Clerk. In each such waiting list, applications for short-term rental units located at an owner’s primary residence shall be given priority over short-term rental units which are not the owner and applicant’s primary residence. New Short-Term Rental Business Licenses, once available, will be processed and issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18.
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.

(j) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.

Revised
(k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: accessory dwelling units (ADUs), rental apartment units, apartment buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers and other temporary structures.

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(l) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

(m) Each short-term rental unit shall provide, at the time of application and renewal, a delineated off-street or off-right-of-way parking plan for guests' cars, which provides for parking for all users of the rental space including owners.

Deleted
(n) A person renting or utilizing only a portion of a dwelling unit which is their primary residence, as such term is defined in Section 5.22.010, for furnishing lodging accommodations for periods of less than thirty (30) consecutive days, and where the person owns and occupies the dwelling unit during the same periods as such rental or utilization of the dwelling unit, shall not be subject to the provisions of this Chapter.

5.22.030 - Application, issuance and renewals.

- (a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City Clerk, on application forms provided by the City Clerk. New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.
- (b) The City Clerk may issue a new Short-Term Rental Business License upon all the following conditions:
- (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
 - (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.

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- (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
- (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.
- (c) The City Clerk shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:
- (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
 - (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.
 - (3) There are no outstanding health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
 - (4) Within the last twelve (12) months there has been no more than ~~one~~² violation of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than ~~one~~² violation of any of the Short-Term Rental Business License or application requirements or there have been no more than ~~one~~² violation of the Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
 - (6) All applicable requirements in Section 5.22.020 are met.
- (d) It is the duty of each short-term rental business licensee to ensure that all of the information provided in a Short-Term Rental Business License application is kept up to date at all times, and it shall be unlawful for a short-term rental business licensee to fail to provide updated information to the City within thirty (30) days after the date upon which any information provided is no longer accurate.
- (e) No Short-Term Rental Business License issued under this Chapter shall be transferable and no license is valid as to any person or entity other than the person or entity named thereon and only for the real property identified on the license.

5.22.040 - Revocation and suspension.

Any Short-Term Rental Business License issued pursuant to this Chapter may be suspended or revoked by the City Council, after conducting a public hearing, upon ten (10) days' written notice via United States Postal Service to the short-term rental business licensee, stating the

contemplated action and, in general, the grounds therefor, and after a reasonable opportunity for the licensee to be heard, for any of the following reasons:

- (a) Failure to pay the lodging tax pursuant to this Chapter 3.38 of this Code, or any other tax, such as sales tax, or the annual license fee established by the City Council.
 - (b) False statement of material fact contained in the application;
 - (c) Failure to file any report or provide or furnish any other information that may be required by the provisions relating to this Chapter;
 - (d) If any fact or condition exists which, if it had existed or had been known to exist at the time of the application for such Short-Term Rental Business License, would have warranted the refusal of the issuance of such Short-Term Rental Business License; or
 - Revised (e) Violation of any provisions of this Chapter, or of any law or regulation pertaining to the requirements of the application, or at the property, or of any of the terms pertaining to the Short-Term Rental Business License, including any of the requirements and Good Neighbor Guidelines listed on the Short-Term Rental Business License or application materials created by the City Manager and their designee(s) and updated from time to time.
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5.22.050 - Penalties.

In addition to any other remedies available at law or equity, engaging in a short-term rental business or renting short-term rental unit within the City without a Short-Term Rental Business License shall subject the property owner to a fine in an amount to be established by resolution of the City Council, as may be amended from time to time, and with a graduated financial penalty with each subsequent violation, and as provided in Chapter 1.04 this Code, or a denial of a license altogether.

Section 3. A new section 18.06.480, regarding the definition of Short-term rental business, is hereby added to read as follows:

18.06.480 – Short-term rental business.

“Short-term rental business” means the occupation of leasing or renting one (1) or more short-term rental units.

Section 4. A new section 18.06.481, regarding the definition of Short-term rental unit, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a dwelling unit, or a portion thereof, that is rented or used for furnishing lodging accommodation and occupancy for any period less than thirty (30) consecutive days.

Section 5. Section 18.09.090 of the Woodland Park Municipal Code, concerning the

Table of permitted uses for business, industrial and residential districts is hereby amended to read as follows:

18.09.090 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC	CC	SC	CBD	HSC LI	PUD
...													
L. Lodgings.													
...													
<u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u>	<u>PC</u>	<u>PC</u>						<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>

Section 6. A new section 18.78.050, concerning Short-Term Rentals, is hereby added to Chapter 18.78, Supplemental Regulations, of the Woodland Park Municipal Code to read as follows:

Sec. 18.78.050 – Short-Term Rental Units.

Short-term rental units shall be subject to the following regulations, provisions and standards:

(a) Licensing requirements

- (1) All short-term rental units shall comply with Chapter 5.22 of the Woodland Park Municipal Code, which establishes conditions under which a property owner may apply for a Short-Term Rental Business License.

