



City of Woodland Park  
City Council Agenda  
April 1, 2021  
7:00 PM  
VIA ZOOM

Due to COVID -19 practices the City will be practicing social distancing and limiting the public to the first 17 people in attendance to include staff and Council in the City Council Chambers. Attendees are required to wear a face covering.

The Woodland Park City Council is pleased to have residents of the community take time to attend City Council Meetings. Attendance and participation is encouraged. Individuals wishing to be heard during Public Hearing proceedings are encouraged to be prepared and will generally be limited to five (5) minutes in order to allow everyone the opportunity to be heard. **PUBLIC COMMENTS ARE EXPECTED TO BE CONSTRUCTIVE.** <sup>1</sup> Questions raised on non-agenda items may be answered at a later date by letter in order to facilitate proper research.

**PLEASE SIGN IN TO SPEAK ON A PARTICULAR AGENDA ITEM**

Written comments are welcome and should be given to the City Clerk prior to the start of the meeting. Written materials will not be accepted during regular agenda items in the interest of time.

**\*\* 6:00 City Council Work Session for the purpose of discussing the 180 day occupancy limitation in Campgrounds and Recreation Vehicle Parks.**

1. CALL TO ORDER AND ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS
4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA
5. CONSENT CALENDAR

*All matters listed under Consent Calendar are considered routine business by the Council and will be enacted with a single motion and a single vote by roll call. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Calendar and considered separately.*

- A. Approval of the March 18, 2021 Regular City Council Meeting Minutes. **(A)**  
*(Presenter, City Clerk Suzanne Leclercq)*

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA <sup>1</sup>

7. UNFINISHED BUSINESS

(Public Comment may be heard <sup>1</sup>)

- A. None

8. ORDINANCES ON INITIAL POSTING

(Public comment may be heard <sup>1</sup>)

- A. Consider Ordinance No. 1393, Series 2021 on first reading Amending Chapter 13.08 of the Municipal Code establishing water rates for the year 2021. **(A)**  
*(Presenter, Utilities Director Kip Wiley)*
- B. Consider Ordinance No. 1394, Series 2021 to vacate the common lot line and easement between Lots 1 and 2, Paradise of Colorado Filing No. 4 (321 and 331 Thunder Ridge Drive) as requested by Mark 2, LLC (Mark McNabb, Applicant) and North Peak Properties, LLC (Property Owner) in the Suburban Residential (SR) zone and schedule a public hearing for April 13, 2021. **(QJ)**  
*(Presenter, City Planner Lor Pellegrino)*

**9. PUBLIC HEARINGS**

(Public comment may be heard <sup>1</sup>)

- A. Consider SUB2021-02 Brecken Heights Final Plat, a request by Brecken Hills, LLC (Applicant) and Mark McNab (Property Owner) to subdivide 13.09 acres into 4 lots in SW1/4 of Section 30, T12S-R68-W6PM (19569 E. US Highway 24) in the Multi-Family Residential-Suburban (MFS) and Community Commercial (CC) zones. **(QJ)**  
*(Presenter, City Planer Lor Pellegrino)*

**10. NEW BUSINESS**

(Public comment may be heard <sup>1</sup>)

- A. None

**11. REPORTS**

(Public comment not necessary)

- A. Mayor’s Report
- A. Council Reports
- C. City Attorney’s Report
- D. City Manager’s Report
  - 1. Comp Plan Update – Planning Director, Sally Riley.

**12. ADJOURNMENT**

\*Per Ordinance No. 1391, Series 2021 posted on the City Website 3/24/2021

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<sup>1</sup>

Public comment is intended for the community to provide feedback to the City Council. In an effort to facilitate a productive meeting, we urge everyone to strive to be respectful of one another. Public Comment is not intended to be a platform for argument or abrasive conduct. City Council and staff will take note of your concerns and comments and will work towards providing a response at a later time as appropriate. We ask that you state your name and municipality of residence before you begin your comments. Comments will be limited to 5 minutes. We appreciate your assistance in creating an atmosphere of civility as we all work together for the betterment of our community.

**Woodland Park City Council  
Council Chambers - City Hall  
March 18, 2021 Council Meeting Minutes  
7:00 PM  
(In Person/Via Zoom)**

*If interested in viewing the corresponding video / discussion related to the subject below you can go to the City's YouTube page to view the video.*

**1. ROLL CALL - 6:00 PM**

The following members of Council present via zoom were: Mayor Pro-tem Hilary LaBarre, Councilmembers Stephanie Alfieri, Kellie Case, Rusty Neal and Jim Pfaff. Councilmember Robert Zuluaga appeared in person.

The following Staff Members also in attendance via zoom for this meeting were: Planning Director, Sally Riley, Utilities Director, Kip Wiley and Public Works Director Robyn Brown. Acting City Manager Michael Lawson, City Attorney Geoff Wilson, City Clerk Suzanne Leclercq, Finance Director Emily Katsimpalis and Management Analyst Robert Felts were in person.

**Motion:** To move into Executive Session pursuant to C.R.S. Section 24-6-402(4)(e) to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, regarding the purchase of property. Neal/Case. Motion carried 6-0.

The following individuals were present for the Executive Session: Mayor Pro-tem LaBarre, Councilmembers Alfieri, Case, Pfaff, Neal and Zuluaga. Acting City Manager Michael Lawson, City Attorney Geoff Wilson, Planning Director Sally Riley and City Clerk Suzanne Leclercq were also present for the Executive Session.

The Executive Session began at 6:04 PM.

The Executive Session concluded at 6:40 PM and Mayor Pro-tem LaBarre opened the Public Meeting at 7:00 PM.

**2. PLEDGE OF ALLEGIANCE**

**3. CEREMONIES, PRESENTATIONS AND APPOINTMENTS:**

A. None

**4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:**

A. None

**5. CONSENT CALENDAR:**

City Clerk Leclercq read the following into the Consent Calendar:

- A. Approval of minutes from the March 4, 2021 Regular City Council Meeting.
- B. Approval of February 2021 Statement of Expenditures and authorize the Mayor to sign Warrants in payment thereof.

Councilmember Zuluaga had some questions regarding the February 2021 Statement of Expenditures regarding Muni Revs, a refund for a developer and the purchase of a new truck. Finance Director Katsimpalis answered his questions.

**MOTION:** To approve the Consent Agenda as presented. Zuluaga/Neal. 6-0. Motion carried.

**6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA:**

**A. Dr. Muthanna Yacoub** shared some concerns of high levels of cadmium that presented in a patient of his that was a resident of Woodland Park.

**Tony Perry** had some questions he directed to Councilmember Pfaff regarding his residency and his desire to meet with Councilmember Pfaff in person to discuss. Perry shared that he is requesting this information of Pfaff to keep them from starting the recall process.

**Carrol Harvey** shared that there is still an open investigation with the District Attorney's Office regarding Councilmember Pfaff's residency. Harvey asked Pfaff to answer the question of where did he live prior to May 26, 2019.

Councilmember Pfaff shared that he discussed this information with the District Attorney's Office and that the investigation has been closed.

**Joe Fury** shared that there has been an issue of catalytic convertors being stolen and that they are known to have cadmium in them.

**7. UNFINISHED BUSINESS:**

A. None

**8. ORDINANCES ON INITIAL POSTING**

A. None

**9. PUBLIC HEARINGS**

Mayor Pro-tem LaBarre shared that there will be no Public Comment taken on item A.

**A. Council vote pursuant to Woodland Park City Charter Section 3.14 (conflict of interest).**

City Attorney Wilson shared with Council the following regarding City Charter Section 3.14 (conflict of interest) and Councilmember Pfaff regarding Ordinance No. 1392, Series 2021.

As per Wilson: Here is what Art. III, Sec 3.14(a) of the Woodland Park Charter requires in this situation, in pertinent part:

In the event ... any Councilman, or any member of his immediate family, has or could potentially be construed as having a conflict of interest, said ... Councilman shall declare such interest. If ... any Councilman fails to declare such interest, the remaining members of the Council shall determine by a majority vote whether said interest does in fact constitute a conflict of interest.[ emphasis added]

Thus, the City Charter is more prescriptive than State law in a couple of ways, first, disclosure and recusal from voting is required in Woodland Park not just in the case of an actual conflict, but also where a conflict of interest could "potentially be construed" as existing. This "public perception" standard is broader than State law. Additionally, the Charter requires a Council vote if the individual with a conflict does not declare it.

Councilmember Pfaff shared that he felt that this recusal did not apply to him solely. Pfaff shared that this Ordinance applies to dozens of people and it is similar to a renter in an apartment facility.

Councilmember Zuluaga shared that Councilmembers have free will and the right to decide personal responsibility.

Councilmember Alfieri shared that she was concerned about the precedent this sets and that the decision should be left in the Councilmember's hands.

City Attorney Wilson shared that this makes a legislative matter legally vulnerable and that it opens up the opportunity for someone to go to court and protest the matter. Wilson shared that legal action could be to void whatever Council action was tainted by a Councilmember voting notwithstanding his conflict.

Councilmember Alfieri shared that Council votes on the decision to reduce the Mill Levy which affects all of Council and the same perception could be made of that (as a conflict) as well.

**MOTION:** Council vote pursuant to Woodland Park City Charter Section 3.14 (conflict of interest) to have Councilmember Pfaff recused from the vote on Ordinance No. 1392, Series 2021. Case/Neal. Motion carried 3-2 with Alfieri and Zuluaga voting no. Councilmember Pfaff did not vote.

- B. Approve Ordinance No. 1392, Series 2021 establishing a 12 month moratorium on the applicability and effective date two definitions contained in Ordinance No. 1383, Series 2020 recreational park trailers and recreational vehicles.

Planning Director Sally Riley reviewed Ordinance No. 1392, Series 2021.

Council discussed the implications of this moratorium and ordinance. Councilmember Zuluaga shared that he felt this ordinance should be stricken in its entirety. Mayor Pro-tem LaBarre shared that this topic has been addressed sufficiently and Council should have voted no originally on it like she did. Councilmember Neal shared that he felt uncomfortable with the 12 months of the moratorium and that he would like to see the definitions laid out and understood better. Neal shared that he wants to protect our citizens and does not want to see anyone put out on the street. Neal stated that he still has questions regarding the infrastructure and tax implications and would not be supporting this moratorium this evening. Councilmember Alfieri stated that Council should work at this ordinance as long as it takes to get it right. Alfieri shared that Council should repeal the whole ordinance and start over from scratch. Alfieri shared that Council should learn what they did wrong and get it right the second time around. Councilmember Zuluaga again stated that the ordinance should be repealed and a new ordinance should be broken out. Zuluaga shared that he does not want the residents of the RV Parks to feel uncertainty and a higher level of anxiety. Zuluaga shared that he would like the residents to have a sense of security.

