

City of Woodland Park

October 20, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session on the 2023 Budget, Mayor Pro-tem Case called the City Council Meeting to order at 7:00 PM.

The following Councilmembers were in attendance: Mayor Pro-tem Case, Councilmember Connors, Councilmember Nakai, Councilmember Neal, Councilmember Ott and Councilmember Zuluaga. Mayor LaBarre was absent.

The following Staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Deputy City Manager/Director of Operations Wiley, Finance Director Vassalotti, Planning Director Schminke, Parks and Recreation Director Keating, Aquatics Manager Warner, Human Resources Manager Jacob, Assistant to the City Manager Johnson and City Planner Burgess.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Recognition of Brady Warner, Woodland Aquatic Center Manager as the CPRA Aquatics Professional of the Year. (A)
(Presenter, Parks and Recreation Director, Cindy Keating)

Parks and Recreation Director Keating shared the CPRA Aquatics Professional of the Year award that Aquatics Manager Brady Warner received at the CPRA Conference two weeks ago. Keating highlighted some of the exciting activities that Warner is providing at the Aquatic Center. City Manager Lawson echoed Keating's sentiments and thanked Warner for his hard work. Mayor Pro-tem Case presented Warner with a Mayor's pin. Warner shared that he couldn't do all he was doing without the support of his team.

- B. Presentation of the City Manager's Budget Message and Budget for the 2023 year. (A)
(Presenter, City Manager Michael Lawson)

City Manager Lawson shared that the City Charter dictates that the Budget be delivered to the City Council by October 15. Lawson shared that the 2023 City of Woodland Park budget was delivered to the Council on October 14. Lawson shared that the budget is posted on the City's website and that the City Council would be holding a budget work session on November 3. Lawson shared that the hope was to have the initial posting of the budget on November 17, 2022 and the public hearing for the 2023 Budget on December 1, 2022.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

Councilmember Ott made a motion to move item 8A to 4A and to table this item. He stated that the Council never hears public comment on an initial posting. Mayor Pro-tem Case shared that she chose to have public comment on 8A even though it is an initial posting. Case shared that she made an exception to the typical protocol so that the council could have every opportunity to hear from the public. Williams clarified that it would be two motions. First to move, if that passed then a second to move to table.

Motion: Move item 8A to 4A and table this initial posting. Ott/Zuluaga. The motion resulted in a tie of 3-3 with Case, Connors and Nakai voting no. As a result of a tie, the motion failed.

5. CONSENT CALENDAR

- A. Approval of the Special Meeting Minutes from September 29, 2022 and the regular City Council Meeting Minutes from October 6, 2022. (A)
(Presenter, Deputy City Manager/City Clerk, Suzanne Leclercq)

City Clerk Leclercq introduced both sets of meeting minutes on the Consent Calendar.

Motion: To approve the Special Meeting Minutes from September 29, 2022 and the regular City Council Meeting Minutes from the October 2, 2022 meeting. Nakai/Zuluaga. Motion carried 6-0.

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

DeAnn Betterman shared that she would like the City Council to consider reducing the mill levy.

Arnie Sparnins shared that he felt the verbiage regarding STR rentals in the budget should be removed. He felt the statement "may substantially affect the budget" should be removed because it puts a bias on STR rental income.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A. Approve ORDINANCE 1431, SERIES 2022, on initial posting, 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, and set the public hearing for November 3, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)

Mayor Pro-tem Case stated prior to the introduction of this ordinance that she wanted to address some of the concerns made regarding her conflict of interest and STR's. Case shared that as a realtor she has only represented two individuals in the past that have purchased STR's. One was purchased in Rainbow Valley and the other in Victor. Case also stated that currently she is not representing any clients that are looking to purchase an STR.

Planning Director Schminke introduced Ordinance No. 1431, Series 2022, on initial posting.

Schminke shared the following: 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. Since then, this topic has gained considerable traction and a variety of meetings and

community input/engagement activities have taken place. These were followed by several joint work sessions between the City Council and Planning Commission where strategies to address the impacts of this use were reviewed and the Planning Commission was directed to prepare an ordinance to regulate this use. The attached proposed ordinance is the result of the community engagement activities, joint work sessions, and the Planning Commission's own work session and public hearing process.

Following Schminke's introduction of the ordinance, City Attorney Williams spoke.

City Attorney Williams stated the following:

I was asked to set the stage, as well as lay out a synopsis of your procedural options regarding this Short-Term Rental Ordinance:

1. About a year ago, we started to meet as staff regarding compiling policy, regulatory, licensing and enforcement options available for consideration when legislating short-term rentals within the City of Woodland Park. After staff meetings, there was high volume public engagement, community meetings, workshops, community surveys, input and social media presence and engagement, further analysis from staff, legal drafting, numerous joint Planning Commission and City Council work sessions, and public hearings regarding this topic of great interest to the community.
2. Now that we have summarized where we came from, I wanted to clarify the process, how we got here, and your current procedural options, regarding this Ordinance.
 - As a reminder, any code amendments to Title 18 *must* first be reviewed by the Planning Commission before arriving in front of Council (pursuant to Woodland Park Code section 18.69.010).
 - Pursuant to Code section 2.40.030, the Planning Commission held a public hearing on the draft STR regulations (which was held over the course of numerous long evenings... I can attest that they did a great job with the public input and their analysis and expertise), and they forwarded to the City Council its findings and recommendations. That recommended STR Ordinance is now in front of you, and is what is here to be considered by you on First Reading – whether that be to: 1) approve; 2) reject; or 3) approve with amendments.

