

WOODLAND PARK PLANNING COMMISSION MEETING MINUTES *for May 27, 2021 – 7:00 PM*

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 sriley@city-woodlandpark.org.

1. **ORDER AND ROLL CALL:** Order was called at 7:01 p.m. Commissioners present in-person: Chairman DeVaux, Vice-Chairman Ken Hartsfield, Vickie Good, Lee Brown, Larry Larsen, Ellen Carrick. Commissioners absent: Al Bunge. Staff present in-person: Planning Director Sally Riley, City Planner Lor Pellegrino, Planning Technician Dave Burgess. Staff present by Zoom: City Attorney Nina Williams.
2. **APPROVAL OF MINUTES:** The April 22, 2021 minutes were approved as presented.
3. **PUBLIC HEARINGS**

- A. SUB2021-06 Yuyo Subdivision Final Plat:** A request by N.E.S. Inc. (Applicant) and New Life Holding Corporation (Property Owner) for a minor subdivision for a (1) lot plat of 10+/- acres located at 1121 Sturman Parkway in the Planned Unit Development (PUD). (*City Council Public Hearing 7 p.m. – June 17, 2021*) (**QJ**)

Planning Director Riley presented a slide show of the staff report, going over the subdivision request as submitted and finding that the minor subdivision request is consistent with the 2010 Comprehensive Plan, and the subdivision and zoning regulations. She discussed conditions of approval as listed in the staff recommendation. Staff recommended that the Planning Commission recommend that City Council approve the request based on findings of conformance to the subdivision regulations and the Woodland Park Comprehensive Plan as described in the staff report and as presented at public hearing.

Mr. Jon Romero (NES) provided an overview of the request for a one-lot subdivision in the Sturman PUD zone district.

Commissioner Good suggested that “Hillsides” be changed to “Hillside” on the plat since only one lot is proposed. She asked if the gates at the north and south end of Sturman Parkway will be removed. Mr. Romero stated that while future connections are currently being evaluated, the gates would not be removed with this subdivision.

Commissioner Hartsfield asked about the water main extension and Mr. Romero stated that an 8” PVC public main will have to be extended 700 feet to reach the new lot.

Commissioner Larsen asked if the conditions proposed by staff were acceptable. Mr. Romero responded yes.

Chairman DeVaux opened the public comment portion of the meeting.

Linda Martin (Woodland Park) asked the Commission to stop approving building in the City and requested a detailed water assessment. She suggested that current residents are paying the price for new development, especially if water runs out. Planning Director Riley responded that at this time, water is adequate and available to serve this one-lot subdivision and that the City closely monitors the sale of water taps.

Commissioner Larsen suggested that Ms. Martin join the Woodland Park Utilities Board and get involved with the Comprehensive Plan update and Code rewrite.

Bonnie Sumner (1464 Kylie Heights, Teller County) expressed concern about the lack of taxes paid by Andrew Womack Ministries; the Charis speeders on Evergreen Heights Drive; Andrew’s statement about “taking over the City”; and the Black Hills Energy survey to expand their gas line.

Planning Director Riley stated that Black Hills provides service to Cripple Creek and that this is a standard upgrade and not an expansion precipitated by this subdivision or other developments by Charis or within the City of Woodland Park.

Commissioner Larsen suggested that Ms. Sumner join the Woodland Park Utilities Board and get involved with the Comprehensive Plan update and Code rewrite. He also stated that Black Hills would be working within established easements.

Mark Sumner (1464 Kylie Heights, Teller County) asked if the new home would be taxed or exempt from taxes; how far the subdivision is from the intersection of Evergreen Heights Drive and Sturman Parkway; the size of the home; and, if the dorms proposed by Charis were still proposed. Mr. Romero stated that the home footprint is approximately 4,000 SF and it would be taxed as a residence; that the subdivision is about one-quarter mile from Evergreen Heights Drive; and that the dorms are still being discussed. Planning Director Riley described the fixture count and how fixtures relate to tap fees.

Commissioner Good asked if the water pipe is sized for future development. Planning Director Riley stated that it is the standard size, that it will be looped eventually to Evergreen Heights Drive, and that it is sized to allow for future development.

Joe Fury (Woodland Park via Zoom) asked if the lot will be subject to taxes. Planning Director Riley stated that it will be taxed as a residence.

Billy Croprow (Woodland Park) asked about outbuildings. Planning Director Riley stated none are proposed at this time. If proposed, they would be located in the building envelope and subject to a 20 foot maximum height.

Seeing no one else in Council Chambers wishing to speak, and none on Zoom, Chairman DeVaux closed the public comment portion of the meeting.

Commissioner Larsen asked how Sturman Parkway, which is currently private, could become public. Planning Director Riley stated that dedication of public ROW occurs with future development based on the requirements of the PUD. Commissioner Larsen believes that every effort should be made to protect the rock outcropping which he thought was called Gene's Point and not the Three Sisters, and asked whether the subdivision encroaches into this outcropping. Planning Director Riley said the name "Three Sisters" came from the former property owner, Carol Sturman, that this significant feature is currently not protected, but that the subdivision does not encroach into the rock outcropping.