At this time Mayor Pro-tem LaBarre opened up the Public Comment portion of the Public Hearing. The following individuals spoke:

**Ivan Mehlhaff** - spoke on Ordinance No. 1392 stating that he believes the issue is based on fabrication by the City and not even on reality. He asked Council to review page 22 of the FPA 1194 for RV's and see what the nationally recognized standard for RV's is and Council will see that the City fabricated their standards.

**Jeff Baldwin** read the following into the record:

“My name is Jeff Baldwin. I live at 505 Falcons Rest Pl. in Woodland Park. We own Woodland RV Park.

I am not here to ask you to vote against the 1 year moratorium. I am here to put on the record why once you have agreed to the one year moratorium, you need to address the 180 day limit ordinance immediately. We are already losing business, our tenants are upset and nervous.

My wife Jean and I bought the Woodland RV Park in 1984. There were 6 long term RV's at the time in the park, and now we have 40 spaces with long term RV's. We are full most of the year. To answer your question, Mr. Neal, our water lines are buried 6' deep.

When we heard, just by accident, about the passage of the 180 day ordinance, we were dismayed, to say the least. We were never notified that it was even being considered. Now we are losing business because folks don't want to move in, knowing they cannot stay as long as they would like.

I served on the Planning Commission for 10 years, from 1988 to 1998 and then on City Council for 8 years, from 1998 to 2006. I know that there is a process whereby an impacted party has a chance for a hearing or redress, that should have taken place before this ordinance was even passed. We understand that this ordinance started in the Planning Commission. The 180 day number was pulled out of the sky and rubber stamped by Council without any understanding of the consequences, and NO notification to the parties who have their lifetime work at risk because of this ordinance.

Why 180 days? Why is it Ok to stay in an RV for 180 days, but not 181? What should we tell the over 80 families that will be affected by this ordinance that they cannot stay in their Rv for more than 180 days? Why do you think you need to be the Nanny that tells an individual living in the city of WP that they can't live in their RV for more than 180 days, but in Teller county, El Paso county and millions of RV'ers nationwide have chosen this lifestyle and are allowed to do so freely.

We cannot stay in business without year round full time occupancy, and will be forced to close our park 180 days after this moratorium ends. Please get rid of the length of stay part of this ordinance. I just turned 77 and am too old to start over.

Thank you- are there any questions?”

**Tony Perry** - shared that he recognizes everyone has strong opinions on this ordinance before Council this evening. Perry stated that Council needed to provide their leadership tonight regarding this moratorium. Perry stated that the reality of the matter is that this ordinance has never been enforced. Perry shared that both businesses represented here this evening by Mr. Mehlhoff and Mr. Baldwin do a good job and have earned the right to be grandfathered in if this ordinance should pass. Perry implored Council to do the right thing for its residents and citizens.

**Mike Nakai** - shared that this was a very important topic before the Council this evening and that he was all for splitting up the definitions and the ordinance. Nakai shared that a work session is needed for the Council and the citizens regarding this ordinance. Nakai also reminded council that Planning Director Riley could pull the moratorium as soon as a decision is made as to what to do with this ordinance.

**MOTION:** Approve Ordinance No. 1392, Series 2021 establishing a 12 month moratorium on the applicability and effective date two definitions contained in Ordinance No. 1383, Series 2020

recreational park trailers and recreational vehicles. Alfieri/Zuluaga. Motion carried 5-0. Councilmember Pfaff did not vote.

The time being 9:00 PM Mayor Pro-tem LaBarre called for a 10 minute recess.

The time being 9:10 PM Mayor Pro-tem LaBarre reconvened the Council Meeting.

## 10. NEW BUSINESS

A. Approve Resolution No. 873, Series 2021 Reconciliation of the 2020 Water Tap Management Plan and recommendation of the Water and Sewer Plant Investment Fees for 2021.

Utilities Director Kip Wiley shared the following on Resolution No. 873, Series 2021:

The annual water tap management plan reconciliation has been completed for 2020. The basis for this reconciliation is the attached spreadsheet. Years are shown in column (a). Actual data for previous years are shown above the dashed line. Modeled data for future years are shown below the dashed line. The various columns include new growth revenues, Col. (f) & (f1 ), and monthly user revenues, Col. (h) & (j). The subsequent columns include operational costs, Col. (l), debt service, Col. (m), and cash funded capital expenditures, Col. (n). The last two columns show the annual balance, Col. (p), and the cumulative balance, Col. (q). Significant inputs and observations about this model are as follows:

1. The cuts to expenses in previous years and the 13.7% water rate increase starting in January 2010 have resulted in stable financial operations. This is indicated by the positive annual balances shown in Col. (p) for 2013 through 2020. With the current capital projects committed to, the water enterprise is in a great position to move forward without rate increases, or rate increases higher than the annual 100 percent of CPI-U to water rates. Due to the financial stability in the water enterprise it can move forward with proposed capital projects and most importantly the water reservoir.

2. The annual balance shown for 2021 is \$(1,194,671) due to the \$1,000,000 reservoir design cost (cash funded). Recent history has shown that the enterprise can typically end each year in a more positive financial position than budgeted.

3. The City's last existing water bonds and the City's last water rights purchase contract have been paid off in 2015 as well as the payoff of the \$300K loan from wastewater and paying off the 1999 COPs. Also paying cash for the new Fleet Maintenance Shop and paying off the 2002 COPs in 2020 and not entering into any long term debt in 2021 will help with future capital needs. This drop in annual expenses will allow the City to consider other financial commitments starting in 2022: retraction of the 2010 water rate increase, and initiation of the most needed capital projects. See #9 for capital projects.

4. New multi-family and commercial tap sales are shown in Col. (c2). It should be noted that tap fees are included as Tier II single family equivalents. In 2016 a large apartment complex purchased 24 units and lowered the average cost per tap. This is due to the way we price multi-family taps. Large potential one-time projects such as large multi-family developments are not included in the future. This reflects a "don't count your chickens" approach. We are anticipating 71 Tier I single family taps from the Village at Tamarac and Meeting Date: March 18, 2021 Agenda Item Department

Presenter 10A Utilities Kip Wiley Utilities Director City of Woodland Park Staff Report for City Council Trailhead Townhome project to start coming in however we anticipate these taps being spread out over a couple of years.

5. A moderate recovery scenario of single family tap sales is depicted in Col. (c1 ). That scenario shows a steady sale of taps from 17 in 2015 to 39 in 2018 to 28 in 2019 and to an estimated 20 in 2021 and 18 in 2022. If actual recovery is slower than depicted, a holding pattern may have to be extended and capital needs will have to be postponed if possible.

6. Water tap prices are increased at 5 percent per year in the model starting in 2021. A 0.0 percent increase in tap fees in 2026 through 2027 was added. The 5 percent increase remains in place for the following years. Previous Utilities Advisory Committees felt a lower percentage increase in tap fees should be explored, however that concept could not be maintained to achieve financial stability and keeping up with capital needs.

7. Current water rates for 2021 will remain the same. The utilities department is recommending forgoing the 1.95% increase (100% of the 1.95% 2019 Denver-Aurora-Lakewood CPI-U increase). For future years, water rates are shown in the reconciliation to increase at 1.5 percent per year (12 year Average, 100% of the CPI-U increase is 2.20%). In 2017 the Utilities Department requested City Council to change the annual adjustment from 75% to 100% of the CPI-U. That request as recommended by the Utilities Advisory Committee was approved on March 2, 2017. There are no rate increase outside the annual CPI-U in the 2020 reconciliation.

8. In 2017 the Utilities Department also requested City Council to change the water capital fee to be adjusted annually 100% of the CPI-U. The current capital fee was established in 1997 and had remained unchanged. This request as recommended by the Utilities Advisory Committee was approved on March 2, 2017.

9. Cash funded capital projects shown in Col. (n) have been repositioned to occur in the next few years compared to previous years. New debt service to fund \$8.0 million of a \$9.0 million dollar local augmentation water storage project is shown starting in 2022. Debt to fund an expanded conveyance capacity is postponed to 2025 and debt to fund a metering system upgrade was moved forward one year to 2018 and the debt service of \$2.0M was removed as this project will be done in house over a 4 year period costing \$250K each year. We are in the fourth year of that project. It is going well with the exception of current COVID restrictions and we have had to stop installing new meters. Under these circumstances we will add another year on this project. We did not send all \$250K in 2020 and will move the money forward until this project is finished.

10. All capital projects listed on the attached “Water Capital Expenditures Schedule” are included in Col. (n). If revenues are higher or lower than shown in the model, projects and their expenditures can be adjusted in future year models.

11. The 6.85% water rate decrease was scheduled for 2017 to reflect staff and Council’s intent from the work session discussion leading up to the 13.7% rate increase effective January 2010. It was removed in 2017 because the fund could not withstand a rate reduction. This retraction was intended to be implemented whenever some combination of increases in new growth revenues and decreases in current debt service allowed. The current financial situation has not allowed us to plan for the

6.85% rate reduction in 2021 however as mention previously we anticipate not increase rates 1.95% therefore customers can see some relief in their utility bills. We will continue to look for opportunities to reduce rates and bring an Ordinance to council removing the annual CPI-U increase for 2021 at a later date. These spreadsheets continue to be a valuable planning tool for the water enterprise. Value is achieved by reviewing trends in recent years. Looking to the future, the greatest value is achieved by developing a feel for when needed projects, replacements and other financial commitments might be feasible. The Water Tap Management Reconciliation does not address sewer plant investment fees. The City's past practice has been to adjust sewer plant investment fees with water plant investment fees. We would propose sewer plant investment fees would also be increased 5% for 2021.

[Spreadsheets attached to minutes. \(Attachment #1, #2 and #3\)](#)

Following Wiley's presentation the following motion was made:

**MOTION:** Approve Resolution No. 873, Series 2021 Reconciliation of the 2020 Water Tap Management Plan and recommendation of the Water and Sewer Plant Investment Fees for 2021. Motion carried 5-1 with Alfieri voting no.

