



City of Woodland Park

November 17, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Prior to the Regular City Council meeting, the City Council held an Executive Session pursuant to C.R.S. Section 24-6-402(4)(f)(i) for the discussion of a personnel matter, specifically the City Manager's evaluation and contract. The following individuals were present for the Executive Session: Mayor LaBarre, Mayor Pro-tem Case, Councilmember Connors, Councilmember Nakai, Councilmember Neal, Councilmember Ott, Councilmember Zuluaga and City Manager Lawson.

Prior to the City Council meeting, the following motion was made.

Motion: To approve the City Manager's contract for the 2022 - 2023 year. Zuluaga/Ott. Motion carried 7-0.

The time being 7:05 PM, Mayor LaBarre called the City Council meeting to order.

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

The following staff members were present: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, City Attorney Williams, Finance Director Vassalotti, Planning Director Schminke, Parks and Recreation Director Keating, Deputy City Clerk Minton, Deputy City Manager/Director of Operations Wiley, Chief of Police Deisler and Assistant to the City Manager Johnson.

Mayor LaBarre asked that 8C the initial posting of the STR moratorium be moved to follow the Public Hearing of the STR ordinance. Council agreed.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. Review of openings on various Boards and Committees.
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq)

City Clerk Leclercq reviewed the current openings for some of the Boards and Committees. Leclercq reported that beginning January 1, there will be openings on the Board of Adjustment, Board of Review and Planning Commission. Leclercq reported that there are currently openings for the Keep Woodland Park Beautiful Committee and that they have been

unable to have a quorum due to the lack of members. Leclercq encouraged the audience to consider applying for some of the openings.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A.** Approval of the November 3, 2022 Regular City Council Meeting Minutes.
(Presenter, Deputy City Manager/City Clerk)

City Clerk Leclercq shared the November 3, 2022, City Council minutes with the Council sharing that Councilmember Zuluaga requested an amendment to the minutes. Zuluaga shared that on page 10 of the minutes where the statement reads "At this time, Councilmember Zuluaga shared the following amendments he and Councilmember Ott would like to see added to Ordinance No. 1431, Series 2022", that the record should read "several Councilmembers would like to see added to Ordinance No. 1431, Series 2022." Council agreed that this change should be made to the minutes and City Clerk Leclercq reflected that she would do so.

Motion: To approve the November 3, 2022 Regular City Council Meeting Minutes as amended. Case/Connors. Motion carried 7-0.

- B.** Approval of the September 2022 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof.
(Presenter, Finance Director Aaron Vassalotti)

Finance Director Vassalotti reviewed the Statement of Expenditures from September 2022 with the City Council. Vassalotti answered the Council's questions and the following motion was made.

Motion: To approve the September 2022 Statement of expenditures and Authorize the Mayor to sign warrants in payment thereof. Zuluaga/Case. Motion carried 7-0.

- C.** Approval of the October 2022 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof.
(Presenter, Finance Director Aaron Vassalotti)

Finance Director Vassalotti reviewed the October 2022 Statement of Expenditures with the Council. Vassalotti answered the Council's questions and the following motion was made.

Motion: Approval of the October 2022 Statement of Expenditures and Authorize the Mayor to sign Warrants in payment thereof. Zuluaga/Case. Motion carried 7-0.

- D.** Approval of 2023 Roadway Infrastructure Projects Design and Engineering Contract Between Wilson and Co and the City of Woodland Park for \$517,859
(Presenter City Engineer Ben Schmitt)

City Engineer Schmitt reviewed and answered questions regarding the 2023 Roadway Infrastructure contract with the Council.

Motion: To approve the 2023 Roadway Infrastructure Projects Design and Engineering Contract between Wilson and Co. and the City of Woodland Park for \$517,859. Connors/Nakai. Motion carried 7-0.

- E.** Approval of Cemetery Expansion Design between Wilson and Co and City of Woodland Park for \$110,000
(Presenter, City Engineer Ben Schmitt)

City Engineer Schmitt reviewed and answered questions regarding the Cemetery Expansion contract.

Motion: To approve the Cemetery Expansion Design between Wilson and Co. and the City of Woodland Park for the amount of \$110,000. Case/Connors. Motion carried 7-0.

- F. Approval of MMOF Trail and Sidewalk Design between Basis Partners and the City of Woodland Park for \$164,445
(Presenter, City Engineer Ben Schmitt)

City Engineer Schmitt reviewed and answered questions regarding the MMOF Trail contract.

Motion: To approve the MMOF Trail and Sidewalk Design between Basis Partners and the City of Woodland Park for \$164,445. Case/Nakai. Motion carried 7-0.

- G. Approval of a contract for the Audio Visual Improvements to the Ute Pass Cultural Center from Global Technology Group in the amount of \$138,517.32.
(Presenter, Parks and Recreation Director Cindy Keating)

Parks and Recreation Director reviewed the AV improvement contract for the UPPC with the Council.

Motion: To approve the Audio Visual Improvements to the Ute Pass Cultural Center from Global Technology Group in the amount of \$138,517.32. Ott/Neal. Motion carried 7-0.

