



## PLANNING COMMISSION

Wednesday, June 19, 2024 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

\*LIVE STREAM available on Town website\*

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### AGENDA

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*This agenda is subject to revision 24 hours prior to commencement of the meeting.*

#### Call to Order

#### Roll Call

#### Approval of Minutes

1. Minutes from May 15, 2024

**Public Hearing** – *Chair will introduce the item and hear the applicant request. Chair will ask if any public member wishes to speak for or against the request. Public should address the Commission members directly while members listen. Applicant may provide closing remarks and members may ask questions of the applicant. Chair will close the hearing and members will discuss the item, move a recommendation, and/or continue the hearing to a particular date.*

2. Application for Replat - Lot Line Adjustment, 812-814 Meadow Ln
3. Application for Conditional Use - Landscape Yard, Greater Grounds (Illumination Point, Hwy 105) - *Request to continue by applicant.*

#### Business Items

4. Recommendation on Replat of Lot Line 812-814 Meadow Lane (Ehrhardt)
5. Referred Review of Conditions for the Temporary Conditional Use (Diacut/Hayco)
6. Update on Advisory Committee ER Vision
7. Direction on Draft Subdivision Code

**Public Comment** - *This time is reserved for the public to speak to items not on the agenda. Individuals must state name and limit comments to (3) minutes unless extended.*

#### Next meeting (July 17, 2024) and Future Item

#### Adjourn

Reasonable accommodations for persons with a disability will be made upon request. Please notify the Town of Palmer Lake (at 719-481-2953) at least 48 hours in advance. The Town of Palmer Lake will make every effort to accommodate the needs of the public.

**Notice**

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Notice is hereby given that more than two members of the Board of Trustees may be present; however, there will be no action taken by the Board of Trustees at this meeting.



## PLANNING COMMISSION

Wednesday, May 15, 2024 at 5:00 PM

Palmer Lake Town Hall – 28 Valley Crescent, Palmer Lake, Colorado

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### MINUTES

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**Call to Order.** Chair Ihlenfeld called the meeting to order at 5:03 pm.

**Roll Call.** Present: Commission members Lindsay Zapalac, Tim Caves, Mark Bruce, Bill Fisher, Charlie Ihlenfeld. Excused: Amy Hutson. Absent: Susan Miner.

#### Approval of Minutes

- Minutes from April 17, 2024. MOTION (Caves, Zapalac) to approve the minutes. Motion passed 5-0.

#### Public Hearing

- Application for Conditional Use Permit for Landscape Yard in C2 Zone (Greater Grounds) - *request to continue*. Collins reviewed the status of the applicant submittal to the Town and to CDOT, currently under review. MOTION (Zapalac, Fisher) to continue the hearing to the June meeting. Motion passed 5-0.
- Application to Replat Interior Lot Lines and Easements, 91-97 Greeley (Allgood). Mr. Randy Allgood addressed the members and explained the slight modifications to the interior lot lines and easements on the site. Chair Ihlenfeld opened the floor to the public. Ms. Diane DeKeyser expressed her concern about the hill eroding when construction starts. Mr. Allgood addressed his plans with the neighboring property owner. The hearing was closed.
- Recommendation on Replat Interior Lot Line and Easements Greeley Avenue. The members did not have questions. MOTION (Caves, Bruce) to recommend the Board approve the replat as presented. Motion passed 5-0.
- Application for Replat of Lot Line - 278 Lower Glenway. Mr. Jim Brinkman, surveyor for the property owner, explained the replat of multiple lots at Lower Glenway to two lots for one single family home development on one lot. Discussion took place about a seven foot discrepancy from one survey to another about the right of way location. Collins stated that it will be addressed prior to filing the replat. There was no public comment. The hearing was closed.
- Recommendation on Replat Lot Line, 278 Lower Glenway (Engel). The members did not have any questions. MOTION (Ihlenfeld, Zapalac) to recommend the Board approve the replat as presented. Motion passed 5-0.

#### Business Items

- Sign Permit Application - SecurCare (Hwy 105). Ms Kara Knott with Pinnacle Sign explained her client's one additional sign to the other two previously approved. Discussion took place about layout of the

buildings, visibility from Hwy 105, and the illumination with cabinet style diffusing it. MOTION (Zapalac, Bruce) to approve the one additional sign with the same illumination time ending at 11p. Motion passed 5-0.

8. Preview of Primrose/Columbine Mixed Use Site Plan (Claar). Mr. Curtis Claar, property owner, explained the original approval of his conditional use for mixed use requiring a review of the site plan. He explained the position of the commercial/residential structure on the corner lot. Discussion took place about setbacks, the intent of mixed use, and breaking up the three sides of the structure.

Mr. Claar pointed out that the resolution requires approval. Additional discussion ensued about the character of the structure with final construction plans. MOTION (Bruce, Fisher) to approve the site plan as presented with a request that the suggestions be considered to break up the building. Motion passed 5-0.

9. Request to Extend Temporary Conditional Use (Diacut, Hayco). Property owner, Mr. Bruno Furrer and Hayco tenant, Loren Burlage, addressed the members about an extension of the temporary conditional use. Commission members expressed concern about screening regulations and this property not following the same rules. It was clarified whether this is a permanent or temporary location. Mr. Burlage confirmed that the location is temporary and he continues to seek a permanent location. Discussion ensued about the connex and other equipment on the property. It was stated that unused equipment will be sold in near future. Collins explained that any change to a conditional use must be reviewed for approval of the change or added use. Discussion continued about the temporary conditional use becoming permanent and, therefore, requiring permanent fencing and screening. No public members spoke to the subject. MOTION (Fisher, Caves) to recommend the Board approve the temporary conditional use for one additional year, with the condition that any equipment, vehicle, connex, etc., must be screened from Hwy 105 view by July 1, and any additional time beyond the one year extension must be brought back to the Planning Commission and will be considered permanent and abide by town regulations as determined by the Commission. Motion passed 5-0.

10. Update - Advisory Committee for Elephant Rock Vision Plan. Mr. Bill Fisher provided an update in place of Susan Miner. He explained the site plan meeting and review of 60 public ideas. He stated that members continue to work on a vision statement for the property, noting that rural, open space with benefit to the community is evident. Discussion generally took place about a possible public safety facility. The next committee meeting is May 20 to finalize a vision statement.

11. Language to Consider for Conditional Use. Collins noted that following the distribution of Attorney Krob's memo, CMI provided several comments and suggested that staff revisit the comments to incorporate into one draft for the Commission at the next meeting.

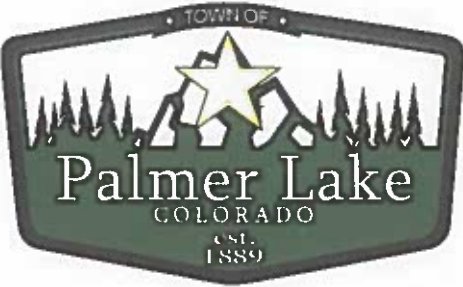
**Next Meeting (June 19) and Future Item.** Chair Ihlenfeld noted he will not be at the June meeting.

**Public Comment** – none.

**Adjourn.** MOTION (Zapalac, Ihlenfeld) to adjourn at 6:50 pm and begin the workshop.

**Following meeting convene to Workshop to review/discuss draft subdivision code.**

*Minutes by: Dawn A. Collins, Town Clerk*



Item 2.

**TOWN OFFICE USE ONLY**

Date Received: 5-17-24 By: AK

Amount: \$ 1000<sup>00</sup> Pmt Type: CK # 1953

Approved  Denied Date: \_\_\_\_\_

Expires: \_\_\_\_\_ By: \_\_\_\_\_

6/19 PE  
need info

**VACATION & REPLAT APPLICATION**

Name of Applicant/Property Owner: E-Rock LLC Kurt Eshardt Manager

Name of Proposal: Lot Line adjustment for Lots 36+37

Address: 814-812 Polo City: Palmer Lake State: CO Zip: 80132

Email: mkeshardt@Gmail.com Tax Schedule #: 71100-06-128

**This is a Vacation Plat** – A map indicating a proposed elimination of a dedicated street, road easement or subdivision. It shall be prepared by a Colorado Registered Land Surveyor in accordance with a Subdivision Regulations. If approved, it shall be recorded with the County Clerk and Recorder’s Office.

**This is a Replat** – A map which indicates an alternation from an approved Subdivision Final Plat. Such a proposal shall abide by the same regulations which affect a Final Plat submittal.

Please fill out the appropriate submission checklist to complete the application.

Location of Property: 814-812 Meadow Lane Polo 80133

Nearest Street Intersection: Highway 105 Existing Subdivision: Elephant Rock acres

Current Zoning and Uses of Surrounding Property: N: R-3

E: "

S: "

W: "

Signature of Owner: Kurt O Shardt Date: 5-16-2024

Applicants Name: Kurt O Eshardt E-Rock LLC

Address/Location: 814-812 Meadow Lane

Due to the floodplain and Dales Trail location, I am requesting to reduce lot 38 and add it to lot 37. Lot 38 will remain well over 5000 sqft.

By allowing this request the open space we've created will be allowed to continue.

# PROCEDURAL CHECKLIST FOR Vacation & Replat

Planning Commission meetings are held the 3<sup>rd</sup> Wednesday of each month  
Board of Trustees meetings are held the 2<sup>nd</sup> & 4<sup>th</sup> Thursday of each month

Please allow up to 10 business days for review and a minimum of 15 days for required publication.

*All submittals need to be in compliance with the corresponding Palmer Lake Municipal Code. Coordination is required with Roads and Water Department.*

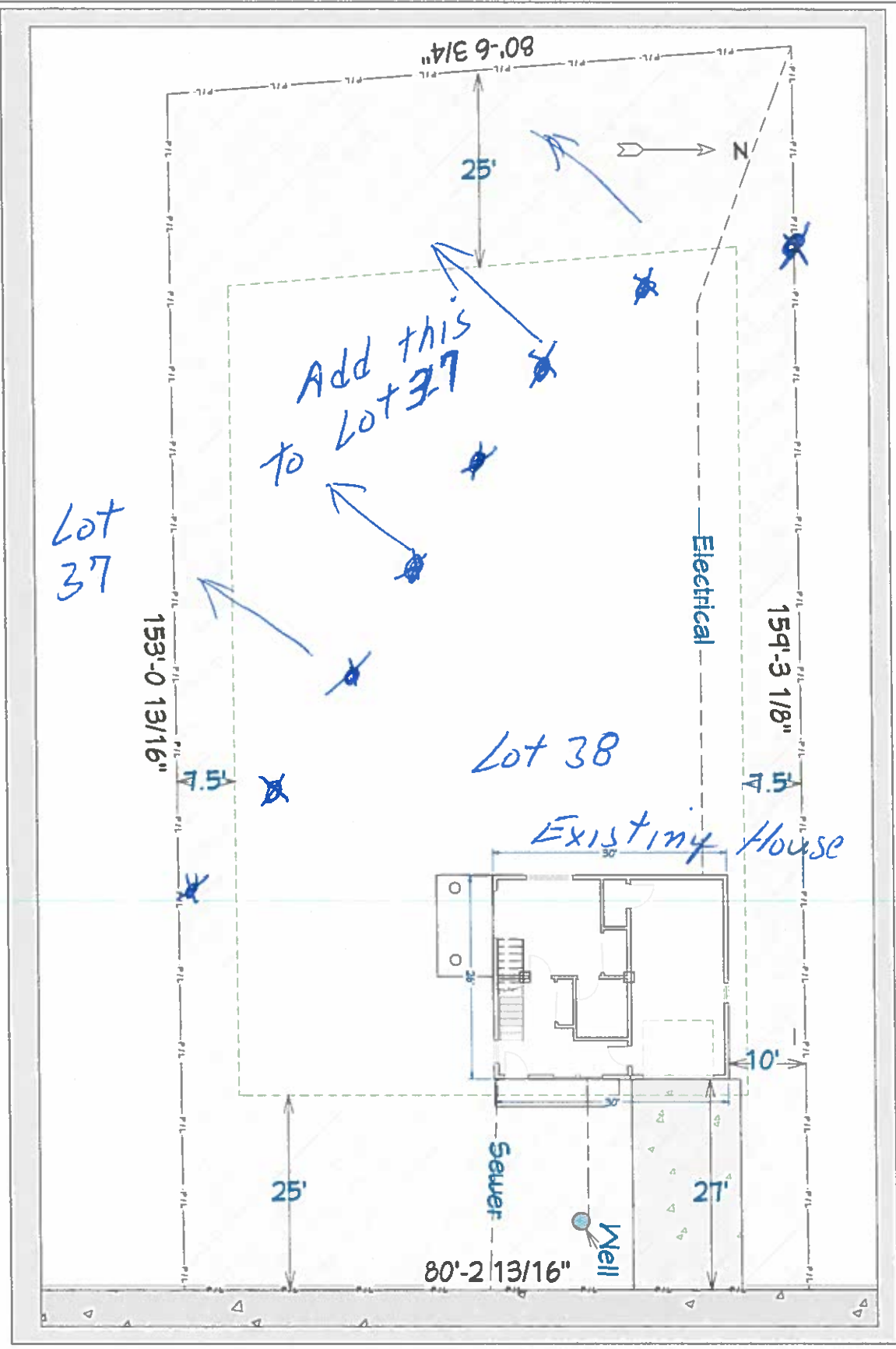
**United Notification Call Center (UNCC) be Contacted Prior to Submittal – 811**

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- |   |   |
|---|---|
| <input type="checkbox"/> Name of the proposed Plan  | <input type="checkbox"/> Site Plans (3 full size, 1 electronic)                                       |
| <input type="checkbox"/> A specific legal description   | <input type="checkbox"/> Letter of Intent   |
| <input type="checkbox"/> Name and address of owner or agent and of person preparing the plan  | <input type="checkbox"/> Complete application form and plans to the Town Clerk                        |
| <input type="checkbox"/> Date of preparation, scale, and Northpoint   | <input type="checkbox"/> Pay an application fee (\$250 fee + \$10 per acre) to the Town Clerk         |
| <input type="checkbox"/> A vicinity location map  | <input type="checkbox"/> Posting/publication of Public Hearing 15 days before the Planning Commission |
| <input type="checkbox"/> Topography with a contour interval of no more than 20 feet from the appropriate USGS quadrangle                      | <input type="checkbox"/> Posting/publication of Public Hearing 15 days before the Board of Trustees   |
| <input type="checkbox"/> Proposed sewage treatment systems  | <input type="checkbox"/> Public notice for each set of hearings (newspaper and signage)               |
| <input type="checkbox"/> Proposed water supply system with adequate evidence that sufficient water exists to supply the proposed development. |   |
| <input type="checkbox"/> Proposed drainage compliance (pre & post development)  |   |
| <input type="checkbox"/> Summary statement of the characteristics of the proposed area  |   |
| <input type="checkbox"/> Any potential hazards (radiation, flood, other environmental issues.)  |   |

*I will provide required survey work. It should be available next week. Surveyors parent has passed and didn't allow to accompany this application. I am hoping to request this in June's agenda*



SHEET: <b>A-2</b>	SCALE: 1/8" = 1'	DATE: 11/26/2023	DRAWINGS PROVIDED BY:	PROJECT DESCRIPTION: <b>814 Meadow Ln.</b>	SHEET TITLE: <b>PLOT MAP</b>	NO.	DESCRIPTION	BY	DATE



# AFFIDAVIT OF PUBLICATION

STATE OF COLORADO  
COUNTY OF El Paso

Item 2.

**Public Notice**  
**TOWN OF PALMER LAKE**

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, June 19, 2024, at 5 PM at the Town Hall at 28 Valley Crescent, Palmer Lake, to consider an application for lot line adjustment for Lots 36 and 37, located at 812-814 Meadow Lane, Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled to be heard on Thursday, June 27 at 6 PM. A copy of the complete application is on file at the Town Clerk office, at 719-481-2953. /s/ Dawn A. Collins, Town Clerk

Published in the Tri-Lakes Tribune May 29, 2024.

I, Kate Dickens, being first duly sworn, deposes and says that she is the Legal Sales Representative of The Tri Lakes Tribune, LLC., a corporation, the publishers of a daily/weekly public newspapers, which is printed and published daily/weekly in whole in the County of El Paso, and the State of Colorado, and which is called Tri Lakes Tribune; that a notice of which the annexed is an exact copy, cut from said newspaper, was published in the regular and entire editions of said newspaper **1 time(s) to wit 05/29/2024**

That said newspaper has been published continuously and uninterruptedly in said County of El Paso for a period of at least six consecutive months next prior to the first issue thereof containing this notice; that said newspaper has a general circulation and that it has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879 and any amendment thereof, and is a newspaper duly qualified for the printing of legal notices and advertisement within the meaning of the laws of the State of Colorado.



**Kate Dickens**  
**Sales Center Agent**

Subscribed and sworn to me this 06/05/2024, at said City of Colorado Springs, El Paso County, Colorado.  
My commission expires June 23, 2026.



**Karen Hogan**  
**Notary Public**  
**The Gazette**

**KAREN HOGAN**  
**NOTARY PUBLIC**  
**STATE OF COLORADO**  
**NOTARY ID 20224024441**  
**MY COMMISSION EXPIRES 06/23/2026**

Document Authentication Number  
20224024441-867058

**Dawn Collins**

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**From:** Jared Whiteley <jared@greatergroundslc.com>  
**Sent:** Wednesday, June 12, 2024 12:06 PM  
**To:** Dawn Collins  
**Subject:** Re: 650 Illumination Pt - Access

-----**WARNING: This email originated from outside the Town of Palmer Lake. DO NOT CLICK on any attachments or links from unknown senders or unexpected emails. Always check the sender's display name and email address are correct before you communicate.**-----

Hello Dawn

Yes, we need an extension. We are in the process of the impact study. Mike Tucker is now involved because his lot is the one that is touching Hwy 105.

Thank you,

Jared Whiteley  
Operations Manager  
(719) 313-9577  
[www.GreaterGroundsLLC.com](http://www.GreaterGroundsLLC.com)



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**From:** Dawn Collins <dawn@palmer-lake.org>  
**Sent:** Wednesday, June 12, 2024 11:50 AM  
**To:** Jared Whiteley <jared@greatergroundslc.com>  
**Subject:** RE: 650 Illumination Pt - Access

Jared, should we plan for the June Planning Commission meeting on 6/19 or do you want to request the hearing be continued?

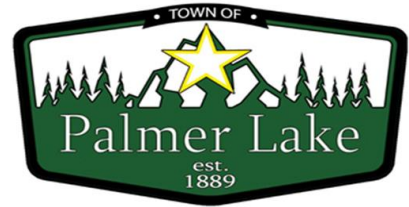
Note: A review of the submittal, along with a completed land use application, still needs to be conducted (separate from the conditional use approval).

Let me know, thanks,

Dawn A. Collins, CMC  
*Town Administrator/Clerk*



Town of Palmer Lake



Item 4.

**TOWN OF PALMER LAKE  
PLANNING COMMISSION - AGENDA MEMO**

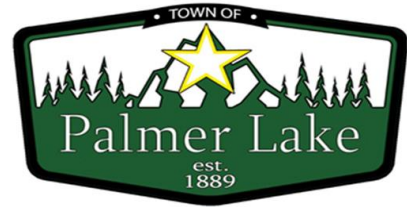
<b>DATE:</b> June 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Recommendation on Replat Application for Lot Line Adjustment at Meadow Lane
<b>Presented by:</b> Town Administrator /Clerk		

**Background**

Mr. Kurt Ehrhardt is requesting an adjustment of a lot line between two parcels to allow for an open space, trail, and natural floodplain.

**Recommended Action**

Staff reviewed and supports the replat with the condition that open space and/or trail easement be properly recorded on the final plat.



Item 5.

**TOWN OF PALMER LAKE  
PLANNING COMMISSION - AGENDA MEMO**

<b>DATE:</b> June 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Diacut/Hayco – Temporary Conditional Use Extension Referred from BOT to Resolve Fencing Height to Meet Requirement set in Condition #1 in Resolution 30-2024
<b>Presented by:</b> Deputy Town Clerk		

**Background**

Resolution No. 30-2024 was before the Board on 5/30/2024. The resolution included condition: 1. All vehicles, connex, and other equipment on the Property must be completely screened from view from Highway 105 on or before July 1, 2024.

There was discussion of whether that was possible given the topography. The BOT talked about agreeing to a certain height for screening. At the Board meeting, PC representative indicated it is PC’s desire to require complete screening of all the properties along 105.

The Board referred the matter back to PC to resolve the “screening” issue – to be clarified.

Mr. Bruno Furrer, property owner and or tenant/operator Mr. Burlage may be present to discuss the condition of the screening height.

**Recommended Action**

Staff reviewed and supports the extension with conditions including screening height requirement. Consider a recommendation of the temporary conditional use with clarification of the screening height condition.

**TOWN OF PALMER LAKE  
EL PASO COUNTY  
STATE OF COLORADO**

**RESOLUTION NO. xx - 2024**

**A RESOLUTION EXTENDING A TEMPORARY CONDITIONAL USE PERMIT  
FOR 12 MONTHS FOR 773 SOUTH HIGHWAY 105, PALMER LAKE, COLORADO**

**WHEREAS**, the Board of Trustees of the Town of Palmer Lake, Colorado, pursuant to Colorado statute and the Town of Palmer Lake Municipal Code, is vested with the authority of administering the affairs of the Town of Palmer Lake, Colorado; and

**WHEREAS**, Diacut is the owner of certain real property located at 773 South Highway 105 ("the Property"); and

**WHEREAS**, the Property is located in the C-2 General Business and Commercial Zone district; and

**WHEREAS**, Hayco uses the Property to operate a wholesale business including outside storage; and

**WHEREAS**, wholesale business including outside storage is allowed as a conditional use in the C-2 district: and

**WHEREAS**, on April 28, 2022, the Board of Trustees adopted Resolution 26-2022, approving a temporary conditional use permit for the operation of Hayco's wholesale business including outdoor storage on the Property for 12 months, subject to specified conditions; and

**WHEREAS**, on May 25, 2023, the Board of Trustees adopted Resolution 41-2023, approving a one year extension of the temporary conditional use permit, to May 31, 2024; and

**WHEREAS**, the property and business owner have requested another extension for up to two years for the temporary conditional use on the Property; and

**WHEREAS**, the Planning Commission heard the request on May 15, 2024, and recommended the Board extend the conditional use permit for another 12 months, subject to certain additional conditions, set forth below.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
PALMER LAKE OF EL PASO COUNTY, COLORADO, AS FOLLOWS:**

**Section 1.** The temporary conditional use permit for the Property is extended for another period of twelve (12) months, to and including May 31, 2025, subject to the conditions set forth in Resolutions 26-2022 and 41-2023, and subject to the following additional conditions:

1. All vehicles, connex, and other equipment on the Property must be completely screened from view from Highway 105 on or before July 1, 2024.

- 2. On or before May 31, 2025, the Applicants must submit an application for a permanent conditional use permit that fully complies with all applicable Town regulations, including but not limited to screening and/or structure to enclose materials. Such application will be subject to review and recommendation by the Planning Commission and approval by the Board. If no such application is submitted by May 31, 2025, or if such application is not approved, then Applicants must immediately cease use of the Property for the temporary conditional use.

**Section 2. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Resolution is held to be unconstitutional or invalid for any reason such decision shall not affect the validity or constitutionality of the remaining portions of this Resolution. The Board of Trustees hereby declares that it would have passed this resolution and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 3. Repeal.** Existing resolutions or parts of resolutions covering the same matters embraced in this Resolution are hereby repealed and all resolutions or parts of resolutions inconsistent with the provisions of this Resolution are hereby repealed.

**INTRODUCED, RESOLVED, AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 30TH DAY OF MAY 2024.**

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
Glant Havenar, Mayor

ATTEST:

By: \_\_\_\_\_  
Dawn A. Collins, Town Administrator/Clerk

<b>Elephant Rock Property</b>					
<b>Susan Miner</b>	<b>Bill Fisher</b>	<b>Project leads</b>			
<a href="https://www.vertex42.com/ExcelTemplates/simple-gantt-chart.html">https://www.vertex42.com/ExcelTemplates/simple-gantt-chart.html</a>					
<b>TASK</b>	<b>ASSIGNED TO</b>	<b>PROGRESS</b>	<b>START</b>	<b>END</b>	
<b>Organization</b>					
Approved by the Board of Trustees	Susan Miner	100%	4/11/24	4/11/24	
Review Process with Dawn	Susan Miner	100%	4/19/24	4/19/24	
Review existing files	Susan Miner	100%	4/19/24	4/19/24	
Call for Volunteers	Susan Miner	100%	4/11/24	4/21/24	
Committee members identified	Planning Commission, Parks, PLEDG, Arts Council,	100%	4/22/24	4/22/24	
Citizen at Large call	Dawn Collins for posting	100%			
First Meeting	ER Committee	100%	4/22/24	4/22/24	
Interviews/Selection	ER Committee	100%	4/29/24	4/29/24	
Elephant Rock Experience update	ER Committee	100%	5/6/24	5/6/24	
Vision & Mission Statement, Guiding Objectives	ER Committee	100%	4/22/24	5/20/24	
<b>Space Planning</b>					
Categories of Uses	SP team	100%	5/13/24	5/20/24	
Proposed uses/spaces	SP team	100%	5/13/24	5/18/24	
Review with Committee	SP Team	100%	5/18/24	5/20/24	
Final draft complete	SP team	90%	5/18/24	5/27/24	
Animated walkthrough	Arts Council	50%	5/18/24	5/10/24	
<b>Parks</b>					
Plans approved by Resolution	Board of Trustees	25%	Multiple	On-going	
Future plans and ideas	Parks Commission	25%	5/20/24	On-going	
Trail work	Parks Commission	30%	4/1/24	On-going	

<b>Arts Council</b>				
Cultural District ideas	Arts Council	25%		7/1/24
<b>PLEDG Financial Capacity</b>				
Research for comps	PLEDGE	4/26/24	5/20/24	7/1/24
<b>Funding Options</b>				
On Line Research	Finacial team	75%	4/26/24	6/3/24
Input from The Arts Council	Finacial team	100%	5/20/24	6/3/24
Input from Real Estate advisors	Finacial team	100%	5/25/24	5/30/24
Research COED	Finacial team	0%	5/31/24	6/4/24
Niche funding	Finacial team	70%	5/24/24	7/1/24
Research Cultural District benefits	Arts Council	0%	5/25/24	5/29/24
<b>Risk Assessment</b>				
Cirsa	Finacial team	10%	4/28/24	5/1/24
Legal	Finacial team	10%	5/1/24	5/5/24
Asbestos Mitigation	Finacial team	100%	5/6/24	5/9/24
Property Assessment	Finacial team	60%	5/3/24	5/6/24
Property Market Value	Finacial team	50%	5/5/24	5/10/24
<b>Fixed Costs</b>				
Legal/Leases	Finacial team/ Town Staff	0%	5/28/24	7/1/24
Insurance	Finacial team/ Town Staff	0%	5/28/24	7/1/24
Water Service	Finacial team/ Town Staff	0%	5/28/24	7/1/24
Roads	Finacial team/ Town Staff	0%	5/28/24	7/1/24
Electrical service	Finacial team/ Town Staff	0%	5/28/24	7/1/24
CDOT Coordination	Finacial team/ Town Staff	0%	5/28/24	7/1/24

Town of Palmer Lake: Title 16  
FINAL DRAFT June 13, 2024

Drafting notes:

- Items highlighted in red represent requested changes from the Planning Commission and additions from CMI.
- Text highlighted in yellow represents text that is currently in Title 16.

**TITLE 16 SUBDIVISION**

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**CHAPTER 16.10. PROCEDURES AND REQUIREMENTS FOR SUBDIVISION**

**16.10.010. Short Title.**

This Title shall be known and may be cited as the "Subdivision Regulations of the Town of Palmer Lake, Colorado."

**16.10.020. Purpose.**

The purpose of this title is to promote the health, safety, convenience, and general welfare of the citizens of the town, by:

- (a) Ensuring that land is subdivided correctly into lots that are of adequate size and configuration for the purpose for which they are intended to be used.
- (b) Providing that streets will be laid out in relation to existing streets or according to the comprehensive plan of the Town, and that said streets will be built to adequate construction standards.
- (c) Providing for adequate, safe, and efficient public utilities and improvements, general community facilities, recreation, and public places.
- (d) Implementing the Community Master Plan, and all other adopted Plans of the Town.
- (e) Protecting the natural resources, sensitive natural areas, and environmental qualities of the community.
- (f) Implementing the control measure requirements of, and ensuring compliance with, the Town's municipal separate storm sewer system (MS4) permit to protect water quality and by providing open spaces for adequate stormwater management.



Town of Palmer Lake: Title 16  
FINAL DRAFT June 13, 2024

- (g) Ensuring that the development of various parcels of land is compatible and in harmony with the existing community, allows for the future development of adjoining parcels of land, and facilitates emergency access in the case of wildfires.
- (h) Ensuring that the cost of improvements will be borne by the owners/subdividers of the land parcels.
- (i) Protecting historic and cultural areas and the Town.
- (j) Regulating such other matters as the Board of Trustees may deem necessary to protect the best interest of the public.

**16.10.030. Jurisdiction and Legal Authority.**

- (a) These regulations are applicable to and shall include the subdivision of all land located within the legal boundaries of the Town and all land in the process of annexation or that may hereafter be annexed to the Town.
- (b) This title is adopted pursuant to C.R.S. Sections 31-23-201, et seq., and is declared to be in conformance with those statutes.
- (c) When a subdivision or commercial or industrial activity is proposed that will cover five or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to the state geologist and the board of county commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity pursuant to C.R.S 31-23-225.

**16.10.040. Applicability of Regulation.**

- (a) The provisions of this Title, in conjunction with all other provisions of the Town Municipal Code, and Colorado Statutes, shall apply to any and all development of land within the municipal boundaries of the Town, unless expressly and specifically exempted or provided otherwise in these Regulations. No development shall be undertaken without prior and proper approval or authorization pursuant to the terms of these Regulations in conjunction with this Title of the Municipal Code.
- (b) For the purposes of this Title the term subdivision means and includes:
  - (1) A lot or other parcel of land that is divided into two (2) or more lots or separate interests for the purpose, whether immediate or in the future, of ownership, development, sale, or conveyance.
  - (2) The process of dividing, or the division of, lots or parcels of land into two (2) or more separate lots, tracts, parcels, or separate interests whether by



Town of Palmer Lake: Title 16  
FINAL DRAFT June 13, 2024

metes and bounds description or other conveyance, or under the terms of the Town's subdivision regulations.

- (3) The consolidation, aggregation, or reconfiguration of lots or parcels into one (1) or more new lots, including resubdivision.

**16.10.050. Specific Exemptions from These Regulations.** Due to the nominal impact upon the residents of the Town, the following divisions of property, even though included within the definition of subdivision, are hereby determined by the Planning Commission and Board of Trustees not to be within the purpose of this Code and are hereby exempted from compliance with this Title.

- (a) A plat which does not in fact create any new parcel or tract of land but is a survey of metes and bounds parcels and tracts that were in existence at the time of the original adoption of this Title shall be exempted from these regulations; provided, however, that said tracts and parcels must be under separate ownership at the time of the original passage of this title. The surveyed plat shall be approved by the Board of Trustees and certified by a registered land surveyor; and upon the filing of said plat with the Clerk and Recorder of El Paso County, those tracts and parcels may be freely conveyed by their lot designation on said plat.
- (b) Any division of property that is necessitated by the existence of a prescriptive easement or encroachment of a building or fence in existence at the time of the original adoption of these regulations, and which does not create a new building site.
- (c) The division of land by conveyance of real property to or from the Town in satisfaction of land dedication, subdivision, condemnation, annexation, or other Town requirements.
- (d) A division of land that occurred prior to 1972, which is the year on which the Town of Palmer Lake first adopted subdivision regulations.
- (e) A transfer of land required by law.
- (f) A division of land for sale as part of an approved cemetery.
- (g) A dedication, acquisition, easement, or condemnation of land for right-of-way or other public use, or conveyances relating to the vacation of land designated for public rights-of-way or public use.
- (h) A division of land created by lien, mortgage, deed of trust or any other security interest.
- (i) A division of land that is created by a security or unit of interest in any investment trust regulated under state law or any other interest in an investment entity.



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- (j) A division of land that creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property.
- (k) A division of land ordered by a court if the Board of Trustees has been given the notice and opportunity to join as a party of interest in the proceeding for the purpose of raising the issue of an intent to evade the statutory requirements for subdivision of land.
- (l) A division of land that is created by the acquisition of an interest in land in the name of a husband and wife or other persons in joint tenancy or as tenants in common. Any such interest shall be deemed as only one interest for purposes of this section.
- (m) A division of land created as part of a condominium provided that the subdivider has complied with all of the provisions of the Colorado Common Interest Ownership Act, C.R.S. Title 38, Article 33.3.
- (n) A lease of property.

**16.10.060. Administration, Fees, and Cost Reimbursement.**

- (a) Plat Required. An approved plat shall be required for every subdivision within the municipal limits of the Town. It is unlawful to file or record a plat of a subdivision of land with the El Paso County Clerk and Recorder, or to use any plat of a subdivision of land for purposes of sale or building development until such plat is approved by the Town of Palmer Lake **in accordance with the provisions** of this Title.
- (b) Fees and Cost Reimbursement Agreement. An application fee is required for all subdivision applications as set forth in the adopted Master Fee schedule. This includes by way of example fees for the sketch plan, preliminary plat, final plat, vacations of streets, easements, or plats, plat amendments and corrections, grading, and drainage alterations. **All subdividers are required to sign a cost reimbursement agreement unless waived for good cause by the Town Administrator.**
- (c) All plans of streets or highways for public use, and all plans and plats of land laid out in subdivision or building lots, and the streets, highways, alleys, or other portions of the same intended to be dedicated to public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto, shall be submitted to the Planning Commission and Board of Trustees for review and subsequent approval, conditional approval or disapproval. No plat shall be recorded in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the Planning Commission and Board of Trustees.
- (d) In their interpretation and application, the provisions of this Title shall be held to be minimum requirements for the promotion of public health, safety, and welfare. If any provision of this Title conflicts with the requirements of any other applicable and



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lawfully adopted rules, regulations, or ordinances, the more restrictive or that imposing the higher standards shall govern.

(e) The Board of Trustees is empowered, after it has adopted a major street plan of the territory within its jurisdiction or of any major section or district thereof, to make or cause to be made, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends be reserved for future acquisition for public streets. The Town Planning Commission has been established to advise the Board of Trustees regarding all planning, zoning, and subdivision matters.

16.10.070. Standards and Acceptance of Property and Improvements

(a) All development including all streets, water system improvements, stormwater drainage system improvements and other public utilities and infrastructure shall be constructed in accordance with the provisions of the Town of Palmer Lake's Public Works Manual which is the El Paso County Engineering Criteria Manual (ECM), as amended. All references to "county," and "board of commissioners," in the ECM shall correspond to "Town of Palmer Lake," and "Town Board of Trustees," respectively.

(b) Public utility infrastructure shall be designed and constructed in accordance with applicable Colorado Department of Public Health and Environment (CDPHE) rules and regulations, as well as waterworks industry standards of practice.

(c) All sanitary sewer system improvements fall under the jurisdiction of the Palmer Lake Sanitation District (PLSD). The design and construction of sanitary sewer system improvements shall be in accordance with the standards and regulations of the Palmer Lake Sanitation District. CDPHE rules and regulations shall apply to, and the Town of Palmer Lake may have input on, sanitary sewer system improvements, particularly as they relate to the interaction between water and sewer utility infrastructure.

(d) Approval of a subdivision shall not constitute an acceptance by the Town of the roads, streets, sidewalks, alleys, trails, water system facilities, stormwater management system facilities, or other public lands or facilities indicated on the plat for dedication to the Town for maintenance. The dedication of any of these lands or facilities indicated for public use shall be accepted only by the express act of the Town. All improvements shall be made by the subdivider at the subdivider's expense according to standard specifications adopted by the Town and prepared by a qualified professional engineer and approved by the Town.

(e) Grading and Construction of Improvements. No subdivision grading operations or construction of improvements shall be undertaken until the final plat is recorded and construction plans for all improvements are stamped accepted by the Town Engineer and a Subdivision Improvements Agreement (SIA) and

**Commented [LZ1]:** Who is responsible for upkeep of dedicated land? Can this be a requirement of the subdivider/developer, or does it become a town burden upon dedication?

**Commented [BC2R1]:** Land that is dedicated is recorded on the Plat which is recorded at the County. Required improvements are memorialized in the Subdivision Improvements Agreement(SIA). The SIA also outlines maintenance responsibilities. See section on Public Improvements.

**Commented [MD3]:** This paragraph is OK as is, but would be easier to follow if it is broken up by punctuation and by division into several sentences.



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required surety is in place, unless otherwise authorized and controlled by a development agreement with adequate surety to cover all costs associated with site restoration and erosion, dust and stormwater control measures and any proposed modifications to existing public infrastructure including the repair of such existing public infrastructure.

- (1) Surety shall be considered adequate if the surety is sufficient to cover one hundred and twenty-five (125) percent of the projected costs identified and is provided in a form approved by the Town Attorney.
- (2) The subdivider shall not initiate grading or construction of improvements within the proposed or approved subdivision until:
  - a. The Town Engineer has stamped the construction plans accepted, all required permits and approvals have been obtained from outside agencies with jurisdiction over the project or any component thereof; the development agreement or SIA has been executed and recorded, the required surety has been posted; and the preliminary plat has been approved by the Town and a final copy of the preliminary plat integrating all requested changes has been filed with the Town Administrator by the subdivider, approved by the Town Administrator and signed by the Planning Commission Chairman; or
  - b. The Town Engineer has stamped the construction plans accepted, all required permits and approvals have been obtained from outside agencies with jurisdiction over the project or any component thereof; the SIA has been executed and recorded, the required surety has been posted; and the final plat has been approved by the Subdivision Administrator and filed for recording in the office of the El Paso County Clerk and Recorder.
  - c. Any work performed in advance of final plat approval and recording is completed at risk by the subdivider. The Town is under no obligation to approve the final plat. All actions undertaken by the subdivider shall be subject to the inspection, open trench, and other provisions concerning public and private improvements in this Title. In no case shall construction begin before preliminary plat approval.
- (f) Conformance of Plat Required. No sketch plan, preliminary plat or final plat of a subdivision shall be recommended for approval by the Town Administrator or Planning Commission, or approved by the Town Administrator, Planning



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Commission, or Board of Trustees unless it conforms to the provisions of this Title.

- (g) Street Improvements and Maintenance. The Town shall withhold all public street improvements and maintenance from all rights-of-way which have not been accepted for maintenance by the Town.

**CHAPTER 16.20. TYPES OF SUBDIVISIONS**

**16.20.010. Types of Subdivision.** The division of land into separate parcels, lots, sites, tracts, or interests is a subdivision and is regulated by the provisions of this Title. The following types of subdivision are regulated by this Title:

- (a) **Major Subdivisions.** A major subdivision consists of 5 or more lots and its review process consists of three (3) separate phases: sketch plan, preliminary plat, and final plat.
- (b) **Minor Subdivisions.** A minor subdivision consists of 4 or fewer lots, no public improvements are required, and its review process consists of one (1) phase: final plat. **No tracts or outlots shall be included in a minor subdivision. Multiple minor subdivisions involving contiguous property cannot be pursued by one or more property owners in order to circumvent the Major Subdivision process.**
- (c) **Vacation Plat.** Any plat (or portion thereof), public right-of-way, or easement may be vacated upon the filing of a petition and a resolution of approval by the Board of Trustees. Public right-of-way and easement vacation proceedings shall comply with C.R.S. §§ 43-2-302 and 43-2-303, as may be amended.
- (d) **Resubdivision (also known as Replat).** A resubdivision or replat is a new subdivision that modifies all or part of an existing recorded subdivision or plat. A resubdivision (replat) is classified as either a major or minor subdivision depending upon the number of lots involved. The subdivider must demonstrate that the initial subdivision was reviewed to include water, sewer, roads, other utilities, drainage, dedication requirements, and compliance with the MS 4 regulations.
- (e) **Plat Amendment.** The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. Plat amendments shall not create additional lots or interests in property but are subdivision actions allowed when an existing plat meets current code requirements and where no public improvements are required to the extent that lot lines may be relocated as part of a boundary line adjustment, or lots may be merged as part of a lot consolidation. Multiple plat amendments cannot be pursued by one or more property owners in order to circumvent the resubdivision (replat) process.

**Commented [BC4]:** After review of the Planning Commission comments and given issues with grading a site before approvals have been granted, I am suggesting the addition of items e, f and g. I believe this provides additional assurances for the Town engineer.



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- (f) **Plat Correction.** Plat Correction is a one (1) phase administrative process and may be used to correct errors on an existing approved subdivision plat.
- (g) **Condominium Conversion or Building Division.** The application submittal requirements for the subdivision of an existing building into separate interests or ownerships are identical to the final subdivision plat submittal requirements for a minor subdivision as specified in the minor subdivision checklist. All building divisions or conversions must comply with the building code as adopted by the Town as well as all other applicable codes and regulations.  
A condominium conversion or building division shall comply with the provisions of the Colorado Common Interest Ownership Act, which is contained in Article 33.3 of Title 38, C.R.S.

**16.20.020. Procedure for submittal of the sketch plan, preliminary plat, final plat, plat amendments, plat corrections and vacation of plats and easements**

- (a) **Submittal items.** All subdivision applications shall contain the information as outlined for each type of land division.
- (b) **Drawing Format and Content.** Unless waived by the Town Administrator or designee, all plans and drawings shall contain the drawing format and content noted for each subdivision application type. The sections on sketch plan, preliminary plat, and final contain more specific information on certain items in this table.

Table 16.1: Drawing Format and Content	Sketch plan	Preliminary plat	Final plat	Vacation plat	Plat amendment	Plat correction
Paper copy of drawing(s)	X	X	X	X	X	X
Digital copy of drawing(s)	X	X	X	X	X	X
24" x 36" sheet size, unless other size is approved or indicated by text	X	X	X	X	X	X
All signatures in black drawing ink			X	X	X	X
Project title	X	X	X	X	X	X
North point, written & graphic scales	X	X	X	X	X	X
Drawing date	X	X	X	X		X
Name, address, phone, and email of:						
Owner(s) of the property	X	X	X	X	X	X
Subdivider/subdivider if not the owner	X	X	X			
Person/firm preparing the drawing(s)	X	X	X	X	X	X



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Table 16.1: Drawing Format and Content	Sketch plan	Preliminary plat	Final plat	Vacation plat	Plat amendme	Plat correction
Designer/planner if different than person/firm preparing the drawing(s)		X				
Engineer		X	X			
Colorado registered surveyor			X	X	X	X
Table of project information	X	X	X		X	X
Total acreage	X	X	X			
Acreage by the different land uses	X	X				
Total number of lots		X	X			
Number of each type of dwelling proposed		X				
Parking – required, provided, ratio		X				
Building height, floor area, setbacks		X				
Vicinity map	X	X	X	X	X	X
Map key if entire property is not on one sheet	X	X	X	X	X	X
Legend of symbols used	X	X	X	X	X	X
Legal description		X	X	X	X	X
Basis for establishing bearings			X	X	X	X
Certifications:						
Dedication of ROW, easements, and public sites			X			
Owner(s)			X	X	X	X
Mortgagee(s) if any			X	X	X	X
Surveyor(s), including signed seal			X	X	X	X
Planning Commission		X	X	X	X	X
Mayor, with attest by Town Clerk		X	X	X	X	X
County Clerk and Recorder			X	X	X	X
Notes	X	X	X	X	X	X
Monuments – location and description			X	X	X	X
Locate, show and label:						
Adjoining subdivisions or owners		X	X	X	X	X
Proposed land uses	X	X				
Areas to remain open, natural, or to be public land dedication	X	X	X	X	X	
Lots and blocks			X	X	X	X
Approximate dimensions & areas		X				
Proposed roadways	X	X				
Right-of-way, existing and proposed, on and adjacent to the property		X	X	X	X	X
Bearings, distances, curve data for lots, blocks, ROW, and easements		X	X	X	X	X
Excepted parcels noted as not included			X	X	X	X



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Table 16.1: Drawing Format and Content	Sketch plan	Preliminary plat	Final plat	Vacation plat	Plat amendment	Plat correction
Aerial photograph of site and photos of all uses on adjoining lots from street view	X	X	X	X	X	X
Street names, on & adjacent to property		X	X	X	X	X
Curb cuts – existing and proposed, on or adjacent to property		X		X		
Easements, existing and proposed, on & adjacent to property		X	X	X	X	X
Zoning, on & adjacent to property	X	X		X	X	
Phasing of project, if applicable	X	X	X			
Water features, bodies, and courses	X	X				
Existing trees & geologic features	X	X				
Topography	X					
Contours – existing and proposed at 2-foot intervals		X				
Extend sufficient distance onto adjacent property to establish relationships		X				
Areas of 20% slope or steeper	X	X				
Floodplain area and boundary	X	X				
Source of information		X				
Location of existing buildings, structures, and improvements	X	X				
Location of proposed buildings, structures, and improvements	X	X				
Structures & improvements to remain	X	X				
Drainage – conceptual plan	X					
Bridges, culverts, drainage facilities		X				
Water – statement of sufficient supply	X					
Utility lines, equipment & facilities	X					
Water & sewer lines, hydrants		X				
Location and acreage of parks, playgrounds, trails, schools, common areas, or other public uses		X				
Written acknowledgement from School District that the subdivider has furnished to it a copy of the proposed plat and has notified the school district of his or her intent to file a subdivision application for the same with the Town		X	X			



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(d) Procedure.

Table 16.2 Approval Requested	Staff	Sketch	Preliminary		Final	
		PC	PC	BOT	PC	BOT
Major Subdivision	A	H	H	H	H	H
Minor Subdivision	A		N/A	N/A	H	H
Vacation Plat	A					H
Resubdivision (Replat) 4 lots or less do not require a preliminary plat hearing if the previously approved subdivision met required engineering and dedication requirements	A		H	H	H	H
Plat Amendment	A				H	N/A
Plat Correction	A					
<b>A= Administrative M= Public Meeting H= Public Hearing</b>						

(e) Optional Community or Neighborhood Meeting. Applicants may at their own cost hold a properly noticed community meeting to obtain preliminary feedback after the pre-application meeting and immediately prior to formal and complete submittal of any initial land use application. The purpose of the community meeting is to inform the public of a possible land use change. The community meeting will provide the applicant the opportunity to answer any community concerns and solicit input about the proposal to achieve the best possible application. Notice of the community or neighborhood meeting shall be prepared by the applicant. Notification of the meeting shall be sent by mail and electronically to all properties within one-half mile of the project site at least 15 calendar days prior to the meeting date. The applicant shall present their request to the attendees at the community meeting, and the applicant shall facilitate the meeting. Town staff, Planning Commission members and the Board of Trustees may attend the meeting.



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- (f) Planning Commission Hearing. For the sketch plan, the Planning Commission shall hold a properly noticed public hearing on the application, and following such hearing, make a decision to approve, approve with conditions, or deny the application. For the preliminary plat and final plat, the Planning Commission shall hold a properly noticed public hearing on the application and recommend to the Board of Trustees the approval, approval with conditions, or deny the application.
- (g) Board of Trustees. For the preliminary plat and final plat, the Board of Trustees shall hold a properly noticed public hearing on the application and shall approve, approve with conditions, or deny the application. The Board of Trustees' decision shall be final, subject only to judicial review pursuant to C.R.C.P. 106(a)(4).
- (h) Public notice requirements. For any public hearing, the following types of public notice must be provided, as indicated in Table 16.3 Public Notice.
- (1) Types of Notice.
- a. The Town shall publish a notice in a newspaper of general circulation in the community.
  - b. The subdivider shall send by certified mail, return receipt, notice to neighboring property owners within three hundred (300) feet. A copy of the certified mail receipts shall be provided to the Town Clerk.
  - c. The Town shall prepare a sign for the property and the Town shall post said sign as required by State Statute.
- (2) Content of Notice. The notice shall include the hearing location, hearing date(s), the board(s) conducting the hearing, the location of the proposed subdivision or platting, the type of application(s), a brief statement of the proposal, and the name of the subdivider.
- (3) Notice deadline. Notices shall be published (the date the notice appears), mailed, and posted at least 15 days prior to the Planning Commission or Board of Trustees, whichever comes first.
- (4) Combined notice. When a hearing is required by both the Planning Commission and the Board of Trustees, the notice may include the date of both hearings.



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Table 16.3 Public Notice	Staff	Sketch	Preliminary		Final	
		PC	PC	BOT	PC	BOT
Major Subdivision	--	M, P, S	M, P, S	M, P, S	M, P, S	M, P, S
Minor Subdivision	--	--	--	--	M, P, S	M, P, S
Vacation Plat	--	--	--	--	--	M, P, S
Resubdivision (Replat)	--	--	(M, P, S)	(M, P, S)	M, P, S	M, P, S
Plat Amendment	--	--	--	--	--	M, P, S
Plat Correction	--	--	--	--	--	--
<b>KEY:</b> -- = Notice not required (M,P,S)= Notice is required at the preliminary stage if the proposed resubdivision or replat meets the definition of a major subdivision M=Certified Mailed Notice P= Newspaper Notice S= Sign Posted Notice						

**16.20.030. Major Subdivision.**

- a) Major subdivisions. A new subdivision shall be classified as a major subdivision when it would create five (5) or more new lots, parcels, tracts, outlots, parcels of interests or when public infrastructure is proposed or required by this Title to be constructed in association with the subdivision.
- b) The major subdivision process consists of three separate phases: sketch plan, preliminary plat, and final plat. The sketch plan phase may be waived by the Town Administrator or designee. Major subdivisions require public infrastructure. For purposes of this subsection, "public infrastructure" includes above or below ground facilities and lines for water, sewer, drainage, natural gas, electrical, telephone, television, internet, or any other type or form of communication or data transfer, curb and gutter, sidewalks, common access areas, required land dedication, and any other type of improvement deemed by the staff to be reasonably necessary to support the residents, users or owners of the subject lot(s).



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- c) All major subdivisions shall include protective covenants if applicable including documents related to C.R.S. § 38-33-101 et seq., Colorado's Common Interest Ownership Act, if any, in a form for recording.

**16.20.040. Minor Subdivision.**

- (a) A minor subdivision is permitted when all of the following criteria are satisfied.
- (1) The property was previously platted within the Town.
  - (2) There is no public right-of-way dedication needed for the proposed minor subdivision.
  - (3) The resulting subdivision will produce four or fewer lots, all with direct access to an existing public street.
  - (4) The subdivision does not land-lock or prevent development of the remainder of the parcel or abutting property.
  - (5) The subdivision does not create any new or residual parcels that do not comply with the requirements of this title, zone district regulations, or other applicable State or local regulations.
  - (6) The subdivision does not require public infrastructure to be constructed in association with the subdivision.
  - (7) The subdivision does not require an exception or variance from any requirement of this title nor exceptions to the El Paso County Engineering Criteria Manual.
  - (8) The subdivision is not located, wholly or substantially, in a flood hazard area; and
  - (9) The parcel was lawfully created at the time the existing property description was recorded.
  - (10) If the minor subdivision is a replat of a previously approved subdivision, the document shall be named with the same name as that of the original subdivision and shall indicate thereon that it is a replat of the original subdivision. Newly adjusted or created lots shall be designated to adequately indicate that original lot lines have been adjusted with a similar lot name.
- (b) Any subdivision not qualifying as a minor subdivision is a major subdivision. For the purpose of interpreting the requirements of these regulations, any proposed minor subdivision that is clearly intended to evade or would have the effect of evading the major subdivision regulations or would result in a de facto major subdivision



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through the combination of previous contiguous and/or consecutive minor subdivisions is not eligible for minor subdivision.

**16.20.050. Resubdivision.**

- (a) The resubdivision of any lots, tracts, or parcels, or the relocation or addition of streets which is considered a public improvement within a subdivision, shall be considered a resubdivision (also known as a "replat") and shall be prepared and submitted in compliance with the requirements for a minor subdivision if it involves 4 lots or less and meets all engineering and dedication standards or as a major subdivision for 5 or more lots as set forth in this Title. If any dedicated streets, alleys, rights-of-way, or public easements are relocated as a result of a resubdivision, it is necessary for the Town to first vacate those existing streets, with said vacation to be effective before the approval of the final plat.
- (b) Resubdivision of a previously approved minor subdivision or major subdivision is reviewed in the same manner as the initial subdivision with the same purposes. To the extent that submittal information, otherwise required in the subdivision checklist, was submitted as part of the original subdivision proposal, and currently meets adopted standards, the subdivider for approval of a resubdivision does not need to submit the information again and may reference such submittal information in the resubdivision application. The Town Administrator or designee shall determine the technical adequacy of previously submitted information.

**16.20.060. Plat Amendment.**

- (a) Plat amendments require review by the Town staff and the Planning Commission.
- (b) Plat amendments are intended to provide a prompt, efficient process to approve minor lot line adjustments in cases meeting the requirements of Subsection (c) below.
- (c) For the purposes of this Section, plat amendment means a subdivision of lands already in an approved plat that meets all of the following criteria:
  - (1) The amendment involves minor lot line adjustments which do not increase the number of lots previously included within the area involved in the amendment, and which meet the requirements of the zoning district in which the lots are located.
  - (2) The lots must be under the same ownership and shall not be separated by non-owned lots.
  - (3) No public improvements are required.
  - (4) The plat amendment meets the requirements of the MS-4 permitting process.



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- (5) The plat amendment meets the development standards and lot coverage standards of the Stormwater Quality Control Ordinance.
- (6) The amendment affects minor adjustments in the boundaries of street right-of-way or utility easements.
- (7) The plat amendment does not result in any lot or lots that cannot be built upon in accordance with the requirements of this Code.
- (8) The requirements of any utility companies serving the property have or will be satisfied, and any required utility easements are properly maintained or granted in the deed(s) effecting the plat amendment); and
- (9) The plat amendment will not change the overall perimeter boundary of the lots.

**16.20.070. Plat Correction.**

Plat corrections use an administrative process. The purpose of the plat correction is to amend minor errors on a plat including, but not limited to:

- (a) typographical and spelling errors or transpositions,
- (b) incorrect seal,
- (c) incorrect dates,
- (d) monumentation incorrectly noted or drawn,
- (e) missing or incorrectly displayed arrows or symbols.

**16.20.080. Sketch Plan Application Process.**

- (a) **Purpose.** The purpose of the sketch plan review is to evaluate whether a proposed subdivision conforms to the Town of Palmer Lake Community Master Plan, if it will be compatible with the surrounding neighborhood, and if the development can be adequately served with necessary infrastructure. Sketch plan review also provides an opportunity to determine whether a subdivision will comply with the Town's review and approval criteria, and to address any issues or concerns early in the review process. The sketch plan is a conceptual version of the preliminary plat showing the general subdivision layout, access, street, lot pattern, location of parks, open space tracts, trail corridors, and other tracts for utilities or services.
- (b) **Applicability.** Sketch plan review shall be required for all major subdivisions, or when a sketch PUD plan is required, when multiple land uses (more than one) are proposed for an area by the subdivider, when the subdivider does not intend to subdivide all of the subdivider's contiguous holdings at the same time, if a development is to be phased, and/or the Town Administrator or designee has



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preliminarily identified significant issues at the pre-application meeting that need to be evaluated.

(d) **Review process.**

(1) Step 1: If sketch plan review is required, the subdivider shall file a sketch plan application along with the required fee and the signed cost reimbursement agreement. The subdivider may request a pre-application conference with the Town Administrator. The subdivider shall submit all required materials and the number of copies as specified in the sketch plan checklist. The sketch plan shall include the following:

- a. A specific legal description.
- b. Name and address of owner or agent and of person preparing the plan.
- c. A vicinity location map, **aerial photo(s) of the larger area, and street photos of land uses of all adjoining properties.**
- d. The existing topographic character of the site, including water features and watercourses, 100-year floodplain boundaries, general tree and vegetation cover, geologic formations, surface contours of appropriate granularity and delineated areas of extreme slope of 20% or more.
- e. Proposed land use or uses, together with densities, differentiating areas to be developed from areas to remain natural or open, including land for required dedication.
- f. The location of all existing buildings, structures, and improvements.
- g. The location of all proposed buildings, structures, and improvements.
- h. Proposed roadway improvements to address traffic and access aspects of the subdivision including the internal traffic and circulation system and points of access to public rights-of-way.
- i. A conceptual drainage plan.
- j. The location of existing water, sewer, electric, gas, communications, and other utilities and infrastructure, or the location of the nearest point of said facilities if they do not exist on the site.
- k. Proposed water supply system with adequate evidence that sufficient water exists to supply the proposed development. Evidence shall include material on quality, quantity, and the reliability of supply; ownership of water rights; amenability of the supply to changes in land use; and



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certification that public or private water owners can and will supply adequate water to the proposed development, where applicable.

- l. Proposed sewage treatment system.
  - m. Proposed location of required land dedications.
  - n. Proposed location and type of permanent stormwater quality control facilities.
  - o. Proposed phasing of development, if any.
  - p. Summary statement of the characteristics of the subdivision area that are identified in the Community Master Plan, and proposed resolutions to any adverse conditions noted by the Community Master Plan or the subdivider's investigations.
  - q. The submittal shall conform to Drawing Format and General Information and Drawing Content found on the adopted application checklists.
- (2) Step 2: The sketch plan application shall be reviewed by the Town in accordance with the Review Procedures Chart set forth in Section 16.20.020.
- (3) Step 3: Once deemed complete by the Town Administrator or designee, the application shall be sent out for review and comment by all applicable referral agencies and for review by the Town staff.
- (4) Step 4 Once referral comments are received and upon receipt of any additional submittal requirements requested by referral agencies and Town review is completed, the application shall be scheduled for review by the Planning Commission at a public hearing.
- (5) Step 5: Criteria. The Planning Commission shall review the sketch plan submittal to determine if it is consistent with the review and approval criteria and standards and will approve the sketch plan, approve it with conditions, or deny approval of the sketch plan depending on whether it meets the following applicable standards.
- a. The sketch plan conforms to the Town's Community Master Plan.
  - b. The sketch plan proposes a harmonious development and lot pattern that is compatible with the neighborhood and community.
  - c. The lot and development pattern ensures there will be adequate light and air.
  - d. There will be adequate parks, open space, and other spaces for public use for each phase of development.



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- e. The sketch plan design provides for adequate access to all lots and tracts proposed in the subdivision.
  - f. Adequate, safe, and efficient public improvements, utilities, community facilities, and public places are available or will be provided with sufficient capacity to serve the subdivision.
- (6) Step 6: Approval Period. The sketch plan approval is valid for two (2) years from the date of approval by the Planning Commission. The sketch plan is not recorded. The date of approval shall be noted on the sketch plan.
- (7) Step 7: Extension. The subdivider may make a request to the Planning Commission for an extension of the sketch plan approval before the end of the initial two years period. It shall be the subdivider's responsibility to ensure the request is made before the expiration of the approval period. The Planning Commission may grant one extension if the sketch plan conforms to the current Town codes and there is justification for the extension.

**16.20.090. Preliminary Plat Application Process.**

(a) Preliminary Plat Application Process.

- (1) Step 1: Preapplication Conference. The subdivider shall request a preapplication conference with the Town Administrator or designee **or a one hour meeting with the Development Review Team** prior to submitting a preliminary plat application. Topics to be discussed will include:
- a. Town regulations and standards.
  - b. The application and review process.
  - c. Submittal requirements.
  - d. Schedule.

**Commented [BC5]:** Pre-application meetings are at no cost to the applicant. If the applicant wants more than an hour of time from contract staff, they can then sign a cost reimbursement agreement. Basic submittal questions are addressed by Staff- primarily Dawn.

- (2) Step 2: Preliminary Plat Application Submittal. The subdivider shall submit the required number of the complete preliminary plat application to the Town. The application must be submitted a minimum of thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed. The preliminary plat application package shall include the following items:
- a. Land Use Application Form.
  - b. A signed waiver stating that the 30-day requirement pursuant to C.R.S. 31-23-215 as amended, shall not apply.
  - c. Application Fee and Cost Reimbursement Agreement. A non-refundable fee as outlined in the Master Fee Schedule is collected to cover the cost of review and notice and publication expenses. The cost reimbursement



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agreement covers the actual costs of the Town Development Review staff and any other professionals needed to review the development.

- d. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of preliminary plat application submittal. Where an older title commitment exists, the older title commitment with an update letter no more than 30 days old may be submitted instead.
- e. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before application submittal.
- f. Preliminary Plat. Unless another size is approved by the Town Administrator or designee, the preliminary plat shall be twenty-four (24) inches high by thirty-six (36) inches wide. The preliminary plat shall provide the following information:
  1. Title of project.
  2. North arrow, written and graphic scale (not greater than 1" = 100') and date of preparation.
  3. Vicinity map.
  4. Names and addresses of owners, subdivider (if not the owner), designers, engineers, and surveyors.
  5. Legal description.
  6. Total acreage of property.
  7. All watercourses, such as rivers, streams, and creeks, along with all associated 100-year floodplain boundaries shall be clearly indicated.
  8. Name and location of abutting subdivisions or owners of abutting property (if land is not platted).
  9. Lots, blocks, and street layout with approximate dimensions and square footage for each lot.
  10. Existing and proposed rights-of-way and easements on and adjacent to the property.
  11. Existing and proposed street names for all streets on and adjacent to the property.



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12. Existing and proposed zoning on and adjacent to property.
13. Accurate and legible existing and proposed contours shall be shown at maximum intervals of two feet. Said contours shall be extended onto adjacent property a sufficient distance to establish proper topographical relationships. All areas of vegetation that are significant in size or density shall be clearly indicated. All areas with slopes 16 percent or greater shall be shaded or otherwise clearly indicated.
14. Location and size of existing and proposed sewer lines, water lines, and fire hydrants. The subdivider must consult with the appropriate utility service providers regarding the design of all utilities within and through the subdivision.
15. Location of bridges, culverts, and other provisions for collection and discharging surface drainage, as well as location and type of permanent stormwater quality control facilities.
16. Location by field survey or aerial photography of existing and proposed water courses and bodies of water. Watercourses shall include direction of flow.
17. Evidence to establish that, if a public sewage disposal system is proposed, provision has been made for such system, and if other method or methods of sewage disposal are proposed, evidence that such systems will comply with state and local laws and regulations that are in effect at the time of submission of the preliminary plat or final plat. Where onsite wastewater treatment systems (OWTS) are proposed, test pits shall be dug and the appropriate percolation and soils analyses shall be performed to determine preliminary system design and sizing; preliminary system design and sizing shall be submitted with the preliminary plat document. OWTS shall only be permitted upon compliance with the Public Improvements section of this Title.
18. Existing and proposed curb cuts, sidewalks, and trails on and adjacent to the subject property.
19. Delineation of the area subject to inundation and extent of the 100-year floodplain boundaries within the subdivision. Floodplain boundary shall include a note for the source of information.
20. General location of existing surface improvements such as buildings, fences, walls or other structures, and which portions of those items will remain on the property as part of the subdivision.



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21. Location and acreage of sites, if any, to be dedicated for parks, playgrounds, trails, schools, common areas, or other public uses.
22. Location, function, ownership, and manner of maintenance of any parks, trails, open space, and common areas, and any land dedications.
23. Land use table. The table shall include land uses, the approximate acreage of each land use and the percentage of each land use, and how the land dedication requirement will be met.
24. Total number of lots.
25. Number of each type of dwelling unit proposed.
26. Project Narrative. Provide a written description of the existing conditions on the site, description of the proposed development, and explain how the proposed plat is consistent with the Land Use regulations and adopted Community Master Plan.
27. Soils Report and Map. A copy of the soils report and map provided at the time of the sketch plan must be provided. In addition, include a summary of vegetation, soil types (including percolation rates), pertinent data regarding geology and any additional geological investigations recommended by the Soils Report.
28. Preliminary Grading, Erosion Control, and Drainage Plan and Report. This plan and report must be certified by a Colorado registered professional engineer, including storm drainage concepts such as locations for on-site detention or downstream structural improvements and soil erosion and sedimentation control plans and specifications. It must also discuss the impacts on and to any existing floodways and/or floodplains on and adjacent to the site as well as any FEMA applications required.
29. All proposed road grades will be numerically indicated, along with the names of streets or other public ways. Existing and proposed easements, railroad and utility rights-of-way, section and incorporation lines within the tract shall be clearly indicated.
30. Master Utility Plan. This plan shall be prepared by a Colorado registered professional engineer. The engineer must consult with the appropriate utility service providers regarding the design of all utilities through and within the subdivision.



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31. A water resources report, which shall include adequate evidence that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision proposed. Such evidence may include, but shall not be limited to:
- a. Evidence of ownership or right of acquisition of or use of existing and proposed water rights.
  - b. Historic use and estimated yield of claimed water rights.
  - c. Amenability of existing rights to a change in use.
  - d. Evidence that public or private water owners can and will supply water to the proposed subdivision stating the amount of water available for use within the subdivision and the feasibility of extending service to that area.
  - e. Evidence concerning the potability of the proposed water supply for the subdivision.
32. Long term operation, maintenance and access agreement is required for all permanent stormwater quality control measures and facilities. An applicable development site with multiple permanent control measures may have one or more maintenance and access agreements depending upon ownership and maintenance responsibility. The maintenance agreements shall cover all permanent stormwater quality control measures that are included in a submitted site plan, site development plan, final plat, or drainage plan. All structures such as extended detention basins and porous landscape detention, plus any additional permanent nonstructural control measures such as grass swales and buffers that are used as part of "Minimizing Directly Connected Impervious Areas" (MDCIA), shall be included in the maintenance agreement.
- a. When submitting a permanent stormwater control measure maintenance agreement for review and recordation by the town, the agreement shall include an operation and maintenance (O&M) manual developed by the engineer of record for each structure type included in a maintenance agreement. Multiple structure types may be included in one maintenance agreement and O&M manual. The responsible entity shall routinely inspect and provide appropriate long-term maintenance for all structures associated with the permanent stormwater quality control measures as described in the O&M manual.



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- b. Permanent stormwater quality control measure maintenance and access agreement templates are provided in the El Paso County Engineering Criteria Manual (ECM) as may be amended from time to time.
  - 33. Preliminary Landscape Plan. Refer to Title 17 Zoning for Landscaping, Buffering, Fence, and Wall Standards for the preliminary landscape plan requirements.
  - 34. Preliminary Park or Open Space land dedication.
  - 35. Traffic Impact Analysis (TIA). This study must be prepared by a professional traffic engineer.
  - 36. Draft of Proposed Covenants and Design Guidelines if applicable.
  - 37. Draft Subdivision Improvements Agreement (SIA).
  - 38. Digital copy of all submittal documents, submitted as a PDF or other commonly readable format.
- (3) Step 3: Application Certification of Completion. The Town Administrator or designee shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the subdivider of any deficiencies. If incomplete, the subdivider shall then correct any deficiencies in the application and submit the required number of copies of the application to the Town.
- (4) Step 4: Refer the Application to Parties of Interest. Staff shall send information about the application by regular mail or electronic e-mail to adjacent municipalities, El Paso County, appropriate referral agencies, and other parties of interest. A list of all appropriate referral agencies shall be maintained by the Town Clerk. Parties of Interest receiving a copy of the application and accompanying materials may, within thirty (30) days after receipt, forward written reports of its findings and recommendations to the Town. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the Town shall not be deemed as approval or acceptance of the proposed preliminary plat by such agency. Reports received by the Town after the allotted referral time may, but need not be, accepted by the Planning Commission or the Board of Trustees at any time prior to the Planning Commission's or the Board of Trustees action on the preliminary plat.
- (5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the preliminary plat submittal based on the preliminary plat review



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criteria and referral comments received. Staff will then prepare a report identifying issues of concern for the subdivider to address and forward this report to the subdivider.

- (6) Step 6: Subdivider Addresses Staff Comments. The subdivider shall submit the following to the Town:
- a. Letter explaining how all the comments have been addressed.
  - b. Revised maps and other documents, including a digital copy of all resubmitted maps and documents as a PDF or other readable format.
- (7) Step 7: Staff Review. Staff will complete a review of all resubmitted materials and prepare a report to the Planning Commission explaining how the application is or is not consistent with the preliminary plat review criteria.
- (8) Step 8: Schedule Preliminary Plat Public Hearing and Complete Public Notification Process. The Town Administrator or designee shall schedule a public hearing before the Planning Commission for the purpose of providing a recommended action to the Board of Trustees on the preliminary plat. The Town shall publish a notice in a newspaper of general circulation in the community and the subdivider send notice by certified mail, return receipt to neighboring property owners within three hundred (300) feet. The subdivider shall provide return receipts to the Town Clerk. The hearing must be held no less than fifteen (15) days from the date of notification.
- (9) Step 9: Planning Commission Public Hearing and Recommendation. The Planning Commission shall hold a public hearing to review the application based on the preliminary plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve or deny the application.
- (10) Step 10: Subdivider Addresses Planning Commission Conditions. The subdivider shall revise the preliminary plat submittal based on the Planning Commission's conditions of approval and submit it to the Town.
- (11) Step 11: Final Staff Review. Staff will complete a final review of the resubmitted materials and then prepare a report for the Board of Trustees explaining how the application is or is not consistent with the preliminary plat review criteria.
- (12) Step 12: Board of Trustees Public Hearing. The preliminary plat shall be presented to the Board of Trustees for its review and action. The Board of Trustees may approve, conditionally approve, or deny the preliminary plat based on the preliminary plat review criteria. Approval and conditional



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approval of a preliminary plat shall be effective for one (1) year unless otherwise approved by the Board of Trustees. If the plat is denied, the request or one that is substantially similar may not be heard by the Planning Commission for a period of one (1) year from the date of denial unless otherwise approved by the Planning Commission. If a final plat is not submitted within said time limit, a preliminary plat application must again be submitted and approved before a final plat application will be accepted.

- (b) Preliminary Plat Review Criteria. The Town shall use the following criteria to evaluate the subdivider's request:
- (1) The preliminary plat represents a functional system of land uses, street connectivity, and is consistent with the rationale and criteria set forth in this Code, all applicable land use regulations and the Community Master Plan.
  - (2) The land use mix within the project conforms to the zoning district map and furthers the goals and policies of all adopted plans, including:
    - a. The proposed development promotes the Town's small-town look and feel and respects the natural environment.
    - b. Proposed residential development should avoid tract housing type development and respect the historic lot sizes currently found in town.
    - c. Proposed commercial development will benefit the Town's economic base.
    - d. Functional parks, trails, and open space are incorporated into the site design.
    - e. The proposed project protects and preserves the Town's environmental quality and natural environment.
    - f. The development enhances cultural, historical, and/or educational opportunities.
    - g. The utility and transportation designs are adequate, given the existing and planned capacities of those systems.
    - h. Negative impacts on adjacent land uses have been identified and satisfactorily mitigated; and
    - i. The development will help achieve a balance of land use and/or housing types within the Town.
- (c) Finality. Denial of a preliminary plat by the Board of Trustees shall be deemed a final action by the Town, subject to judicial review pursuant to C.R.C.P. 106(a).



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**16.20.100. Final Plat Application Process.**

- (a) A final plat shall be required for all types of subdivisions.
- (b) Final plat application process. For a major subdivision, a final plat shall be submitted to the Planning Commission within 12 months after approval of the preliminary plat.
- (1) Step 1: Preapplication Conference. The subdivider may request a preapplication conference with the Town Administrator or **designee or a one hour meeting with the Development Review Team** prior to submitting a minor subdivision plat application. Topics to be discussed will include:
- a. Town regulations and standards.
  - b. The application and review process.
  - c. Submittal requirements.
  - d. Schedule.
- (2) Step 2: The final plat application shall conform to the preliminary plat as approved at the public hearing and shall address all conditions of approval required by the Board of Trustees. The application must be submitted a minimum of thirty (30) days prior to the Planning Commission meeting at which the application will be reviewed. The subdivider shall submit one (1) paper copy of the complete final plat application package and one digital copy to the town. The final plat application shall include:
- a. Land Use Application Form completed and signed.
  - b. A signed waiver stating that the 30-day requirement pursuant to C.R.S. 31-23-215 as amended, shall not apply.
  - c. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of final plat application submittal. When a title commitment is more than 30 days old at the time of application, an update letter from the title company along with the title commitment may be submitted.
  - d. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days before the date of the final plat application submittal.
  - e. Final Plat. The final plat drawing shall comply with the following standards:



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1. The plat shall be prepared, signed, and sealed by a Colorado registered land surveyor and meet applicable State requirements.
  2. Non-contiguous parcels shall not be included in one (1) plat, nor shall more than one (1) plat be made on the same sheet. Contiguous parcels owned by different parties may be included on one (1) plat, provided that all owners join in the dedication and acknowledgment.
  3. Lengths shall be shown to the nearest hundredth of a foot and bearings shall be shown in degrees, minutes, and seconds.
  4. The perimeter survey description of the proposed subdivision shall include at least one (1) tie to an existing section monument of record and a description of monuments. The survey shown shall not have an error greater than one (1) part in ten thousand (10,000).
  5. Bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions. This information may also be compiled in table format.
  6. All signatures shall be made in ink.
- f. The final plat shall adhere to the following drawing content and general information.
1. Title of project.
  2. North arrow, graphic and written scales (not greater than 1" = 100'), and date of preparation. The Town Administrator may approve a different scale when necessary for larger subdivisions.
  3. Vicinity map.
  4. Legal description.
  5. Basis for establishing bearing.
  6. Names and addresses of owners, subdivider (if not the owner), designers, engineers, and surveyors.
  7. Total acreage of subdivision.



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8. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way, and easements.
9. Legal description of the boundary of the entire subdivision, and a legal description for any tract to be dedicated to the public.
10. Closure calculation of the boundary of the entire subdivision, and a closure calculation for any tract to be dedicated to the public.
11. Lot and block numbers, numbered in consecutive order, and square footage of each lot or tract.
12. Excepted parcels from inclusion noted as "not included in this subdivision" and the boundary lines indicated by bearings and distances.
13. Existing and proposed rights-of-way in and adjacent to the subject property (labeled and dimensioned).
14. Existing and proposed street names for all streets on and adjacent to the property.
15. Existing and proposed easements and their type, both in and adjacent to the subject property (labeled and dimensioned).
16. Location and description of monuments.
17. Delineation of the area subject to inundation and extent of the 100-year floodplain boundaries within the subdivision. Source of floodplain boundary information shall be noted.
18. Signature block for the registered land surveyor certifying accuracy of boundary survey and plat. Town will provide format.
19. Signature block for all owners and mortgagees of the property being platted.
20. Signature blocks for certification of approval by the Chairperson of the Planning Commission and the Board of Trustees with a signature for the Mayor and Town Clerk. Town will provide format.
21. Signature blocks Signature blocks for all utility providers unless otherwise provided in agreement form.



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22. Certification of ownership and dedication of streets, rights-of-way, easements, and public sites. Town will provide format.
23. Signature block for the County Clerk and Recorder. Town will provide format.
- g. Project narrative. Provide a written description of the proposed plat and confirm that the final plat conforms with the preliminary plat.
- h. Complete Engineering Plans and Specifications.
1. Construction Plans and Profiles. The plans and profiles shall be prepared by a registered professional engineer licensed in the State, shall be twenty-four (24) inches high by thirty-six (36) inches wide and provide the following information:
- a. The horizontal to vertical scales shall be chosen to best depict the aspects of the design.
  - b. Maximum horizontal scale: 1" = 100'.
  - c. Maximum vertical scale: 1" = 10'.
  - d. The typical road geometric and structural cross-section is to be shown on each plan sheet.
  - e. The plan must show right-of-way lines and widths, road names, lot lines, tangent lengths and bearings, curve radii, delta angles, curve lengths, chord lengths and bearings, stationing at all beginnings of curves and ends of curves, intersections, structures, angles, curb lines, cross pans, traffic control devices (islands, striping, signs, etc.), drive cuts, curb returns and radii and all other features to enable construction in accordance with approved standards and standard engineering practice. Construction plans shall also include water, storm sewer, sanitary sewer, and any other utilities such as irrigation ditches. (Note: The subdivider/owner is responsible for coordinating with the appropriate dry utility companies [i.e., gas, electric, telephone, cable]).
  - f. The profiles shall include ground lines, grade lines of curb and gutter and centerline of street elevation at point of intersection of vertical curves, intersections and other critical points, structures and all other features required to enable construction in accordance with approved standards.



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- g. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges, culverts, gutters, drives, walks, cross pans, etc.; detail shall include orientation line and grade, cross-sections, dimensions, reinforcement schedules, materials, quality specification, etc.
- h. Sewage Collection and Water Supply Distribution Plans, Profiles and Specifications. The plans, profiles and specifications shall be prepared by a registered professional engineer and shall be accompanied by written approvals from the Town and applicable sanitation district.
- i. Final Drainage Plans and Reports. Based upon the approved preliminary drainage plan, a final report is to be submitted in accordance with applicable storm drainage design criteria as determined at the initial preapplication conference. The plan and report must provide:
  - a. Cross-sections of each water carrier showing high water elevations for one-hundred-year run-off and adjacent features that may be affected thereby.
  - b. Written approvals, as may be required, from other agencies or parties that may be affected by the drainage proposals (i.e., FEMA, El Paso County).
  - c. Supporting calculations for run-offs, times of concentration and flow capacity with all assumptions clearly stated with proper jurisdiction when needed or requested.
  - d. Erosion control plans, when required to be submitted as a result of preliminary plan review.
- j. Final Grading and Erosion Control Plan. The final grading plan shall be twenty-four (24) inches high by thirty-six (36) inches wide and illustrate existing and proposed contours and lot and block grading details.
- k. Soils Reports. The soils reports shall detail special foundation requirements (to be submitted after over lot grading is complete) and pavement design (may be submitted prior to building permit).
- l. Final Street Lighting Plan. A final street lighting plan shall be prepared in conjunction with the electric utility and the Town. The plan must specify the number, kind, and approximate location of streetlights.



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- m. Final Landscape Plan. Refer to Title 17 Zoning for the final landscape plan requirements.
- n. Final Parks, Open Space and Trails Plan. Refer to Title 17 Zoning for Parks, Open Space and Trail Plan requirements.
- o. Special Documents (as needed):
  - 1. Maintenance bonds.
  - 2. Special agreements (as may be required by the Town).
  - 3. Work in right-of-way permit (from Town).
  - 4. Floodplain development permit (from Town).
  - 5. Grading permit (from Town).
  - 6. El Paso County Right-of-Way permit (including required traffic control plans)
  - 7. State Highway utility permit (from Colorado Department of Transportation).
  - 8. State Highway access permit (from Colorado Department of Transportation), where all or a portion of access is to or from a State Highway.
  - 9. Construction dewatering permit (from Colorado Department of Public Health and Environment).
  - 10. Subdivision Improvements Agreement for all required public improvements. This agreement assures construction of the required improvements. This document shall be signed by the subdivider and the Town, the signatures shall be notarized, and the document shall be recorded by subdivider with the El Paso County Clerk and Recorder. The subdivider shall provide copies of all recorded documents to the Town Clerk within fourteen (14) days of recording.
  - 11. General or special warranty deed in a form acceptable to the Town Attorney. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
  - 12. Improvements guarantee. Cash, certified check, or a letter of credit from a bank in Colorado or other collateral acceptable to the Town Attorney in the amount stipulated to in the subdivision agreement or



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other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements and required common area landscaping for either part or all of the plat, as the Board of Trustees shall determine.

13. Approved adjudication of water rights and a plan of augmentation (if applicable).
  14. Protective covenants, homeowner's association (HOA) documents, including articles of incorporation and bylaws, and architectural design guidelines finalized and in a form for recording. If there are open space areas to remain in private ownership within the subdivision, the HOA documents must have in place a mechanism which will assure maintenance will be funded in perpetuity.
  15. FEMA approved applications (i.e., Conditional Letter of Map Revisions [CLOMR] or Letter of Map Revisions [LOMR]) if applicable.)
  16. Documentation showing who will own and maintain all parks, open space, and trails.
  17. Documentation of dedication of public sites for parks, open space, or trails, or other civic purposes.
- p. "Clean" Final Plat for Addressing.
1. Title of project.
  2. North arrow, scale (not greater than 1" = 100') and date of preparation.
  3. Vicinity map.
  4. Lot and block numbers numbered in consecutive order, with no skipped or duplicate numbers.
  5. Rights-of-way and street names.
  6. Property boundary.
- q. Digital copy of all documents as a PDF or other readable format.
- (3) Step 3: Application Certification of Completion. Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the subdivider of any deficiencies. If incomplete, the subdivider shall then correct any deficiencies in the



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application package and submit the required number of copies of the application to the Town. The original application and all documents requiring a signature shall be signed in ink.

- (4) Step 4: Refer Application to Parties of Interest. Staff shall send information about the application by regular mail or e-mail to adjacent municipalities, El Paso County, referral agencies, and other parties of interest.
- (5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a technical review of the final plat submittal based on the Town's final plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the subdivider will need to address and forward this report to the subdivider.
- (6) Step 6: Subdivider Addresses Staff Comments. The subdivider shall address all the Staff comments, then submit the following to the Town:
  - a. Letter explaining how all the comments have been addressed.
  - b. Revised maps and other documents, including a digital copy of all resubmitted maps and documents as a PDF or other readable format.
- (7) Step 7: Staff Review. Staff will complete a review of all resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the final plat review criteria.
- (8) Step 8: Schedule Final Plat Public Hearing and Complete Public Notification Process. The Town Administrator or designee shall schedule a public hearing before the Planning Commission for the purpose of providing a recommended action to the Board of Trustees on the final plat. The Town shall publish notice in a newspaper of general circulation in the community and the subdivider shall send notices by certified mail, return receipt to neighboring property owners within three hundred (300) feet. The subdivider shall provide the Town Clerk with return receipts. The hearing shall be no less than fifteen (15) days from the date of publishing.
- (9) Step 9: Planning Commission Public Hearing and Recommendation. The Planning Commission shall at a public hearing review the Final Plat application based on the final plat review criteria. The Planning Commission shall then make a recommendation to the Board of Trustees to approve, conditionally approve, or deny the application.
- (10) Step 10: Subdivider Addresses Planning Commission Conditions. The subdivider shall revise the final plat submittal based on the Planning Commission's conditions of approval and submit it to the Town Clerk.



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- (11) Step 11: Final Staff Review. Staff will complete a final review of all resubmitted materials and prepare a report for the Board of Trustees explaining how the application is or is not consistent with the final plat review criteria.
- (12) Step 12: Board of Trustees Action. The final plat shall be presented to the Board of Trustees for its review and action at a public hearing. The Board of Trustees may approve, conditionally approve, continue, or deny the final plat based on the final plat review criteria.
- (13) Step 13: Post-Approval Actions. Before recording the final plat, the subdivider shall submit the following documentation to the Town Clerk or designee.
- a. Parks or Open Space Deed Restriction. Areas designated as parks or open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and will remain as parks or open space in perpetuity.
  - b. Other Certificates, Affidavits, Enforcements, Guarantees, or Deductions as required by the Planning Commission or Board of Trustees.
  - c. Evidence that all conditions of approval have been met.
  - d. Two (2) sets of stamped final engineering drawings for the public improvements, 24"x36" and one digital copy.
- (14) Step 14: Record Final Plat. The subdivider shall provide to the Town Clerk the original and one (1) reproducible mylar of the final plat, fully executed by the subdivider and ready for signatures by the appropriate officers of the Town. The subdivider shall execute the plat in a form acceptable to the El Paso County Clerk and Recorder and file it with the Clerk and Recorder. The recording fee shall be paid by the subdivider. The Final Plat shall be recorded at the same time as the approved Subdivision Improvement Agreement (SIA). Copies of the recorded documents shall be submitted to the Town Clerk within fourteen (14) days of recording.
- (c) Final Plat Review Criteria. The Town shall use the following criteria to evaluate the subdivider's request:
- (1) The final plat conforms to the approved preliminary plat if applicable, and incorporates recommended changes, modifications, and conditions attached to the approval of the preliminary plat unless otherwise approved by the Board of Trustees.



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- (2) The development will substantially comply with the development standards as set forth in Title 17, including the requirements for block diversity and avoidance of tract housing type development.
- (3) All applicable technical standards have been met.

**16.20.110. Minor Subdivision Application Process.**

(a) Application Process.

- (1) Step 1: Preapplication Conference. The subdivider **may** request a preapplication conference with the Town Administrator or designee or **a one hour meeting with** the Development Review Team prior to submitting a minor subdivision plat application. Topics to be discussed will include:
  - a. Town regulations and standards.
  - b. The application and review process.
  - c. Submittal requirements.
  - d. Schedule.
  - e. The Town Administrator or designed shall determine whether the application qualifies for processing and summarily deny any application which does not so qualify.
- (2) Step 2: Minor Subdivision Plat Application Submittal. The subdivider shall submit one (1) copy of the complete minor subdivision plat application package and a digital copy as a PDF or other readable format of all documents submitted to the Town Administrator or designee. The minor subdivision plat application shall include:
  - a. Land Use Application Form completed and signed.
  - b. Application Fee and Cost Reimbursement Agreement.
  - c. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of minor subdivision plat application submittal. If the title commitment is more than the 30 days old, the subdivider may submit the title commitment with an update letter from the title company.
  - d. Mineral Rights Affidavit. The mineral rights affidavit must be current and must be dated no more than thirty (30) days prior to application submittal.
  - e. Minor Subdivision Plat. The minor subdivision plat drawing shall comply with the submittal requirements for a Final Plat as provided for in section 16.20.100(f).
  - f. Site development plan, similar to a preliminary plat drawing as required for a major subdivision and any additional materials requested by the Town Engineer.



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- (3) Step 3: Application Certification of Completeness. Town staff shall first determine whether the application qualifies for processing as a minor subdivision and summarily deny any application which does not so qualify. Town staff shall then either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the subdivider of any deficiencies. The subdivider shall then correct any deficiencies in the application package and resubmit to the Town Administrator the required number of copies in paper and digital form of any modified document. The original application and all documents requiring a signature shall be signed in ink.
- (4) Step 4: Refer Application to Parties of Interest. Staff shall send information about the application by regular mail or electronic mail to adjacent municipalities, El Paso County, mineral interest owners of record, ditch companies and other parties of interest. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the subdivider's name. Parties receiving a copy of the application and accompanying materials may, within thirty (30) days of receipt, forward written reports of its findings and recommendations to the Town. Failure of any reviewing agency or department to respond within the allotted time may be deemed as a response that the agency or department has no comment on the application and submission documents. Failure to submit a written report to the Town shall not be deemed as approval or acceptance of the proposed minor subdivision plat by such agency. Reports received by the Town after the allotted referral time may, but need not be, accepted by the Commission or the Board of Trustees at any time prior to the Commission's or the Board of Trustees action on the minor subdivision plat.
- (5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the minor subdivision plat based on the Town's final plat review criteria. Staff will then prepare a report identifying any issues of concern that the subdivider shall address and forward it to the subdivider.
- (6) Step 6: Subdivider Addresses Staff Comments. The subdivider shall address the Staff's comments then submit the following to the Town:
- a. Letter explaining how all the comments have been addressed; and
  - b. Revised maps and other documents.
- (7) Step 7: The staff comments shall be provided in summary form to the Planning Commission after review of the minor subdivision plat by staff. The Planning Commission shall have twenty (20) business days in which to provide their recommendation to the Board of Trustees. The minor subdivision application shall follow the requirements and procedures for a Final Plat, Section 16.20.100(b)(12).



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(8) Step 8: The Board of Trustees shall either approve, approve with conditions, or deny the application.

(9) Step 9: Post Approval Actions.

- a. Prior to recording the plat, the subdivider must demonstrate that all conditions of approval have been met.
- b. The subdivider must also present evidence that all review fees have been paid to the Town in the form of a final invoice that is marked paid in full by the Town.

(10) Minor Subdivision Recording. Upon approval, the Minor Subdivision Plat is recorded. One (1) original drawing per El Paso County standards of the minor subdivision plat shall be recorded by the subdivider in the office of the El Paso County Clerk and Recorder. The recording fee shall be paid by the subdivider. The subdivider shall provide the Town Clerk with a copy of all recorded documents within fourteen (14) days of recording.

(b) Plat Review Criteria. The Town shall use the Final Plat review criteria to evaluate the subdivider's request as outlined in 16.20.100(c).

**16.20.120. Vacation of Rights-of-way, Easements, or Plats.**

(a) Any plat, public right-of-way, or easement, either in its entirety or a portion thereof, may be vacated upon petition by the owner of the property, or adjacent property owner in the case of right-of-way, and approval by the Board of Trustees.

(1) Public right-of-way and easement vacation proceedings shall comply with Sections 43-2-302 and 43-2-303, C.R.S.

(2) A plat vacation may occur at any time before the sale of any lots. Once lots have been sold, all lot owners must consent to the proposed vacation.

(b) The subdivider for a vacation of rights-of-way, easements, or plat shall comply with application process outlined below. Comments from the public and utility companies shall be provided by written response to the public notice.

(c) Vacation of Right-of-Way, Easement or Plat Application Process.

(1) Step 1: Preapplication Conference. A preapplication conference with the Town Administrator or designee is required before the subdivider submits a vacation of right-of-way, easement, or plat application. Topics to be discussed will include:

- a. Town regulations and standards.
- b. The application and review process.



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- c. Submittal requirements.
  - d. Schedule.
- (2) Step 2: Vacation of Right-of-Way, Easement or Plat Application Submittal. The subdivider shall submit one (1) complete copy of the vacation of right-of-way, easement, or plat application package to the Town Administrator or designee and shall request that the application be reviewed and approved by the Board of Trustees by ordinance. The vacation of right-of-way, easement, or plat application shall include:
- a. Land Use Application Form completed and signed.
  - b. Application Fee and Cost Reimbursement Agreement. A nonrefundable fee is collected to cover the cost of review by the Town Attorney, Town Engineer, Town Administrator or designee, Town Planner, and any other expert whom the Town may wish to employ.
  - c. The Town shall provide the subdivider with a copy of the most current fee schedule and cost reimbursement agreement form.
  - d. Petition for Vacation of Right-of-Way, Easement, or Plat. A blank petition for vacation of right-of-way, easement or plat is available from the Town Administrator or designee.
  - e. Title Commitment. The title commitment must be current and dated no more than thirty (30) days from the date of vacation of right-of-way, easement, or plat submittal.
  - f. Vacation of Right-of-Way, Easement, or Plat Map. The vacation of right-of-way, easement or plat map shall be a minimum of eleven (11) inches by seventeen (17) inches and provide the following information:
    - 1. Name of right-of-way, easement, or plat proposed to be vacated.
    - 2. North arrow, written and graphic scale, and date of preparation.
    - 3. Vicinity map.
    - 4. Legal description of right-of-way, easement or plat proposed to be vacated.
    - 5. Recordation information assigned by the county clerk and recorder on the instrument or document that legally established the right-of-way, easement, or plat proposed to be vacated.



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6. Acknowledgment of the vacation of the dedicated lands on the plat before a notary public.
  7. Statement of ownership and acknowledgment of the vacation by all owners of legal and equitable interests in the property, or consent and ratification there of the owners, which may be a separate recorded document, duly acknowledged.
  8. Attorney's title opinion or evidence of satisfactory title insurance showing record ownership.
  9. Graphic representation of property to be vacated.
  10. Acreage of property to be vacated.
  11. Names and boundaries of adjacent subdivisions and streets.
  12. Lot and block numbers of adjacent lots and blocks.
  13. Existing and proposed rights-of-way in and adjacent to the subject property.
  14. Existing and proposed easements in and adjacent to the subject property.
- g. Vacation of Right-of-Way, Easement and Plat Review Criteria Statement. Provide a written description of how the vacation request addresses the four (4) vacation of right-of-way, easement review criteria.
  - h. Digital copy. Provide a digital copy as a PDF or other readable format for all documents that are part of the application.
- (3) Step 3: Certification of Completion. Staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the subdivider of any deficiencies. The subdivider shall then correct any deficiencies in the application package, if necessary, and submit the required number of copies of the application to the Town Administrator or designee. The original application and all documents requiring a signature shall be signed in ink.
  - (4) Step 4: Letters of Support from Utility Providers and Other Affected Agencies. Within thirty (30) days from the date the application is deemed complete, the subdivider shall provide to the Town letters from all utility providers or other agencies affected by the vacation, if any.
  - (5) Step 5: Staff Reviews Application and Prepares Comments. Staff will complete a review of the vacation of right-of-way, easement or plat based on the vacation



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of right-of-way, easement or plat review criteria and referral comments received. Staff will then prepare a report identifying any issues of concern that the subdivider will need to address and forward it to the subdivider.

- (6) Step 6: Subdivider Addresses Staff Comments. The subdivider shall address Town Staff's comments then submit the following to the Town Administrator or designee:
- a. Letter explaining how all the comments have been addressed; and
  - b. Revised maps and other documents.
- (7) Step 7: Final Staff Review and Report to Board of Trustees. Staff shall complete a final review of the resubmitted materials and prepare a report to the Board of Trustees explaining how the application is or is not consistent with review criteria for the vacation of right-of-way, easement, and/or plat.
- (8) Step 8: Board of Trustees Action. Following a public hearing, the Board of Trustees may approve, conditionally approve, or deny an ordinance for the vacation of right-of-way, easement, and/or plat based on the review criteria. All approved ordinances must be recorded with the County Clerk and Recorder. If the ordinance is conditionally approved, all conditions of approval must be satisfied by the subdivider and certified by the Town Administrator or designee within a time specified by the Board of Trustees before the ordinance can be recorded.
- (d) Vacation of Right-of-Way, Easement, and Plat Review Criteria. All of the following criteria must be satisfied.
- (1) The right-of-way, easement, or plat being vacated is not currently being used or needed by the Town or utility providers and it is not anticipated by the Town or utility providers that it will be needed for the foreseeable future.
  - (2) The right-of-way, easement, or plat will be replaced. To replace the right-of-way, easement, or plat, the vacation application shall be accompanied by a development application that proposes a new right-of-way, easement, or plat in accordance with criteria stated herein.
  - (3) The subdivider is relocating all public facilities or utilities within the right-of-way or easement.
  - (4) The public and surrounding properties will not be negatively impacted by the vacation. For any right-of-way being vacated, such vacation will not leave any adjoining land without access to an established public road or to a private access easement connecting with an established public road.



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**16.20.130 Plat Amendment.**

The plat amendment process shall consist of one (1) phase, final plat, and is reviewed and approved by the Planning Commission. Plat amendments shall not create additional lots or interests in property but are subdivision actions allowed when an existing plat meets current code requirements and where no public improvements are required to the extent that lot lines may be relocated as part of a boundary line adjustment; lots may be merged as part of a lot of consolidation.

**16.20.140 Plat Correction.** Plat Correction is an administrative process and may be used to correct errors on an existing approved subdivision plat.

**Chapter 16.30. PUBLIC IMPROVEMENTS**

**16.30.010 Scope.**

Every public improvement required to be dedicated to the Town, whether associated with a subdivision or otherwise, shall be conveyed to and accepted by the Town in accordance with the provisions of this **Chapter**.

**16.30.020 Subdivision Improvements Agreements.**

- (a) A subdivision improvement agreement (SIA) stating the subdivider agrees to construct any required public improvements shown in the final plat documents, together with financial assurances, that are sufficient, in the judgment of the Board of Trustees, to reasonably guarantee the completion of said improvements is required for all final plats. No subdivision plat shall be signed by the Town or recorded at the office of the El Paso County Clerk and Recorder, and no building permit shall be issued for development until a SIA between the Town and the subdivider has been executed. Such agreement shall include a list of all agreed-upon improvements, an estimate of the cost of such improvements, the form of financial assurances for the improvements, and any other provisions or conditions deemed necessary by the Board of Trustees to ensure that all improvements will be completed in a timely, quality, and cost-effective manner. A SIA shall run with and be a burden upon the land described in the agreement.
- (b) Other agreements or contracts setting forth the plan, method, and parties responsible for the construction of any required public improvements shown in the final plat documents may also be required.
- (c) Time for Completion. The required time for the completion of all required improvements shall be two (2) years from the recording date of the final plat unless a different period of time is agreed to in the SIA. The Board of Trustees may extend such time for completion upon request from the subdivider, for good cause shown.



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- (d) The improvements to be constructed as specified in the SIA shall include but are not limited to the following:
- (1) Permanent reference monuments and monument boxes.
  - (2) Road grading and surfacing.
  - (3) Curbs, gutters, sidewalks and trails where required by design or by Town Codes, and where the Planning Commission deems them necessary for the proper drainage of stormwater or for the protection of public safety and welfare.
  - (4) Streetlights as required.
  - (5) Sanitary sewer collection system.
  - (6) Permanent stormwater quality control measures including storm sewers or storm drainage system, as required.
  - (7) Potable water distribution system, including fire hydrants.
  - (8) Utility distribution system for public parks and open space.
  - (9) Standard street name signs at all newly opened intersections and such other traffic control signs within the subdivision determined to be necessary by the Town.
  - (10) Berm or fence along highway, major arterial, and collector streets.
  - (11) Landscaping pursuant to the Landscaping, Buffering, Fence, and Wall Standards of Title 17 Zoning.
  - (12) Other improvements not specifically mentioned herein but found appropriate and necessary due to unusual conditions found on the site shall be constructed at the subdivider's expense within such time and in conformance with such specifications as deemed necessary and appropriate by the Board of Trustees.

#### 16.30.030 Performance Assurances

- a) The Town is authorized to require performance assurances from all subdividers seeking Town approval for the construction of public utility and infrastructure improvements. The subdivider's Engineer of Record shall prepare an Opinion of Probable Cost for the public utility and infrastructure construction costs for review and acceptance by the Town Engineer. Performance assurances provided by the subdivider shall be in the form of an irrevocable Letter of Credit (LOC), check, or other form of performance assurance acceptable to the Town attorney.
- b) The Town requires a performance assurance equal to one hundred twenty-five percent (125%) of the total public utility and infrastructure construction costs indicated in the Opinion of Probable Cost. Should the subdivider and/or his/her agents not complete the construction in its entirety, and to the standards required for each facility or component, the Town may draw funds from the performance assurance to finance the completion of deficient or incomplete construction.

**Commented [MD6]:** Note: My recollection is that it takes at least 30 days prior to expiration to start the process to use the LOC. If so, it might be worthwhile to include some kind of notice or trigger that is noted in the regulations.

**Commented [BC7R6]:** We will have Scott Krob and Mark review this once again before the ordinance goes to the Board of Trustees



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- c) If the project contains less than twenty-five (25) developable lots and any work within a public right-of-way is limited, then the Town Engineer, in their sole discretion, may only require a reduced percentage of the overall estimate for public construction costs to be posted as performance assurance. Any reduced percentage of performance assurance established by the Town Engineer shall only be accepted in the form of a cash, check, or LOC. All warranty items and procedures will follow the requirements described herein for all projects regardless of the size or number of developable lots.
- d) The amounts and duration of performance assurances can change at the sole discretion of the Town Engineer to make reasonable provision for the timely construction of the proposed public utility and infrastructure improvements pursuant to approved plans and specifications and warranties thereon. In the event the subdivider fails to complete the public improvements within the time period allowed or fails to correct any deficiency identified in the inspections carried out by the Town, or other authorities having jurisdiction, within a reasonable period of time as determined by the Town Engineer, the Town may call the performance assurance and use the proceeds to complete the public utility and infrastructure improvements.
- e) If a variance to performance assurances is requested, the subdivider must present such a request to the Town Engineer and Town Attorney prior to the review of any proposed project.

**16.30.040 Substantial Completion of Infrastructure and Project Closeout Requirements**

- a) Upon completion of public utility and infrastructure construction, the subdivider shall request, in writing, construction completion inspections from the Town and other authorities having jurisdiction. Before public utility and infrastructure improvements can be accepted by the Town, all improvements must be field inspected and tested in accordance with the regulations and standards of the Town or other authorities having jurisdiction.
- b) If any defects, deficiencies, or substandard construction are identified during such testing and inspections, the Town Engineer shall provide written notice to the subdivider of such matters and specify the time within which they must be remedied by the subdivider.
- c) If the subdivider fails to remedy the defects within the time specified, then the Town may, but shall not be obligated, to remedy the defects and the Town may use the performance assurances to do so.
- d) As-built construction drawings showing the public utility and infrastructure improvements are required as part of the Town acceptance. As-built documents shall accurately illustrate the location and installation details of the



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improvements as recorded during construction. Two (2) paper copies of drawings with all as-built information and a certification by the party responsible for construction that all data thereon is accurate and represents actual as-built conditions shall be provided to the Town. One (1) set of electronic files of all as-built documents and drawings shall be provide to the Town. All drawings shall be in an AutoCAD® .dwg file format which can be accessed, read, and printed by AutoCAD® alone, without additional specialty software or add-on applications or such other format as may be requested by the Town engineer.

- e) Prior to the Town issuing a Certificate of Substantial Completion, a Bill of Sale and Agreement must be submitted to Town staff for review and approved by the Town Board of Trustees. The Bill of Sale and Agreement shall immediately convey all ownership and interest in the constructed public utility and infrastructure improvements from the subdivider to the Town, free and clear of all liens and encumbrances. The subdivider shall warrant and defend the conveyance of such facility to the Town, its successors and assigns against all and every person whomsoever. A written description of the particular improvements being conveyed to the Town shall be given in the Bill of Sale and Agreement, with Exhibit A to that document being the as-built drawings of the constructed improvements to further specify the improvements being conveyed. Upon approval and execution of the Bill of Sale and Agreement, the Town shall take full control of the improvements and from that point on own, operate and maintain the improvements as part of their public systems. The subdivider, his/her agents, successors, and assigns shall own and remain responsible for all utility service lines and private utility facilities and infrastructure. The subdivider, his/her agents or any other persons may not affect, control, or operate the Town's public systems without express written consent from the Town.
- f) Once all deficits have been addressed by the subdivider to the satisfaction of the Town Engineer; the construction inspections and required testing are complete, indicating the construction is in conformance with the approved plans and design specifications and meet or exceed the standards and regulations of the Town or other authorities having jurisdiction; as-builts have been provided by the subdivider that are satisfactory to the Town Engineer; the Bill of Sale and Agreement conveying the public utility and infrastructure improvements from the subdivider to the Town has been executed; and the subdivider has reimbursed the Town for all costs, fees, and expenses associated with testing and inspecting the public utility and infrastructure improvements, then the Town will issue a Certificate of Substantial Completion for preliminary acceptance of the public utility and infrastructure improvements.

**16.30.050 – Warranty, Maintenance, and Repair**

- (a) All public utility and infrastructure improvements completed, inspected, approved, and conveyed to the Town shall have a warranty by the subdivider for a period of two years, minimum, on all materials and workmanship of the



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project. The warranty period shall begin on the date of the Certificate of Substantial Completion and extend thereafter for two (2) years. During the warranty period, the Town shall operate and maintain the improvements as part of its public systems. Warranty claims by the Town shall be limited to defects or deficiencies in materials and workmanship utilized in the construction. In addition, soil subsidence or erosion which the Town Engineer determines occurred in connection with, or as a result of, construction is considered a warrantable item and shall be repaired by the subdivider and his/her agent upon receipt of such a warranty claim. Normal wear and tear on components are not a warrantable defect.

- (b) The subdivider shall provide the Town a warranty assurance to be used for repair or replacement of the public utility and infrastructure improvements during the warranty period.
- (c) The warranty assurance shall be in the amount of fifteen percent (15%) of the total public utility and infrastructure construction costs indicated in the Opinion of Probable Cost, as it may have been amended prior to the date of the Certificate of Substantial Completion.
- (d) The warranty assurance may be provided by (1) reducing the performance assurance from 125% to 15% of the infrastructure costs or by providing the Town a separate LOC, check, or other form of warranty assurance acceptable to the Town attorney.
- (e) Upon tender and acceptance by the Town of the warranty assurance, the subdivider's performance assurance may be released.
- (f) During the warranty period, the Town may make its own investigations to reasonably determine if any portion of the improvements were not constructed in conformity with the Code, approved plans, construction notes or design specifications, or which the Town determines to be defective or of poor or unworkmanlike quality. For all warranty claims of such items that arise during the warranty period, the Town shall provide written notice to the subdivider or his/her agents describing the warranty claim. The subdivider or his/her agents shall have 30 calendar days from the receipt of the claim to repair, replace or otherwise resolve the warranty claim to the satisfaction of the Town engineer.
- (g) If the subdivider or his/her agents do not resolve the claim within the 30 calendar days allotted, the Town may call the warranty assurance and use the proceeds to complete the work required to resolve the claim. If the warranty assurance does not cover the costs to complete work required to resolve the claim, the Town may bill the subdivider or his/her agents for any and all additional costs associated with resolving the warranty claim.
- (h) If any repairs or replacements are made to the public utility and infrastructure improvements during the warranty period and the Town engineer deems such



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repairs or replacements to be substantial, the warranty period shall be extended as to the repaired or replaced portions of the public utility and infrastructure improvements for such period of time as the Town Engineer deems necessary, up to two years from the date such repairs or replacements were completed.

**16.30.060 – Final Acceptance**

- (a) After the expiration of the warranty period, the subdivider shall request the Town to perform a final inspection and testing to accept the public utility and infrastructure improvements. Once the final inspection, with any related testing, is complete indicating the construction is in conformance with the SIA, approved plans, and design specifications, and meets or exceeds the standards and regulations of the Town, the Town will issue a Certificate of Final Acceptance of the public utility and infrastructure improvements. Subdivider shall pay all costs and fees incurred by the Town in performing tests or inspections in connection with final acceptance. At that point, any remaining performance or warranty assurances held by the Town shall be released to the subdivider.

**CHAPTER 4: SUBDIVISION STANDARDS**

**16.40.010. General Standards.**

- (a) The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, unusual rock formations, lakes, rivers, streams, and trees.
- (b) Land subject to natural or manmade hazardous conditions shall be identified on the plat and shall not be subdivided until the hazards have been eliminated or mitigated by the subdivision design and construction plans.
- (c) A subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open space.

**16.40.020. Design Standards.**

The design standards for the Town of Palmer Lake are the El Paso County Engineering Criteria Manual, as amended and adopted by reference. These are available online, and one (1) copy is on file in the Town Clerk's office.

**16.40.030. Lots and blocks.** Also see the Development Standards in Title 17 Zoning.

- (a) General Provisions.
- (1) Blocks. Streets shall be designed to create blocks that consider interconnectedness, topography, solar orientation, views, and other design



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features. Provision of adequate building sites suitable to the special needs of the type of use contemplated.

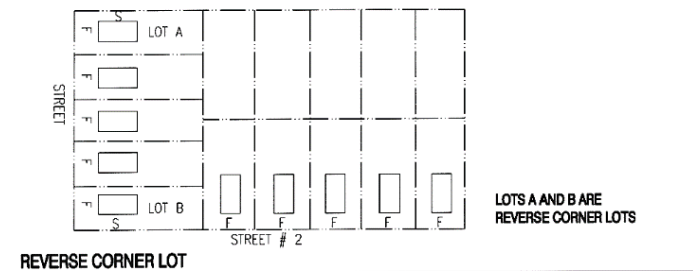
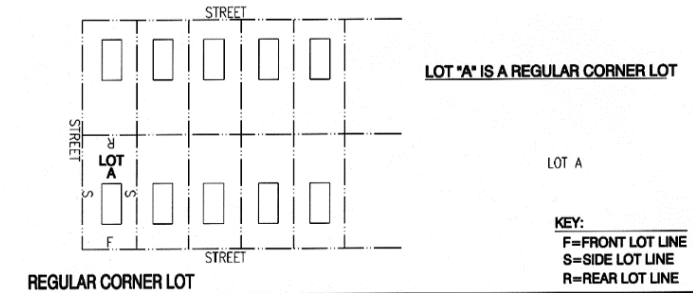
- a. Need for convenient access, control, and safety of vehicular and pedestrian traffic circulation.
- b. Limitations and opportunities of topography.

(2) Lot Dimension and Configuration.

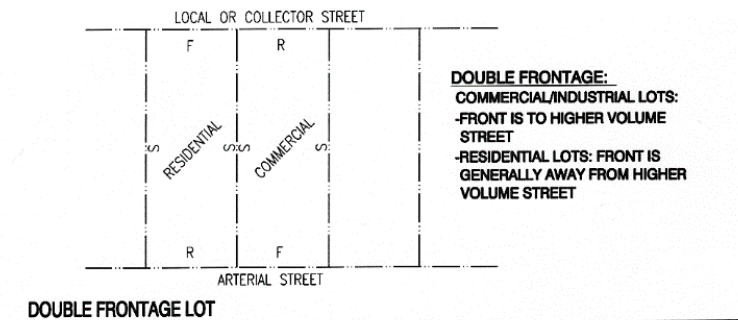
- a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall conform to "Zoning Districts and Uses" in Title 17 Zoning and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view.
- b. Depth and width of properties shall be adequate to provide for off-street parking, landscaping, and loading areas required by the type of use and development contemplated.
- c. Lot Width Frontage. All lots shall have frontage that is either adjacent to or directly accessible to a street. Street frontage shall typically not be less than twenty-five percent (25%) of the lot depth. Flag lots are prohibited unless otherwise approved by the Board of Trustees.
- d. Corner Lots. Corner lots for residential use shall have extra width to accommodate side elevation enhancements, the required building setback and utility easements on both street frontages. For a corner lot, the front of the lot is defined as the side having the shortest street frontage. In the case of a reverse corner lot, both sides abutting a street shall maintain a front yard setback as illustrated below.



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- e. Double Frontage and Reverse frontage lots. Double frontage and reverse frontage lots for residential development shall not be permitted except where they are essential to provide for the separation of residential development from a highway, an arterial street, a railroad, or to overcome specific disadvantages of topography or orientation. A planting screen easement of at least ten (10) feet in width, across which there shall be no vehicular right of access, may be required along the property line of lots abutting an arterial or other disadvantageous use as illustrated below.



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- f. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to road right-of-way lines or centerlines.
- g. Residential Lots Adjacent to Arterial Streets. When residential lots are adjacent to, and the houses do not face, an arterial street (i.e., rear yards abut the street), they shall be a minimum of one hundred fifty (150) feet deep and direct access to the arterial street shall be prohibited. The setback from the arterial to the house shall be a minimum of one hundred (100) feet.
- h. Residential Lot Access to Adjacent Street.
  - 1. Driveway access to a local or collector street from a single-family detached residential lot shall be limited to one (1) driveway curb cut or driveway access of no greater than twenty (20) feet in width. A circular drive in which each access to the local or collector street is less than ten (10) feet in width, separated by at least thirty (30) feet, and which is constructed as an integral part of the overall architectural design of the single-family residence, may be considered as a single driveway access.
  - 2. Driveway access to a local street from a single-family detached residential lot shall be greater than fifty (50) feet from the intersection of the local street and a collector street or one hundred twenty-five (125) feet from the intersection of the local street and an arterial street, as measured from the intersecting right-of-way lines.
  - 3. Driveway access to a collector street from a single-family detached residential lot shall be greater than one hundred twenty-five (125) feet from the intersection of the collector street and a local street, another collector street or an arterial street as measured from the intersecting right-of-way lines.
- i. Multi-Family Residential, Commercial, Business and Industrial Lot Access to Adjacent Street.
  - 1. Driveway access to a local or collector street from a multi-family residential, commercial, business, or industrial lot shall be greater than one hundred twenty-five (125) feet from any street intersection as measured from the intersecting right-of-way lines.
  - 2. Driveway access to an arterial street from a commercial, business, or industrial lot shall be not less than two hundred fifty (250) feet from any intersection on the arterial street, or from another commercial, business, or industrial lot's access as measured from the intersecting right-of-way lines, or driveways; or



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3. At the sole option of the Town, driveway access to a local street, collector street or arterial street from a multi-family residential, commercial, business, or industrial lot shall be as determined by a Traffic Impact Analysis (TIA) approved by the Town.

**16.40.040. Street Dedication.**

(b) Street Right-of-Way Dedication. The full width of right-of-way for all streets being platted must be dedicated to the Town. In cases where the perimeter streets have a portion of the proposed right-of-way on an adjacent property, the following standards will apply:

- (1) The subdivider shall either:
  - a. Purchase the other one-half (½) of the proposed right-of-way property for the Town at the appraised fair market value and then dedicate the right-of-way to the Town; or
  - b. If the landowner of the proposed right-of-way property is unwilling to sell the proposed right-of-way property to the subdivider for its appraised fair market value, the subdivider shall pay for the cost of an appraisal for the proposed right-of-way property and legal fees for the Town Attorney to complete the condemnation process. The subdivider may enter into a reimbursement agreement with the Town to recover costs.
- (2) The subdivider shall finalize an agreement with the Town that guarantees the construction of the street to Town standards.
- (3) Perimeter Streets. When a street is dedicated which ends on the plat, the street right-of-way must be dedicated to the boundary of the plat.

**16.40.050. Intersections.**

Intersections shall meet the requirements found in *El Paso County Engineering Criteria Manual*, as amended unless otherwise approved by the Town Engineer.

**16.40.060. Street Names.**

- (a) Names of new streets shall not duplicate names of existing streets. However, new streets which are extensions of, or which are in alignment with, existing streets shall bear the names of such streets. All street, park, and recreation names shall be approved during the subdivision review and approval process.



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**16.40.070. Minimum Street Design Standards.**

- (a) The width of street right-of-way and the design of the street it contains shall conform to the minimum standards set forth in the *El Paso County Engineering Criteria Manual*, as amended. Additional street standards are noted below.
- (b) Street Layout. **Two points of access shall be maintained on all streets.** The continued use of cul-de-sacs and other roadways with a single point of access shall be minimized due to fire hazards. **In addition to requirements contained in the adopted Fire Code the engineering standards found in 16.40.075 shall be adhered to.**
- (c) Visibility at Intersections. No shrubs, ground cover, berms, fences, structures or other materials or items greater than thirty (30) inches in height shall be planted, created, or maintained at street intersections within the Intersection Sight Distance (ISD) area. Trees shall not be planted in the Intersection Sight Distance (ISD) area.
- (d) Arrangement. The arrangement of major streets shall conform to the major thoroughfare plan of the town streets in the subdivision and shall connect with those already dedicated in adjoining subdivisions. When adjoining land has not been platted, provisions shall be made to continue the street pattern in the future by the provision of stub streets.
- (e) Preservation of natural features. In the layout of streets and blocks, natural features such as drainage-ways, rock formations, soil, vegetation, and topography shall be preserved as much as possible.
- (f) Arterial streets in or abutting subdivision. Where a subdivision abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with screen planting contained in a non-access reservation along with the property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of through and local traffic.
- (g) Railroad right-of-way or limited access highway right-of-way in or abutting subdivision. Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the planning commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.



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**16.40.075. Access Requirements**

- (a) All subdivisions shall be platted and developed to provide adequate access to all portions of the subdivision.
- (b) All lots must have access to a public street pursuant to CRS 31-23-217 Acceptance and improvement of streets, and CRS 31-23-218. Erection of buildings.
- (c) Access to Principal Arterials. **New or replacement** driveways shall not be permitted to have direct access to arterials or CDOT state highways.
- (d) The size, configuration and number of proposed access points serving the subdivision shall reasonably account for future development of adjoining and surrounding parcels of land, and conform with the following requirements:
  - (1) Provide normal access to all lots within the subdivision, with all lots being accessed directly from a developed roadway.
  - (2) Provide the necessary ingress and egress to the subdivision for typical operation and maintenance needs of public improvements and utility infrastructure constructed for the proposed subdivision.
  - (3) Provide adequate access, ingress and egress of emergency services vehicles and equipment.
  - (4) Conform with access requirements of the current adopted versions of all other applicable codes, including the local fire code.
  - (5) Provide adequate egress for the subdivision in the case of emergencies or evacuations.
  - (6) Number of access points required.
    - i. A street with a total length less than 500 feet from the centerline intersection of the intersecting street may terminate in a cul-de-sac or other acceptable terminus, having a single access point from the intersecting street.
    - ii. A street having a total length equal to or greater than 500 feet from the centerline intersection of the intersecting street must provide a minimum of two (2) access points.
    - iii. A street which is fronting and providing access to 24 lots or less may terminate in a cul-de-sac or other acceptable terminus, having a single access point from the intersecting street.
    - iv. A street which is fronting and providing access to 25 lots or more must provide a minimum of two (2) access points.
    - v. Requirements of the number of access points dictated by any other current local codes, such as the local fire code, shall also apply, with the most stringent (largest number of access points) requirement being met.



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**16.40.080. Easements.**

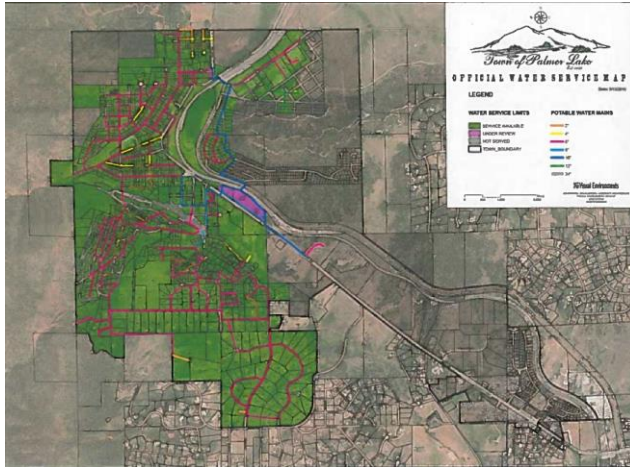
- (a) Easements shall be provided for all utility lines, including but not limited to water, sewer, storm water, gas, electric, telephone and cable television. The location and width of all utility easements shall be subject to the approval of the Town Administrator, Town Engineer, and of the utilities using the easement.
- (b) Easements shall be located so as to provide efficient installation of utilities. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross-connections, minimize trenching, and adequately separate incompatible systems.
- (c) Where a development is traversed by a watercourse, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such watercourse, and of such width as necessary and adequate to carry off the predictable volume of stormwater drainage from a twenty-five-year frequency storm as determined by the standard method for calculations used by the Army Corps of Engineers.
- (d) A cross access easement shall be provided in non-residential developments to encourage shared parking and shared access points on public or private streets. Deviation from this provision may be permissible if deemed impractical by the Director on the basis of topography, the presence of natural features, or vehicular safety factors.
- (e) Easements may also be required by other public agencies for a variety of purposes. Whenever possible, these easements shall be so established as to enhance the environment of the subdivision.

**16.40.090. Water Supply System.**

- (a) Until the town expands the town's public water supply system, the town will not sell taps or provide water service beyond the current capacity of the water supply system.



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**Water System Map**

(b) Service or main line connections to the town's water supply system not otherwise restricted in accordance with subsection (a) of this section shall at all times conform to the engineering standards of the town. Fire plugs shall be installed at each intersection or every 600 feet, whichever is less. Standpipes are prohibited. Connections to water lines in alleys are prohibited.

(Code 1973, § 16.48.010; Ord. No. 12-1972, § IV:3:a, 1972; Ord. No. 16-2018, § 2, 9-13-2018; Ord. No. 14-2023, § 1, 6-8-2023)

**16.40.100. Sewage Treatment.**

(a) Where a public sanitary sewer is accessible by gravity flow within 500 feet of the final plat, the subdivider shall connect thereto and provide adequate sewer lines and stubs to benefit each lot. Where a public sanitary sewer accessible by gravity connection is not within 500 feet of the final plat, but where plans for the installation of public sanitary sewers within such proximity to the plat have been prepared and construction will commence within 12 months from the date of the approval of the plat, the subdivider shall be required to install sewers in conformity with such plans.

(b) Sewer lines shall be located as per the requirements of the Palmer Lake Sanitation District. Sewer manholes shall be installed at every 400 feet. Connections to sewer lines in alleys are prohibited.



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(c) Notwithstanding the 500 feet maximum in subsection (a) of this section, when a subdivision is located within a proposed service area, as designated on the regional sewer plan, or other municipal/county plan, provisions shall be made for connection to the public sewer system. It will not be mandatory to connect to the system until it is available within 500 feet but break and domestic lines will be emplaned.

(d) A drawing of the sewer system, as built, shall be provided to the Town Engineer. ~~The drawing shall be at a suitable legible scale and shall be on mylar or other stable drafting material.~~

**16.40.110. Minimum Lot Sizes for Water and Sewer.**

(a) Municipal or other public provision of sewer is required on lots less than 2½ acres in area.

(b) On lots of 2½ acres but less than five acres, a central system for sewage treatment will be provided, designed, and built in a manner approved by the state health department and Palmer Lake Sanitation District. ~~provided, however, that the request for a central system for sewage treatment may be waived by the board for good cause.~~

(c) On lots outside the town's water supply system perimeter as described in section 16.5.450, individual water facilities may be installed.

(d) On lots of five acres or more, individual sewer facilities may be installed according to regulations herein and the appropriate County and state laws.

(Code 1973, § 16.48.030; Ord. No. 12-1972, § IV:3:c, 1972; Ord. No. 3-1987, § 1, 1987; Ord. No. 16-2018, § 3, 9-13-2018)

**16.40.130. Warranty of Water Supply System.**

The warrant of the water supply system shall be in accordance with **16.30.020 Subdivision Improvements Agreements.**

**16.40.140. Drainage.**

(a) Fees. Fees shall consist of a drainage fee which shall be paid at the time of issuance of a building permit for new construction or when assessed and charged by the town clerk. Remodeling and additions to existing structures shall not pay a drainage fee if the net impervious area of the lot will not increase. The fees to be paid shall be those in effect as set forth in the master fee schedule at the time of issuance of a building permit or assessment of fees by the town clerk and will be based on any net increase in impervious area.

(Code 1973, § 16.80.010; Ord. No. 3-2000, § 2, 2000; Ord. No. 16-2000, § 1, 2000)



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(b) Fee calculation. Drainage fees shall be based on a review by the town and shall be computed on a case-by-case basis. For purposes of this chapter, the term "impervious surface" means surfaces on or in real property where the passage of storm water into the earth's surface has been reduced by the works of man. Works of man include buildings, roads, driveways, patio areas, roofs, sidewalks, parking lots or storage areas, and other manmade structures or hard-surfaced areas.

(Code 1973, § 16.80.020; Ord. No. 3-2000, § 3, 2000)

(c) Responsibility of Town Engineer and Town Clerk. The implementation of this fee system shall be determined by the Town Engineer and collection shall be the responsibility of the Town Clerk at the time of issuance of building permits. The basic procedure for handling credits and/or reimbursements will be the responsibility of the Town Engineer and will be as follows:

(1) A project which has no requirements to construct reimbursable drainage facilities will pay all drainage fees at the time of issuance of the building permit.

(2) When the cost estimate for reimbursable drainage facilities is less than the drainage fee for a project, the amount of the engineer's cost estimate is subtracted from the fees due to obtain the balance due in cash at the time of the issuance of the building permit.

(3) When the engineer's cost estimate for providing reimbursable drainage facilities is greater than the drainage fee due for a project, no cash fees are paid at the time of permit. Actual costs of the facilities in excess of the fees due are eligible for credit or reimbursement from the drainage fund as funds become available.

(d) The operation detail shall include the following fee reductions, credits and/or reimbursements subject to approval by the Town Engineer after the town's administrative and engineering expenses:

(1) A fee reduction of 25 percent for those portions of development that consist entirely of 2.5 acres and larger lots.

(2) If the Town Engineer determines that the use of the prudent line is appropriate in a proposed use or development of property in the town, a fee reduction up to the total fee for the land require by the town to be dedicated for the prudent line, which is in excess of the floodplain, will be implemented. If the reduction exceeds the total fee, the remainder of the credit will be paid by the town when the drainage fund account has sufficient monies to do so. In addition, a reasonable construction cost for channel improvements associated with the prudent line and/or offsite planning study considerations will be eligible for credits and/or reimbursements.



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(3) 100 percent of the reasonable land and construction cost of large on-site ponds that are either required facilities in a drainage basin planning study or an addendum to a drainage basin planning study that was prepared pursuant to town criteria, accepted by the Town Engineer, and paid for by other than the town, will be eligible for credits and/or reimbursement.

(4) 100 percent of the reasonable land and construction cost of other regional facilities that are identified as reimbursable in a drainage basin planning study will be eligible for credits and/or reimbursement.

(5) 100 percent of the cost of approved drainage basin planning study will be eligible for credits and/or reimbursement.

(e) Drainage basin planning study. If a proposed use or development of property in the town varies from the existing drainage basin planning study, as previously defined, the master fee schedule drainage fees may be inapplicable. If the Town determines that the proposed use or development may cause a material increase in stormwater runoff over the current approved drainage basin planning study, the Town may direct the person or entity responsible for paying the drainage fee to prepare, at that person's or entity's expense, a drainage basin planning study or addendum to drainage basin planning study or a master development drainage plan. Such study shall be prepared pursuant to drainage criteria. If such study establishes that the fee contained in the attached schedule is incorrect, the town shall modify the drainage fee for the proposed use or development accordingly.

(Code 1973, § 16.80.060; Ord. No. 3-2000, § 7, 2000)

(f) Changes in fee. Changes in a fee based upon inflation in costs or new information, including, but not limited to, a new drainage basin planning study or an addendum to a drainage basin planning study shall require action of the Board.

(Code 1973, § 16.80.070; Ord. No. 3-2000, § 8, 2000)

(e) Palmer Lake drainage fund. All funds collected for drainage fees under this chapter shall be placed in the town drainage fund. Expenditures from said fund shall be directly related to drainage problems and the construction or maintenance of drainage related structures.

(Code 1973, § 16.80.080; Ord. No. 3-2000, § 9, 2000)



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## CHAPTER 16.50. LAND DEDICATION

### 16.50.010. Purpose and Intent.

- (a) The purpose of the public dedication requirement is to provide public facilities and/or services made necessary as a consequence of a subdivision, in an amount roughly proportional to the impact of the subdivision upon such facilities and/or services or the increased need for them brought about by a subdivision. New residential subdivisions require services provided through municipal facilities which are constructed, in part, through the dedication of land necessary to construct the facilities. Absent land dedication by new subdivisions, sufficient land may not be made available at the time of subdivision to provide necessary services to new residents. To provide public services, the Town requires certain dedications of land or, in the appropriate circumstances, payment of fees-in-lieu of such dedication. It is the purpose of this Chapter that new developments pay their proportionate or pro rata share of the costs attributable to the new growth, thereby relieving the public generally from subsidizing the cost of improvements and facilities attributable to new development.
- (b) This Chapter intends to preserve natural and scenic areas and provide for the public health, recreational, and educational needs by ensuring that school, recreational, and open space land and trails are available to the residents and/or employees of developments in conformance with the Town of Palmer Lake's Community Master Plan, the Glen Park Plan, additional plans for parks and open space completed for the area and Title 17 of the Town of Palmer Lake Municipal Code as they may be updated from time to time. This shall include that parks, trails, and open space will conform to the goals and policies and meet the adopted standards of the Plan, including park sizes, facilities, and service radii.

### 16.50.020. Land for Public Uses.

- (a) In addition to dedication of lands for roads and easements for drainage and utilities, every subdivider shall convey to the Town land for the purpose of providing parks, open space, trails, or other public purposes as determined by the board pursuant to the provisions of this Chapter. The total public land dedication (or the cash in-lieu of fee), not including right-of-way, shall equal twenty (20) percent of the total land area (gross area) for a residential development and ten (10) percent for a nonresidential development. PUDs require additional land dedication pursuant to the PUD Chapter of Title 17 Zoning.
- (b) The standards herein are minimum standards, and the Board may require dedications and improvements greater than the minimum to adequately meet the needs created by the development. The Board, in consideration of the recommendations of the Planning Commission, will determine the suitability of the land and improvements proposed for dedication in providing for the intended purpose of the dedication. The location of the dedication required shall be mutually agreed upon by the Town and the subdivider. The Town may consider



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recommendations from other agencies that would be directly involved in the development and service of those areas.

- (c) Land dedication shall include the real property together with all tributary, non-tributary, and not non-tributary water rights owned by the subdivider as a consequence of ownership of the dedicated property, well rights, ditches, and ditch rights appurtenant to the property, mineral rights, and all improvements thereon. Factors to be used in evaluating the adequacy of proposed park areas shall include, but are not limited to, size, shape, topography, geology, flora, fauna, access, and location. No such land dedication shall be located within the 100-year flood plan boundary unless this requirement is expressly waived by the Board of Trustees.
- (d) Improvement Required. Any land to be dedicated shall be improved by the subdivider per the Subdivision Improvements Agreement.
- (e) Public Access. All areas reserved or dedicated pursuant to this Section shall be served by public vehicular, pedestrian or bicycle access.

**16.50.030. Parks, Open Space, and Trails.**

- (a) Parks, open space, and trails shall be dedicated to the Town in conformance to the requirements found in Section 16.50.050 Parks, Open Space and Trail Requirements.
- (b) Each subdivision shall include land for parks, open space, and trails dedicated to the Town, HOA, or a District.

**16.50.040. School Land Dedication Requirements.**

- (a) The Town and School District staff at the time of sketch plan or preliminary plat filing determine the school district dedication requirements based on the most current School Impact Fee analysis.
- (b) The preliminary plat and final plat of a proposed subdivision shall designate the specific areas proposed for use as school sites, the number of acres so designated, and the proposed number of lots by dwelling unit type in the subdivision; or, the waiver of this requirement and agreement to provide cash in-lieu-of land; or a plat note indicating that no children will be generated by the development.
- (c) School sites dedicated through this procedure shall conform to the school site size requirements and site criteria policy adopted by the School District and incorporated herein by this reference.
- (d) Determination of School Land Dedication. If the Board of Trustees determines that the dedication of land for school purposes is warranted, then the subdivider shall convey the property and all improvements to the School District at the time of recording of the final plat. Concurrently, the subdivider shall convey all tributary, non-tributary and not non-tributary water rights owned by the subdivider as a



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consequence of ownership of the dedicated property, water rights underlying the property, well rights, ditches, and ditch rights appurtenant to the property, and mineral rights by warranty deed to the Town with the recording of the final plat.

- (e) Fees in-Lieu of Land or Guarantee of Future Land Dedication. When, after recommendation of the School District, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the School District may recommend to the Board of Trustees one of the following options:
  - (1) Guarantee of future land dedication may be requested by the School District when dedication of all or portions of required school lands within the subdivision or project is not deemed feasible or in the public interest. Prior to final plat approval, the subdivider, the School District, and the Board of Trustees may enter into a written agreement in which the subdivider guarantees the future dedication of land for school sites at a mutually agreed upon location. The current owner(s) of the site(s) and the guarantor, who shall provide proof of ownership, shall execute this agreement. The agreement shall include a legal description of the property to be dedicated, and the dedication shall be concurrent with recordation of the first final plat of the subdivision, unless the parties agree to stipulate a different timing of the dedication. The agreement shall be recorded with the office of the Clerk and Recorder of El Paso County. The agreement shall be binding upon the subdivider's heirs, legal representatives, successors in interest and assigns.
  - (2) Fees in-lieu of land. When, after recommendation of the School District, dedication of all or portions of required school lands is not deemed feasible or in the public interest, the Board shall require the payment of fees in-lieu thereof except as indicated below.
- (f) School Fee Fund. School fees collected shall be deposited into the school fee fund. From time to time, the School District may request that revenue deposited in the school fee fund be transferred to the School District account for use in accordance with this Chapter. Transfer of any revenue with documentation, including building permits and school fees collected, shall occur not less than annually, and shall include any interest earnings accrued. Funds shall be used as provided by school statute [C.R.S. § 22-45-103(1)(c)].

**16.50.050. Park, Open space, and Trail Requirements.**

- (a) Parks and Open space include:
  - (1) Areas within the community designated for the common use of the residents of an individual development **as well as** the community at-large.
  - (2) Areas designated for preservation and protection of environmental resources, including floodplains, natural drainage ways, wildlife habitat and wetland areas.

**Commented [LZ8]:** Community at large important

**Commented [BC9R8]:** Further dedication criteria will be developed as noted in 16.50.050



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- (3) Areas designated for agricultural preservation; and
- (4) Areas of archeological and historic significance.
- (b) Parks and Open space shall not include the following:
  - (1) Required setback areas.
  - (2) Disconnected remnants of land created by division of sites into lots or parcels that do not qualify as functional parks or open space or that preserve environmental resources, unless approved by the Board of Trustees.
  - (3) Private yards.
  - (4) Landscaped areas in street rights-of-way; or
  - (5) Required parking lot landscaping associated with all uses including commercial/industrial projects., except parking specifically designated for access to open space areas.
- (c) As determined by the Board of Trustees, the subdivider shall pay a fee-in-lieu of land dedication in those cases where dedication of land is not the Town's preferred alternative. Such payment shall be based on the fair market value of the entire property and the value of the improved land, to be determined after completion of the platting process. Such payment shall be held by the Board of Trustees for the acquisition of sites and land areas by the Town. At the option of the Board of Trustees, the subdivider may meet the dedication requirements through a combination of fee-in-lieu and land dedication.
- (d) Storm Drainage Facilities. Storm drainage facilities, including stormwater detention and stormwater retention ponds, may function as open space for active recreation, trail corridors or habitat enhancement areas if they are designed appropriately. Credit toward the open space dedication requirements will be considered on a case-by-case basis by the Town Administrator or designee and upon approval by the Board of Trustees at the time of platting.
- (e) Pocket parks, landscaped outlots and private recreational facilities shall be owned and maintained by a homeowners' association or the landowner, or a special district acceptable to the Town.
- (f) Conservation areas set aside as part of a conservation subdivision shall be owned and maintained by the homeowners' association, or a special district acceptable to the Town.
- (g) Stormwater detention and retention areas that function as open space shall be owned and maintained by a homeowners' association or the landowner, unless otherwise recommended by the Town Engineer and approved by the Board of Trustees.

**Commented [LZ10]:** Because this is so important to citizens, can the fee in lieu be much higher than FMV to discourage?

**Commented [BC11R10]:** You cannot arbitrarily set a cash in lieu of fee. FMV is what is used. Note that if the land dedication requirement is small it might be advantageous to take the cash. This can be negotiated during the SIA contract.



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(h) Parks and Open Space Protection. Areas designated as open space shall be protected by a deed restriction or other appropriate method to ensure that they cannot be subdivided or developed in the future and remain open in perpetuity. They may be dedicated to the public or held in private ownership. Appropriate ownership will be determined through the review process in cooperation with the landowner. Future use may include recreational or agricultural activities if approved by the Town.

**16.50.060. Fees-in-lieu of park, open space, or trail dedication.**

(a) In lieu of any dedication of land as required by this Chapter, the Town may request that the subdivider make a payment to the Town if:

- (1) The Town determines that the amount or quality of land to be dedicated by the subdivider would not be of adequate size or quality to achieve the purpose of the dedication; or
- (2) The Town determines that the dedication of land would not serve the health, safety, or welfare of the public.

(b) The amount of the payment in lieu of any land dedication shall be determined as follows: multiply the fair market per acre of the entire property proposed for subdivision, as of the date immediately prior to approval of the final plat, by the total acreage of land that is required for dedication.

(c) The fair market acre value of land, for purposes of determining the amount of a payment in lieu of land dedication, shall be determined by mutual agreement between the Town and the subdivider. In the event of inability of the above parties to agree on the fair market acre value of the subject land, an independent real estate appraisal shall be obtained by the Town at the subdivider's cost. The value determined by the appraisal shall be binding upon the Town and the subdivider.

(d) Payments made under the requirements of this Section shall be made payable to the Town. All moneys collected by the Town shall be deposited in an interest-bearing account which clearly identifies the category, amount, or fund of capital expenditure for which the moneys were collected. Each such category, account or fund shall be accounted for separately. Any interest or other income earned on such moneys shall be credited to the account. The Town shall receive such funds either upon annexation of the land area to the Town or at the time of final plat approval.

(e) Funds may be withdrawn from the interest-bearing account only for the acquisition of reasonably necessary sites and land areas or for capital outlay purposes for parks, trails, recreational facilities, or development of sites for those purposes, or, as appropriate, for transfer to the School District for growth-related site acquisition and planning functions by the School District for educational purposes.

**Commented [LZ12]:** Same comment as previous page, want to discourage fee's in lieu with higher than FMV if possible?

**Commented [BC13R12]:** Not legal! Plus Town might need park assets in a different location



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**16.60.010 Severability.**

It is declared to be the intention of the Board of Trustees of the Town that the sentences, clauses, and phrases of this title are severable and if any sentence, clause, or phrase of this title be declared unconstitutional or invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining sentences, clauses or phrases of this title since the same would have been enacted by the Board of Trustees without the incorporation of any unconstitutional or invalid sentence, clause or phrase.

**Sec. 16.60.020 Violation and Enforcement**

- a) It is a misdemeanor for any person to violate any of the provisions stated or adopted in this title. Each day that a violation of this title continues shall constitute a separate and distinct offense. Notwithstanding any provision of the code to the contrary, punishment upon conviction is limited to fines and court costs, no imprisonment shall be imposed.
- b) In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Title, the Town in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use to restrain, correct or abate such violation, or to prevent the occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.
- c) All departments, officials, and employees of the Town vested with the duty or authority to issue permits shall conform to the conditions of this title and shall issue no permit, certificate, or license for any purposes in conflict with its provisions. Any permit, certificate, or license so issued shall be null and void.
- d) Once a construction permit has been issued, it is unlawful for the subject property to be occupied or otherwise used unless and until a certificate of occupancy has been issued by the Pikes Peak Regional Building Department.
- e) The Town Administrator or other duly appointed Town officer shall be charged with the responsibility of enforcing the provisions of this title. The Town Administrator, designee, or Town Engineering Inspector shall be authorized to make inspections on both public and private property to assure conformance to approved plans and approved Town standards, to review complaints, and to perform such other tasks necessary to ensure compliance with the provisions of this title.



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- (f) In the event there is a violation of this Title, the Town Administrator shall be authorized to take the following steps:
  - (1) In the event of a material violation of an approved plan or approved Town standard during construction, the Town may order a contractor to stop work until the violation is corrected if, in its sole judgment, the Town's representative feels that continuation of the work could cause ongoing violations to continue, or could cause a concern for public health, safety, or welfare.
  - (2) In the event a contractor is performing any type of site development work without first obtaining a proper permit or permits from the Town and any other applicable agencies, the Town may order the contractor to stop work until proper permits are obtained.
  - (3) Each order to stop work shall remain in effect until all nonconforming work is corrected, or all applicable permits are obtained by the contractor, and the fee required by the Town of Palmer Lake's Current Fee Schedule, is paid to the Town to cover expenses incurred in the issuance of the stop work order. Should a contractor persist in performing work in violation of approved plans or applicable Town standards, or without an applicable permit or permits, despite the issuance of a stop work order by the Town, the Town shall have the right to prosecute in the municipal court or terminate the use in the manner described below.
- (g) Termination of Use. In the event there is any violation of this Title which in the opinion of the Town Administrator jeopardizes the health, safety, or welfare of the people, the Director may remove, restrict, terminate, or otherwise prevent such violation from continuing and shall levy such costs incurred in such action against the violator or property owner.
- (h) Any violation of this title may be prosecuted by any means available at law including, but not limited to, enforcement by the Town in municipal court.

**16.70.010 Definitions**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alley* means a minor access way used primarily for vehicular service to the back or the side of properties otherwise abutting on a street.

*Applicable development sites* are those that result in land disturbance of greater than or equal to one acre, including sites less than one acre that are part of a larger common plan of development or sale. Applicable development sites



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include all new development and redevelopment sites for which permanent water quality control measures were required in accordance with an MS4 permit.

**Block** means an area of land within a subdivision which area is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision.

**Commission** means the town planning commission.

**Community Master Plan** means the Town of Palmer Lake's adopted Comprehensive Plan and which includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

**Common plan of development or sale** means a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules, but remain related. The term "contiguous" means construction activities located in close proximity to each other (i.e., within one-quarter mile). Construction activities are considered to be "related" if they share the same development plan, builder or contractor, equipment, storage areas, etc.

**Covenant or restrictive covenant** means a contractual agreement between the subdivider or landowner and the buyer of a piece of property that restricts the use of all or portion of the property. The covenant will normally run with the land and therefore will apply to succeeding owners.

**Cul-de-sac** means a street open at one end only, providing at the other end special facilities for the turning around of vehicular traffic.

**Dedication** means an appropriation of land to some public use, made by the owner and accepted for such use by or on behalf of the public, and by which the owner reserves to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**Design standards or design requirements** means all requirements and regulations relating to design and layout of subdivisions as contained in these regulations.

**Development Review Team** means Town staff and contracted professionals including the Town Engineer, Town Planner, Town Attorney and other land use experts required in the review of development applications.

**Easements** mean areas within a subdivision other than streets or alleys that are reserved, conveyed, or dedicated for specialized or limited purpose (s).

**FEMA** means the Federal Emergency Management Agency.



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*FHA* means the Federal Housing Authority.

*Improvements* means all facilities constructed or erected by a subdivider within a subdivision to permit and facilitate the use of lots or blocks for a principal residential, business, or other nonresidential purpose(s).

*Lot* means a portion of a subdivision or other parcel of platted land, intended as a unit for the transfer of ownership, for development, or for other purposes.

- *Corner lot* means a single lot having its front and one side adjacent to two streets.
- *Double frontage lot* means a single lot having the front and rear thereof adjacent to two streets and does not include a corner lot.
- *Flag lot* means a lot, the main use or building area of which does not abut to a public street, but is connected thereto by a narrow strip of land which is part of the lot.

*Monuments* means the actual points set on the ground to locate, delineate, or describe tracts of land and/or the points set to define a legal description of a tract of land. *Monuments* also means the points or corners set by a state-registered land surveyor in accordance with Colorado Revised Statutes, to define a legal description on the ground.

- *United States Land Survey monuments* mean the points or corners established by the survey of public lands for the United States government, also the reestablishment or restoration of said corners.

*New development* means land disturbing activities; structural development, including construction or installation of a building or structure; creation of impervious surfaces; and land subdivision for a site that does not meet the definition of redevelopment.

*Parties of Interest* means any referral agency, any person to whom or organization to which the Town mailed notice of the hearing to, any person or organization which sent written comments to the Town regarding a pending application, or any person who appeared before the Board or Commission at any hearing.

*Plat* means a subdivision as it is represented as a formal document by drawings and writing.

- *Final plat* means a map indicating the final design of the proposed subdivision supported by the necessary engineering data and legal documentation. A final plat shall be prepared by a state-registered land surveyor in accordance with the provision of these regulations and shall,



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if approved by the governing body of the area, the aforementioned plat shall be recorded in the county clerk and recorder's office.

- *Preliminary plat* means a map or drawing showing the preliminary design of a proposed subdivision, together with such information, supporting data and other requirements as are necessary to comply with the provisions of these regulations.
- *Vacation plat* means a map indicating a proposed vacation of a dedicated street, road, or easement, or the vacation of a subdivision. ~~It shall be prepared by a state-registered land surveyor in accordance with the provisions of these regulations. After presentation of the appropriate petition and resolution to the board of trustees, if approved, a vacation plat shall be recorded in the office of the county clerk and recorder.~~

*Open Space* means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for the public or private use or enjoyment or for the use and enjoyment of owners and occupants of land of the subdivision. The types of lands and reasons for preservation include, but are not limited to, the following:

- Lands that may be needed for the health and safety of the community, including areas required for the recharge of groundwater, reservoirs and surrounding lands, lands with vegetation ensuring better air quality, high wildfire danger zones, steep slopes, floodplains, buffers around airports and similar facilities.
- Lands that might be a resource for the community, including farmland, rangeland, lakes, streams, rivers, wetlands, and forests.
- Lands that might be ecologically valuable areas, such as habitat for animals and plants, unique ecosystems, or fire protection.
- Lands that could provide a diversity of activities for the public, such as areas with outstanding historical, educational, cultural, or archaeological value, areas providing access to lake shores or rivers and streams;
- Lands that may provide view sheds or aesthetically pleasing experiences; or Lands that may provide or act as community separators providing a buffer between communities.

Privately-owned landscaped areas, undeveloped portions of a lot, and rights-of-way are not considered open space.

*Property lines* means those imaginary lines outlining the boundaries of properties on lots for the purpose of description in ownership, sale, lease, building development, or other separate use of property.

*Planned Unit Development (PUD)* means an area of land controlled by one or more landowners, developed under unified control or a unified plan of development



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for a number of dwelling units, commercial, educational, recreational, or industrial uses, or any combination of the foregoing, the plan for which may not correspond in lot size, bulk or type of use, density, lot coverage, open space, or other restrictions of the conventional land use regulations of the Palmer Lake zoning ordinance.

*Radial* means a line forming right angles with the tangent of any given area.

*Redevelopment* includes a site that is already substantially developed with 35 percent or more of existing imperviousness; with the creation or addition of impervious area (including removal and/or replacement), to include the expansion of a building footprint or addition or replacement of a structure; structural development including construction, replacement of impervious area that is not part of a routine maintenance activity; and land disturbing activities.

*Regional land use plan* means the plan, and any functional elements to the plan as adopted, that was created through the joint efforts of the members of the Pikes Peak Area Council of Governments.

*Resubdivision or replat* means the redivision of any lot or tract or parcel as designated on any subdivision plat previously recorded with the El Paso Clerk and Recorder and that was originally platted under these regulations.

*Right-of-way* means the entire dedicated tract or strip of land that is to be used by the public for circulation and service. The length and width of a right-of-way shall be sufficient to provide adequate accommodations for all the physical features to be included in said right-of-way, as hereinafter established.

*Road profile* means a drawing reflecting a proposed or existing vertical section of a road, street, or alley, for which right-of-way is to be or has been conveyed to the town for road purposes. A road profile may be a true or exaggerated profile, and may reflect either a centerline and/or both flow lines of a road, street, or ally.

*SIA* means a Subdivision Improvements Agreement.

*Sketch plan* means a land use plan or map, which indicates the desired future physical development of any portions of the town. Such a plan is submitted by the developer and is intended as a general summary of his proposal for development.

*Staff or Town Staff* means persons employed by the Town of Palmer Lake and may include contracted professionals.

*Street* means a public right-of-way, platted or unplatted, which provides vehicular and pedestrian access to adjacent properties. For different kinds of streets, see [section 16.40.090](#). Stub streets are designed to permit continuation of



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~~the street pattern in adjoining subdivisions. Every stub street shall end in a cul-de-sac.~~

*Subdivider* means any applicant, developer, person, group, corporation, or other entity acting as a unit or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision for the purpose of sale or disposal of land as defined herein.

*Subdivision* means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or territory subdivided.

- Subdivision, Major. Major subdivision means all subdivisions not classified as minor subdivisions, including, but not limited to, subdivisions of five or more lots, or any size subdivision requiring any new street or extension of the local Town facilities or the creation of any public improvements.
- Subdivision, Minor. Minor subdivision means any subdivision containing not more than four lots or dwelling units fronting on an existing street, not involving the construction of a new street or road or the extension of Town facilities, and otherwise meeting the requirements of this title.

*Tract Housing* means a type of housing development in which multiple similar houses are built on a tract (area) of land that is subdivided into smaller lots.

A *Traffic Impact Analysis (TIA)* means a study conducted by a traffic engineer that evaluates the availability and adequacy of the transportation system regarding traffic impacts due to proposed development including likely impacts of development that has been approved but not constructed. The TIA also forecasts additional traffic associated with a proposed development, identifies potential problems that might influence traffic flow, and suggests ways to mitigate any negative effects. When conducting a TIA, engineers typically evaluate factors such as:

- Roadway capacity
- Intersection operations
- Pedestrian safety
- Parking needs
- Environmental impacts





# Changes to Subdivision Ordinance PC review and suggestions June 12, 2024

- 1) Add a requirement for overhead aerial photograph(s) of the location, and surrounding area, showing streets and access. This should include street photos of the property as well as photos of properties on all sides of the proposed application. *Added to Table 16.1 on page 8-COMPLETED*
- 2) Pre-application conference- *Staff to determine- After discussion with Dawn, Staff agrees that this is a requirement for PUD and Major Subdivision- 1 hr. with DRT and question/answer as needed with Town Administrator. Any other application type is listed as 'may request.'*COMPLETED
- 3) Add list of referral agencies to the Town Website. Mike Davenport to create, review by Mark Morton. *IN PROCESS DOES NOT GO INTO THE ORDINANCE*
- 4) Create a trigger for a neighborhood meeting for a Major Subdivision- *"CMI & Staff on suggested triggers for # of lots, traffic impact, acres, etc."* Only at request of the applicant, applicant pays all costs and provides notice. *ADDED NOTE IN THE ORDINANCE UNDER MAJOR SUBDIVISION.*
- 5) SEE PAGE 52- Require two points of access in the regulations in addition to Fire Code- *We wanted to have it explicitly stated in the code that 2 points of access are required in subdivisions when street length reaches a certain distance and/or # of housing units. We do not want to have a situation where another large subdivision is developed with only a single access point (ex. Oakdale subdivision behind the lake, proposed Ben Lomand development, etc.) but did not feel like a situation like the Greeley minor subdivision we just reviewed would warrant the need. Looking for some suggestions on how we can word this in the code quantifying distance/lot requirement.*
  - Colorado Springs: 750 feet, from centerline of the intersecting street to further point on curb in cul-de-sac bulb.
  - Manitou Springs: 500 feet
  - Monument: no more than 24 single-family homes.

*NEW Section added 16.40.075. Access Requirements that requires 2 points of access and notes public street requirement.*

- 6) Existing 20% land dedication requirement shall remain but parks, open space, and trails shall all count toward said dedication.
  - a. If a subdivider is undertaking a resubdivision and the previous subdivision did not make required land dedications, should the replat be required to make land dedications now? *PC opinion is "yes" defer to atty if allowable- Dawn has sent an e-mail to Town Attorney.*
  - b. *CMI notes that the City of Colorado Springs does require land dedication for replats as follows and recommends a similar approach upon approval of the Town Attorney:*



- 3. Replatting or Resubdividing: The City will consider the following factors in any replat of land platted prior to September 6, 1973, for which Park Fees were paid or land was dedicated:
  - If the replat is to correct engineering errors (legal descriptions), it is exempt from this Section 7.4.307.
  - If Park Fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Section 7.4.307 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Section 7.4.307 as applied only to additional residential units shown on the replat. If residential density is decreased in the replat, the provisions of this Section 7.4.307 shall not apply. No credit for land or fees previously dedicated or paid will be granted if a replat results in a decrease of residential density.

- c. Minor Subdivisions 4 or less lots need not make a land dedication. Suggestion: add language that minor subdivisions are not skirting the requirement by undertaking sequential minor subdivisions. **Town Attorney will also weigh in. Sometimes the applicant creates outlots or tracts to avoid a major subdivision. COMPLETE.** Language strengthened to avoid skirting the major subdivision process.
- d. Cross reference PUDs- requirement is 30% land dedication- no change from current requirements. **COMPLETE.**

7) Add reference to Major Activity Notice CRS 31-23-225: **COMPLETED**

*When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to the state geologist and the board of county commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity.*

• *Source: L. 75: Entire title R&RE, p. 1154, § 1, effective July 1. L. 2005: Entire section amended, p. 669, § 7, effective June 1.*

• *Editor's note: This section is similar to former § 31-23-125 as it existed prior to 1975.4 | Page*

• *Cross references: For duties of the state geologist upon receipt of a notice, see §23-41-205.*

8) Ensure that subdividers know that access to a public street is required. This language will be added to the Subdivision Ordinance. **Per Dawn only cite the Statutory reference but this might then be placed in some sort of development review checklist for Planning Commission and the Board. COMPLETED WITH STATUTORY REFERENCE**



*“The municipality shall not accept, lay out, open, improve, grade, pave, curb, or light any street or lay or authorize water mains or sewers or connections to be laid in any street within any portion of a territory for which the commission has adopted a major street plan (note that the major street plan is noted in the current code) unless such street:*

- Has been accepted or opened as or otherwise has received the legal status of a public street prior to the adoption of such plan; or*
- Corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission. However, the governing body may accept any street not shown on or not corresponding with a street on the official master plan or on any approved subdivision plat or an approved street plat if the ordinance or other measure accepting such street is first submitted to the commission for its approval and, if approved by the commission, is enacted or passed by not less than a majority of the entire membership of the governing body or, if disapproved by the commission, is enacted or passed by not less than two-thirds of the entire membership of the governing body.*

*A street approved by the commission upon submission by the governing body or a street accepted by a two-thirds vote after disapproval by the commission shall have the status of an approved street as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.”*

***The following items are the Commissioner’s comments on the actual Ordinance***

- 9) The size of the posted notice on the property should be larger. **This must be done in-house and be as simple as possible for staff. IN PROGRESS- SEE NOTES IN SUBDIVISION ORDINANCE.**
- 10) Planning Commission desires that any public land dedication serve not only the residents but the community at large. The ordinance was updated to state residents as well as the community at large. **COMPLETED**
- 11) The Planning Commission would like to discourage cash-in-lieu of dedication. The question posed based on this language: “Such payment shall be based on the fair market value of the entire property and the value of the improved land, to be determined after completion of the platting process” *Question: Because this is so important to citizens, can the fee in lieu be much higher than FMV to discourage? CMI legal question: Does the ordinance and Statute require that a cash-in-lieu of dedication be allowed?*



- You cannot create a different standard for FMV- this question is being addressed by the Town Attorney.
- CMI THOUGHTS AND RECOMMENDATION: CMI staff believes that the cash-in-lieu of land dedication is an important tool for the Town. It should be considered as an item of negotiation when the Development Review Team, led by the Town Attorney, develops the Subdivision Improvements Agreement. A twenty (20) percent land dedication for a small acreage subdivision may not yield sufficient acreage to create a useful park, trail or tract of open space the in-lieu of dedication fee is often used to help implement improvements identified in an overall parks, trails and open space master plan. (See City of Manitou Springs Plan- <https://www.manitouspringsco.gov/DocumentCenter/View/1241/Parks-Trails-and-Open-Space-Master-Plan-PDF?bidId=>). A relatively recent ordinance passed in 2021 in Colorado Springs states as follows: *At the time of filing of a Final Plat, the Parks Department shall indicate whether land dedication, Park Fees, or Alternative Park Land Compliance are required. If the City desires land dedication, the Subdivider shall designate the area to be dedicated by the Preliminary and Final Plat.* When CMI develops the park, open space, and trail standards referenced in the Subdivision Ordinance we will propose a similar methodology- land dedication, in lieu of fees or alternative site for land dedication. (See COS [https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings\\_co/0-0-0-52235](https://codelibrary.amlegal.com/codes/coloradospringsco/latest/coloradosprings_co/0-0-0-52235))