**REPORTS:**

**A. Mayor's Report:** Mayor Pro-tem LaBarre shared the upcoming events of the next two weeks.

**B. Council Reports:**

Councilmember Case shared that she is working with Jim Wear and County Commissioner Dan Williams on a collaborative event for the Veterans Motorcycle rally to be held on August 20, 2021.

Councilmember Zuluaga reported that the DDA has met with realtors regarding marketing Midland Station and because it is such a specialized type of marketing the DDA is unable to find a realtor willing to assist them at the moment. DDA is looking at using Midland Station as an open space and a venue to hold events.

Councilmember Zuluaga reported that meeting between Main Street and DOLA had taken place.

Councilmember Zuluaga also shared that he felt it was time to get back together and meet in person as a Council.

**C. City Attorney Reports:** None

**D. City Managers Reports:** Planning Director Riley shared a Comp Plan update and Finance Director Katsimpalis reviewed the Sales Tax and Lodging Tax Report for January 2021.

Discussion was held by Council regarding businesses, muni-revs and conveyance fees.

Acting City Manager Michael Lawson shared that there is a new stimulus package regarding COVID available and that this will mean additional funds to the City. Lawson will be learning the details and sharing them with Council.

Lawson thanked the City Snow Plow Drivers on their hard work Monday during the snow storm. Lawson also thanked Kelly Simpkins and Judy Bundy for their good work in the Utilities Department.

Mayor Pro-tem LaBarre adjourned the meeting at 10:23 PM.

Respectfully submitted:

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Suzanne Leclercq MMC, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021

\_\_\_\_\_  
Hilary LaBarre, Mayor Pro-tem

<b>2020 RECONCILIATION</b>					
<b>WATER CAPITAL EXPENDITURES SCHEDULE</b>					
<b>CITY OF WOODLAND PARK, COLORADO</b>					
	<b>Base</b>	<b>Distribution</b>	<b>Cash Funded</b>		
	<b>General</b>	<b>System</b>	<b>Special</b>		<b>Annual</b>
	<b>Exp.(1)</b>	<b>Improvements</b>	<b>Projects(2)</b>		<b>Total</b>
2013	3,152		23,553	Water Purchases	26,705
2014	27,935		54,015	Vehicle, backhoe	81,950
2015	37,259		123,778	Vehicle, TL purchase, tank cleaning,	161,037
2016	21,385	43,090	287,100	DOVE req., Vehicle, Fleet Shop, Park, Pool, Carley	351,575
2017	22,500		17,146	Reservoir improvemnets, PRV, Security, DOVE	39,646
2018	23,397	28,277	433,728	Aug Reservoir, PRV, Vehicle, paint tanks, sunnywood, meter replacement, Dewell rd	485,402
2019	38,008		559,474	Auto meter read, Sunnywood, TL water purchase	597,482
2020	30,910		442,754	TL purchase, auto mtr read, Sunnywood, Vehicles, SCADA upgrade, Boring equipment	473,664
2021	20,000	250,000	2,060,000	SCADA upgrade, auto meter read, DOVE, RADIUM Removal, Pumps, Reservoir	2,330,000
2022	20,000		400,000	Vaccon Replacement	420,000
2023	20,000	2,000,000	140,000	Vehicle, Sub-base improvements, TL purchase, tank cleaning	2,160,000
2024	23,000		250,000	Golf Course Wells 1&2, Vehicle, NWF upgrades	273,000
2025	23,000		250,000	Trout Creek Surface Diversion	273,000
2026	23,000	1,000,000	42,000	Vehicle, Sub-base improvements, TL purchase	1,065,000
2027	23,000		300,000	Fire Flow Valve, WWL treatment	323,000
2028	27,000	300,000	1,000,000	Sunnywood Pipeline	1,327,000
2029	27,000		150,000	Vehicle, TL purchase, tank cleaning,	177,000
2030	27,000	300,000	0		327,000
2031	30,000	300,000	4,000,000	Plant Expansion, Install wells 5,6 & 7	4,330,000
2032	30,000	1,000,000	45,000	Vehicle, TL purchase	1,075,000
2033	30,000				30,000
2034	30,000	350,000			380,000
2035	30,000		45,000	Vehicle	75,000
2036	35,000		1,000,000	Finished Water storage Stoneridge	1,035,000
2037	35,000				35,000
2038	35,000				35,000

(1) Annual expenditures for minor plant improvements, small equipment purchases, billing software, GIS improvements, well improvements, etc.

(2) Capital projects in water that are anticipated or considered but not yet estimated and scheduled include: Steel Storage Tank Cathodic Protection, North Well Field Aeration, Expanded North Well Field Pumping Capacity, 3-Phase Power to Water Plant, On-site Chlorine Generation, and Expanded Water Resources Above 1475 AF/yr.

**WATER TAP MANAGEMENT PLAN RECONCILIATION FOR 2020  
and FUTURE WATER FUND FINANCIAL MODEL**

<b>A</b>	New Taps				x or 10% of previous b				NOTE: prev. = the previous cell within the column referenced																																											
<b>B</b>	Tap Fee Increase Factor				1.050																																															
<b>D</b>	Annual Commodity Rev. Increase Factor				1.0150																																															
<b>E</b>	Cap. Fee Increase Factor				1.015																																															
<b>F</b>	Op. Cost Increase Factor				1.03																																															
	(a)	(b)	(c <sub>1</sub> )	(c <sub>2</sub> )	(c)	(d)	(e)	(f)	(f <sub>1</sub> )	(g)	(h)	(i)	(j)	(k)	(l)	(m)	(n)	(o)	(p)	(q)																																
	prev. - c				prev. + c				prev. x B				c x e				prev. x D				(prev. d + d) / 2(g)				prev. x E				(prev.d + d) / 2(i)				h+j				prev. x F				m+n				(f)+(f <sub>1</sub> )+(k)-(l)-(o)				prev.q + curr.p			
	SFR Taps Avail. <sup>(1)</sup>	New SFR Taps	New MF & Comm Taps	Total New Taps	EOY Taps Connected	Average Tap Fee	Tap Rev.	Water Dev. Fee Rev.	Annual Commodity Rev./tap	Total Commodity Revenue	Cap. Fees per Tap	Cap. Fee Rev.	Total Cust. Rev.	Op. Costs	Debt Service <sup>(2)</sup>	Cap. Exp. <sup>(3)</sup>	Total Cap. Costs	Annual Balance	Cumulative Balance																																	
2013	835	6	104	110	3,402	5,547	610,125	8,740	461	1,569,095	56.17	191,101	1,760,196	1,084,562	645,090	26,705	671,795	622,704	1,506,122																																	
2014	829	11	78	89	3,491	6,592	586,708	7,000	457	1,595,690	54.84	191,463	1,787,153	1,109,848	649,340	81,950	731,290	539,723	2,045,845																																	
2015	822	17	2	19	3,510	16,819	319,556	3,080	457	1,604,570	48.29	169,491	1,774,061	1,159,904	751,968	161,037	913,005	23,788	2,069,633																																	
2016	805	28	25	53	3,563	8,195	434,345	0	485	1,728,256	50.70	180,639	1,908,895	1,234,303	59,310	351,575	410,885	698,052	2,767,685																																	
2017	775	46	9	55	3,618	11,209	616,502	33,600	496	1,795,850	45.18	163,456	1,959,306	1,331,587	58,986	39,646	98,632	1,179,189	3,946,874																																	
2018	729	39	1	40	3,658	11,663	466,511	0	539	1,970,701	48.50	177,414	2,148,115	1,275,230	59,310	485,402	544,712	794,684	4,741,558																																	
2019	690	28	2	30	3,688	14,169	425,082	25,200	511	1,885,732	47.41	174,841	2,060,573	1,300,645	59,310	597,482	656,792	553,418	5,294,976																																	
2020	562	37	2	39	3,727	14,717	573,949	0	542	2,021,622	48.50	180,745	2,202,367	1,358,715	143,099	473,664	616,763	800,838	6,095,814																																	
2021	525	20	2	22	3,749	14,592	321,021	0	542	2,031,958	48.50	181,827	2,213,785	1,399,476	-	2,330,000	2,330,000	(1,194,671)	4,901,143																																	
2022	505	18	10	28	3,777	15,321	428,988	0	550	2,070,139	49.23	185,243	2,255,382	1,441,461	516,000	420,000	936,000	306,910	5,208,052																																	
2023	487	20	4	24	3,801	16,088	386,112	0	558	2,115,709	49.97	189,321	2,305,030	1,484,705	516,000	2,160,000	2,676,000	(1,469,563)	3,738,490																																	
2024	667	22	4	26	3,827	16,892	439,192	0	567	2,161,614	50.72	193,429	2,355,042	1,529,246	516,000	273,000	789,000	475,989	4,214,478																																	
2025	845	22	4	26	3,853	17,736	461,136	0	575	2,208,995	51.48	197,668	2,406,663	1,575,123	636,000	273,000	909,000	383,676	4,598,154																																	
2026	823	15	14	29	3,882	17,736	514,344	0	584	2,258,187	52.25	202,070	2,460,257	1,622,377	636,000	1,065,000	1,701,000	(348,776)	4,249,378																																	
2027	808	18	2	20	3,902	17,736	354,720	0	593	2,306,579	53.03	206,401	2,512,980	1,671,048	636,000	323,000	959,000	237,652	4,487,030																																	
2028	790	18	2	20	3,922	18,623	372,460	0	602	2,353,209	53.83	210,573	2,563,782	1,721,180	636,000	1,027,000	1,663,000	(447,938)	4,039,092																																	
2029	772	20	2	22	3,944	19,554	430,188	0	611	2,401,328	54.63	214,879	2,616,208	1,772,815	636,000	177,000	813,000	460,581	4,499,673																																	
2030	866	20	2	22	3,966	20,532	451,704	0	620	2,450,982	55.45	219,322	2,670,304	1,825,999	636,000	627,000	1,263,000	33,009	4,532,682																																	
2031	846	15	4	19	3,985	21,558	409,602	0	629	2,500,642	56.29	223,766	2,724,408	1,880,779	636,000	3,830,000	4,466,000	(3,212,770)	1,319,912																																	
2032	831	20	4	24	4,009	22,636	543,264	0	638	2,551,878	57.13	228,351	2,780,229	1,937,203	636,000	1,075,000	1,711,000	(324,710)	995,202																																	
2033	811	25	2	27	4,036	23,768	641,736	0	648	2,606,681	57.99	233,255	2,839,935	1,995,319	636,000	30,000	666,000	820,353	1,815,555																																	
2034	786	25	2	27	4,063	24,956	673,812	0	658	2,663,540	58.86	238,343	2,901,883	2,055,178	636,000	460,000	1,096,000	424,516	2,240,071																																	
2035	761	20	2	22	4,085	26,204	576,488	0	668	2,719,850	59.74	243,381	2,963,231	2,116,834	636,000	75,000	711,000	711,885	2,951,956																																	
2036	741	15	2	17	4,102	27,514	467,738	0	678	2,773,861	60.64	248,215	3,022,076	2,180,339	516,000	1,035,000	1,551,000	(241,525)	2,710,431																																	
2037	726	15	4	19	4,121	28,890	548,910	0	688	2,827,849	61.55	253,046	3,080,895	2,245,749	516,000	35,000	551,000	833,056	3,543,487																																	
2038	711	15	6	21	4,142	30,335	637,035	0	698	2,884,229	62.47	258,091	3,142,320	2,313,121	516,000	35,000	551,000	915,233	4,458,721																																	