Therefore, your procedural options this Thursday are as follows:

- i. Move to approve the Ordinance recommended by Planning Commission on First Reading, and proceed to Second Reading and Public Hearing on November 3rd
 - ii. Move to approve the PC-recommended Ordinance on First Reading, with certain amendments, and proceed to Second Reading and Public Hearing on November 3rd
 - iii. Move to table First Reading, to the next Meeting on November 3rd
 - iv. "Kill" the bill
- However, please note that the process would then re-set, and the City would be "back to the drawing board." The Planning Commission would need to reconvene and hold another public hearing on any newly proposed STR regulations.

- This process would extend past December 16th, which is the expiration date of the current moratorium. If the moratorium expired before STR regulations were enacted, the result would be a return to the status quo before the July moratorium was imposed.
- So, that would be if the process isn't continued and keeps moving

iv. Finally, keep an eye on the date of the expiration of the current Moratorium, and make sure to Extend that Moratorium if that ends up being necessary.

Councilmember Zuluaga shared that it was clear that the Council did not like the ordinance that was brought to them by the Planning Commission and that they had asked for a second ordinance to be drafted by the attorneys. Zuluaga asked where that second ordinance was. Williams shared that the attorneys took the direction from Council and brought it to Council in the form of amendments. Williams reviewed with the Council that, pursuant to the Municipal Code, the Council needed to consider the ordinance that was brought to them by Planning Commission. Williams shared that the council could choose to amend said ordinance and that is why the amendments were added to the council packet for council to consider.

The following are the amendments that were included in the packet:

Ordinance No. 1431, Series 2022

First Reading Amendment

Amend the bill as introduced on First Reading as follows:

Strike subsection 5.22.020(g), as follows; reletter succeeding subsections accordingly,

~~(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 HSCL zoning districts.~~

Amend Subsection 5.22.020(h) as follows:

~~(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.~~

Amend Subsection 5.22.020(k) as follows:

(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), cabins and other structures without installed water, power or sewer facilities, tents, teepees, campers and other temporary structures.

Strike Subsection 5.22.020(l) as follows:

(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.

Amend Section 18.09.090- Table of Uses, as follows:

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	UR	MF S	MF U	MH P	AG	P/SP L	NC	CC	SC	CB D	HSC L I	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>

***Use permitted only in non-residential portions of PUD, if any.**

Amend Section 18.78.050(b)(2) as follows:

(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), cabins and other

structures without installed water, power or sewer facilities, tents, teepees, campers and other temporary structures at any time in any zoning district

Strike Section 18.78.050(b)(7), as follows:

(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.

Strike Section 18.78.050(b)(8), as follows:

(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.

Strike Section 7, as follows:

~~**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(l) 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.~~

At this time, Mayor Pro-tem Case instructed the audience on the procedures for public comment. Case asked that each individual keep their comments to a maximum of 3 minutes.

Angie Cain - spoke against the removal of STR's in residential neighborhoods

Mary Sekowski - spoke against the proposed amendments

Lisa Page - spoke against the proposed amendments

Nolan Goodall - spoke against the proposed amendment

At this time, Councilmember Ott voiced his disagreement with Case for allowing the public to comment on this ordinance on initial posting and the amendments. Ott left the meeting at 7:59 PM. Councilmember Connors left the meeting at 8:01 PM and Case adjourned the meeting for a short recess.

Mayor Pro-tem Case called the meeting back to order at 8:10 PM and public comment continued.

Arnie Sparnans - spoke in favor of removing STR's from residential neighborhoods

Craig Penley - spoke against the proposed ordinance/amendments

Jerry Penland - spoke in favor of the proposed amendments

Al Bunge - spoke in opposition to the proposed amendments

Andrew Smith - spoke in opposition to the proposed amendments

Craig Kallian - spoke in opposition to the proposed amendments

Rachel Burns - spoke in opposition to the proposed amendments

Dave Brown - spoke in opposition to the proposed amendments and thanked the 4

Councilmembers who stuck around for the rest of the meeting

Jeremy Lyons - shared that he was in favor of regulating STR's and not doing away with them. He suggested a STR hotline for violations and fines.

Nicole Hanson - spoke in opposition of the amendment and banning STR's

Todd Zeller - spoke in opposition to the amendments and in favor of regulations

Scott Campbell - was for sensible regulations of STR's

Derek Norwood - spoke in favor of the proposed regulations and caps on STR's

Kelley Leigh - spoke against banning STR's in residential neighborhoods

John Hoffman - was in favor of limited regulations on STR's

Peter Trelor - spoke against the amendments and expressed that the City should enforce their ordinances.