MOTION: Vice-Chairman Hartsfield moved, and Commissioner Brown seconded, to recommend that City Council approve SUB2021-06 Yuyo Subdivision Final Plat, a minor subdivision request by N.E.S. Inc. (Applicant) and New Life Holding Corporation (Property Owner) for a (1) lot plat of 10+/- acres located at 1121 Sturman Parkway in the Planned Unit Development (PUD) based on findings of conformance to the 2010 Comprehensive Plan, and the zoning and subdivision regulations as described in the staff report and as presented in public hearing, subject to the following conditions:

1. Change "hillsides" to "hillside."
2. Prior to approval of the plat by City Council:
 - a. The subdivider shall submit (i) a signed subdivision development agreement (SDA) in a form acceptable to the City agreeing to extend, provide, install and connect to the existing water system the proposed water main extension, and (ii) concurrent with the SDA, a subdivision improvement guarantee in a form acceptable to the City in the amount of 150% (equal to 100% of the cost, as estimated by the subdivider and approved by the City, of installing the water main plus 50%).
 - b. The subdivider shall submit a Park Capital fee totaling \$2,133.
3. Prior to producing the mylar, revise the plat as follows:
 - a. Depict, describe and locate following easements on page 2 of the plat: Reception Number 446012, 489440, and 716971.
 - b. City Council Certificate (page 1): delete "TRAIL AND".

- c. Delete Note 3.)9.
- d. Correct the ownership for Tract A to New Life Holdings and Lot 1, Sturman Parkway Filing #1 to Jeremy and Sarah Pearsons at 1115 Sturman Parkway.
- e. Add a header titled WILDFIRE HAZARD stating "The Subdivider agrees to mitigate the wildfire hazard as proposed in the Wildfire Mitigation Plan produced by the Woodland Park Field Office of the Colorado State Forest Service December 2020. Mitigation as proposed includes, but is not limited to, home hardening and a defensible space (e.g. tree thinning, limbing and pruning, removing dead wood) a minimum width of 50 feet on each side of the driveway and 100 feet wide to the north, east and west of the house and 150 feet south of the house. All wildfire mitigation within the defensible space shall be complete prior to issuance of any Certificate of Occupancy (C/O) for the residence. Mitigation beyond the defensible space on Lot 1 shall be completed within 5 years of the C/O."
- f. Add a building envelope on page 2 that encloses the residence and the total area of disturbance (including the driveway) and a note stating "No land shall be disturbed or buildings or structures built outside of this building envelope."
- g. Add a note stating "The primary structure shall not exceed 35 feet in height measured from mean grade to the peak of the roof and any accessory structure shall not exceed 20' measured from mean grade to the peak of the roof. No building or structure shall project into any setback and setbacks (front, rear, sides) are hereby established at 25 feet from all property lines."
- h. Add the following note: Due to steep slopes, this lot is considered a hillside lot. Hillside lots shall require proof of a foundation and retaining wall designed by a licensed professional engineer."
- i. Add a note about the water main stating "The subdivider shall be responsible for installing the water main to service Lot 1 which main shall be installed prior to issuance of the Certificate of Occupancy for Lot 1. While the City shall not be responsible for the design or installation of the water main, it shall be designed and installed in conformance with all City requirements and must be initially accepted by the City prior to operation. The property owners/owner of the 60-foot ingress/egress easement (Sturman Parkway) are responsible for any surface improvements within the easement. The City is not responsible for replacement of any surface improvements within the ingress/egress easement in the event of infrastructure repair/replacement. The City will backfill to the existing grade in the event of any repair/replacement."
- j. Add a note about erosion stating: "All owners of land within this subdivision are obligated to maintain their land so as to eliminate damage or erosion on their land, adjacent land, or to the public roadway or roadway adjacent to their land. Each owner shall consult with the appropriate city officials to determine what method of erosion control will be acceptable. No building permits shall be issued unless and until adequate provision has been made for erosion control and further continuing compliance with will be required after issuance of a building permit.

Motion passed.

YES: DeVaux, Brown, Good, Larsen, Hartsfield, Carrick **NO:** None **ABSENT:** Bunge

After a break, the meeting reconvened at 8:15p.

B. Consider Ordinance No. 1397 repealing the 180-day occupancy limitation as it relates to the definitions of Recreational Park Trailers and Recreational Vehicles. (*City Council Public Hearing 7 p.m. – July 1, 2021*) (L)

Planning Director Riley verbally presented the staff report, going over the request to repeal the 180-day limit.

Chairman DeVaux opened the public comment portion of the meeting.

Jeff Baldwin (Woodland RV Park) stated that City Council requested the removal of the 180 day limit.