<sup>(1)</sup> Available SFR Taps decreases as taps are sold and increases periodically with increased tap planning number as water supplies are developed. Anticipating the development of additional water toward a build-out plan of 1475 AF/yr, the tap planning number used in column (b) has been adjusted as follows: 200 taps added for 2024, 200 taps for 2025, and 114 taps for 2030. 150 SFR taps were transferred to the Multi-Family Bank in 2012 and 100 taps in 2019. Service population of 12,600

<sup>(2)</sup> Debt Service includes all items listed on the attached Water Debt Service Schedule dated 2/22/2020.

<sup>(3)</sup> Capital Expenses include all cash funded items listed on the attached Water Capital Expenditures Schedule dated 2/22/2019. Other potential water projects listed at the bottom of the Schedule are not included.

**2020 RECONCILIATION  
WATER DEBT SERVICE SCHEDULE  
CITY OF WOODLAND PARK, COLORADO**

	2002	2005	Water's	2002	'03 Bauer			Possible			Possible
	Water	Water	Share of	Drinking	Water	\$300K	Annual	Expanded	Aug.	Automatic	Water
	Refunding	Bonds	1999	Revolving	Agreement	From	Fund Debt	Conveyance	Reservoir/	Read	Fund Debt
	Bonds		COP's	Fund Loan	No.3 <sup>(1)</sup>	WW <sup>(4)</sup>	Service	Capacity <sup>(2)</sup>	Storage <sup>(3)</sup>	system <sup>(5)</sup>	New Total
2013		298,400	34,380	59,310	250,000	3,000	645,090	0			645,090
2014		302,800	34,230	59,310	250,000	3,000	649,340	0			649,340
2015		301,600	144,459	59,310	245,849	750	751,968	0			751,968
2016				59,310			59,310	0			59,310
2017				58,986			58,986	0			58,986
2018				59,310			59,310	0			59,310
2019				59,310			59,310	0			59,310
2020				143,099			143,099	0			143,099
2021							0	0			0
2022							0	0	516,000		516,000
2023							0	0	516,000		516,000
2024							0	0	516,000		516,000
2025							0	120,000	516,000		636,000
2026							0	120,000	516,000		636,000
2027							0	120,000	516,000		636,000
2028							0	120,000	516,000		636,000
2029							0	120,000	516,000		636,000
2030							0	120,000	516,000		636,000
2031							0	120,000	516,000		636,000
2032							0	120,000	516,000		636,000
2033							0	120,000	516,000		636,000
2034							0	120,000	516,000		636,000
2035							0	120,000	516,000		636,000
2036							0		516,000		516,000
2037							0		516,000		516,000
2038							0		516,000		516,000

<sup>(1)</sup> 165 shares Colorado Canal/Lake Henry @ \$9544/sh @ 6.8%

<sup>(2)</sup> Adding AF/yr conveyance capacity with Colorado Springs. Rising costs may make 125 AF/yr infeasible.

<sup>(3)</sup> Debt service for \$8.0 million at 2.5% for 20 years

<sup>(4)</sup> Loan to establish a water O&M reserve fund authorized through 2022, paid back to WW at the beginning of 2015.

<sup>(5)</sup> Remove Debt service for \$2.0 million at 3.5% for 15 years - will pay cash \$250K for four years starting in 2018



# City of Woodland Park Staff Report for City Council

Meeting Date: April 1, 2021

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
8A	Utilities	Kip Wiley Utilities Director

## **ITEM:**

Ordinance 1393, Recommendation to forgo the 1.95% (consumer price index unit annual adjustment) increase in water rates for 2021.

## **BACKGROUND:**

The City of Woodland Park owns and operates a water utility enterprise to provide water service and fire protection to the residence and business of the City. Every year water rates are adjusted 100 percent of the Consumer Price Index Unit (CPI-U) to stay current with inflation (Ordinance 958 and 1301). Rates can also be adjusted as needed by City Council approval. Typically City Council has adjusted rates when the water enterprise fund balance had insufficient funds due to low water sales and or low tap sales to fund operations and needed capital improvements.

The last time City Council adjusted rates other than the annual inflation adjustment was in 2007 and 2010. Council adjusted rates 15 and 13.7% respectively. Since that time the water enterprise has seen the fund balance become stable due to increased revenue in water sales and an increase in tap sales. Also paying off the existing debt service from the 1997 water purchases, plant improvements and the North Well Field expansion. Staff has also done a good job with finding ways to cut expenses which has improved our financial position.

After adjusting rates in 2010 it was Staff's intention to thank our customers with a rate reduction when our financial position improved. We believe now is a good time to do so. With no current debt service and funds available for capital improvements now and in the future we believe the water enterprise can forgo the annual rate increase of 1.95% in 2021. As presented at the March 18<sup>th</sup> City Council meeting the financial status is stable to accomplish this action. However, if water and tap sales drop more than what is predicted we will have to look at other options in the future.

## **STAFF RECOMMENDATION:**

Approve Ordinance 1393 on initial posting and set the public hearing for April 15<sup>th</sup> 2021.

**CITY OF WOODLAND PARK, COLORADO  
ORDINANCE NO. 1393, SERIES 2021**

AN ORDINANCE AMENDING CHAPTER 13.08, WATER RATES, OF THE CITY OF WOODLAND PARK MUNICIPAL CODE.

WHEREAS, the City of Woodland Park owns and operates a water utility enterprise activity to provide water service and fire protection to the residences and businesses of the City, and

WHEREAS, the City's Water Enterprise has made significant improvements to its water system to better serve its existing customers and to provide for controlled, moderate on-going growth of the City, and

WHEREAS, the Water Enterprise's revenue must meet its obligations for debt service as well as operation and maintenance of its system, and

WHEREAS, the City's Water Enterprise has made significant progress towards a healthy fund balance and is currently debt free, and

WHEREAS, the current condition of the Water Enterprise fund balance can withstand no increase to water rates in 2021 and continue to fund future capital projects, debt service and O&M obligations, and

NOW, THEREFORE THIS ORDINANCE:

THE CITY COUNCIL OF THE CITY OF WOODLAND PARK, COLORADO ORDAINS that an Ordinance entitled "AN ORDINANCE AMENDING CHAPTER 13.08, WATER RATES, OF THE CITY OF WOODLAND PARK MUNICIPAL CODE" be and the same is hereby adopted as follows:

Section 1. Block rates for water customers inside City limits in section 13.08.010 shall remain unchanged in 2021 and to read as follows:

Block 1	\$7.80 per one thousand gallons
Block 2	\$8.50 per one thousand gallons
Block 3	\$9.74 per one thousand gallons
Block 4	\$12.41 per one thousand gallons

Section 2. Section 13.08.035 Charges for Water Capital Replacement Fees. A flat fee charge per month per billable user for capital debt service shall remain \$3.61 per month.

Section 3. Section 13.08.050 Special Purchases. The flat fee charged for special water purchases shall remain at \$16.85 per one thousand gallons.

Section 4. Effective Date. The water rates in Sections 1, 2 and 3 shall be in effect starting with the City of Woodland Park May 2021 billings.

Section 5. Savings Clause. Should any article, section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Hilary LaBarre, Mayor Pro-Tem

ATTEST:

\_\_\_\_\_  
Suzanne Leclercq, City Clerk



## **ANALYSIS AND FINDINGS**

The application was referred for review and comment to City departments (Utilities, Public Works, and Planning) and external agencies (IREA, Century Link - formerly Qwest, TDS Telecom, Black Hills, Paradise of Colorado Metropolitan District, NE Teller County FPD). All referral agencies had no concerns with the lot line or easement vacation request.

Staff finds no adverse impact to vacating the lot line and adjacent 5' wide public utility easements given no effect on utilities (none currently exist within these easements); emergency services access is still viable from Thunder Ridge Drive to the lot; feasibility of road construction remains unaltered; access is still provided to abutting lots; area traffic patterns are not affected; and, no concerns were received from adjacent landowners or City departments. All other easements, platted or otherwise, remain valid and in effect.

## **STAFF RECOMMENDATION**

Approve first reading of Ordinance No. 1394, 2021 and schedule a public hearing for April 15, 2021.