(b) Short-Term Rental Unit Standards. The following standards shall apply to all short-term rental units within the City:

- (1) Short-term rental units are not permitted in a rental apartment unit or a rental apartment building at any time in any zoning district.
- (2) Short-term rental units are not permitted in accessory dwelling units (ADUs), bed and breakfast establishments, dormitories, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), tents, teepees, campers and other temporary structures at any time in any zoning district.
- (3) No short-term rental shall be operated in such a way as to constitute a nuisance.

revised

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- (4) The maximum number of occupants permitted in a short-term rental shall be two (2) people per legal bedroom plus an additional two (2) people.
 - (5) Large events, such as (but not limited to) concerts, parties and weddings, exceeding the maximum number of permitted occupants are prohibited.
 - (6) All short-term rental units shall provide a minimum of two (2) off-street, on-site parking spaces for guest vehicles, and all short-term rental units with more than two (2) bedrooms shall provide a total of one (1) parking space per bedroom.
 - (7) The number of short-term rental units shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts as established in Chapter 5.22.
 - (8) No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Deleted

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.* For the first two months after the effective date of this Ordinance, if the number of Short-Term Rental Business License applications submitted exceed the cap imposed by the Ordinance, the City shall process applications from current and valid business license holders operating a short-term rental business first, before processing other Short-Term Rental Business License applications. Provided a current and valid business license holder operating a short-term rental business applies for a Short-Term Rental Business license application within 2 months of the effective date of this Ordinance, the distance restrictions within Section 5.22.020(1) and 18.78.050(b)(8) shall not apply to such new Short-Term Rental Business License application and subsequent renewals for the same short-term rental unit.

Revised

Section 8. *2022 Application and Fees.* Notwithstanding the requirements of new Code section 5.22.030(a), Short-Term Rental Business License granted, and application fees paid, within the last three months of the year 2022 shall be effective until and through December 31, 2023.

Deleted & New

Section 9. *Severability.* The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 10. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ____ DAY OF _____, 2022.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq

STR & RESIDENCE DATA BY ZONING DISTRICT - June 2023														
ZONE	SR	UR	MFS	MFU	MHP	AG	P/SPL	NC ^a	CC ^a	SC ^b	CBD ^a	HSC/LI	PUD	TOTALS
VACANT LOTS	187	112	20	6	0	0	0	13	15	0	27	0	525	905
DEVELOPED LOTS	1670	577	131	235	0	0	0	25	52	0	29	0	310	3029
TOTAL LOTS	1857	689	151	241	0	0	0	38	67	0	56	0	835	3934
STR UNITS	70	43	7	4	0	0	0	5	12	0	6	0	7	154
STR % OF DEVELOPED LOTS	4.19%	7.45%	5.34%	1.70%	0.00%	0.00%	0.00%	20.00%	23.08%	0.00%	20.69%	0.00%	2.26%	5.08%
STR % OF TOTAL LOTS	3.77%	6.24%	4.64%	1.66%	0.00%	0.00%	0.00%	13.16%	17.91%	0.00%	10.71%	0.00%	0.84%	3.91%
PC Recommendation Sept 2022	4%	8%	c	c	c	c	c	No Cap	No Cap	No Cap	No Cap	c	4%	
Council Direction 6/1/23 ^d	4%	7%	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	1%	
Primary Residence	15	6	1	0	0	0	0	1	1	0	0	0	2	26
STR % of Developed Lots	0.90%	1.04%	0.76%	0.00%	0.00%	0.00%	0.00%	4.00%	1.92%	0.00%	0.00%	0.00%	0.65%	0.86%
STR % of Total Lots	0.81%	0.87%	0.66%	0.00%	0.00%	0.00%	0.00%	2.63%	1.49%	0.00%	0.00%	0.00%	0.24%	0.66%
Non-Primary Residence	55	37	6	4	0	0	0	4	11	0	6	0	5	128
STR % of Developed Lots	3.29%	6.41%	4.58%	1.70%	0.00%	0.00%	0.00%	16.00%	21.15%	0.00%	20.69%	0.00%	1.61%	4.23%
STR % of Total Lots	2.96%	5.37%	3.97%	1.66%	0.00%	0.00%	0.00%	10.53%	16.42%	0.00%	10.71%	0.00%	0.60%	3.25%
PC WS Recommendation 6/08/23 ^f	55	37	e	e	e	e	e	No Cap	No Cap	No Cap	No Cap	e	5	
PC WS Recommendation 6/22/23			e	e	e	e	e					e		
Primary Residence			e	e	e	e	e					e		
Non-Primary Residence			e	e	e	e	e					e		

NOTES:

