



City of Woodland Park

City Council

October 17, 2024 at 6:30 PM

AGENDA

5:00 PM - Presentation of the 2025 City of Woodland Park Budget.

1. **CALL TO ORDER AND ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **CEREMONIES, PRESENTATIONS AND APPOINTMENTS**
 - A. Police Department Awards and Swearing In of New Police Officers.
(Presenter Chief Deisler)
4. **ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA**
5. **CONSENT CALENDAR**
 - A. Approval of the October 3, 2024, regularly scheduled City Council Meeting Minutes. (A)
 - B. Approval of a Master Service Agreement between the City of Woodland Park and Respec for the design and construction of access points and geotechnical investigation for the proposed reservoir in the amount of \$855,699. (A)
(Presenter Utilities Director Wiley)
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)
 - A. Approval of Ordinance No. 1484, Series 2024 on initial posting, an Ordinance of the Woodland Park City Council, Imposing a Temporary Moratorium on the Submission, Acceptance, Processing, and Approval of Applications for the Establishment of a Business that Cultivates, Processes, or Dispenses Natural Medicine and the Establishment of any Business, Occupation, or Operation for Healing Centers, and set the Public Hearing for November 7, 2024. (L)
(Presenter City Attorney Williams)
9. **PUBLIC HEARINGS**
(Public comment may be heard)
10. **NEW BUSINESS**
(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

October 3, 2024 at 6:30 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a 5 PM Worksession on the Meadow Wood Sports Complex Master Plan priorities for the 2025 budget year, Mayor Case called the regularly scheduled work session to order.

The following Councilmembers were in attendance: Mayor Case, Mayor Pro-tem Nakai, Councilmember Baldwin, Councilmember Geer, Councilmember Harvey, Councilmember Jones and Councilmember Smith.

The following Staff members were in attendance: City Manager Vassalotti, Deputy City Manager/City Clerk Leclercq, Parks and Recreation Director Keating, IT Technician Barnes, Communications Coordinator Higgenbotham, Senior Planner Bates, Utilities Director Wiley and City Attorney Stewart.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Presentation on upcoming tax question on the November 5th ballot for the Ute Pass Regional Ambulance District.
(Presenter Chief of UPRAD, Tim Dienst)

Tim Dienst, Chief of the Ute Pass Ambulance District, shared a presentation on the upcoming sales tax question for UPRAD on the November 5th ballot.

- B. Presentation on Proposition 123, Dedicating State Income Tax Revenue to Fund Housing Projects Initiative voted on by the voters and passed in 2022. (A)
(Presenter Budget Manager Burleson)

City Manager Vassalotti shared a presentation on Proposition 123, dedicating State Income Tax Revenue to Fund Housing Projects Initiative, voted on by the voters and passed in 2022. The council gave Vassalotti consensus to proceed with opting in for the 2025 and 2026 years.

Chief Deisler shared the new Police Department patches for Breast Cancer awareness month with the Council.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

None.

5. CONSENT CALENDAR

- A. Approval of the September 19, 2024, regularly scheduled City Council Meeting Minutes. (A)

Motion: to approve the September 19, 2024, regularly scheduled City Council Meeting Minutes. Geer/Baldwin. Motion carried 7-0.

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

Dana Duncan shared that he has been requesting bond money be returned from the City and has not been getting any communication. He shared that he feels it is unwise to currently do any business with the City of Woodland Park.

Jason Freisma shared information on Proposition 122 regarding Plant Based Healing Centers.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

None.

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

None.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** Approval of Resolution No. 926, Series 2024, an Extension of Ute Pass (formerly Woodland Park) Self Storage Conditional Use Permit and Site Plan Review (File #A24-0074): A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone. **(QJ)** (Presenter CJ Gates, Senior Planner)

Senior Planner CJ Gates presented Resolution No. 926, Series 2024. Gates shared the following background information.

AGENDA ITEM 9A

(File #A24-0074) Extension of Ute Pass (formerly Woodland Park) Self Storage Conditional Use Permit and Site Plan Review: A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone. **(QJ)**

BACKGROUND

This site is a 4.75-acre parcel of land west of Highway 24, south of Trull Road in the southeastern portion of Woodland Park. The subject property is zoned Service Commercial (SC).