## **ATTACHMENTS**

A: Ordinance No. 1394, Series 2021

**CITY OF WOODLAND PARK  
ORDINANCE NO. 1394, SERIES 2021**

**AN ORDINANCE TO VACATE THE LOT LINE AND ABUTTING PUBLIC UTILITY  
EASEMENTS COMMON TO LOTS 1 AND 2, PARADISE OF COLORADO FILING NO. 4  
(321 AND 331 THUNDER RIDGE DRIVE)**

WHEREAS, North Peak Properties, LLC (Property Owner) owns Lots 1 and 2 in Paradise of Colorado Filing No. 4; and

WHEREAS, with the final plat of Paradise of Colorado Filing No. 4, the City of Woodland Park (City) accepted 5-foot wide public utility easements along all side lot lines; and

WHEREAS, the Property Owner is requesting that the common lot line between Lots 1 and 2 and the abutting 5-foot wide public utility easements be vacated; and

WHEREAS, based on the findings contained in the Staff Report and as presented at the public hearing on April 15, 2021;

NOW, THEREFORE THE CITY OF WOODLAND PARK, COLORADO, ORDAINS as follows:

Section 1. The common lot line between Lots 1 and 2 and the abutting 5-foot wide public utility easements on either side of the common lot line as illustrated on Exhibit A attached are hereby vacated; and

Section 2. The new combined lot shall be referred to and legally described as Lot 1R, Paradise of Colorado Filing No. 4 and, except as vacated herein, all plat configurations, easements, dedications and notes on the Paradise of Colorado Filing No. 4 final plat remain in full force and valid; and

Section 3. Should any article, section, clause or provision of this Ordinance be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the balance of this Ordinance.

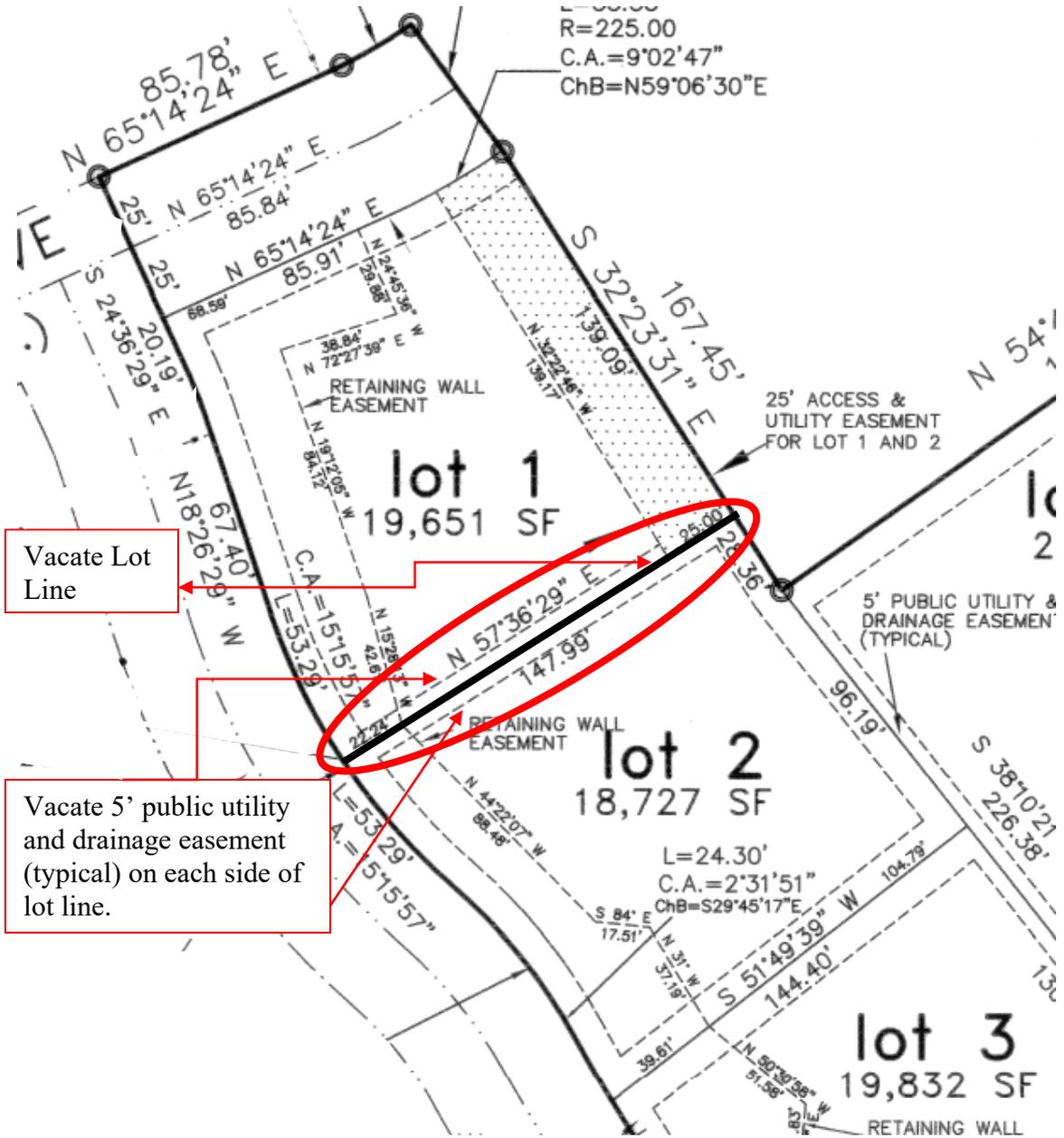
Section 4. The City shall cause this Ordinance and all Exhibits to be recorded in the Teller County real property records and said Ordinance and Exhibits shall be in full force and effect from and after its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING,  
FOLLOWING PUBLIC HEARING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Mayor Pro-Tem Hilary Labarre

ATTEST: \_\_\_\_\_  
City Clerk Suzanne Leclercq

# EXHIBIT A





# City of Woodland Park Staff Report

**Planning Commission Meeting: March 11, 2021**

**City Council Meeting: April 1, 2021**

<u>Agenda Item</u>	<u>Department</u>	<u>Presenter</u>
9.A	Planning	Lor Pellegrino, AICP City Planner

**PROJECT:** SUB2021-02 Brecken Heights Final Plat

**REQUEST:** A 4-lot subdivision of an unplatted 13.09 acre tract

**LOCATION:** 13.09 acres in the SW 1/4 of Section 30, T12S-R68-W6PM (19569 E US24)

**ZONE:** Multi-Family Residential Suburban (MFS) – 9.83 acres  
Community Commercial (CC) – 3.26 acres

**APPLICANT:** Brecken Heights, LLC  
Mark McNab (Property Owner)

**PUBLIC HEARINGS:** Planning Commission March 11, 2021  
City Council April 1, 2021



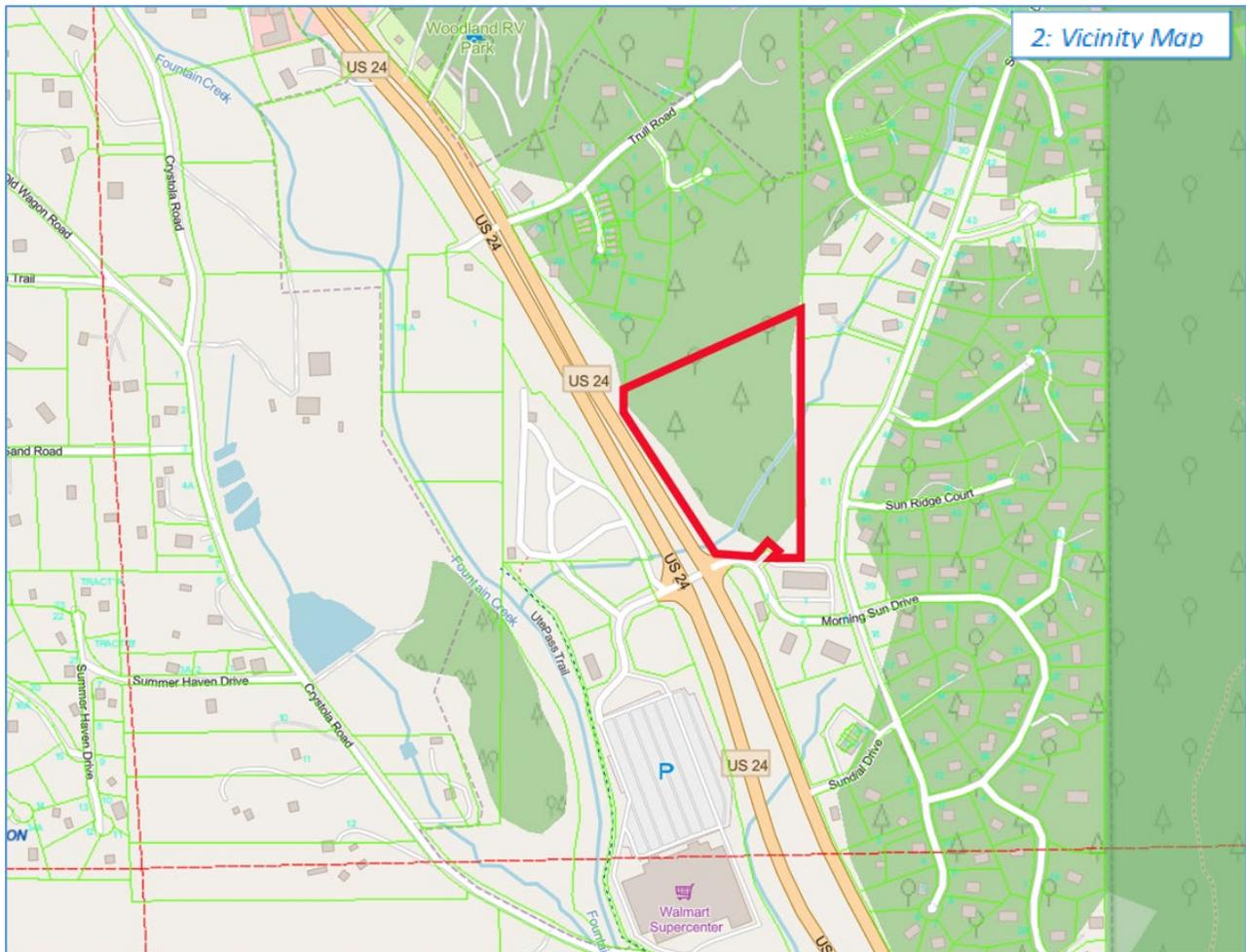
## BACKGROUND

This is a 13.09 acre unplatted tract of land in the southwest quarter of Section 30, Township 12 South, Range 68 West of the 6th PM located west of Sun Valley Park, north of Morning Sun Drive and east of US Hwy 24. This land is considered a significant tract at the entrance or “gateway” to the City of Woodland Park. This 13-acre tract was part of a larger 21 acre annexation petition by Cary L. Carpenter which City Council approved in January 1984 (Ordinance 346, 1984). At the time of annexation, the 13-acre tract was zoned Mobile Home Park/Campground (MHP-CG) in Teller County; was occupied by tenants; and, was commonly known as “Mountain Meadows Campground and Trailer Court” aka “Mountain Meadows Mobile Home Park.” In 1986, City Council approved Ordinance 412 which rezoned the tract to Central Business (C-1) zoning. In 1991, the septic tanks and leach fields serving the mobile home park suffered egregious failures resulting in surface flow of raw sewage and the mobile home park and use was subsequently terminated by the Economic Crime Division of the Colorado Office of the District Attorney. With the 1996 City-wide zoning overhaul, the tract was rezoned PUD, then in 2000 (Ordinance 840) rezoned to part CC (3.26 acres) and part MFS (9.83 acres). To this day, the tract remains vacant, unplatted, undeveloped and dual-zoned although it has been the subject of numerous proposals including The Village at Mountain Meadows (a 12-lot concept plan in 1995 with 3 retail buildings, 1 restaurant, 7 office buildings, and 9 four-plexes/36 townhome units), a Duncan Donuts, and Quaking Aspen Village (a 2-acre commercial concept with an 11-acre (91-unit) tiny home village).