Tammy Smidt - expressed that the City should gather stats on nuisance calls of STR's to see if it is even a problem

Christine Carlo - spoke in opposition to banning STR's. She shared that it is unfair after the fact that the City has allowed them to have licenses

Adam Cain - against banning STR's - in favor of regulating STR's

Frances Sinel - shared her opinions of the Councilmembers having conflicts of interests

Jason Pickerill - spoke in opposition to banning STR's

Bo Burns - thanked City Attorney Williams and shared that the City needs to be aware of legal challenges they may face if they ban STR's

Bradley Eicher - shared that he owns several STR's in the city and that he self-regulates his properties and has no issues

Jamie Traffas - shared that it was not OK for the two Councilmembers to walk out of the meeting. She spoke in opposition to the ban on STR's

Mac McVicker - shared his view on private property rights having limits

Beth Hoeritz - spoke in opposition to the amendments

Jen Ray - in favor of regulations of STR's not ban

Lisa Waltman - spoke in favor of STR's

Rosemary Meyers - STR owner who would lose her retirement income if banned. Spoke in favor of regulations

At this time Mayor Pro-tem Case thanked the audience for all of their comments.

Councilmember Zuluaga made a motion to table the initial posting until the November 3rd Council Meeting with Councilmember Neal seconding that motion.

Mayor Pro-tem asked for Council discussion.

Councilmember Neal shared that he has been very vocal about property rights. Neal shared that he ran on citizen rights and was against the ordinance the planning commission created. Neal stated that he is leaning towards what the citizens have been expressing to him.

Councilmember Zuluaga acknowledged that there is a lot on the table for investors, most importantly property rights. Zuluaga shared that this goes back to the city's identity. Zuluaga shared that there are those that see us as a bedroom community, those that see us as a destination, those that spend their dollars and then leave and those that see us as a college town. Zuluaga expressed that he sees it as four groups vying to thrive together. Zuluaga shared that it is the Council's job to hear from all four and navigate the water in a way that is fair. Zuluaga thanked the audience for their comments.

Mayor Pro-tem Case thanked everyone for their patience. Case shared that she has read all of the emails that have been sent to the Council this past week. Case shared as a believer in property rights that the Council must meet in the middle. Case expressed that weighing this balance is very delicate and that they need to evaluate as a Council. Case apologized for the two Councilmembers this evening that abandoned the process.

Councilmember Nakai thanked the Planning Commission for their hard work.

Motion: to table Ordinance No. 1431, Series 2022 on initial posting until the November 3, 2022 City Council Meeting. Zuluaga/Neal. Motion carried 4-0.

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

Mayor Pro-tem Case shared the events for the upcoming two weeks and gave a brief update on the Parks Trails and Open Space community survey.

B. Council Reports

Councilmembers Nakai and Neal asked the City Attorney to bring an extension of the STR moratorium to the next Council Meeting, extending it to six months.

Councilmember Zuluaga shared the need for people to apply to the Keep Woodland Park Beautiful Committee. They have not been able to have a quorum the last few meetings.

C. City Attorney's Report

City Attorney Williams shared the following with Council:

- I just wanted to briefly address what happened before, and the advice given – or response to the inquiry regarding limiting the substance of the public comment today.
- First of all, I have been helping cities and towns navigate and balance the Short-Term Rental for the past 6 years. Every community is different, but never have such discussions been completely calm or without controversy or strong opinions.
- Every attorney has a different style, but we are CONSERVATIVE approach to limiting Council. We don't read restrictions into places where they simply don't exist. That is Council's call – to make a motion, should they intend to do so
- The Council Rules leave it to Council to prescribe rules regarding public comment, and I was not going to announce a rule to limit public comment when council itself has not adopted such a rule.
- **Council Rules of Procedure**
- **Section 4. Meeting Provisions.** All Council Meetings shall comply with the requirements of the Colorado Open Meetings Law, § 24-6-401 and § 24-6-402, C.R.S. (All regular, special and

emergency meetings of the Council shall be open to the public and citizens shall have an opportunity to be heard under such rules and regulations as the Council may prescribe. (Charter § 3.11)).

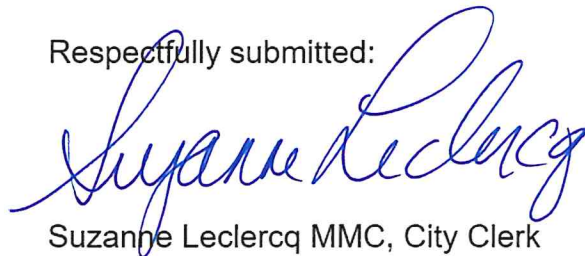
D. City Manager's Report

City Manager Lawson shared the new police patch that Chief Deisler designed with the Council. Lawson thanked the staff for their hard work on producing the budget document. Lawson also shared that there was a stop work order issued for the slash piles and they are set to be removed next week.

12. ADJOURNMENT

Mayor Pro-tem Case adjourned the Council Meeting at 10:19 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 3rd DAY OF Nov., 2022



Hilary LaBarre, Mayor