Mike Nakai (Woodland Park) stated that it was always the intent to not evict current tenants. The language of the code has always stated transient, short-term, or temporary for recreational uses. He supports the Commission in their attempt to define temporary and believes the definition as proposed reduces staff discretion. He asked that the Commission reject this ordinance to remove the 180 day clarification.

Joe Fury (Woodland Park via Zoom) stated that camping is temporary and that the City zoning code should be followed. If campgrounds are to be used for permanent housing, then land should be rezoned accordingly.

Robin Stevenson (Woodland Park) stated that she is a senior citizen who lives in an RV park full-time and this is the “new wave” of seniors who don’t want to live in single family residences or condominiums, or who don’t want to be tied to a mortgage. She believes the City should allow full-time occupancy in RVs and would like the City to provide more housing alternatives.

Carl Stam (Manager, Woodland RV Park) stated that the 180 day limit is arbitrary and that the RVs of today are much better than what was produced in the past.

Seeing no others in Council Chambers or on Zoom wishing to speak, the Chairman closed the public comment portion of the meeting.

Commissioner Good asked that if tenants are to live in RVs long-term, then safeguards should be put in place. She believes all RVs should 1. Have current license plates and valid registration; 2. Provide proof of insurance; and 3. Be in good shape and movable.

Commissioner Larsen asked how many permanent tenants are residing in Woodland RV Park. Mr. Stam said they have five or six long term tenants currently and that all new RVs moved into the campground must show proof of insurance, a current registration and driver’s license and the RV must be in good repair.

Commissioner Brown asked about enforcement for Mobile Home Parks versus Campgrounds and expressed concern about future management. He stated that he has no sympathy for a business model that ignores City codes. Planning Director Riley stated that the design of Mobile Home Parks is very specific in the Municipal Code and that all aspects of the Code are enforceable. She stated that since no such specifications exist for campgrounds, they are enforced using the very limited nuisance and trash regulations.

Commissioner Hartsfield supports the 180-day clarification and believes it is a good definition of temporary although he thinks 90 days would be better 90 days is more consistent with the Building Code definition. He emphasized that campgrounds are a recreational use for temporary occupancy. If permanent residential use is desired, then land should be rezoned to a residential zone. He does not support eliminating the 180-day clarification.

Commissioner Carrick is concerned about the economic impact of 180 days.

Chairman DeVaux believes this is a property rights issue at the core.

Commissioner Brown disagreed with the Chairman. He believes the campground owners are looking to expand their rights without any justification. He recommends that the City produce language to allow the nonconforming use to continue.

City Attorney Nina Williams stated that permanent residency is not "grandfathered" but rather that violations involving long term residency is simply not enforced. She agrees with the original recommendation by the Commission for a 180-day clarification.

Commissioner Larsen recommended that the City review the code for horse stables which phased out private riding stables in the City as a way to permit current tenants from being evicted.

MOTION: Commissioner Larsen moved, and Commissioner Brown seconded, that this item be tabled so that the Commission can consider code revisions that would reduce evictions and include safeguards for the existing campgrounds/RV Parks.

Motion passed.

YES: DeVaux, Brown, Good, Larsen, Hartsfield, Carrick **NO:** None **ABSENT:** Bunge

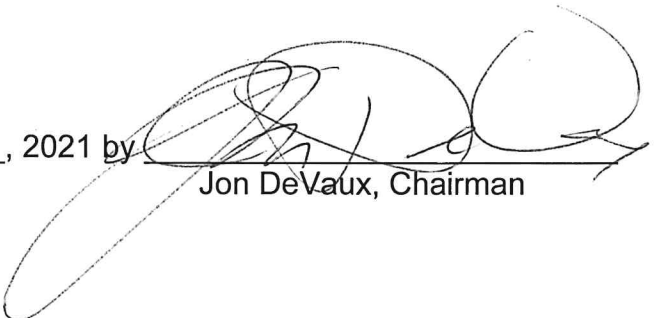
It was recommended that the Planning Commission schedule a work session on June 10, 2021 to review additional language to Ordinance No. 1397 that would include safeguards and reduce evictions in the existing campgrounds and RV Parks. As a result, the public hearing for the revised ordinance could occur at the regularly scheduled July 22, 2021 Planning Commission meeting.

4. REPORTS

A. Envision Woodland Park 2030: Planning Director Riley provided a brief overview on the work being done by the consultant and the eight subcommittees who are reviewing the goals, objectives and actions of the 2010 plan. Interviews and questionnaires are ongoing and the next subcommittee meeting is June 28. Commissioners can expect to review a complete draft of the revised plan during the July and August Planning Commission meetings.

B. A Planning Commission work session is scheduled for June 10 to discuss the 180-day limit and June 24 to discuss the proposed land use map for the revised Comprehensive Plan.

5. **ADJOURN:** The meeting adjourned at 9:38 pm.

Approved this 10TH day of June, 2021 by  Jon DeVaux, Chairman