## SITE & SURROUNDING CHARACTERISTICS

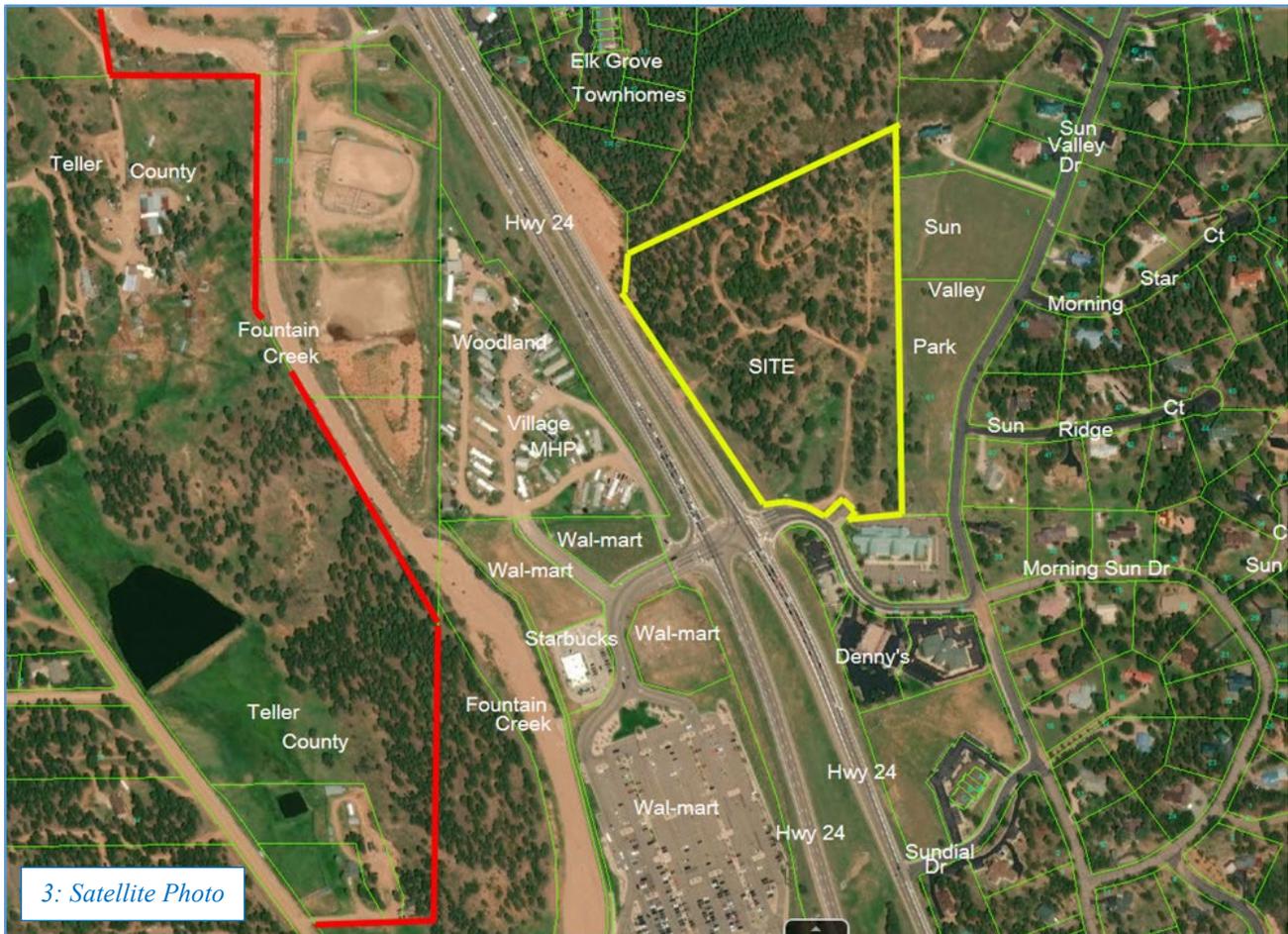
The tract lies in the Fountain Creek watershed and is characterized by native grasses and dense coniferous trees on steep terrain (4-40% grades). It slopes generally from north to south with historic sheet flows draining into existing culverts along Morning Sun Road and US24. There are no known major drainage ways on-site, no flood hazards or archeological, historic or other values associated with this tract. The site ranges from a high point of just over 8,334 feet in elevation at the midpoint of the north boundary and a low point of 8,210 feet at the southwest

corner (a 124-foot drop from north to south). Access to the site is from Morning Sun Drive from the south and US24 from the west. Water and sewer service is available to existing lines along Morning Sun Drive and US24. Electric service is available to existing overhead lines in Sun Valley Park (parallel to the east boundary) and through the tract.



The site is surrounded by the following zone districts and uses:

	USE	ZONE
North	Gator Mountain Subdivision (9.24-ac single-family unplatted lot), Elk Grove Townhomes, and other single-family vacant or built residential properties.	SR, MFS, CC
East	Sun Valley Park (6.22 acres), Sun Valley Drive, Morning Sun Solar Subdivision, Pike National Forest, Avenger Mine, El Paso County	P/SPL, SR
South	Morning Sun Drive (public ROW), Morning Sun Business Park (vacant and built commercial properties)	NC
West	US24, Woodland Village Mobile Home Park, Walmart (vacant and built commercial properties), Fountain Creek, Teller County	SC, PUD



3: Satellite Photo

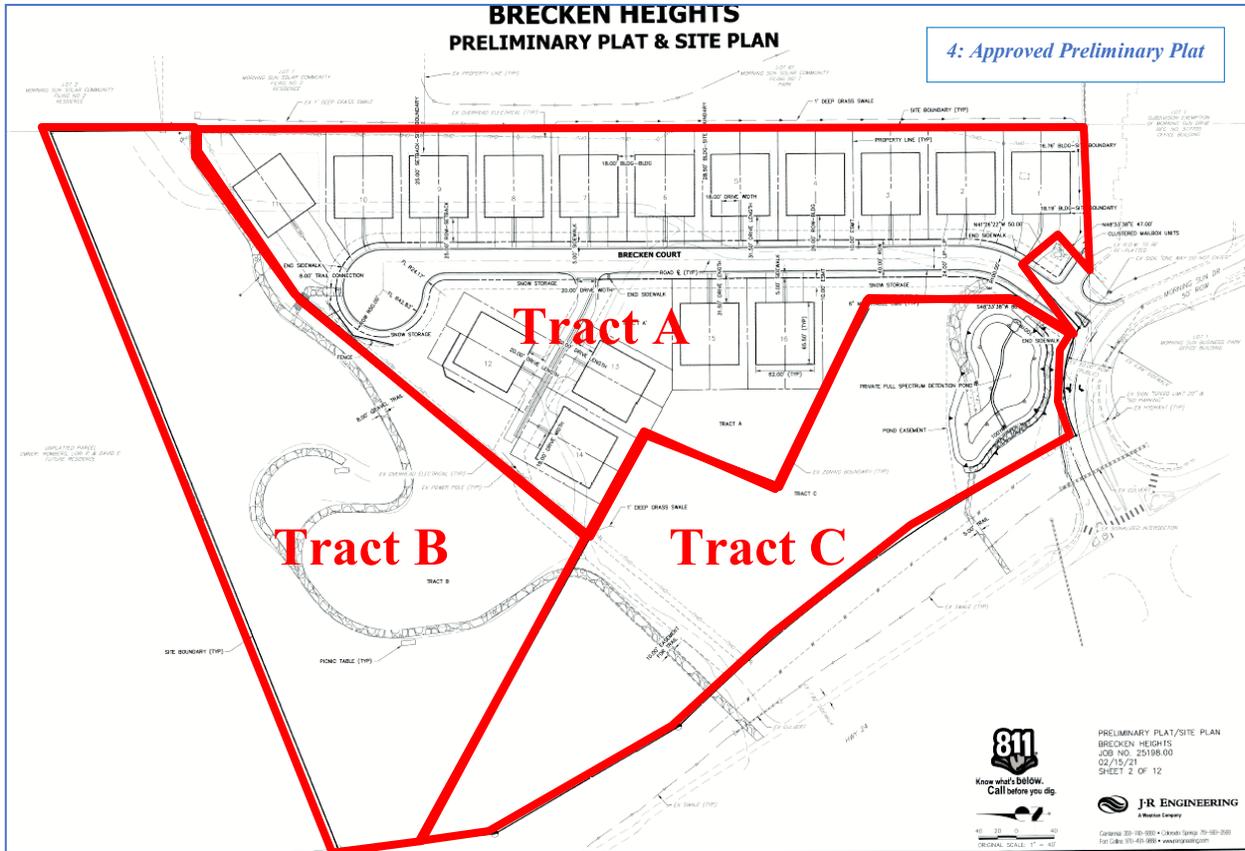
## STAFF REVIEW

This 4-lot subdivision was assessed under *Chapter 17.24 Final Plat* of the City of Woodland Park Municipal Code. In italics below are the relevant plat and design standards applicable to this final plat application followed by staff findings. A full copy of the approved preliminary plat and the draft final plat is attached to this staff report.

**Chapter 17.24 Final Plat.** The subdivision regulations contain platting standards for all types of subdivisions relating to the form and content of the plat mylar.

