



PUBLIC NOTICE
WOODLAND PARK PLANNING COMMISSION
Thursday, September 22, 2022, 6:30 P.M.
Council Chambers – 220 W. South Avenue

Zoom link from the calendar at the bottom of the front page of the City website (www.city-woodlandpark.org).

- 1. CALL TO ORDER & ROLL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVE MINUTES: June 9, 2022 & August 25, 2022**
- 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)**
- 5. REPORTS**
- 6. ADJOURN**

For more information, please contact the Planning Department 719.687.5202

WOODLAND PARK PLANNING COMMISSION

MEETING MINUTES for June 9, 2022

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	Commissioner Hartsfield
Absent	Commissioner Lee Brown
Present	Commissioner Carrol Harvey
Present	Commissioner Kenneth Kennedy
Present	Commissioner Larry Larsen
Present	Commissioner Shawn Nielsen

Staff Present: Planning Director Karen Schminke and Planner 1 David Burgess

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: The May 26, 2022 minutes were approved with the modification to clarify that Article 5 Section 6 notes the need for a quorum.

The minutes were approved with the revisions by a 5-0 vote.

4. PUBLIC HEARINGS

A. Continued from May 26, 2022: CUP/SPR2022-03 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)

Chair Hartsfield opened the public hearing explaining that while he was an architect on the original Woodland Park Storage project years ago, he is no longer involved and feels he does not have a conflict of interest and can be part of an unbiased review. The Commissioners accepted Chair Hartsfield's position.

Director Schminke presented the staff report with the location, site plan, architectural renderings, and project history. She noted that City Council approved the original CUP/SPR in July 2018, which expired in July 2020. An application asking to extend the CUP/SPR was submitted in January 2021, which was granted with a new expiration date of July 2022. Another CUP/SPR extension application was submitted in April 2022 to extend to July 2024. There are no current Zoning Development Permits, the grading and waterline infrastructure ZDPs have expired. The proposal is consistent with the current Comprehensive Plan. City Staff had the following concerns: Kip Wiley, Deputy CM/Operations Director would disapprove the request because no progress has been made in five years. Ben Schmitt, City Engineer, would like to perform a detailed review when updated trip generation and storm water calculations meet updated criteria. Since the zoning regulations do not have criteria concerning extensions, staff recommends "Should Planning Commission find that an extension is warranted and recommend that City Council grant the two-year extension to July 19, 2024, then the approving resolution should clearly state that the development is still subject to all of the conditions of approval specified with the original approval CUP18-001/SPR18-001 from July 2018."

Director Schminke took questions from the Planning Commissioners. Chair Hartsfield asked about the City Engineer comments, Ms. Schminke clarified that traffic volumes on US Highway 24 had changed, so that could alter what is required of site improvements (access and stormwater criteria). The applicant would like to proceed with an extension and not go through the public hearing process again. Commissioner Harvey asked the applicant to address the staff concerns.

Chair Hartsfield invited the Applicant to the podium. Michael Harper, 1493 CR 782, Woodland Park, introduced himself, thanked the Planning Commission for hearing this extension, and explained why the extensions were needed. The project was approved in late 2018, and applied for financing in mid-2019, which is a 3-10 month-long process. In March of 2020, all lending applications were put on hold because of the pandemic. Since then it has been another two years of lending and supply chain uncertainty. Finally, at this time, the feasibility study has been finalized, and pricing and supply are predictable enough to move forward in the next building cycle. Then Eric Smith of 2435 Research Parkway Suite 300, Colorado Springs, a principal engineer with Matrix Design Group, representing the Applicant, introduced himself. To show that all types of construction projects' financing was affected across the board, he noted that the Air Force Academy visitor center financing was also delayed two years, from February 2020 to January 2022. Matrix will complete the final engineering drawings. A final drainage report will address any changes to drainage criteria code or standards. The site plan will also be updated. These types of facilities generate low traffic volumes, especially compared to other uses allowed in this zone. The traffic study predicts 100 vehicles a day for this facility. Left turn lanes currently meet the CDOT requirements, and a right shoulder exists for a future right turn lane. A traffic study would be updated as the project moves forward. Carrol Harvey confirmed that original traffic analysis of 100 vehicles/day still stands and that the Applicant expects financing to be approved and construction to commence in spring 2023.

Hartsfield called for comments from the public; with on one wishing to speak he closed the public hearing. There was no further discussion.

Commissioner Larsen moved, and Commissioner Nielsen seconded, that the Planning Commission **recommend City Council** approve the 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.

YES: Larsen, Nielsen, Hartsfield, Harvey, and Kennedy.

Motion PASSES 5-0.

B. PUD/SPR2022-01: a request by N.E.S. Inc. (Applicant) on behalf of New Life Holding Corporation (Owner) and its affiliated operating nonprofit corporate entities, Andrew Wommack Ministries, Inc. (AWMI) and Charis Bible Colleges, Inc., to consider a PUD Amendment to 1) revise the dimensional standards to allow a height increase from 35-feet to 45-feet maximum for the student housing and 2) remove a past Condition of Approval that the temporary student housing be privatized through either a lease agreement or some other arrangement so that it can be separately taxed. The subject property is located at 800 Gospel Truth Way with a legal description of Lot 1, The Sanctuary, Woodland Park, Colorado and is zoned Planned Unit Development (PUD) for the purpose of developing a Planned Business Development (PBD). (**QJ**)

Director Schminke explained to the Planning Commission that the public notice for this application was not complete for this scheduled date, and requested the Commission continue this item to June 21, 2022. The applicant representative, Jon Romero of NES, confirmed the applicant is ready to proceed on June 21, 2022.

Commissioner Kennedy moved, and Commissioner Larsen seconded, that the Planning Commission to continue this hearing to June 21, 2022 at 6:30 p.m.

YES: Nielsen, Hartsfield, Harvey, Kennedy and Larsen.
Motion PASSES 5-0.

- 5. REPORTS:** Director Schminke informed the Planning Commission that the City has embarked on updating the Parks, Trails & Open Space Plan which will include community engagement opportunities. The City is also planning on hosting several listening sessions concerning Short Term Rentals on July 6, 2022.

Director Schminke then noted that Senior Planner Chelsea Stromberg has left the City. The Planning Department has joined the City Engineer's RFP, by adding a component for Planning Development Review Services which is the primary review role a Senior Planner would typically provide. It will be paid by an hourly basis until a Senior Planner is hired. Senior Planners are in high demand in Colorado and nation-wide.

Commissioner Harvey asked if the Comprehensive Plan consultant would be able to provide an update of Municipal Code Sections 16, 17 & 18 to the Planning Commission soon. She thought they would review and recommend some consolidation of matrices. Director Schminke has received a document from them, but has not reviewed it. She would like to present it to the Planning Commission with context. The consultant has completed their conditions of the contract, but a presentation was not one of them.

Mr. Larsen suggested the Planning Commission start discussion of modifying the Planning Commission quorum definition from a set minimum of five commissioners to a simple majority. Any changes to the operating procedures would be recommended by Planning Commission for approval by City Council. Director Schminke added that she told the DDA at their meeting about vacancies on the Planning Commission. Applications for Boards and Committees are on the City's website.

The next meeting of the Commission is a Special Meeting scheduled for Tuesday, June 21, 2022 at 6:30 PM.

- 6. ADJOURN:** The meeting was adjourned at 7:15 pm.

Approved this _____ day of _____, 2022 by _____
Ken Hartsfield, Chair

WOODLAND PARK PLANNING COMMISSION
MEETING MINUTES for August 25, 2022
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	Commissioner Hartsfield
Absent	Commissioner Lee Brown
Present	Commissioner Carrol Harvey
Present	Commissioner Kenneth Kennedy
Present	Commissioner Larry Larsen
Present	Commissioner Shawn Nielsen
Staff Present:	Planning Director Karen Schminke, Planner 1 David Burgess, and Senior Planner Will Charles.

2. PLEDGE OF ALLEGIANCE

3. APPROVE MINUTES: The August 11, 2022 minutes were approved unanimously.

4. PUBLIC HEARINGS

A. SUB2022-04 Pines at Tamarac Preliminary Plat Extension: A request by David Garretson (Applicant & Property Owner) for a 1-year extension of the previously approved Pines at Tamarac Preliminary Plat for residential development on 20.61 acres on Lot 2, Block 1, Dayspring Christian Fellowship (205 Sourdough Road) in the Pines at Tamarac PUD zone district. **(QJ)**

Chair Hartsfield opened the public hearing and asked for the staff report. Senior Planner Will Charles presented the staff report providing an overview of the location, the approved plan layout, and the history of past approvals. He also noted that per City Code, PUD plans can be extended for two years, but one year extensions are allowed for preliminary plats. Staff found the request for the extension was made in a timely manner, the application is still valid, the requested extension makes sense, and staff is recommending a one year extension of this preliminary plat.

Chair Hartsfield questioned the applicant's reason for the extension. Director Schminke suggested it is for reasons similar to other extensions, i.e. securing financing, materials, and resources for the construction of the infrastructure.

The applicant was not present. Chair Hartsfield then called for public comments. With no one wishing to speak, the public hearing was closed.

During discussion, Commissioner Harvey asked if the proposed development is for single family homes. Director Schminke confirmed the approval is for 26 single

family detached homes. She also confirmed for Commissioner Larson that the Planning Commission has the final decision on this request.

Chair Hartsfield called for a motion. Commissioner Larsen then moved, and Commissioner Kennedy seconded, to approve the one year extension of the Pines At Tamarac preliminary plat to July 18, 2023.

**YES: Larsen, Nielsen, Hartsfield, Harvey, and Kennedy.
Motion PASSES 5-0.**

5. **REPORTS:** Director Schminke informed the Planning Commission of a change to their meeting schedule. A work session regarding a proposed short-term rental ordinance that has been scheduled for September 8th at 6:30 PM. Due to the aggressive schedule for this item notice of a September 22nd public hearing on this item will go to the newspaper prior to the work session occurring. Currently estimate City Council will have first reading on the ordinance October 6th and a public hearing October 20th, but these dates may change. Director Schminke also noted while this is a legislative item, Commission members should encourage anyone who wants to talk about this item to come to the public hearing and address the entire Commission.

Commissioner Larson suggested nominating Sally Riley for the Les Mellon, Jr. Civic Achievement Award.

Commission members then had a short discussion regarding how to best utilize the twice a month meetings to meet developer needs and continue work on Code updates. There was also discussion related to scheduling site visits and the public notice requirements for them.

The final general discussion item related to developer requests for extensions. Director Schminke explained there is more than one section of the Code that addresses the various types of applications with the timing and Code language varying from section to section. It was noted that this will likely be a more concerning issue as the City gets closer to its maximum capacity for water taps.

ADJOURN: The meeting was adjourned at 6:59 pm.

Approved this _____ day of _____, 2022 by

Ken Hartsfield, Chair



City of Woodland Park Memo for Planning Commission

Hearing Date: September 22, 2022

Agenda Item

Department

Presenter

4. A.

Planning

Karen Schminke, AICP
Planning Director

AGENDA ITEM

PUBLIC HEARING regarding a proposed Ordinance amending Titles 5 and 18 of the Woodland Park Municipal Code, concerning business regulations and zoning, to license and regulate short-term rentals. A copy of the proposed Ordinance is attached to this memo.

HISTORY

Over a year ago the Planning Commission identified short term rentals (STR) as an issue that should be reviewed and possibly addressed with a Code change. 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.

The City's current zoning regulations do not explicitly address this type of rental in any zoning district. 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.

Over the past year this topic gained considerable traction and a variety of meetings and community input/engagement activities have taken place:

November 2021 – Staff started one-on-one interviews with stakeholders.
May 5th – City Council and Planning Commission joint work session.
June – Online community questionnaire.
July 6th – Two community conversation events at Ute Pass Cultural Center.
July 7th – City Council adopted a 90-day moratorium (Ordinance 1426) on the issuance of business licenses for short term rentals.
July 21st – City Council and Planning Commission joint work session.
August 18th – City Council and Planning Commission joint work session.
September 8th – Planning Commission work session.

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://whatsupwoodlandpark.com)

The purpose of these various community engagement activities and joint work sessions 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.

PROPOSED ORDINANCE

The attached proposed ordinance is a direct result of the community engagement activities and joint work sessions. Also, it includes the modifications identified at the September 8th Planning Commission work session.

The WHEREAS statements on the first page describe the objectives and the need for the ordinance:

- protect residential integrity and community character within the City
- adopt licensing regulations and restrictions on the renting or leasing of real property for occupancy of less than 30 days
- ensure clarity, increased enforcement, fairness and consistency with the goals of the City, for its residents, businesses and customers
- 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

The body of the ordinance contains the specific language that would be added into the City Code book. The proposed language includes:

- definitions necessary to clarify what a short term rental is (Titles 5 & 18);
- standards for who can obtain a license for a short term rental businesses (Title 5);
- provisions for renewing or revoking a license (Title 5);
- clearly identify the use in the zoning regulations (Title 18);
- the locations where an STR may be permitted; and
- standards for the use (Title 18).

As a result of the September 8th Planning Commission work session a number of modifications have been made to the proposed Ordinance. Some of the modifications were minor in nature. More substantive modifications include:

Section 2

- Revisions to 5.22.020 (g) regarding caps on the number of STR units differentiated by zoning district.
- Clarification to a waiting list for licenses in section 5.22.020 (h).
- The criteria for issuing a license in section 5.22.030 (c) has been amended with regard to no violations in the prior 12 months, keeping license information current, and non-transferability of licenses.

Section 5

- The Table of Uses in Section 18.09.090 has been revised to Permit Conditionally STR's in the MFS, MFU, and MHP zone districts.

Section 8

- New Section 8 *2022 Application and Fees* has been added.

Section 9 and Section 10

- These sections were renumbered due to the addition of a new Section 8.

COMMENTS RECEIVED

Attached are two comments received in the Planning Department after the September 8, 2022 work session.

STAFF RECOMMENDATION

Should the Planning Commission find the provisions in the proposed Ordinance satisfactory, the Planning Commission should recommend that Council approve the code amendments as presented.

NEXT STEPS

As of the date of this memo, it is anticipated City Council will have first reading of this proposed Ordinance at their October 6th meeting and a public hearing at their October 20th meeting.

Attachments

- A. Proposed Ordinance
- B. Comments Received

**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 beneficiary 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.

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 residential dwelling unit 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 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 beneficiary 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/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 name beneficiary 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. The applicant must possess at least a fifty percent (50%) fee simple ownership interest in the property.
- (g) Established Cap: The maximum number of short-term rentals units within the SR, UR, MFS, MFU, MHP and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of residential dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR – 4%; UR – 8%; PUD – 4%; MFS – 2%; MFU – 4%; and MHP – 2%. The City of Woodland Park Short-Term Rental Unit Inventory is a running tally the number of licensed short-term rental units, which will be kept in the City Planning Department 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 in the SR, UR, MFS, MFU, MHP and PUD zoning districts completed in the most recent calendar year, with the addition of new residential dwelling unit (with a certificate of occupancy) totals each year, added in December. No caps or maximum number of Short-Term Rental Business Licensees shall be applicable within the NC, CC, SC and CBD zoning districts. Short-term rentals are prohibited within the remaining AG, P/SPL and HSCLI zoning districts.
- (h) In the event the maximum number of licensed short-term rental units has been met, no new applications for short-term rentals will be accepted. A City of Woodland Park Short-Term Rental Business License Application Waiting List for short-term rental units in the SR, UR, MFS, MFU, MHP and PUD zoning districts shall be annually prepared and maintained by the City Planning Department. 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, as indicated within the Waiting List.
- (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. 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), 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.

(l) A maximum of one (1) short-term rental unit is permitted per five hundred (500) foot radius of another short-term rental unit in the SR, UR and PUD zoning districts.

(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 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) there has been no more than one 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 violation of any of the Short-Term Rental Business License or application requirements or there have been no more than one 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
- (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.

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 business, is hereby added to read as follows:

18.06.481 – Short-term rental unit.

“Short-term rental unit” means a residential dwelling unit 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</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>			<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>		<u>PC</u>

<u>accordance</u> <u>with</u> <u>Chapter</u> <u>5.22 and</u> <u>Section</u> <u>18.78.050</u>													
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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 apartment building at any time in any zoning district.
- (2) Short-term rentals 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.
- (4) The maximum number of occupants permitted in a short-term rental shall be established at the time of initial licensing.
- (5) Large events, such as concerts, parties and weddings, are prohibited.
- (6) The designated parking for vehicles of short-term rental unit guests shall be addressed at the Short-Term Rental License application and licensing stage, and shall meet the off-street parking standards for that particular unit.

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 short-term rental Short-Term Rental Business License first, before processing subsequent Short-Term Rental Business License applications.

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 year 2022 shall be effective until and through December 31, 2023.

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



peter scanlon <prs174@gmail.com>

Michael Lawson; Karen Schminke ▾

Mon 5:18 PM

NEW! Huge Luxury Pikes Peak Retreat w/Hot Tub - Houses for Rent in Woodland Park, Colorado, United ...

i Follow up. Completed on Tuesday, September 13, 2022.
 You replied to this message on 9/13/2022 9:03 AM.



[EXTERNAL]

Karen. You may not be the appropriate person. If not, would you kindly forward this email to the person who can answer my questions:

- 1) this property is on Sunny Glen Ct. I think their number is 405. Do they have a business license with the City to operate a short term rental?
- 2) if not, what are the next steps that the city is able to take. The "hosts" recently purchased this home.
- 3) if so, then how can the city permit an Airbnb in a residential neighborhood with up to 14 people ? What if they are unrelated? Does the city restrict large numbers of unrelated people living in the same dwelling in a residential neighborhood?
- 4) how is parking to be handled? Trash pickup? (their trash cans have been in front of the property for almost a week (as of Saturday).

This is a perfect example of why the city needs restrictions. It seems ridiculous that someone can advertise essentially a small hotel in a residential neighborhood without any health and safety requirements and pay nothing for the negative spillover effects in this community.

Look forward to hearing from you or the appropriate city official.
 Thank you.

https://www.airbnb.com/rooms/704829168413439349?adults=2&children=0&infants=0&check_in=2022-09-12&check_out=2022-09-17&federated_search_id=cb396ec1-21e5-4ffa-bbf0-2d5bdf9a9aa7&source_impression_id=p3_1663018860_UBVNeJTCKGHEfwV3

Sent from my iPhone

Peter Scanlon
 Woodland Park, CO

From: Pat S. <pkstinn@gmail.com>
 Sent: Tuesday, September 13, 2022 8:48:28 AM
 To: Carrol Harvey <ciharvey@hotmail.com>
 Subject: STR Nomenclature

Carrol, this is an email I've sent to a WP Councilmember to forward to Ms. Nina Williams. I am sending it to you because I want to share this with the Planning Commissioners. You made a statement at a recent PC Work Session that any/all correspondence Commissioners receive on the STR issue will be shared. Please share as you see appropriate. Thank you for our service to Woodland Park.

Tricia

Good evening. During the Planning Commission's STR Work Session held on September 8, 2022, a significant mischaracterization of short term rentals continued to be promulgated by K.Schminke-Director of Planning. I would like to get an explanation to Ms. Nina Williams prior to finalizing the draft ordinance due for the September 22, 2022 Planning Commission's STR Public Hearing. My efforts herein are made with the best of intentions to help the City move towards an acceptable STR ordinance.

Referring to Ms. Schminke's statement made during the meeting (YouTube time stamp 1:12:27), the term 'residential dwelling unit' grossly bends the definition of 'short term rentals' by using the terms interchangeably. Let me explain why this is unacceptable:

* The term 'residential dwelling' (or 'residential dwelling unit') is defined as a 'place of residence'. A 'place of residence' is defined as anywhere a person/people permanently reside (...or 'dwell'). In Colorado, residing in a dwelling for more than 30 days qualifies a person/people as a 'permanent resident'. A short term rental does not allow for residency (by definition of STR), nor shall it be occupied as a 'dwelling' or 'dwelling unit'.

* Short term rentals should not be confused with 'residential dwellings' because, by definition of 'stays 30 days or less', short term rentals only offer temporary accommodations. Short term rentals attract tourists, guests, visitors...but they do not/can not accommodate 'residents' or 'dwellers'. They only provide temporary accommodations to non-residents. Few exceptions may apply, such as if a resident of WP stays at an STR for temporary accommodations. Guests visit STR's and dwellers live in dwellings. Residential dwellings are not STR's.

* Even when an STR property is partially occupied by a permanent resident, it does not qualify the STR as 'residential' in character nor use. This is because the value and character of the property is tied to the commercial occupancy of guests, visitors, tourists, or any other name given to temporary renters. Temporary occupants can not be confused as 'residents', and short term rentals shall not be confused with 'residential dwellings'.

*The definition of 'short term rental property' fits exactly (verbatim!) with the definition of lodge/lodging in the WP MuniCode. An STR which was converted from a 'residential dwelling' then becomes a commercial use property, and therefore cannot be categorized as a dwelling at all...it is a commercial lodge/lodging. Once an STR gains revenues for temporary lodging, it is no longer 'residential' in character nor use...it has morphed into a commercial property used solely for the purpose of generating revenue, no longer offering housing. This is how STR's have exacerbated housing inventories across the country and also in the City of Woodland Park. They've displaced housing inventory (i.e., dwellings) with lodges for temporary accommodations.

I ask that Ms. Williams recommends to the City of WP Administrators, Councilmen, Planning Commissioners to rely on the practical definition for STR's, which is the same definition as lodges/lodging, when referring to STR's in the draft ordinance. I also ask that any confusion between residential versus commercial property occupancy/use (as referenced to zoning, not taxation purposes) be reconciled prior to any future meetings with the Planning Commission and City Council.

If there is an issue of whether to allow commercial uses within our residential zoning districts, then let's address that rather than misrepresenting STR's as 'residential' in character and/or occupancy.

Thank you for your efforts and service to our fine community.

Sincerely,

Tricia Stinner

Links: YouTube of Sept 8 PC STR Work Session <https://youtu.be/amvMKVQbYWA>