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

DeAnn Betterman shared with the Council that she felt they should consider a mill levy reduction.

Ken Hartsfield shared the need for people to apply to the open Boards and Commissions.

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A. Approve Ordinance No. 1433, Series 2022 on initial posting, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2023 Budget Year for the General Fund and set the Public Hearing for December 1, 2022. (A)
(Presenter, Finance Director Aaron Vassalotti)

Prior to the introduction of the first ordinance on initial posting, Finance Director Vassalotti shared the sales tax update with the Council for September 2022.

Vassalotti introduced Ordinance No. 1433, Series 2022 on initial posting.

Motion: To approve Ordinance no. 1433, Series 2022 on initial posting, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2023 Budget Year, for the General Fund and set the Public Hearing for December 1, 2022. Case/Connors. Motion carried 7-0.

- B.** Approve Ordinance No. 1434, Series 2022 on initial posting, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2023 Budget Year for All Funds Except the General Fund and set the Public Hearing for December 1, 2022. (A)
(Presenter, Finance Director Aaron Vassalotti)

Finance Director Vassalotti introduced Ordinance No. 1434, series 2022 on initial posting.

Motion: To approve Ordinance No. 1434, Series 2022 on initial posting, an Ordinance Appropriating Sums of Money to the Various Funds, in the Amounts and for the Purpose set Fourth for the City of Woodland Park, Colorado for the 2023 Budget Year for All Funds Except the General Fund and set the Public Hearing for December 1, 2022. Case/Neal. Motion carried 7-0.

- C.** Approve Ordinance No. 1432, Series 2022, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado further extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of application for Short-Term Rental Licenses and set the Public Hearing for December 1, 2022. (A)
(Presenter, City Attorney Nina Williams)

This initial posting was moved to after the Public Hearing portion of the agenda.

Mary Sekowski shared that she felt that the STR licenses were being held hostage.

Motion: To Approve Ordinance No. 1432, Series 2022, on initial posting, an Ordinance of the City Council for the City of Woodland Park, Colorado further extending a Temporary Moratorium on the Submission, Acceptance, Processing and Approval of application for Short Term Rental licenses and set the Public Hearing for December 1, 2022. Zuluaga/Neal. Motion carried 7-0.

- D.** Approve Ordinance No. 1435, Series 2022 on initial posting, to amend the 2022 Budget Expenditure Appropriation, (Budget Supplemental Ordinance), and set the Public Hearing for December 1, 2022. (A)
(Presenter, Finance Director Aaron Vassalotti)

Finance Director Vassalotti introduced Ordinance No. 1435, Series 2022 on initial posting. Council member Zuluaga asked Vassalotti how much money the city is saving by paying off this debt early. Vassalotti shared that the City is paying this debt off 12 years early and saving \$795,000.

Motion: To approve Ordinance No. 1435, Series 2022 on initial posting, to amend the 2022 Budget Expenditure Appropriation, (Budget Supplemental Ordinance), and set the Public Hearing for December 1, 2022. Zuluaga/Connors. Motion carried 7-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

- A.** ORDINANCE 1431, Series 2022, 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)
(Presenter, Planning Director, Karen Schminke, AICP)

Planning Director Schminke reviewed her staff report regarding Ordinance No. 1431, Series 2022.

Schminke reviewed the following background with the Council.

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 short-term rentals (or rentals of residential property for any length of time) in any zoning district. 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 gained considerable traction and a variety of meeting and community input/engagement activities have taken place. These were followed by several joint work sessions between City Council and Planning Commission where strategies to address the impacts of this use were reviewed and Planning Commission was directed to prepare an ordinance to regulate this use. Ordinance 1431, Series 2022, as recommended by the Planning Commission, is the result of the community engagement activities, joint work sessions, and the Planning Commission's own work session and public hearing process. This proposal was to regulate STRs in most zone districts, but prohibits them in the multi-family zone districts. At their November 3, 2022 meeting, City Council made a number of amendments to the proposed ordinance on first reading. Included in this packet is Ordinance 1431, Series 2022 as amended on first reading November 3, 2022. All activities on this topic have been chronicled on the City's community engagement website What's Up Woodland Park.

Schminke reviewed with Council the detailed history of what has taken place regarding this STR ordinance.

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 (or any residential rental) in any zoning district. Within Title 3 – Revenue and Finance, lodging tax and its applicability to rentals of less than thirty consecutive days 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.

Business licenses are a means to track who is conducting business within the city limits and, depending upon the type business, ensure the appropriate sales and lodging taxes are being

collected and remitted to the City. Since rental periods of less than thirty consecutive days are subject to the lodging tax, 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.

The purpose of these various community engagement activities and joint work sessions was to define the issue, develop a thorough understanding of the benefits and impacts of short term rentals, and to build consensus on addressing the use in City Code. At the August 18th joint work session there was discussion regarding a variety of recommendations.

At the direction of City Council, staff prepared a draft ordinance that the Planning Commission reviewed and refined at their September 8th work session. As required by Woodland Park Code section 18.69.010, any amendment to Title 18 of the City Code must first be reviewed by the Planning Commission. Pursuant to Code section 2.40.030, the Planning Commission held a public hearing on September 24th and concluded the hearing on September 29th.