On July 19th, 2018 City Council Approved a CUP and Site Plan (CUP18-01) request to allow for a 72,400 SF self-storage facility on 4.75 acres via Ordinance 1330 Series 2018. The original approval allowed for a 72,400 SF self-storage facility on 4.75 acres.

PRIOR EXTENSIONS & ACTIVITY

Since the original approval of the CUP, there has been several extensions of the entitlement and some activity revolving around the development. Below is a timeline of the extensions and activity that has taken place since July 19, 2018.

- **February 6, 2019** – Applicant/Owner submitted an application for a commercial development ZDP for the building.
- **February 20, 2019** – ZDP application for a grading permit was submitted. Without construction activity commencing, this ZDP and the ZDP for the building expired after one year (February 2020). The original CUP/SPR expired July 19, 2020.
- **January 29, 2021** – Applicant/owner submitted a ZDP request for waterline infrastructure as well as a request to extend the CUP/SPR for this project. At that time the staff finding for the CUP/SPR extension request was: *“Staff believes that it is reasonable to extend the CUP and SPR to 2022 finding that the applicant is willing to proceed with the proposed development and further finding that, while many things have changed since the original approval (i.e. COVID-19), the zoning regulation amendments that occurred between 2018 and today do not materially affect the CUP and SPR approvals for this development and all the conditions approved still stand and apply”.*
- **March 4, 2021** – The first CUP/SPR extension request was approved by City Council with a new expiration date of July 19, 2022
- **March 15, 2021** – Director, Kip Wiley, provided a memo with a list of concerns regarding the ZDP request for waterline infrastructure stating, “Due to the number of comments and concerns I cannot approve these plans at this time.” Again, without construction activity commencing, this ZDP expired after one year (March 2022).
- **April 19, 2022** – The 2nd extension request for the CUP/SPR was submitted and was routed for review and the Deputy City Manager/Operations Director, Kip Wiley, returned the following comment: *“In regards to extending the CUP I would disapprove the request. It has been about five years with no progress. When they get to a point where they want to proceed they can resubmit.”*

Comment was also received from City Engineer, who provided the following: *“The trip generation requirements and storm water calcs have likely changed from the original submittal, so they may have to do additional improvements. Once they are ready to submit meeting the updated criteria, we can perform a detailed review.”*

July 21, 2022 – The CUP/SPR extension request was approved by City Council with a new expiration date of July 19, 2024

Since the last extension approval in July of 2022, the City Planning Staff has not received any ZDP submittals to further construct the storage facility.

CURRENT EXTENSION REQUEST

On July 18, 2024 City received a written request to extend CUP18-01 for two-years.

According to the applicant narrative which is attached hereto, the anticipated opening date of the facility is sometime in 2025-2026. Within the narrative, the applicant states that the project has a 5-6 month construction timeline, and opening could be in the fall/winter of 2025-2026. If this extension request is approved, the CUP/SPR entitlement will expire on July 19, 2026.

Expiration and Extensions of Conditional Use Permits are governed by Municipal Code §18.57.090 – Expiration:

Authority to issue a zoning/development permit or building permit pursuant to the granting of a conditional use permit shall expire two years after the date of approval of the conditional use permit, except when one of the following conditions has been met:

1. *A zoning/development permit or building permit has been issued and is still deemed valid;*
2. *Where no construction is required, the actual commencement and operation of the use has begun; or*
3. *An extension has been granted by the city council. (Ord. 589-1993 § 6(part), 1993)*

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 public comments regarding this extension proposal.

The application was referred to the City Utilities and Public Works Directors, 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.

During the referral period, staff received comments from the City Utilities Department, City Public Works Department, and CORE Electric. Full comments are attached hereto.

Kip Wiley (Woodland Park Utilities Director) commented:

“The Utilities Department would not support this request to renew. There has been no movement on the water line crossing under the highway from the original request that was denied. There has also been no movement on this project with submittal of CD’s and other plan sets. The owner is also creating a difficult situation with water line connection and access to the property to the south.”

Ben Schmitt (Woodland Park Public Works Director) made two comments on the application and stated:

“Renewal would need conditions that the developer shall improve fountain creek armoring and drainage, per the City of Woodland Park Stormwater Master plan. Integrated in these plans, would be the requirement the developer extend the centennial trail through the property by the creek”

“Renewal plans need to be reviewed by CDOT (particularly with an updated TIA), to reflect the preferred configuration based on CDOTs corridor designation.”

