



## BOARD OF TRUSTEES MEETING

Thursday, July 25, 2024 at 6:00 PM

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

\*LIVE STREAM available at Town website\*

---

### AGENDA

---

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

#### Call to Order

#### Roll Call

#### Pledge of Allegiance

**Consent Agenda** - *Items under the consent agenda may be acted upon by one motion. If, in the judgment of a board member, a consent agenda item requires discussion, the item can be placed on the regular agenda for discussion and/or action.*

- [1.](#) Minutes from July 11, 2024 Meeting
- [2.](#) Minutes from July 18, 2024 Special Meeting
3. Checks over \$15,000 - Krob Law Office (\$16,852.50)
- [4.](#) Financials (June)

#### Staff/Department Reports

5. Attorney
6. Administrator/Clerk

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

- [7.](#) Application for Conditional Use for Landscape Yard in C2 Zone, Greater Grounds

#### Business Items

- [8.](#) Resolution 40-2024 to Approve Conditional Use in C2 Zone (Greater Grounds)
- [9.](#) Ordinance 8-2024 to Repeal and Replace Ch. 16, Subdivision Code
- [10.](#) Authorize Mayor to Sign Request for Extension to File Financial Audit

- [11.](#) Direction on Elephant Rock Structures - Asbestos Abatement
- [12.](#) Review / Consider Amending Business License Regulations
- [13.](#) Review Draft Schedule for 2025 Budget Planning

**Public Comment** - *Public comments are encouraged to be emailed to the Town office at [info@palmer-lake.org](mailto:info@palmer-lake.org) with subject line of Public Comment (24 hours prior to meeting) and shall be distributed and read at the meeting. Otherwise, please step to the microphone, state your name and address for the record, and address the Board on matters not on the agenda. Please note that the Board will not take action on your comment but may refer it to staff and/or a future meeting agenda. Public members are allowed up to 3 minutes for comments. Thank you!*

### **Board Reports**

### **Next Meeting (August 8) and Future Items**

**Convene to Executive Session** - For the purpose of discussing a matter that is subject to negotiation related to a possible annexation, pursuant to Section 24-6-402(4)(e), C.R.S.

### **Reconvene to Open Session**

### **Adjourn**

---

### **Americans with Disabilities Act**

---

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.



## BOARD OF TRUSTEES MEETING

Thursday, July 11, 2024 at 6:00 PM

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

### MINUTES

**Call to Order.** Mayor Havenar called the meeting to order at 6 pm.

**Roll Call.** Present: Mayor Glant Havenar; Trustees Nick Ehrhardt, Jessica Farr, Shana Ball, Dennis Stern. Excused: Trustees Sam Padgett, Kevin Dreher.

**Pledge of Allegiance** - Led by Kenna Gitchel. Mayor Havenar presented a certificate of appreciation to Kenna.

#### Presentation

1. Update on EcoSpa at Elephant Rock - Presented by Richard and Lindsay Willan. Mr/s Willan provided an update to the Board about the development design activity for elephant rock. They explained that the restroom construction, approved for permitting, and clarified that the Manitou spa owner is a solid partner in the EcoSpa. Once the restroom is completed for the annex, additional rental will be available. The Willans explained that the design work of the EcoSpa has been prolonged due to having to change architects completing the work. It was also stated that FNB (First National Bank) is interested in supporting the project.

**Consent Agenda.** MOTION (Farr, Stern) to approve the consent agenda including 2) Minutes from June 27, 2024 Meeting. Roll call vote – aye 5; nay 0. Motion passed.

#### Staff/Department Reports

3. Water – no questions

4. Public Works including Roads & Park Maintenance – Mr. Reid Wiecks, Parks and Trails Commission Chair, provided an update on recent parks activity, including the repainting of the gazebo by the lake. He thanked Public Works personnel Stacy DeLozier, Blake Bloom and Andrew Rudnicki for correcting the weathervane at the top. He expressed appreciation for the numerous volunteers who conducted trail building and provided an update of the trails and bridge work completed. The relationship with MHYC (Mile High Youth Corp) was explained - the completed work of the elephant rock perimeter trail as well as discussion about another grant for labor in 2025. Reid informed the Board of the second bridge location to be west of the Greeley area to connect with the Creekside trail. He thanked the Fire staff, Public Works staff, and the Willans for quickly assisting when needed.

5. Police – Corporal Gene Ramirez provided an update on vehicles, the breathalyzer operating and establishing blood draw with Fire personnel. He mentioned there are several ongoing investigations taking place with assistance from other agencies. Mayor Havenar commented that she assisted Officer

Perry to get donations for Honor Guard and National Night Out. Corporal Ramirez stated that PD is working on numerous grants for the department. Trustee Farr inquired about the extra help on July 4<sup>th</sup> and Corporal Ramirez explained the added staff for the Fun Run, assisting Monument, and for generally a higher volume of calls on the fourth of July. It was clarified that the few added staff (Rangers) were not near the numbers that would be required for the festival.

6. Fire – Chief Vincent explained the small fire at Mount Herman and stated all local resources were released. He stated that Fire personnel on deployment had returned and the mitigation at elephant rock was going well. Chief mentioned that he will bring back the discussion about a location for a community slash in fall at an upcoming meeting.
7. Administration – no questions
8. Attorney – Attorney Krob provided a legal update about enforcement of camping bans within the town boundaries. He will review the town code.
9. Administrator/Clerk – Collins inquired about a plaque being installed in honor of Tim Watkins at the existing builder and bicycle memorial at 66 Lower Glenway. Board members agreed to move forward. Collins stated the pickleball courts concrete is poured and the restroom construction permitted to start. An update was provided about the EV chargers that CORE installed and have a ground lease to operate. Inspection is scheduled and ribbon cutting is tentatively planned for the week of July 22. An invite to Board members will be distributed and posted. Collins mentioned that the 2025 budget schedule will be forthcoming. The second annual 5k fun run/walk for Verity's Village will take place on September 21. They anticipate an increase in participation up to 150. Staff reviewed the event and there are no changes or issues. Trustee Stern pointed out a possible error in the water billing number of gallons sold. Collins will confirm the figure.

### **Business Items**

10. Resolution 38-2024 to Approve Appointment (Alternate) to Parks and Trails Commission. Mayor Havenar explained that this appointment did not take place. No action.
11. Resolution 39-2024 to Establish Farmers Market Application Fee. Collins explained that following the adoption of the code regulations for a farmers market, an application fee should be considered. Staff suggested \$100 per application, like the special event application fee, as it is similar process. MOTION (Ball, Ehrhardt) to adopt Resolution 39-2024 to establish the \$100 fee. Roll call vote – aye 5; nay 0. Motion passed.
12. Ordinance 7-2024 to Amend Regulations for Peddlers Permit. Collins explained the primary modification to a calendar year versus per event. MOTION (Ball, Ehrhardt) to approve Ordinance 7-2024 to amend the peddlers permit code. Roll call vote – aye 3; nay 2 (Farr, Havenar). Motion passed.
13. Consider Coordinating November 5 Election with El Paso County. Collins explained completing the form will initiate an Intergovernmental Agreement with the County for the November election. MOTION (Stern, Ehrhardt) to complete and submit the required form to El Paso County. Roll call vote – aye 5; nay 1 (Farr). Motion passed.
14. Direction to Explore DOLA Administrative Funds for Feasible Location of Public Safety Facility. Collins requested direction to apply for funds to conduct an RFQ to explore locations within the town for a joint public safety facility. Members provided thumbs up to move forward.

15. Direction on Elephant Rock Property - Asbestos Removal for Demolition. Mayor Havenar stated there will be no action on this item, as questions about the 7/10 presentation by the Advisory Committee should be submitted to the town office by 7/18 at 4pm for responses due by 7/25 at noon.

**Public Comment**

Mr. Gordon Roberts requested that tours of the elephant rock property structures be open to the public to see what may or may not be feasible based on the presentation provided to the Board.

**Board Reports**

Trustee Ehrhardt stated that Reid provided an excellent update. He added that Parks and Trails Commission members have also contributed over 200 hours of volunteer work.

Trustee Ball informed members of the sessions she attended at the CML conference. She also added that the AEDs were awarded to the Fire Department, and she continues to assist with other grants.

Mayor Havenar asked about a business incentive with the town. Collins suggested getting more information as there is no incentive program.

**Next Meeting (July 25) and Future Items**

**Convene to Executive Session** - For the purpose of discussing a matter that is subject to negotiation related to a possible annexation, pursuant to Section 24-6-402(4)(e), C.R.S. MOTION (Farr, Ball) to convene to executive session at 6:56 pm. Roll call vote – aye 5; nay 0. Motion passed.

**Reconvene to Open Session**

**Adjourn.** MOTION (Farr, Stern) to adjourn at 7:20 pm. Motion passed.

---

*Mayor Glant Havenar*

---

*ATTEST: Dawn A. Collins, Town Clerk*



## BOARD OF TRUSTEES SPECIAL MEETING

Thursday, July 18, 2024 at 5:00 PM

Chamber Meeting House, 300 Hwy 105, Monument

### MINUTES

**Call to Order.** Mayor Havenar called the meeting to order at 5:00 pm.

**Roll Call.** Present: Mayor Glant Havenar; Trustees Shana Ball, Nick Ehrhardt, Dennis Stern, Jessica Farr, Kevin Dreher. Excused: Trustee Sam Padgett.

**Convene to Executive Session.** For the purpose of discussing a matter that is subject to negotiation related to a possible annexation, pursuant to Section 24-6-402(4)(e), C.R.S. MOTION (Dreher, Farr) to convene to executive session. Roll call vote – aye 6; nay 0. Motion passed.

#### **Reconvene to Open Session**

**Adjourn.** MOTION (Ball, Dreher) to adjourn at 5:55 pm. Motion passed.

\_\_\_\_\_  
*Mayor Glant Havenar*

\_\_\_\_\_  
*ATTEST: Dawn A. Collins, Town Clerk*



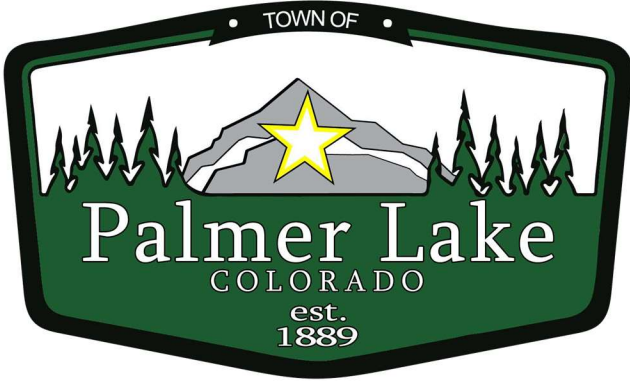
**TOWN OF PALMER LAKE**  
**Financial Statements**  
**June 2024**  
**Unaudited**



**Schedule of Cash Position  
June 2024**

**TOWN OF PALMER LAKE**  
**Schedule of Cash Position**  
**June 2024**

FINANCIAL INSTITUTION	ACCOUNT NAME	CHECKING / SAVINGS	BANK RATE	BALANCE
<b>GENERAL FUND</b>				
<b>GENERAL FUND OPERATING:</b>				
Community Banks of CO	General Fund Operating	Checking	n/a	\$ 1,935,143
<b>GENERAL FUND RESERVES:</b>				
Colorado Trust (ColoTrust) <i>* Operating Reserve - 3 months (\$752,109)</i>	General Fund Reserve	Savings	5.41%	\$ 1,541,418
Colorado Trust (ColoTrust)	Police Reserve	Savings	5.41%	\$ 7
Colorado Trust (ColoTrust)	Fire Reserve	Savings	5.41%	\$ 65,510
Colorado Trust (ColoTrust)	Roads Reserve	Savings	5.41%	\$ 10,910
<b>General Fund Reserves Subtotal</b>				<u>\$ 1,617,845</u>
<b>General Fund Accounts Total</b>				<u><u>\$ 3,552,988</u></u>
<b>WATER FUND</b>				
<b>WATER FUND OPERATING:</b>				
Community Banks of CO	Water Fund Operating	Checking	n/a	\$ 1,376,374
<b>WATER FUND RESERVES:</b>				
Colorado Trust (ColoTrust)	Water Reserve	Savings	5.41%	\$ 196,346
Colorado Trust (ColoTrust)	Water Cap Imp Reserve	Savings	5.41%	\$ 218,198
<b>RESTRICTED FUNDS (WATER FUND):</b>				
Colorado Trust (ColoTrust) <i>* Restricted - Loan Reserve - 3 months (\$224,600)</i>	Water Loan Reserve	Savings	5.41%	\$ 217,521
<b>Water Fund Accounts Total</b>				<u><u>\$ 2,008,439</u></u>
<b>CONSERVATION TRUST FUND</b>				
<b>CONSERVATION TRUST FUND:</b>				
Colorado Trust (ColoTrust)	CTF Reserve	Savings	5.41%	\$ 29,831
<b>Conservation Trust Fund Account Total</b>				<u><u>\$ 29,831</u></u>



**Financial Reports**  
**June 2024**

# TOWN OF PALMER LAKE

## SCHEDULE OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL GENERAL FUND

For the Six Months Ended June 30, 2024  
UNAUDITED

Item 4.

	<u>2024 Adopted Budget</u>	<u>Actual</u>	<u>Variance Favorable (Unfavorable)</u>	<u>Percent of Budget (YTD 50%)</u>
<b>REVENUE</b>				
Taxes	\$ 2,794,447	\$ 2,215,357	\$ (579,090)	79%
Fees and Licenses	291,025	90,586	(200,439)	31%
Intergovernmental	7,000	3,798	(3,202)	54%
Fines	65,000	27,983	(37,017)	43%
Interest	80,000	48,556	(31,444)	61%
Departmental	65,000	31,563	(33,437)	49%
Grants and Donations	1,385,959	95,436	(1,290,523)	7%
Miscellaneous	70,000	23,700	(46,300)	34%
Total Revenue	<u>\$ 4,758,431</u>	<u>\$ 2,536,979</u>	<u>\$ (2,221,452)</u>	<u>53%</u>
<b>EXPENDITURES</b>				
Administration				
Salaries and Benefits	\$ 246,873	\$ 100,463	\$ 146,410	41%
Professional Services	373,000	134,258	238,742	36%
Administrative/Operations	332,936	108,298	224,638	33%
Capital Outlays	10,000	6,017	3,983	60%
Total Administration	<u>\$ 962,809</u>	<u>\$ 349,036</u>	<u>\$ 613,773</u>	<u>36%</u>
Police Department				
Salaries and Benefits	\$ 674,622	\$ 315,566	\$ 359,056	47%
Professional Services	112,600	20,317	92,283	18%
Administrative/Operations	86,845	69,377	17,468	80%
Capital Outlays	80,000	72,950	7,050	91%
Total Police Department	<u>\$ 954,067</u>	<u>\$ 478,210</u>	<u>\$ 475,857</u>	<u>50%</u>
Fire Department				
Salaries and Benefits	\$ 630,741	\$ 302,839	\$ 327,902	48%
Professional Services	10,000	10,012	(12)	100%
Administrative/Operations	128,600	41,283	87,317	32%
Capital Outlays	-	35,145	(35,145)	0%
Total Fire Department	<u>\$ 769,341</u>	<u>\$ 389,279</u>	<u>\$ 380,062</u>	<u>51%</u>
Public Works Department - Roads				
Salaries and Benefits	\$ 334,898	\$ 124,065	\$ 210,833	37%
Professional Services	40,300	3,006	37,294	7%
Administrative/Operations	167,500	49,093	118,407	29%
Capital Outlays	1,673,580	73,455	1,600,125	4%
Total Roads Department	<u>\$ 2,216,278</u>	<u>\$ 249,619</u>	<u>\$ 1,966,659</u>	<u>11%</u>
Public Works Department - Parks				
Administrative/Operations	\$ 42,100	\$ 19,669	\$ 22,431	47%
Capital Outlays	\$ 31,000	\$ 24,800	\$ 6,200	80%
Total Parks Department	<u>\$ 73,100</u>	<u>\$ 44,469</u>	<u>\$ 28,631</u>	<u>61%</u>
Total Expenditures	<u>\$ 4,975,596</u>	<u>\$ 1,510,613</u>	<u>\$ 3,464,983</u>	<u>30%</u>
<b>EXCESS OF REVENUE OVER (UNDER)</b>				
<b>EXPENDITURES</b>	<u>\$ (217,165)</u>	<u>\$ 1,026,366</u>	<u>\$ 1,243,531</u>	
<b>FUND BALANCE - BEGINNING OF YEAR</b>		<u>\$ 3,651,518</u>		
<b>FUND BALANCE - END OF YEAR</b>		<u><u>\$ 4,677,884</u></u>		

Recommended Operating Reserve - 3 months

752,109

# TOWN OF PALMER LAKE

## SCHEDULE OF REVENUE, EXPENDITURES AND CHANGES IN FUNDS AVAILABLE - BUDGET AND ACTUAL

### WATER ENTERPRISE FUND

For the Six Months Ended June 30, 2024

UNAUDITED

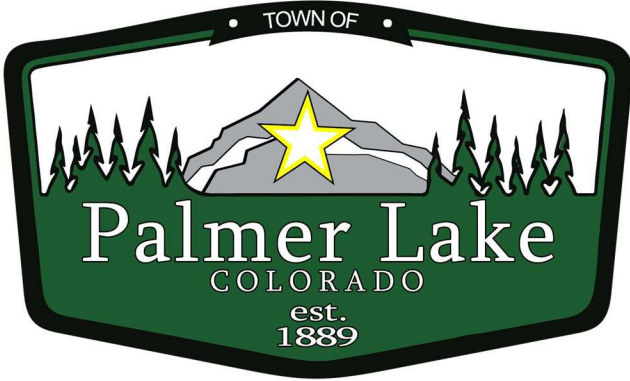
	2024 Adopted Budget	Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 50%)
<b>REVENUE</b>				
Water Billing	\$ 1,375,000	\$ 640,496	\$ (734,504)	47%
Water Improvement Fee	74,000	37,710	(36,290)	51%
Water Loan	216,000	108,128	(107,872)	50%
Water Tap Fees	72,000	16,542	(55,458)	23%
Water Meter/Parts	2,550	-	(2,550)	0%
Late Fees/Service Fees	16,000	10,394	(5,606)	65%
Interest	24,000	16,929	(7,071)	71%
American Rescue Plan	103,669	103,669	-	100%
PLES Upper Glenway Water Improvement	101,520	-	(101,520)	0%
Total Revenue	<u>\$ 1,984,739</u>	<u>\$ 933,868</u>	<u>\$ (1,050,871)</u>	<u>47%</u>
<b>EXPENDITURES</b>				
Salaries and Benefits	\$ 519,749	\$ 223,941	\$ 295,808	43%
Professional Services	137,000	38,931	98,069	28%
Administrative/Operations	438,300	193,715	244,585	44%
Capital Outlays	649,290	256,086	393,204	39%
Debt Service	207,179	91,570	115,609	44%
Total Expenditures	<u>\$ 1,951,518</u>	<u>\$ 804,243</u>	<u>\$ 1,147,275</u>	<u>41%</u>
<b>EXCESS OF REVENUE OVER (UNDER) EXPENDITURES</b>	<u>\$ 33,221</u>	<u>\$ 129,625</u>	<u>\$ 96,404</u>	
<b>FUND BALANCE - BEGINNING OF YEAR</b>		<u>\$ 1,316,293</u>		
<b>FUND BALANCE - END OF YEAR</b>		<u>\$ 1,445,918</u>		
Less: Restricted Operating Reserve - 3 months		(224,600)	<i>Note 1</i>	
<b>FUND BALANCE - END OF YEAR - Unrestricted</b>		<u><u>\$ 1,221,318</u></u>		

*Note 1: CWR&PDA Loan Requirement*

# TOWN OF PALMER LAKE

## STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL CONSERVATION TRUST FUND For the Six Months Ended June 30, 2024 UNAUDITED

	2024 Adopted Budget	Actual	Variance Favorable (Unfavorable)	Percent of Budget (YTD 50%)
<b>REVENUE</b>				
State Shared Revenue	\$ 36,140	\$ 17,783	\$ (18,357)	49%
Interest	1,200	799	(401)	67%
<b>Total Revenue</b>	<b>\$ 37,340</b>	<b>\$ 18,582</b>	<b>\$ (18,758)</b>	<b>50%</b>
<b>EXPENDITURES</b>				
Salaries and Benefits	\$ 14,380	\$ -	\$ 14,380	0%
Administrative/Operations	3,000	-	3,000	0%
Capital Outlays	19,000	-	19,000	0%
<b>Total Expenditures</b>	<b>\$ 36,380</b>	<b>\$ -</b>	<b>\$ 36,380</b>	<b>0%</b>
<b>NET CHANGE IN FUND BALANCE</b>	<b>\$ 960</b>	<b>\$ 18,582</b>	<b>\$ 17,622</b>	
<b>FUND BALANCE - BEGINNING OF YEAR</b>		<b>\$ 59,044</b>		
<b>FUND BALANCE - END OF YEAR - Restricted</b>		<b>\$ 77,626</b>		



**Accounts Payable Reports**  
**June 2024**

Ranges: From: To: From: To:  
 Check Number First Last Check Date 6/1/2024 6/30/2024  
 Vendor ID First Last Checkbook ID First Last  
 Vendor Name First Last

Sorted By: Check Number

\* Voided Checks

Check Number	Vendor ID	Vendor Check Name	Check Date	Checkbook ID	Audit Trail Code	Amount
49864	KENMULLENAX	KEM MULLENAX	6/3/2024	COBANK-CKG 9495	PMCHK00000168	\$75.00
49865	AIRGAS	AIRGAS USA, LLC	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$91.43
49866	ALERT360	ALERT 360	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$32.03
49867	AMCOBIIT	AMCOBI	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$3,755.50
49868	CHAVEZCONSULTIN	CHAVEZ CONSULTING INC., LLC	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$262.50
49869	COLORADOCANYON	COLORADO CANYON SIGNS INC.	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$920.00
49870	COLORADODIVISIO	COLORADO DIVISION OF FIRE PREV	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$120.00
49871	CKT	COMMON KNOWLEDGE TECHNOLOGY	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$2,742.83
49872	ELPASOTELLER	EL PASO-TELLER COUNTY 9-1-1	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$500.00
49873	ESO	ESO SOLUTIONS, INC.	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$208.53
49874	EVOQUA	EVOQUA WATER TECHNOLOGIES LLC	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$1,513.00
49875	HOMEDEPOTCREDIT	HOME DEPOT CREDIT SERVICES	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$1,324.29
49876	KELLYBOOKSLLC	KellyBooks LLC	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$4,012.50
49877	MUNICIPALPOLICE	Municipal Police Consultants L	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$9,327.51
49878	MYFLEETCENTER	MYFLEETCENTER	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$129.16
49879	OREILLY	O'REILLY	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$177.39
49880	OASISLANDSCAPE	OASIS LANDSCAPE & IRRIGATION I	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$669.87
49881	RUGGEDDEPOT	RUGGED DEPOT	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$1,629.58
49882	SGS	SGS NORTH AMERICA, INC.	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$240.94
49883	STACYWALZ	Stacy Walz	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$75.00
49884	T2SYSTEMS	T2 SYSTEMS CANADA INC.	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$70.00
49885	KNASTERTECHNOLO	THE KNASTER TECHNOLOGY GROUP	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$232.00
49886	UNCC	UTILITY NOTIFICATION CENTER OF	6/10/2024	COBANK-CKG 9495	PMCHK00000169	\$38.70
49887	CIRSA	CIRSA	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$440.54
49888	COREANDMAIN	CORE & MAIN LLP	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$6,828.76
49889	GALLS	GALLS, LLC	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$41.60
49890	OREILLY	O'REILLY	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$263.55
49891	OASISLANDSCAPE	OASIS LANDSCAPE & IRRIGATION I	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$333.67
49892	PALMERLAKESANIT	PALMER LAKE SANITATION	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$1,820.44
49893	PAVCO	Pavco	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$1,500.00
49894	DPCINDUSTRIES	PVS DX, INC.	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$70.00
49895	REPUBLICSERVICE	REPUBLIC SERVICES #653	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$1,234.46
49896	ROCKYMOUNTAINCO	Rocky Mountain Comm Systems, I	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$4,044.17
49897	GAZETTE	THE GAZETTE	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$984.15
49898	USDEPTTREASURY	U.S. Department of the Treasur	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$298.17
49899	YAK'S MMX LLC	Yak's MMX LLC	6/13/2024	COBANK-CKG 9495	PMCHK00000170	\$398.74
49900	BIGOTIRES	LEEDS WEST GROUPS DBA BIG O TI	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$2,025.90
49901	BRADLEYEXCAVATI	BRADLEY EXCAVATING INC.	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$45,526.24
49902	CIRSA	CIRSA	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$35,602.73
49903	CIVICPLUSLLC	CIVICPLUS LLC	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$6,565.00
49904	DUCKSUNLIMITED	DUCKS UNLIMITED	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$75.00
49905	EAGLEPROFESSION	EAGLE PROFESSIONAL STANDARDS,	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$3,072.04
49906	EUGENE RAMIREZ	Eugene (Gene) Ramirez	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$33.97
49907	JAN-PROFRANCHIS	JAN-PRO FRANCHISE DEVELOPMENT	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$267.75
49908	CICCOLELLAJOHN	JOHN CICCOLELLA	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$320.00
49909	KELLILUMAYE	KELLI LUMAYE	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$75.00
49910	MICHAELSTEINER	MICHAEL STEINER	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$75.00
49911	OREILLY	O'REILLY	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$99.95
49912	WIEKS, REID	REID WIEKS	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$158.76
49913	TRILAKESERVICE	TRI-LAKES SERVICE CENTER	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$1,528.47
49914	WEARPARTS&EQUIP	Wear Parts & Equipment	6/20/2024	COBANK-CKG 9495	PMCHK00000171	\$2,632.52
49915	COREANDMAIN	CORE & MAIN LLP	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$9,936.45
49916	HABITATMANAGEME	HABITAT MANAGEMENT	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$7,549.52
49917	JAN-PROFRANCHIS	JAN-PRO FRANCHISE DEVELOPMENT	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$550.00
49918	SGS	SGS NORTH AMERICA, INC.	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$378.00
49919	SHERMANTERRY	SHERMAN TERRY	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$75.00