PLANNING COMMISSION PROPOSED ORDINANCE

The attached ordinance is what the Planning Commission has recommended to City Council for consideration. It is a direct result of the community engagement activities, joint work sessions, and a Planning Commission work session and public hearings. It also has incorporated the recommendations and some of the other ideas from the August 18th joint 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 (5.22.020);
- ☐ establishment of caps on the number of STR units by zoning district (5.22.020 (g)) with the proposed percentages matching the current percentages of licensed STR units;

- ☐ provisions for a waiting list for licenses (5.22.020 (h));
- ☐ provisions for a designated local contact person (5.22.020 (i));
- ☐ no STR license required if renting a portion of your primary residence while you are occupying the residence during the rental period (5.22.020 (n));
- ☐ provisions for renewing or revoking a license as well as penalties (Title 5);
- ☐ STR licenses are non-transferable (5.22.030 (e));
- ☐ the use is clearly identified in the zoning regulations and includes definitions (Title 18);
- ☐ identifies the locations where an STR may be permitted (18.09.090 table of uses) and prohibits STRs in multi-family zones;
- ☐ standards for the use (18.78.050) including prohibited structures, occupancy limits, parking spaces required, and separation of STR units; and
- ☐ transitional provisions in Section 7.

Since the Planning Commission concluded their hearing and made a recommendation to City Council the following has occurred:

October 6th – City Council held a work session for discussion of short-term rental policy and directed staff to prepare an amended ordinance that would prohibit STRs in all residential zones.

October 6th - City Council extended the moratorium on the issuance of business licenses for short term rentals through December 16, 2022 (Ordinance 1430).

October 20th – At first reading of Ordinance 1431, Series 2022, City Council took public comment and voted to Table the item until November 3, 2022.

There are several items that conflict and must be resolved. The amendments are:

Strike subsection 5.22.020(l), as follows; reletter succeeding subsections accordingly: (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.

Strike subsection 18.78.050(b)(8), as follows: 1. 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 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. Provided a current and valid business license holder operating a short-term rental business in the MFS or MFU zoning district applies for a Short-Term Rental Business license application within 2 months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in the MFS or MFU zoning districts shall not apply to such new Short-Term Rental Business License applications and subsequent renewals for the same short-term rental unit and by the same license holder.

Amend 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.

Amend 18.78.050(b)(2), as follows: 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 Amend Subsection 5.22.030(c)(4) as follows: (4) Within the last twelve (12) months there has been no more than one two or more violation(s) 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.

Amend Subsection 5.22.030(c)(5) as follows: (5) Within the last twelve (12) months, there have been no more than one two or more violation(s) of any of the Short-Term Rental Business License or application requirements or there have been no more than one two or more violation(s) 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.

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, except for the exemptions set forth in section 5.22.020(n). Amend Section 18.09.090- Table of Uses, as follows:

Table of Permitted Uses

Add #4 Short term rental units in accordance with Chapter 5.22 and Section 1878.050 adding SR, UR and AG to have PC (permitted conditionally)

Amend Section 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, which do not fall under the exemptions set forth in subsection (n), 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. To assure that owner-occupied, STR's continue to pay applicable taxes and, To clarify that owner-occupied ADU's may be STR's, notwithstanding the general prohibition of STR's in ADU's on non-owner occupied property.

Allow all existing licensed non-owner occupied STR businesses to continue to operate until they sell change ownership, signatory and license is not transferable; or if they choose not to renew, or have their license revoked. Include the 31 applicants waiting. (This will remove the need for a cap or waitlist, reducing staff time and the caps).

Any new non-owner occupied STR's allowed in commercial CBD, CC, NC, and AG zones, with no caps or distance restrictions. Non-owner occupied STR's are not allowed in residential zones.

Allow owner occupied STR's in any residential, commercial, or AG districts with no caps or distance restrictions.

Further amend the Planning Commission's version that has the L.4 language added with PC under SR,UR, NC, CC,SC, CBD and PUD to make SR, UR, PUD be fully permitted use. No conditions attached and not restrict owner occupancy.

To make SR, UR and PUD be fully permitted use. No conditions attached and not restrict owner occupancy.

Following Schminke's staff report, the following recommendation was made: to resolve all conflicting provisions and language prior to passing Ordinance No. 1431, Series 2022.

Immediately following Schminke's report, Councilmember Zuluaga stated that he would like to set a motion. Zuluaga shared that a green lined proposed version was received from the City Attorney last night and that the City Attorney stated she had the approval of four Councilmembers to draft. Zuluaga asked who the four Councilmembers were that asked City Attorney Williams to draft the amended version. Williams shared that they were Neal, Case, LaBarre and Ott. Councilmember Ott said that he was not one of the Councilmembers that gave this direction to Williams. Councilmember Neal apologized, stating that he passed on what he thought was a consensus from the four of them to the City Attorney and apologized for what he felt was a communication error.

At this time, Councilmember Zuluaga continued with his motion of reading the following into the record.

AS AMENDED ON FIRST READING (11/3): RED-LINED
Green indicates proposed 11/17 amendments by Mayor and 3
Yellow highlights indicate amendment by Zuluaga and others
Blue highlights indicate removal of said part

CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1431, SERIES 2022

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

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

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

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

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

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

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

- (a) It shall be unlawful for any person or entity to engage in the short-term rental business without first applying for and procuring a Short-Term Rental Business License ("License") from the City Clerk with respect to each short-term rental unit. The initial license fee, renewal license fee and penalty for operating without a license shall be established by resolution of City Council, as may be amended from time to time, and payable annually in advance.
- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City Clerk shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.
- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City

a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.

- (g) ~~Established Cap: The maximum number of short term rental units within the SR, UR, and PUD zoning districts shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts. The established cap in those districts shall be as follows: SR 4%; UR 8%; PUD 4%. The City of Woodland Park Short Term Rental Unit Inventory is a running tally of the number of licensed short term rental units, which will be kept in the City Clerk's office, and open and available for public inspection during business hours. This number shall be based on the survey of all existing dwelling units located within each of the SR, UR, and PUD zoning districts completed in the most recent calendar year, with the addition of new dwelling unit (with a certificate of occupancy) totals each year, added in December. No caps or maximum number of Short Term Rental Business Licenses shall be applicable within the NC, CC, SC and CBD zoning districts. Short term rental units are prohibited within the remaining MFS, MFU, MHP, AG, P/SPL and HSCLI zoning districts.~~
- (h) ~~In the event the maximum number of licensed short term rental units for a zoning district has been met, no new applications for short term rental units will be accepted for that zoning district. A City of Woodland Park Short Term Rental Business License Application Waiting List for short term rental units in each of the applicable zoning districts shall be annually prepared and maintained by the City Clerk or the Clerk's designee. In each such waiting list, applications for short term rental units located at an owner's primary residence, which do not fall under the exemptions set forth in subsection (n), shall be given priority over short term rental units which are not the owner and applicant's primary residence. New Short Term Rental Business Licenses, once available, will be processed and issued based on the ability of the applicant to comply with all applicable conditions and requirements in this Chapter 5.22 and within Title 18.~~
- (i) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (j) Short-term rental businesses shall comply with all requirements and guidelines, as listed on the Short-Term Rental Business License and the application materials at all times.
- (k) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: ~~accessory dwelling units (ADUs);~~ which are not the license holder's primary residence, as that term is defined in section 5.22.010, rental apartment units, apartment buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power or sewer facilities, tents, teepees, campers and other temporary structures.
- (l) ~~No short term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short term rental unit. No short term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short term rental unit. The separation~~

~~measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.~~

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

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

5.22.030 - Application, issuance and renewals.

(a) Any person desiring a license to engage in and operate a short-term rental business shall apply to the City Clerk, on application forms provided by the City Clerk or their designee(s). New Short-Term Rental Business License applications must be submitted at least thirty (30) days prior to the date of the intended use and no advertising of the property as a short-term rental unit prior to issuance of a Short-Term Rental Business License is permitted. Short-Term Rental Business Licenses shall be issued and valid for one calendar year, from January 1 through December 31, and shall expire within the calendar year for which it was issued. New Short-Term Rental Business License application fees shall not be pro-rated or reduced.

(b) The City Clerk may issue a new Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete application form and provided all required information regarding both the short-term rental unit and business.
- (2) The applicant has paid the appropriate fee(s) established by the City Council, and has paid all taxes and fees owed to the City, including those related to other properties and/or businesses and purposes within the City.
- (3) All applicable requirements in Section 5.22.020 and Section 18.78.050 are met, and all applicable application documentation has been provided.
- (4) There are no current or pending violations of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property.

(c) The City Clerk shall require the annual renewal of a Short-Term Rental Business License upon all the following conditions:

- (1) The applicant has submitted a complete renewal application form and provided all required information regarding both the short-term rental business and the unit.
- (2) The applicant has paid the appropriate renewal fee(s) established by the City Council, and all applicable taxes throughout the previous year, including sales and lodging tax, and has paid all taxes and fees owed to the City, including those related to other properties and purposes within the City.

- (3) There are no outstanding health and safety violations on the property that are related to the short-term rental unit, or any other application requirements set by the City, or any violations of Title 15 of this Code as it relates to habitability.
- (4) Within the last ~~twelve~~ **twenty four** (~~12~~ **24**) months there has been no more than ~~no more than one~~ two or more violation(s) 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~~ **twenty four** (~~12~~ **24**) months, there have been no more than ~~no more than one~~ two or more violation(s) of any of the Short-Term Rental Business License or application requirements or there have been no more than ~~no more than one~~ two or more violation(s) 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:

- 1. 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.

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

80 – Short-term rental business.

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

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

81 – Short-term rental unit.

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

ction 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:

90 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	S R	U R	MF S	MF U	MH P	A G	P/SP L	N C	C C	S C	CB D	HSCL I	PU D
...													
L. Lodgings.	-	-	-	-	-	-	-	-	-	-	-	-	-
...	-	-	-	-	-	-	-	-	-	-	-	-	-
4. Short-term rental units in accordance	P C P I	PC P I PC	-	-	-	PC	-	PC	PC	P C	PC	-	PC *

7. The number of short-term rental units shall not exceed the established cap, or applicable percentage, of the total number of dwelling units within in such zoning districts as established in Chapter 5.22.
8. No short-term rental unit within the SR zoning district shall be located within five hundred (500) feet of another short-term rental unit. No short-term rental unit within the UR or PUD zoning district shall be located within two hundred fifty (250) feet of another short-term rental unit. The separation measurement shall be made in a straight line from the nearest property line of the proposed short-term rental unit to the nearest property line of another short-term rental unit.

Section 7. *Current Business Licensees Operating Short-Term Rental Businesses.*

Current Business Licensees Operating Short-Term Rental Businesses would be considered legacy licenses and require renewal during the two months after the effective date of this Ordinance.

Legacy STR license applications will be issued in the form of a non-conforming business license. The license does not run with the property but is issued to the specific owner of the property. The license shall expire upon sale, change of signatory, or transfer of the property or loss of license. The license shall not be transferred or assigned to another individual, person, entity, or address but may be managed by a third party on behalf of the owner. The licensees must abide by all the terms in this ordinance.

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. Provided a current and valid business license holder operating a short term rental business in the MFS or MFU zoning district applies for a Short Term Rental Business license application within 2 months of the effective date of this Ordinance, the prohibition of Short Term Rental Businesses in the MFS or MFU certain zoning districts shall not apply to such new Short Term Rental Business License applications and subsequent renewals for the same short term rental unit and by the same license holder, subject to 5.22.020(f).

Provided a current and valid business license holder operating a short-term rental business in the MFS or MFU zoning district applies for a Short-Term Rental Business license within 2 months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in the MFS or MFU zoning districts shall not apply to such new Short-Term Rental Business License applications and subsequent renewals for the same short-term rental unit and by the same license holder. Furthermore, owners of property purchased in 2022, prior to November 17, 2022, in the MFS or MFU zoning districts shall be entitled to apply for a Short-Term Rental Business license, provide that said application is submitted within 2 months of the effective date of this Ordinance, and subsequent renewals shall be permitted for the same short-term rental unit by the same license holder.

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

Section 9. *Future Review of STR regulations.* Within twelve to eighteen months from the effective date of this Ordinance, the Planning Commission shall revisit the City's short-term rental regulations. During that timeframe, the City shall direct an update to its most recent housing needs assessment, and shall have a short-term rental economic impact study conducted. Additionally, the City Police and Code Enforcement departments shall capture twelve months of data regarding calls for service or complaints of crime or nuisance at short-term rental unit properties. Once all data is collected and both studies have been completed, the Planning Commission will review and analyze same to make recommendations to City Council regarding whether amendments to the City's short-term rental regulations are required.

Section 10. *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 11. *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

Following Councilmember Zuluaga's motion, Councilmember Connors seconded the motion.

Mayor LaBarre asked for Council discussion.

Mayor Pro-tem Case shared that she felt Section 9 was wise and felt that they should gather some data. Case stated that what is being presented will cause great harm to people that have invested a lot of dollars and that it doesn't make sense. Case again shared that she would like to see the data gathered so that the Council can make good decisions.

Mayor LaBarre shared that if ownership changes they are no longer STR's and that this would ban them if put into place.

Councilmember Zuluaga shared that this is not banning STR's. Zuluaga stated that if you have one you are free to continue. When an STR owner sells their property, it would become part of the residential pool - no one is being banned and that he felt this was a great compromise that would then in the future direct STR's to the commercial zones.

Councilmember Neal shared that he felt this was a "clever" way of wording this motion and they would end up only in the commercial areas.

Following Council discussion, Councilmember Ott shared his proposal that he had sent to the Council and Staff earlier in the week.

Comparison Criteria	Legacy License	Wild West (Unrestricted use in all zones)	Caps
Option criteria for Ordinances	Current STRs to include 31 applications operate in perpetuity until ownership changes, signature authority changes for trusts, the license is revoked, the licensee does not use the property in accordance with licensing i.e. they have a license but are not using the property as an STR for more than six months out of the year	Unrestricted use for current STRs, 31 applicants, any future applications for all requests (non-owner occupied and owner occupied in any zone)	Different percentage caps in all zones, non-owner occupied and owner occupied allowed
Benefits	* Current owners and applicants can continue to operate, and none are financially burdened due to regulation * For residents against, non-owner occupied STRs will eventually be gone. * For residents against STRs, investors will not be able to continue to buy multiple properties in residential areas * For housing making more houses available	* For both owner and non-owner occupied, no restriction on property use for STR purpose * No current owners or applicants will be financially harmed * Property maintenance companies will continue to have opportunities with STR business	* No current owners or applicants will be financially harmed * For those financial invested, STR's will be a conditionally permitted use (they must have a license to operate) * For residents, they will be limited reducing the overall number

	for long term rental of sale to folks that want to be here has permanent residents, until more housing is built (though not guaranteed they won't be bought for STR use unless otherwise restricted due to PUD or HOA) * Property maintenance companies will continue to have opportunities with STR business The City of Woodland Park continues to collect property tax * Owner occupied have no restriction	* All applications will be processed and allowed to operate * The City of Woodland Park collects more property tax * Allows folks to earn income with thier property with less retriction on their rights	* Property maintenance companies will continue to have opportunities with STR business * The City of Woodland Park continues to collect property tax * Owner occupied have no restriction
Disadvantage	* For second vacation home owners, no new non-owner occupied stops folks who live somewhere else from profiting on their vacation home when they are not using it * For investors, they will not be able to continue to buy multiple properties in residential areas * For current non-owner occupied, if they lose thier license, they will not be able to get another *	* Housing will be limited in some quantity for permanant residential use for owners and long-term rental unitl the market is saturated and STRs stabilize to what the market will support * For residents who do not want STR's in their residential neighborhoods, they will have tolerate them, or	* Some property owners get to use thier property right for STR use, but others are DENIED the same right to a conditionally permitted property use, which also affects those who retire and want to live in thier house part time and earn income in the meantime * For the 31

	Business owners are burned for legislative change to meet their satisfaction * For some commercial business such as: daycares, mechanics, tax services, and any other business that operates due to strictly permanent resident use will have less business from STRs * For residents, they will have to tolerate STRs until ownership changes, signature authority changes for trusts, they choose not to retain a license, the property is not used as an STR (licensed STRs cannot hold a license without using the property as an STR) * For folks who decide to use thier property as a second home / vacation property, they will not be able to STR thier property unless they maintain residence there and live there at least 183 days	activate an HOA, the HOA will have to create or adjust bylaws to disallow the use * The residents are burdened to create or change HOA bylaws, work to change legislation through citizen action, or call the police for a problematic STR * For some commercial business such as: daycares, mechanics, tax services, and any other business that operates due to strictly permanent resident use will have less business from STRs	applicants, will not be issued licenses until a current non-owner occupied dwelling goes unlicensed * For the residents who do not want STR's in residential areas, they will accept an STR can and will be next to their residence * Business owners are burned for legislative change to meet their satisfaction * The residents are burdened to create or change HOA bylaws, work to change legislation through citizen action, or call the police for a problematic STR * For some commercial business such as: daycares, mechanics, tax services, and any other business that operates due to strictly permanent resident use will
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			have less business from STRs
Final Thought	This option removes financial harm to current STR operators while preserving current residential zoning in the long term. Also gives the STR owners time for working to change legislation if they do not agree and the burden is on the business owner to do this, not the resident who lived there potentially before the city issued licenses, and a permitted conditional use is potentially allowed	With this option, in a one to two year timeframe, there will be minimal change if any from the first option. In that one to two years, an economic impact survey can be completed along with the housing study, and have police begin documenting whether the call was to an STR or not to get data points allowing	The caps were based on current amount of STRs in residential neighbor hoods, not based on what may or may not be best for the community. The caps also create an unfair situation where some property use permitted some, yet others are denied due to a cap based on current STR licenses. This goes against the

	due to new legislation. Allowing all 31 applicants to also procure a license will generate more STRs than cap version allows. This option also restricts property use with zoning. STRs will be defined in the code and added to the use table whether the council allows the use or does not allow the use, but it will be defined in the code for either side to fight another day. Disturbance complaints are a police issue, and the police should deal with it whether or not it is an STR. Parking, and other like code issues are code enforcement, and licensing cost must reflect necessary resources to enforce code. This applies to other options as well.	real comparison between residents and STR tenants for both serious and nuisance offenses. We could then review this data in one to two years and assess what should be done at that point with taking any rash action now. Residents can also initiate the process to make change which will require a large number of signatures. If the get that done, I support what they are asking for because that will make it obvious what the city residents want to do not want for our community. It seems this may be the most reasonable option if we want to entertain changing the allowed use from the intended one single family for living quarter use to current demand use from everyone from investors to owners wanting a second vacation home they can visit anytime, and earn income in	arguments from business owners that STR use on their property is thier right, and allow the market to decide what the tolerance is for the number of STRs in the community at large. It is okay for some to execute property rights for STR use but not others. For the residents, they have to tolerate the STR next to them in perpituity, and if those residents have to do that, why limit? If enough residents get tired of STRs, they will work to change the legislation. I am not for caps. However, as previously stated, STRs will be defined in the code and added to the use table whether the council allows the use or does not allow the use, but it will be defined in the code for either side to fight another day.
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	the unoccupied times. STRs will be defined in the code and added to the use table whether the council allows the use or does not allow the use, but it will be defined in the code for either side to fight another day. For me to vote this option as my number one option, I want an economic impact study agreed to happen ASAP, a planned review for the both the impact and housing study (already voted to happen), and the police chief to ensure that when officers capture whether or not the property is an STR or not an STR for all calls with a synopsis of how many calls were either a crime or a nuisance in both cases with a year to captured data. Once all data is collected, the planning commission will review for recommendations on whether change is required or not, and council can
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		approve or deny restrictions after that evaluation. I believe these conditions are reasonable and required.	
MY VOTE	YES	YES	NO

MY ORDER OF PRESIDENCE	2, 1 if conditions are not agreed in option 2	1 if condition are agreed, 2 if not	will vote no
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Following Councilmember Ott's presentation, the time being 9:04 PM, Mayor LaBarre called for a short comfort recess.

At 9:12 PM, Mayor LaBarre called the meeting back to order.

At this time, Mayor LaBarre opened up the Public Comment portion of the Public Hearing.

The following individuals spoke:

Jeremy Lyons - shared that the City code needed to be updated

Mary Sekowski - shared that she liked Councilmember Ott's proposal and asked the Council to do their due diligence as proposed by Councilmember Ott.

Lydia McLaren - shared that she represents two investors and would like to see our ordinance modeled after Frisco and Summit County.

Shauna Smith - shared to allow STR's to thrive in Woodland Park

Nathan Manor - shared that the City should not take away their rights to have STR's

Matt McCracken - STR's are important to Woodland Park

Mike Nakai - felt that there were some people not attending tonight's meeting because of the city website being down, and the zoom link not available. He felt that the Public Hearing should be tabled.

Arnie Sparnins - shared that he felt the process needed to be reset. Do a clean ordinance, take public sentiment better into consideration. He shared that he let neighbors guidelines necessary and that legacy licenses are ok.

Jerry Penland - don't ban STR's outright, just have them in commercial zones only.

Susie Bradley - liked the idea of collecting data first and shared that most STR owners want to be good neighbors.

Steve Starr - don't treat STR guests as a sub-class of people.

Craig Penley - like the proposal from Councilmember Ott to collect data.

Joe Fury - please table the Public Hearing. Do not allow STR's in residential zones. Allow legacy licenses and felt that owner occupied OK.

Mayor LaBarre closed the Public Comment portion of the Public Hearing and continued Council discussion.

Mayor Pro-tem Case shared that they should build upon the presentation that Councilmember Zuluaga made and that the original green lined ordinance presented by City Attorney Williams outlines what Councilmember Ott presented.

Mayor Pro-tem Case made the following motion:

Motion to approve Councilmember Zuluaga's amended ordinance removing all yellow and blue-highlighted items. Case/Neal. Motion carried 5-2 with Zuluaga and Connors voting no.

At this time, the Council spent time amending and deleting, (removing the yellow and blue-highlighted items) of Ordinance No. 1431.

The following motion was made:

Motion: To move to approve Councilmember Zuluaga's amended ordinance removing all of the yellow and blue highlights and changing the 24-month violation to 12 months and defining revocation of a license for 2 years with 2 or more violations in 12 months. Case/Neal. Motion carried 5-2 with Zuluaga and Connors voting no.

At this time, there was a discrepancy as to whether Mayor Pro-tem Case meant to say just remove the yellow and blue highlights in the amended items or to remove the yellow and blue highlighted items from the ordinance. Case asked Mayor LaBarre if she would allow her to clarify her comments. Mayor LaBarre stated she would allow this clarification.

Motion: To allow Mayor Pro-tem Case to clarify her intent to remove the items from the amended ordinance, not just the highlights. Ott/Neal. Motion carried 7-0.

The amended and final Ordinance 141, series 2022 is as follows:

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1431, SERIES 2022**

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER 5.22 – SHORT-TERM RENTALS

5.22.010 - Definitions.

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

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

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

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

Lodging tax means the tax levied pursuant to Chapter 3.38.

5.22.020 - Licensing; limitations; requirements.

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

- (b) Short-Term Rental Business License may only be issued to owners of properties, as evidenced on the recorded deed for the property, who are also one of the following:
 - (1) A natural person;
 - (2) A trust, if the trustee of the trust is a natural person; or
 - (3) A business entity legally registered with the Colorado Secretary of State to conduct business in the State of Colorado.
- (c) Upon approval of a Short-Term Rental Business License pursuant to this Chapter, the City shall issue a Short-Term Rental Business License number specific to the subject property and the applicant/licensee.
- (d) Short-term rental businesses shall include their Short-Term Rental Business License number in the title of the listing for all public advertising, including but not limited to webhosting services.
- (e) Applications for a Short-Term Rental Business License shall be submitted on a form provided by the City, and the City shall accept no incomplete applications. Applications shall include all information required on the application form and related materials.
- (f) The name of the Short-Term Rental Business License applicant must match either the name of the owner on the deed for the property, the trustee of the trust owning the property, or the name of the person controlling the corporate ownership of the property. The applicant shall submit to the City a copy of the recorded deed, showing the recording data with the Teller County Clerk and Recorder.
- (g) Short-term rental businesses must have a designated local contact person for each short-term rental unit who shall be responsible for ensuring compliance with provisions of this Code including, but not limited to, removal of snow and ice, trash and refuse removal, and other property maintenance requirements and Good Neighbor Guidelines established by the City Manager and/or their designee(s) and updated from time to time. During periods of applicable occupancy the local contact person must be available twenty-four (24) hours per day, seven (7) days per week for the purpose of: (1) responding within sixty (60) minutes to property code violations and/or complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit and (2) taking remedial action to resolve such violations and/or complaints.
- (h) 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.
- (i) The following units, structures or uses shall be prohibited from operating short-term rental businesses or from receiving Short-Term Rental Business Licenses: rental apartment units, apartment buildings, dormitories, bed and breakfast establishments, campgrounds, RV parks, hotels, motels, mobile homes, and recreational vehicles (RVs) which include all vehicles that bear a vehicle identification number (VIN), cabins and other structures without installed water, power and sewer facilities, tents, teepees, campers and other temporary structures.
- (j) 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 Clerk or their designee(s). 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) months there has been no more than two violation(s) of the provisions of this Chapter, this Title, Title 18, this Code, or of any law, or regulation pertaining to the requirements of the application, or at the short-term rental unit property, or of any of the terms pertaining to the Short-Term Rental Business License over the past year.
 - (5) Within the last twelve (12) months, there have been no more than two violation(s) of any of the Short-Term Rental Business License or application requirements or there have been no more than two violation(s) 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:

1. 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, this Title, Title 18, this Code, 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.
- (f) If, within the last twelve (12) months, there have two or more violation(s) 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, such Short-Term Rental Business License may be revoked for a period of twenty four (24) months.

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.

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

80 – Short-term rental business.

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

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

81 – Short-term rental unit.

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

ction 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:

90 - Table of uses.

Table of Permitted Uses													
USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted Conditionally													
Permitted Uses	SR	U R	MF S	MF U	MH P	A G	P/SP L	N C	C C	SC	CB D	HSCL I	PU D
...													
L. Lodgings.	-	-	-	-	-	-	-	-	-	-	-	-	-
...	-	-	-	-	-	-	-	-	-	-	-	-	-
<u>4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050</u>	<u>P</u> <u>C</u>	<u>P</u> <u>C</u>	-	-	-	<u>PC</u>	-	<u>PC</u>	<u>PC</u>	<u>P</u> <u>C</u>	<u>PC</u>	-	<u>PC</u>

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

Sec. 18.78.050 – Short-Term Rental Units.

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

1. 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.

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

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

- **Section 7.** *Current Business Licensees Operating Short-Term Rental Businesses.* Provided a current and valid business license holder operating a short-term rental business in the MFS or MFU zoning district applies for a Short-Term Rental Business license within 2 months of the effective date of this Ordinance, the prohibition of Short-Term Rental Businesses in the MFS or MFU zoning districts shall not apply to such new Short-Term Rental Business License applications and subsequent renewals for the same short-term rental unit and by the same license holder. Furthermore, owners of property purchased in 2022, prior to November 17, 2022, in the MFS or MFU zoning districts shall be entitled to apply for a Short-Term Rental Business license, provide that said application is submitted within 2 months of the effective date of this Ordinance, and subsequent renewals shall be permitted for the same short-term rental unit by the same license holder.

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

- **Section 9.** *Future Review of STR regulations.* Within twelve to eighteen months from the effective date of this Ordinance, the Planning Commission shall revisit the City's short-term rental regulations. During that timeframe, the City shall direct an update to its most recent housing needs assessment, and shall have a short-term rental economic impact study conducted. Additionally, the City Police and Code Enforcement departments shall capture twelve months of data regarding calls for service or complaints of crime or nuisance at short-term rental unit properties. Once all data is collected and both studies have been completed, the Planning Commission will review and analyze same to make recommendations to City Council regarding whether amendments to the City's short-term rental regulations are required.

Section 10. *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 11. *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

Following passage of this ordinance, City Manager Lawson asked if Council would like for start to bring them an amended budget ordinance showing the economic impact study just approved by Council. Council gave City Manager Lawson consensus to do so.

10. NEW BUSINESS

(Public comment may be heard)

The time being 11:00 PM, the Council voted to extend the meeting.

Motion: To extend the City Council-meeting to 11:30 PM. Case/Ott. Motion carried 7-0.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

Mayor LaBarre shared the events of the upcoming two weeks.

B. Council Reports

Mayor Pro-tem Case shared an update of PPACG and of PRAB.

Council member Connors wished everyone a Happy Thanksgiving and shared information on the upcoming Veteran's Breakfast.

Councilmember Zuluaga shared an update of KWPB.

C. City Attorney's Report

None.

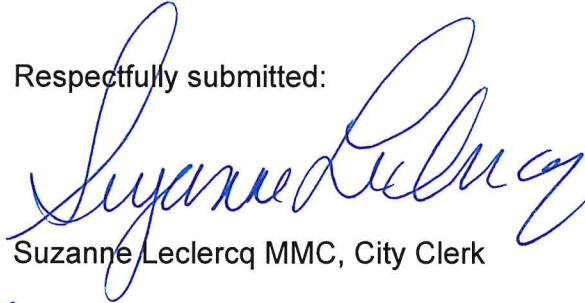
D. City Manager's Report

City Manager Lawson shared that there is a toy and coat drive being held on November 25 and November 26.

12. ADJOURNMENT

The regular City Council meeting was adjourned at 11:07 PM.

Respectfully submitted:



Suzanne Leclercq MMC, City Clerk

APPROVED THIS 1st DAY OF December 2022



Hilary LaBarre, Mayor