CORE Electric emailed City Staff on August 27, 2024 and stated:

“CORE Electric Cooperative approves the CUP extension, but applicant will be required to meet CORE’s future requirements for the transformer location and metering requirements.”

PLANNING COMMISSION FINDINGS

The Planning Commission held a public hearing on September 12, 2024 (draft minutes attached). After consideration of the staff report and comments made at the public hearing, the Planning Commission voted unanimously to recommend City Council approve a two year extension of Ute Pass (formerly Woodland Park) Self Storage Conditional Use Permit and Site Plan Review: A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone, pursuant to Municipal Code §18.57.090, and the approving Resolution shall say clearly that the development is still subject to all the conditions and dimensional standards specified in the original approval.

STAFF FINDINGS

Based on the Planning Commission's recommendation, staff recommends City Council approve Resolution No. 926 Series 2024 documenting the approval of a two year extension of Woodland Park Self Storage Conditional Use Permit and Site Plan: A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone pursuant to Municipal Code §18.57.090, and the approving Resolution clearly states that the development is still subject to all the conditions and dimensional specified in the original approval.

Following Gates presentation the Council heard from Mark Weaver and Eric Smith regarding the project.

Mayor Case opened the public comment portion of the public hearing. There being no public comment Mayor Case closed the public hearing and the following motion was made.

Motion: to approve Resolution No. 926, Series 2024, (File #A24-0074) an Extension of Ute Pass (formerly Woodland Park) Self Storage Conditional Use Permit and Site Plan Review: A request by M3XP2, LLC (Applicant) and 19350 Group, LLC (Property Owner) for a 2-year extension of the CUP and SPR approval for the 72,400 SF storage and rental facility proposed on the 4.75-acre tract on Lot 1, W.P. Saddle Club Filing No. 1 (19350 E US Hwy 24) in the Service Commercial (SC) zone. Harvey/Jones. Motion carried 7-0.

10. NEW BUSINESS

(Public comment may be heard)

None.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor Case asked for consensus from the Council to direct the attorneys to prepare an ordinance regarding panhandling in the City of Woodland Park and on City property. The council gave their consensus.

Mayor Case also asked if the Council would be interested in bringing an ordinance for a moratorium on Natural Medicine (Magic Mushrooms). The Council gave their consensus to have the attorneys draft an ordinance.

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

B. Council Reports

Councilmember Geer reminded everyone that Teller County had just entered a Stage 1 Fire Ban and that everyone should be vigilant. Councilmember Geer also shared all the upcoming Hallowpolooza events.

Councilmember Smith shared on behalf of the Historical Preservation Committee that a grant had been submitted on behalf of the Roberts House for asbestos mitigation.

C. City Attorney's Report

No report.

D. City Manager's Report

City Manager Vassalotti shared an update on the DDA.

12. Executive Session

A. Executive Session - Pursuant to C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations, and instructing negotiators - regarding land acquisition for the purposes of securing water resources.

There being no further, City Business, Mayor Case called for a motion to move into Executive Session. The following motion was made.

Executive Session: to move into Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing a strategy for negotiations and instructing negotiators regarding land acquisition for the purposes of securing water resources. Nakai/Geer. Motion carried 7-0.

Mayor Case called the Executive Session to order at 8:13 PM with the following individuals present: Mayor Case, Mayor Pro-tem Nakai, Councilmember Baldwin, Councilmember Geer, Councilmember Jones, Councilmember Harvey, Councilmember Smith, City Manager Vassalotti, Utilities Director Wiley, City Attorney Stewart and Parks and Recreation Director Stewart.

The Executive Session concluded at 8:32 PM and Mayor Case adjourned the Council Meeting at 8:33 PM.