- Property count totals for the commercial zoning districts (CBD, CC & NC) consist of privately-owned properties that are eligible for residential uses. Commercial properties that are not eligible for residential uses are not included in the property count totals.
- One or two dwelling unit structures are not permitted in the SC zone.
- September 2022, Planning Commission recommended no STR units in this zone, therefore there was no recommended cap.
- Recommendation is current STR% of total lots in zone district, rounded up to whole %
- STRs not permitted in this zone, therefore no recommended cap.
- Number (not percentage), by zone district, of current STR units minus/less the number of STR units which are the licensee's primary residence.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1460, SERIES 2023**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND
PARK, COLORADO FURTHER EXTENDING A TEMPORARY MORATORIUM
ON THE SUBMISSION, ACCEPTANCE, PROCESSING AND APPROVAL OF
APPLICATIONS FOR SHORT-TERM RENTAL LICENSES**

WHEREAS, the City of Woodland Park, Colorado (“City”) is a statutory City, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the City by and through its City Council (“Council”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, pursuant to C.R.S. § 31-23-301 the Council also possesses the authority to adopt and enforce zoning regulations; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the City also possesses the authority to regulate the operation and licensing of businesses generally within its jurisdiction; and

WHEREAS, pursuant to such authority, the City has previously adopted certain regulations within Title 5, concerning business licenses and regulations, and Title 18, concerning zoning, of the Woodland Park Municipal Code (“Code”); and

WHEREAS, on July 7, 2022, through Ordinance 1426, the City Council imposed a three (3) month temporary moratorium on receiving applications for review and issuing or approving short-term rental licenses in order to preserve the status quo while the City conducted public engagement, neighborhood meetings, surveys and work sessions, and while City Council, Planning Commission and City staff completed its review and draft of the City’s regulatory framework for short-term rentals and its impact on neighborhood character and availability of housing stock; and

WHEREAS, on October 6, 2022, through Ordinance 1430, the City Council extended said temporary moratorium, originally set to expire on October 15, 2022, to December 15, 2022, because the Planning Commission and City Council were still in the process of holding meetings and public hearings to obtain further relevant public comment, and so that City staff could continue diligently researching and drafting these requested short-term rental regulations appropriate for the needs of the Woodland Park community; and

WHEREAS, on October 20, 2022, City Council heard public comment from numerous residents and property owners on this important issue to the community, and determined that more time was necessary to obtain further input from the community before implementing regulations, as well as to consider all available options with sufficient time to do so, and therefore directed legal staff to draft an ordinance further extending the moratorium an additional six months past the December 15, 2022 expiration; and

WHEREAS, thereafter, on December 1, 2022, through Ordinance 1432, the City Council extended the moratorium through June 24, 2023; and

WHEREAS, through Ordinance No. 1431, Series 2022, City Council adopted comprehensive short-term rental regulations; and

WHEREAS, a referendum petition was subsequently filed in December 2022 which suspended Ordinance No. 1431 from taking effect, said petition as deemed sufficient by the City Clerk on January 23, 2023, and on February 16, 2023, Council repealed Ordinance No. 1431, rather than setting the referendum for a special election; and

WHEREAS, on April 6, 2023, through Ordinance No. 1443, Series 2023, City Council further extended the temporary moratorium for an additional six (6) months to December 31, 2023, so that staff, Planning Commission and City Council had ample time to gather additional public input to consider amended short-term rental regulations; and

WHEREAS, since that time, a citizen-led initiative regarding short-term rental regulations has been filed and deemed sufficient, with a special election on the matter being scheduled for December 12, 2023; and

WHEREAS, Council finds that three (3) additional months for the temporary moratorium is an appropriate length of time to consider, hold further public hearings, and finalize short-term rental regulations after the results of the special election and initiative are certified; and

WHEREAS, in order for equitable enforcement and consistent application of the Code and the City's administrative regulations, it is crucial that the temporary moratorium be extended until April 1, 2024, for three (3) additional months past the current expiration date of December 31, 2023; and

WHEREAS, the Council also finds and determines that the subject regulations concerning short-term rentals, as well as this short extension of the temporarily moratorium on short-term rental license applications, are necessary to the preservation of the public health, safety and welfare, as well as consistent and equitable enforcement and applicability.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK, COLORADO as follows:

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations and findings by the City Council.

Section 2. Extension of Temporary Moratorium. Effective upon the effective date of this Ordinance, the moratorium previously extended until December 31, 2023, upon the submission, acceptance, processing, and approval of all applications for short-term rental licenses within the City of Woodland Park is hereby extended until April 1, 2024. No application for a short-term rental license shall be submitted to or accepted by the City, and no such application shall be reviewed or license issued or approved in response to such an application. City Staff and the City Council are directed to develop and amend and adopt

regulations appropriate to short term rentals prior to the expiration of this moratorium period.

Section 3. Effective Date; Expiration. The subject moratorium originally imposed on July 7, 2022, and extended until December 15, 2022, and then until June 24, 2023, and then December 31, 2023 shall continue, and shall expire on April 1, 2024, unless repealed prior to that date, or extended to a later date.

Section 4. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 5. *Effective Date.* This Ordinance shall be in full force and effect from and after its publication as required.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 5th DAY OF OCTOBER, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq