

City of Woodland Park

November 3, 2022 at 7:00 PM

MINUTES

1. CALL TO ORDER AND ROLL CALL

Following a work session concerning the 2023 budget, Mayor LaBarre called the Council Meeting to order at 7:04 PM. The following Council members were in attendance: Mayor LaBarre, Councilmember Connors, Councilmember Nakai, Councilmember Neal, Councilmember Ott and Councilmember Zuluaga. Mayor Pro-tem Case appeared via zoom.

The following Staff members were in attendance: City Manager Lawson, Deputy City Manager/City Clerk Leclercq, Human Resource Manager Jacob, Parks and Recreation Direction Keating, Planning Director Schminke, Deputy City Manager/Director of Operations Wiley, Assistant to the City Manager Johnson, Finance Director Vassalotti, Deputy City Clerk Minton and Chief of Police Deisler.

2. PLEDGE OF ALLEGIANCE

3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS

- A. City Code definitions and information with respect to Short Term Rentals.
(Presenters Councilmembers David Ott and Robert Zuluaga)

Mayor LaBarre shared with Councilmembers Ott and Zuluaga that if they did their presentation under this agenda item, it would be limited to five minutes. LaBarre shared that they could move this item to 8A where they would be able to have more time to present. Councilmembers Ott and Zuluaga reported they would like to move their presentation.

Motion: To move their presentation on City Code definitions and information with respect to Short Term Rentals to agenda item 8A. Ott/Neal. Motion carried 7-0.

4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA

5. CONSENT CALENDAR

- A. Approval of the October 20, 2022 City Council Meeting Minutes. (A)
(Presenter, Deputy City Manager/City Clerk Suzanne Leclercq)

Councilmember Neal had a correction to the October 20, 2022 minutes. Neal shared that he wanted in Additions, Deletions or Corrections to the Agenda the following sentence added to City Clerk Leclercq's minutes. "Williams clarified that there would be two motions. First to move the item and, if that passes, a second motion to table that item". City Clerk Leclercq reported that she would make that correction.

Motion: To approve the October 20, 2022 City Council minutes as amended. Nakai/Case. Motion carried 7-0.

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

7. UNFINISHED BUSINESS

(Public Comment may be heard)

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard)

- A.** Approve Ordinance No. 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 17, 2022. (L)
(Presenter, Planning Director, Karen Schminke, AICP)

Mayor LaBarre reviewed how the process for this agenda item would go. LaBarre shared that first Planning Director Schminke would introduce the initial posting. Following the introduction by Schminke, the Council would hold their discussions. Following the Council discussion, Mayor LaBarre shared she would open up public comment. LaBarre shared with the audience that she felt many of their questions would be answered during council discussions.

Planning Director Schminke reviewed the Staff Report with the Council giving the following background history:

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 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 the 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. As proposed, it regulates STRs in most zone districts, but prohibits them in the multi-family zone districts.

After the Planning Commission completed its hearing process, the City Council held their own work session on the topic and directed staff to prepare an amended ordinance that would prohibit STRs in all residential zones. All activities on this topic have been chronicled on the City's community engagement website, What's Up Woodland Park. Schminke shared the website link.

Schminke shared the history of the STR ordinance and how we arrived where we are

currently at.

Schminke shared the following regarding the Planning Commission proposed Ordinance:

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.

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- 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 ordinance 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.

Schminke shared with Council that they have the following options:

1. Move to approve for initial posting, 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, and set the public hearing for November 17, 2022.

2. Move to approve for initial posting, 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,

amendments 3. , and set the public hearing for November 17, 2022.

3. Move to table First Read

4. "Kill" the bill to the next meeting on November 17, 2022. (Note, this option will reset the process and the City would need to start over. The Planning Commission would need to reconvene and hold another public hearing on any newly proposed STR regulations.)

Immediately following Schminke's presentation, Councilmember Neal made a motion to approve Ordinance No. 1431, Series 2022 with the following amendments. Mayor Pro-tem Case seconded it.

Neal reviewed the amendments that he would like to be included as part of his motion.

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.~~

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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.~~

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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.

Amend Subsection 18.78.050(a)(1) as follows:

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

USE KEY: P = Permitted Use, C = Conditional Use, PC = Permitted

Conditionally

Permitted U SR UR MFS MFU MHP AG P/SPL NC CC SC CBD HSC PUD
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4. Short-term rental units in accordance with Chapter 5.22 and Section 18.78.050

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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.

City Clerk Leclercq shared that she would like to see the portion ofannually prepared and maintained by the City clerk to be changed to the City Clerk or her designee. Neal and Case agreed.

Councilmember Nakai proposed and Neal and Case accepted without objection the following two additions to Neal's amendments.

1. To assure that owner-occupied, STR's continue to pay applicable taxes and,
2. 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.

At this time, Councilmember Zuluaga shared the following amendments he and several Councilmembers would like to see added to Ordinance No. 1431, Series 2022. City Attorney Wilson shared that these are amendments to a motion that is already on the floor that each one of these would have to be voted on as a sub-amendment to the amendments already made.

Councilmember Zuluaga shared the following in the form of sub motions:

1. 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). Zuluaga/Ott. Motion carried 6-1 with Case voting no.
2. 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. Zuluaga/Ott. Motion carried 4-3 with Neal, LaBarre and Case voting no.

3. Allow owner occupied STR's in any residential, commercial, or AG districts with no caps or distance restrictions. Zuluaga/Ott. Motion carried 4-3 with Neal, LaBarre and Case voting no.

4. License verification on non owner occupied - clerk to verify with planning, that the requested license is in an allowed zone. Zuluaga/Ott. Motion withdrawn.

At this time Councilmember Neal as the original motion maker added this amendment to his original motion:

Motion to 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. As the second to the original motion, Mayor Pro-tem Case agreed to this amended motion.

Councilmember Zuluaga shared that one amendment is now canceling out the other. Zuluaga shared that if the Council voted yes then all of these amendments would be totally canceled out.

Motion: To make SR, UR and PUD be fully permitted use. No conditions attached and not restrict owner occupancy. Neal/Case. Motion carried 4 - 3 with Connors, Ott and Zuluaga voting no.

City Attorney Wilson reported that there are now conflicting issues in the ordinance that would have to be addressed at the Public Hearing of Ordinance No. 1431.

Councilmembers Ott and Zuluaga shared a presentation on City Code definitions and information with respect to Short Term Rentals.

Following the presentation from Ott and Zuluaga Mayor LaBarre opened up the Public Comment. The following individuals spoke:

Matt Edwards - spoke regarding less regulations of STR's

Arnie Sparnins - shared that he liked the requirements for owner-occupancy. He did not support non-owner occupied

Sarah Ray - thanked the Council for consideration of legacy licenses

Steve Starr - shared that the Good Neighbor guidelines should be printed out and displayed in STR's

The time being 9:05 PM, Mayor LaBarre called for a comfort recess.

Mayor LaBarre called the meeting back to order at 9:16 PM.

Mary Sekowski - shared that the Council should not have outright bans and should preserve rights

Jeremy Lyons - thanked the Council for moving in the right direction and reminded the Council that they should limit gov't outreach

John Bradley - shared that he appreciated Councilmember Neal's comments

Frances Sinel - spoke regarding conflicts of interest on Council
Shauna Smith - shared that they employ 34 people to manage STR's and that the Council should continue to allow STR's
Nathan - spoke in favor of STR's
Angie Cain - spoke in favor of STR's and their support of local businesses
Harry Brocksieck - spoke in favor of control over STR's. He shared that STR's in neighborhoods are not positive
Linda Martin - spoke against STR's
Thi Luong - shared that the owners of STR's take good care of them. She shared that she had concerns regarding the three strikes rule
Susie Bradley - asked where is the data that shares sTR's are a menace? Bradley would like to see Council vote against the ordinance
Mackenzie Leach - works in STR's as a single mom.
Jerry Penland - spoke in favor of restoring the integrity of zones. Allow only owner-occupied in residential areas. All in commercial zones.
Stephanie Alfieri - opposed to STR ban and spoke regarding conflicts of interest on Council
Mike Nakai - don't let the STR's divide the Council. Stay civil and continue to work together
Tim Taylor - agree with others on the legacy provision and agrees with Jerry Penland's statements.

- B. 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 Applications for Short-Term Rental Licenses and set the Public Hearing for November 17, 2022. (A)
(Presenter, City Attorney Geoff Wilson)

City Attorney introduced Ordinance No. 1432, Series 2022 on initial posting.

The following motion was made.

Motion: to table Ordinance No. 1432, Series 2022 on initial posting until the November 17, 2022 City Council Meeting. Zuluaga/Neal. Motion carried 7-0.

9. PUBLIC HEARINGS

(Public comment may be heard)

None.

10. NEW BUSINESS

(Public comment may be heard)

None.

11. REPORTS

(Public comment not necessary)

A. Mayor's Report

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

Mayor LaBarre also shared that she has no conflict of interest regarding the STR ordinance. LaBarre stated that no one in her family owns a STR and, as a realtor, she has no clients. She is a realtor for her family only.

B. Council Reports

Councilmember Connors shared upcoming Veterans Day events.

Councilmember Nakai - no report.

Councilmember Neal shared that he would like to release Wilson and Williams from attorney client privilege and shared that they advised him that if he removed his STR application he would not have a conflict of interest. Neal shared that this application has been removed.

Councilmember Neal shared an update of the DDA.

Councilmember Zuluaga shared information on the next KWPB meeting.

Mayor Pro-tem Case shared that the recovery race at the WAC continues to improve and gave kudos to Parks and Recreation Keating and Aquatics Manager Brady for all their hard work.

C. City Attorney's Report

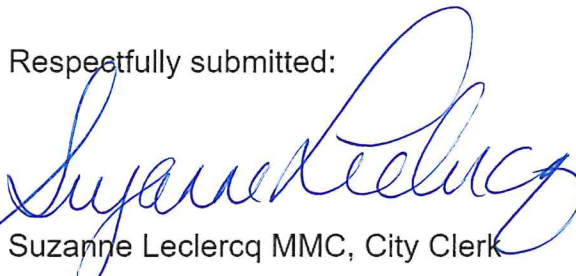
D. City Manager's Report

City Manager Lawson shared a poster that was presented to the City and Council from the Veteran's Rally in appreciation of a successful Veterans Rally.

12. ADJOURNMENT

The time being 10:29 PM Mayor LaBarre adjourned the City Council Meeting.

Respectfully submitted:


Suzanne Leclercq MMC, City Clerk

APPROVED THIS 17th DAY OF November, 2022


Hilary LaBarre, Mayor