Respectfully submitted:

Suzanne Leclercq MMC, City Clerk

APPROVED THIS ____ DAY OF _____, 2024

Kellie Case, Mayor

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1484
(Series 2024)

**AN ORDINANCE OF THE WOODLAND PARK CITY COUNCIL IMPOSING
A TEMPORARY MORATORIUM ON THE SUBMISSION, ACCEPTANCE,
PROCESSING, AND APPROVAL OF APPLICATIONS FOR THE ESTABLISHMENT
OF A BUSINESS THAT CULTIVATES, PROCESSES, OR DISPENSES NATURAL
MEDICINE AND THE ESTABLISHMENT OF ANY BUSINESS, OCCUPATION,
OR OPERATION FOR HEALING CENTERS**

WHEREAS, the City of Woodland Park, Colorado (City) is duly organized and validly exists as a Home Rule City under Article XX, Section 6 of the Colorado Constitution and the City Charter; and

WHEREAS, voters for the State of Colorado voted to adopt Proposition 122, which amended Title 12 of the Colorado Revised Statutes to include Article 170, which is now designated as the “Natural Medicine Health Act of 2022” (Act); and

WHEREAS, C.R.S. § 12-170-104(12)(a)(I)-(II) establishes that “natural medicine” currently applies to psilocybin and psilocin; and

WHEREAS, C.R.S. § 12-170-104(8) defines “healing center” as a facility licensed by the state licensing authority that permits a facilitator to provide and supervise natural medicine services for a participant; and

WHEREAS, C.R.S. § 12-170-101, *et seq.* establishes regulated access by adults 21 years of age and older to natural medicines and authorizes the State Department of Regulatory Agencies (DORA) and the State Department of Revenue (DOR) to promulgate and enact regulations pertaining to the Act including, but not limited to, licensing and training provisions pertaining to the administration and use of natural medicine; and

WHEREAS, pursuant to C.R.S. § 12-170-112, a municipality shall not prohibit a properly licensed facilitator from providing natural medicine services within its boundaries nor shall it adopt ordinances that are unreasonable or in conflict with the Act; and

WHEREAS, pursuant to C.R.S. § 12-170-115, a municipality shall not adopt, enact, or enforce any ordinance, rule, or resolution that is otherwise in conflict with the provisions of Title 12, Article 170 of Colorado Revised Statutes; and

WHEREAS, the City’s Code contains Land Use and Development standards enacted to protect the health, safety, and welfare of residents of the City; and

WHEREAS, under the City’s current Land Use and Development standards, the operation of Natural Medicine facilities and operations and Healing Centers are not permitted land uses and the City has not approved any such land use; and

WHEREAS, the City does not currently have any zoning regulations addressing Healing Centers and Natural Medicine facilities and operations; and

WHEREAS, DORA and DOR have recently issued regulations pertaining to the Natural Medicine Act and the City requires an appropriate amount of time to thoroughly review such regulations to determine what, if any, additional regulations can and/or need to be adopted by the City; and

WHEREAS, the City requires additional time to prepare and propose for adoption any and all other regulations within its authority including, but not limited to, time, place, and manner of operation regulations for Healing Center and Natural Medicine facilities and operations; and

WHEREAS, the moratorium imposed by this Ordinance is intended to prevent the operation of Natural Medicine and/or Healing Center facilities and operations in the City on a temporary basis in order to allow the City to analyze and apply the state of the law and regulations, to draft appropriate ordinances pertaining to the same, and to allow public comment prior to adoption of any such ordinance; to ensure that prospective operators and owners of Healing Centers and/or Natural Medicine facilities and operations are able to make business and investment decisions with sufficient knowledge of local ordinances surrounding the same; and in order to protect the health, safety, and welfare of the residents of the City; and

WHEREAS, in light of the foregoing, the City Council wishes to institute a six (6) month moratorium on the submission, acceptance, processing, and approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine and the establishment of any business, occupation, or operation for Healing Centers or Natural Medicine in the City after the date of adoption of this Ordinance.

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

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

Section 2. Temporary Moratorium.

- (a) Restrictions. During the effective term of this Ordinance, there shall be no submission, acceptance, processing, or approval of applications for the establishment of a business that cultivates, processes, or dispenses natural medicine or the establishment of any business, occupation, or operation of Healing Centers or Natural Medicine operations or facilities, as defined by Colorado Revised Statutes and any applicable and authorized regulations, in the City limits of Woodland Park.
- (b) Termination. This moratorium shall terminate on the 7th day of May, 2025 unless it is terminated at an earlier date or extended by further Ordinance by the Woodland Park City Council.

Section 3. 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 4. Effective Date. This Ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS 7th DAY OF NOVEMBER, 2024.

City of Woodland Park

Mayor Kellie Case

ATTEST:

City Clerk, Suzanne Leclercq