***§17.24.070 Completed Plat Preparation.*** *The completed final plat acceptable for recording shall be prepared as follows: A. The design should [emphasis added] conform to the preliminary plat, if applicable, as conditionally approved, except that the final plat may constitute only that portion of the approved preliminary plat which is proposed for immediate recording. B. The drawing shall be made at a scale no less than one inch equals one hundred feet, by the use of India ink or other equally substantial solution, on a mylar or other equivalent medium with outer dimensions of twenty-four inches by twenty-six inches. Maps of two or more sheets shall be referenced to an index map on the first sheet.*

**Complies.** A preliminary plat (shown below) was approved by City Council on August 20, 2020 for the entire 13.09 acre tract showing 185,711 SF as public park (Tract B), 141,142 SF as future commercial development (Tract C) and the remainder for residential development (Tract A) with 32 townhome lots/units (16 duplexes) on lots ranging from 4,600 SF to 8,600 SF including 18,738 SF of private open space, 35,325 SF of public right-of-way (Brecken Court).



The first phase of this development is to final plat that part of the preliminary plat proposed for immediate recording. As such, this final plat reflects only the subdivision perimeter (the 13.09 acre tract boundaries) and the proposed four (4) lots. Lot 1 is 242,326 SF and zoned MFS; Lot 2 is 185,695 SF and zoned MFS; Lot 3 is 39,908 SF and zoned CC; and Lot 4 is 102,234 SF and zoned CC. As drafted, the Final Plat (shown below) generally conforms to the approved preliminary plat except that Tract C is proposed to be platted as two (2) lots rather than the one (1) lot originally contemplated with the preliminary plat. All four (4) lots are feasible lots with viable building areas. Lot 2 (Tract B) is proposed to be dedicated to the City as park land with the future Townhome Plat of Lot 1. Please note that conformance with the preliminary plat is a “should” statement and therefore somewhat flexible where “shall” (per MC§1.04.020.11) is a statement of mandatory requirement. A mylar of the Final Plat will be prepared for recordation with the Teller County Recorder pending all applicable revisions, approvals, and executions.

**§17.24.080 Information.**

**Complies.** The final plat contains all the technical information listed in this section including subdivision name, vicinity map, owner and subdivider names, date of preparation, north arrow, etc. This plat has been prepared by licensed professional land surveyor Christopher Thompson, PLS No. 19625. All criteria in this section has been reviewed by staff and found acceptable.



### **§17.36 Dedications.**

**Not Applicable.** No dedications are proposed or required with this final plat. The park land (Lot 2) will be dedicated with the future Townhome Plat.

**§17.40 Design Standards.** *The design standards contain specifications for a reasonable layout and design to ensure an efficient, orderly, well planned subdivision ready for future construction. All relevant applicable standards in this section were reviewed and those requiring additional information or conditioned are listed below.*

**§17.40.170 Easements.** *Where required, easements for all utilities other than public sewer and water lines shall be a minimum of twenty feet wide, ten feet of which shall be on each side of common rear lot lines where said lines abut. ... Side lot easements, where necessary shall be at least ten feet in width, five feet of which shall be on each side of a common lot line.*

**Complies.** In addition to typical perimeter easements, this plat depicts easement locations and sizes that were specifically negotiated with IREA and other service providers.

**§17.44. Improvements.** *No improvements shall be made until all plans, profiles and specifications have been reviewed and approved by the city engineer. The city engineer is authorized to promulgate rules and regulations governing the design, materials used, and construction practices for all public improvements.*

**Not Applicable.** No improvements are proposed with this final plat.

## **REFERRAL**

Notice of the Planning Commission and City Council public hearings were sent to adjacent property owners within 150 feet of the subdivision boundary at least ten days prior to the hearing date. A notice of public hearing was published in the Pikes Peak Courier at least seven days prior to the hearing and a sign was posted on the property at least ten days prior to the hearing. As of the writing of this staff report, no written public comment has been received.

The final plat was referred to various City departments including Public Works, Utilities, Parks and Recreation, Finance, IREA, NETCFD, Black Hills Energy, Century Link, and Baja Cable. Staff received no objections to the proposed final plat and IREA comments for easements have been considered and incorporated into the conditions of approval.

## **STAFF RECOMMENDATION**

APPROVAL of the *Brecken Heights* 4-lot final plat of 13.09 acres in the SW 1/4 of Section 30, T12S-R68-W6PM (19569 E US24), based on findings of conformance to the Subdivision regulations and the approved preliminary plat as described in the staff report and as presented at public hearings.

## **PARKS AND RECREATION ADVISORY BOARD REVIEW**

Since there is no residential development with this 4-lot final plat, it was not referred to the Parks and Recreation Advisory Board (PRAB). PRAB did a thorough review of the preliminary plat and their comments were incorporated in that approval. PRAB will review the Townhome Plat when it is submitted, especially as it relates to residential development and park land dedication.

## **PLANNING COMMISSION REVIEW**

The Planning Commission (PC) occurred on March 11, 2021. At the PC meeting, the Commission approved the final plat. Minutes from that meeting are attached to this staff report.

## **CITY COUNCIL REVIEW**

The City Council review and public hearing is scheduled for April 1, 2021. At the Council meeting, Council shall table (for more information), deny (with reasons noted), or approve the final plat, subject to any modifications.

## **ATTACHMENTS**

- A: Draft Brecken Heights Final Plat
- B: Approved Preliminary Plat/Site Plan Review
- C: PC Minutes - March 11, 2021

## PROJECT NARRATIVE

February 3, 2021

### 19569 E. US HIGHWAY 24 - SUBDIVISION NARRATIVE

4-Lot Subdivision  
Woodland Park, CO 80863  
By Brecken Heights LLC  
(719) 499-5160

Every effort will be made to comply with all aspects of the "Final Plat" Chapter 17.24 plus applicable subdivision sections of the City of Woodland Park Municipal Code. The following is a more detailed explanation of the project:

This is a 13 acre parcel owned by Brecken Heights LLC, comprised of 3 Tracts, currently named as Tract A, Tract B and Tract C. The descriptions are as follows:

Tract A is recorded by the Teller Assessor's Office as Account R0057191 and is 242,326 SF or 5.56 ACRES. On the new Subdivision Plat it is labeled as LOT 1. This lot has a Preliminary Plat/Site Plan that contains the layout of a roadway with a cul-de-sac, 32 single-family attached homes and associated infrastructure. This plan has Woodland Park Planning Commission and Woodland Park City Council approval. The City Planning Department will be receiving the final revisions as the owner has just received CDOT approval and comments.

Tract B is recorded by the Teller Assessor's Office as Account R0057192 and is 185,695 SF or 4.26 ACRES. On the new Subdivision Plat it is labeled as LOT 2. This lot will be donated in its entirety to the Woodland Park Parks and Recreation Department in lieu of the city Park Fees for all Tracts (Lots 1, 2 and 3). Brecken Heights LLC has proposed a walking trail that connects the sidewalk along E. US Highway 24 and Sun Valley Park in the Morning Sun Solar Community, Filing 2. Brecken Heights LLC has presented this future donation to the Woodland Park Parks and Recreation Department and has been accepted.

Tract C is recorded by the Teller Assessor's Office as Account R0057193 and is 142,142 SF or 3.24 ACRES. This tract is zoned Commercial. On the new Subdivision Plat it is labeled as LOT 3 and LOT 4. Brecken Heights LLC is proposing to divide Tract C into 2 parcels. Lot 3 will be 39,908 SF and Lot 4 will be 102,234 SF. These two lots will contain a shared 35' wide utility easement between them where there will be the walking trail access from the E. US 24 sidewalk to Lot 2. There will also be a right in/right out CDOT direct access from E. US 24 to Lot 3 and Lot 4.

The application of City of Woodland Park Planning Department and Chapter 1 code requirements will be as follows:

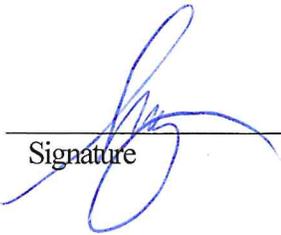
- 1) Submittal of Initial Application for a Minor Subdivision and supplemental materials
- 2) All materials submitted by February 5, 2021 in preparation for the March 11, 2021 Planning Commission meeting.

3) All materials submitted in a timely manner in preparation for the following City Council Meeting.

This signature is on page 2 of the Project Narrative for the 19569 E. Highway 24 Subdivision Application.

Thank you,

Mark McNab  
Brecken Heights LLC

A handwritten signature in blue ink, appearing to be 'Mark McNab', written over a horizontal line.

Signature

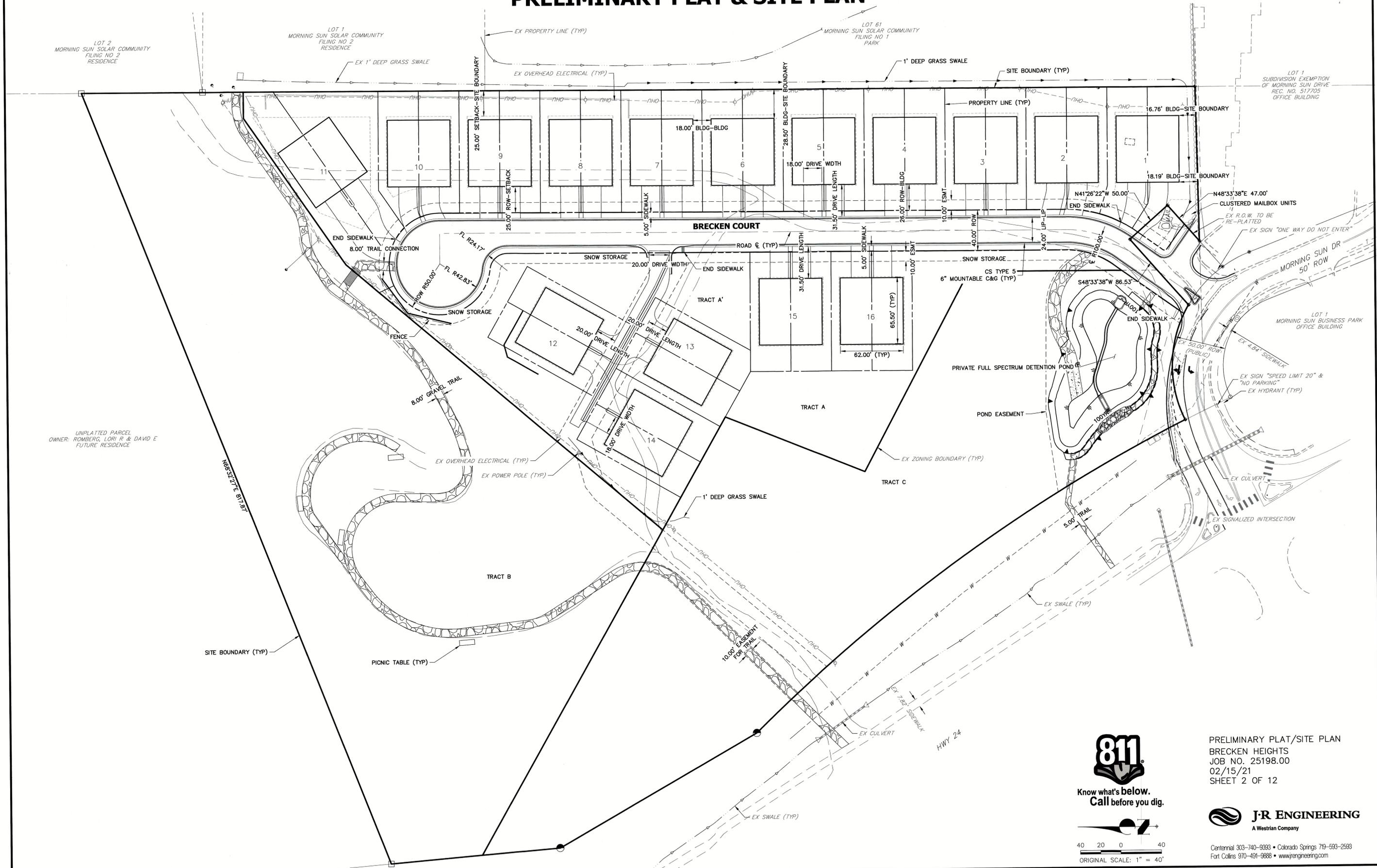
02-03-21

Date





# BRECKEN HEIGHTS PRELIMINARY PLAT & SITE PLAN



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**811**  
Know what's below.  
Call before you dig.

40 20 0 40  
ORIGINAL SCALE: 1" = 40'

PRELIMINARY PLAT/SITE PLAN  
BRECKEN HEIGHTS  
JOB NO. 25198.00  
02/15/21  
SHEET 2 OF 12

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# WOODLAND PARK PLANNING COMMISSION MEETING MINUTES *for* MARCH 11, 2021 – 7:00 PM

## Council Chambers, 220 W South Avenue, Woodland Park

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*This meeting was a hybrid meeting with in-person and virtual attendance. The Zoom meeting link is in the calendar on the City website front page. Public input is very important to the Planning Commission. Comments were encouraged in writing in advance of the meeting to be submitted by mail to the Planning Department at PO Box 9007, Woodland Park, CO, 80866 or email to [sriley@city-woodlandpark.org](mailto:sriley@city-woodlandpark.org).*

1. **ORDER AND ROLL CALL:** Order was called at 7:02 p.m. Commissioners present: Chairman DeVaux (in-person), Lee Brown (Zoom), Ken Hartsfield (in-person), Larry Larsen (Zoom), Ellen Carrick (Zoom), Vickie Good (Zoom), Al Bunge (in-person), Eric Disman (in-person). Commissioners absent: none. Staff present: Planning Director Sally Riley (Zoom), City Planner Lor Pellegrino (in-person), Planning Technician Dave Burgess (in-person).

2. **APPROVAL OF MINUTES:** The February 25, 2021 minutes were approved as presented.

### 3. PUBLIC HEARINGS

**A. SUB2021-01 Extension of The Haven at Paradise Preliminary Plat:** A request by JR Engineering (Applicant) and Andrea Rodriguez (Property Owner) for a 2-year extension of the Preliminary Plat approved for a 35.77 acre parcel north of Kings Crown Road for 24 residential lots in the Suburban Residential (SR) zone. (QJ)

City Planner Pellegrino presented the staff report via a slide show, going over the preliminary plat approval, and recommended approval of the request for a 2-year extension of the approved preliminary plat. Staff believes that it is reasonable to extend the approved Haven at Paradise Preliminary Plat to April 14, 2023, two years rather than one year, finding that, while her father Mr. Brown (the previous property owner and applicant) recently passed away, Mrs. Rodriguez desires to maintain the approved entitlement and would like the development to proceed; that there have been no preliminary plat or other subdivision regulation amendments that occurred between 2019 and today that materially affect the approval or design; that all the conditions approved with the preliminary plat will also be extended and would still be in effect and apply; that engineering and construction drawings for the site work (grading, roads, drainage, etc.) have been produced and are in review; and, finally, since the original approval is for two years, and the property may continue in probate for some time, a two rather than one-year extension is more feasible in this case. City Planner Pellegrino stated that Ms. Rodriguez (property owner) and Mr. Mike Bramlett (JR Engineering) were available on Zoom to answer any questions.

Commissioner Brown questioned the request for a two year extension given the one-year parameter written in the Municipal Code. Planning Director Riley stated that 2-year extensions have been granted in the past understanding that development, grading, and construction is a time-consuming effort and that two years is consistent with the original approval. She further stated that, if uncomfortable, Commissioners can approve a one year extension rather than two.

Commissioner Larsen requested that language in the Municipal Code related to extensions be reviewed for consistency with the Code Revisions project currently underway.

Chairman DeVaux opened the public comment portion of the meeting.

Ms. Crystal Schnurr (El Paso County) wondered if anything could be done about trespassers on this property and through the neighborhood. Planning Director Riley asked her to call the City so that we could work together on a solution.

Mrs. Catherine Nakai (by Zoom) (225 Morning Star Court) wondered what happens if codes change within the two-year extension window. City Planner Pellegrino stated that the preliminary plat as extended would apply even if regulations changed.

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

**MOTION:** Commissioner Brown moved, and Commissioner Larsen seconded, to approve a one-year extension of the approved Haven at Paradise Preliminary Plat (SUB19-01) to April 14, 2022. **Motion passed.**

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

**B. SUB2021-02 Brecken Heights Final Plat:** A request by Brecken Hills, LLC (Applicant) and Mark McNab (Property Owner) to plat 13.09 acres into a 4-lot subdivision at 19569 E. US Highway 24 in the Multi-Family Residential- Suburban (MFS) and Community Commercial (CC) zones. (QJ) (City Council Public Hearing 7 p.m. - April 1, 2021)

City Planner Pellegrino presented the staff report via a slide show, going over the final plat review process, and recommending approval of the *Brecken Heights* 4-lot final plat of 13.09 acres in the SW 1/4 of Section 30, T12S-R68-W6PM (19569 E US24), based on findings of conformance to the Subdivision regulations and the approved preliminary plat as described in the staff report and as presented at public hearings. She also stated that the applicant (Mark McNab, property owner) was present and available to answer any questions.

Chairman DeVaux asked about traffic and parking at Sun Valley Park. Mr. McNab stated that access to the residential development is from Morning Sun Drive, access to the commercial lots is from US24 and that there is not access within the parcel to/from the residential and commercial portions. He also stated that improvements to Morning Sun will be made based on CDOT requirements. A recreation trail is proposed to connect Sun Valley Park to Lot 2 and ultimately to the sidewalk along US24.

Commissioner Larsen asked if a note on the plat requiring the park dedication of Lot 2 might be appropriate. City Planner Pellegrino stated that it is not necessary since it is on the preliminary plat and will be a requirement of the future Townhome plat.

Chairman DeVaux opened the public comment portion of the meeting.

Mr. Pete Roberts (Woodland Park) (in-person) asked if the townhomes are attached, if Sun Valley Park will connect with Lot 2, and about the access to the townhomes. Mr. McNab stated that the townhomes are duplexes; that a recreation trail will connect Sun Valley Park to US24 with a 4-6 space hammerhead parking area to be located somewhere between Lots 2 and 3; and that access to the townhomes will be a private road that intersects with Morning Sun Drive.

Mr. Mike Nakai (by Zoom) (225 Morning Star Court) wondered who the owner is and asked about the trailhead parking. Mr. McNab stated that a 4-6 space hammerhead parking area is proposed to be located somewhere between Lots 2 and 3.

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

**MOTION:** Commissioner Larsen moved, and Commissioner Bunge seconded, THAT the Planning Commission recommend that City Council approve the *Brecken Heights* 4-lot final plat of 13.09 acres in the SW 1/4 of Section 30, T12S-R68-W6PM (19569 E US24), based on findings of conformance to the Subdivision regulations and the approved preliminary plat as described in the staff report and as presented at public hearings. **Motion passed.**

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

**4. REPORTS**

**A.** Comprehensive Plan update and Zoning Code review: Director Riley encouraged everyone to complete the Comp Plan surveys that are on the website and reported that, in consultation with Chairman DeVaux, the following assignments were made to the Comp Plan subcommittees:

<b>Subcommittees</b>	<b>Staff</b>	<b>Planning Commissioners</b>
1. Land Use, Growth, Housing Diversity, Community Character, Design	Lor Pellegrino	Ken Hartsfield
2. City finances, Economic Development, Tourism	Emily Katsimpalis	Al Bunge
3. City Utilities: Water and Wastewater	Kip Wiley	Larry Larsen
4. Transportation and Drainage	Robyn Brown	Jon DeVaux
5. Public Safety, Emergency Management, Resiliency	Chief Miles DeYoung	Lee Brown
6. Community Sustainability, Parks, Trails, Open Space	City Keating	Vickie Good
7. Community Well-being: Education, Health, Recreation, Aging in Place	Ryan Baade	
8. Arts, Culture, Historic Preservation	Suzanne Leclercq	Ellen Carrick

The subcommittee first meeting is on Monday, March 29 and every 4<sup>th</sup> Monday for the next three months.

**B.** The scheduled March 25 Planning Commission meeting is cancelled but items are scheduled for the April 8 meeting.

**6. ADJOURNMENT:** The meeting adjourned at approximately 7.51 pm.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by \_\_\_\_\_  
Jon DeVaux, Chairman