\* Voided Checks

Check Number	Vendor ID	Vendor Check Name	Check Date	Checkbook ID	Audit Trail Code	Amount
49920	USDEPTTREASURY	U.S. Department of the Treasur	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$225.34
49921	XEROX	XEROX BUSINESS SOLUTIONS SOUTH	6/26/2024	COBANK-CKG 9495	PMCHK00000172	\$73.61
REMIT0000000000000002	CENTURYLINK	CENTURYLINK	6/26/2024		PMCHK00000172	\$0.00
Total Checks: 59						Total Amount of Checks: \$163,253.01

Town of Palmer Lake  
 ACH REGISTER REPORT  
 Payables Management

ACH Date	From:	To:
6/1/2024	6/1/2024	6/30/2024
Checkbook ID	COBANK-CKG 9495	COBANK-CKG 9495

Sorted By: Date

Trx Date	Orig. Audit Trail	Distribution Reference	Orig. Master Number	Orig. Master Name	Amount
6/4/2024	CMTRX00000147	Bank Transaction Entry	WDL000001379	PCS	1,932.07
6/5/2024	CMTRX00000147	Bank Transaction Entry	WDL000001382	FPPA	6,183.95
6/6/2024	CMTRX00000147	Bank Transaction Entry	WDL000001374	CORE Electric	10,212.63
6/6/2024	CMTRX00000147	Bank Transaction Entry	WDL000001378	WEX Fuel	2,988.66
6/7/2024	CMTRX00000147	Bank Transaction Entry	WDL000001376	Humana	1,448.96
6/10/2024	CMTRX00000147	Bank Transaction Entry	WDL000001364	Black Hills Energy	129.55
6/10/2024	CMTRX00000147	Bank Transaction Entry	WDL000001375	HealthEquity	7.50
6/11/2024	CMTRX00000147	Bank Transaction Entry	WDL000001377	Pinnacol Assurance	7,523.00
6/13/2024	CMTRX00000146	Bank Transaction Entry	WDL000001351	Paycom	67,135.18
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001365	Black Hills Energy	121.22
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001366	Black Hills Energy	73.77
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001367	Black Hills Energy	68.19
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001368	Black Hills Energy	57.72
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001369	Black Hills Energy	50.75
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001370	Black Hills Energy	36.11
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001371	Black Hills Energy	24.93
6/13/2024	CMTRX00000147	Bank Transaction Entry	WDL000001372	Black Hills Energy	24.93
6/20/2024	CMTRX00000147	Bank Transaction Entry	WDL000001380	PCS	2,035.03
6/20/2024	CMTRX00000147	Bank Transaction Entry	WDL000001381	FPPA	6,688.15
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001352	Amcobi	1,113.91
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001353	Amcobi	211.24
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001354	Amcobi	147.15
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001355	Amcobi	137.70
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001356	Amcobi	121.45
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001357	Amcobi	114.37
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001358	Amcobi	92.56
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001359	Amcobi	91.72
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001360	Amcobi	90.88
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001361	Amcobi	90.04
6/21/2024	CMTRX00000146	Bank Transaction Entry	WDL000001362	Amcobi	85.00
6/21/2024	CMTRX00000147	Bank Transaction Entry	WDL000001373	Visa Cardmember Services	4,493.83
6/26/2024	CMTRX00000147	Bank Transaction Entry	WDL000001363	Anthem	17,619.19
6/27/2024	CMTRX00000146	Bank Transaction Entry	WDL000001350	Paycom	65,717.52
<b>Total ACHs:</b>	<b>33</b>			<b>Total Amount of ACHs:</b>	<b>\$ 196,868.86</b>



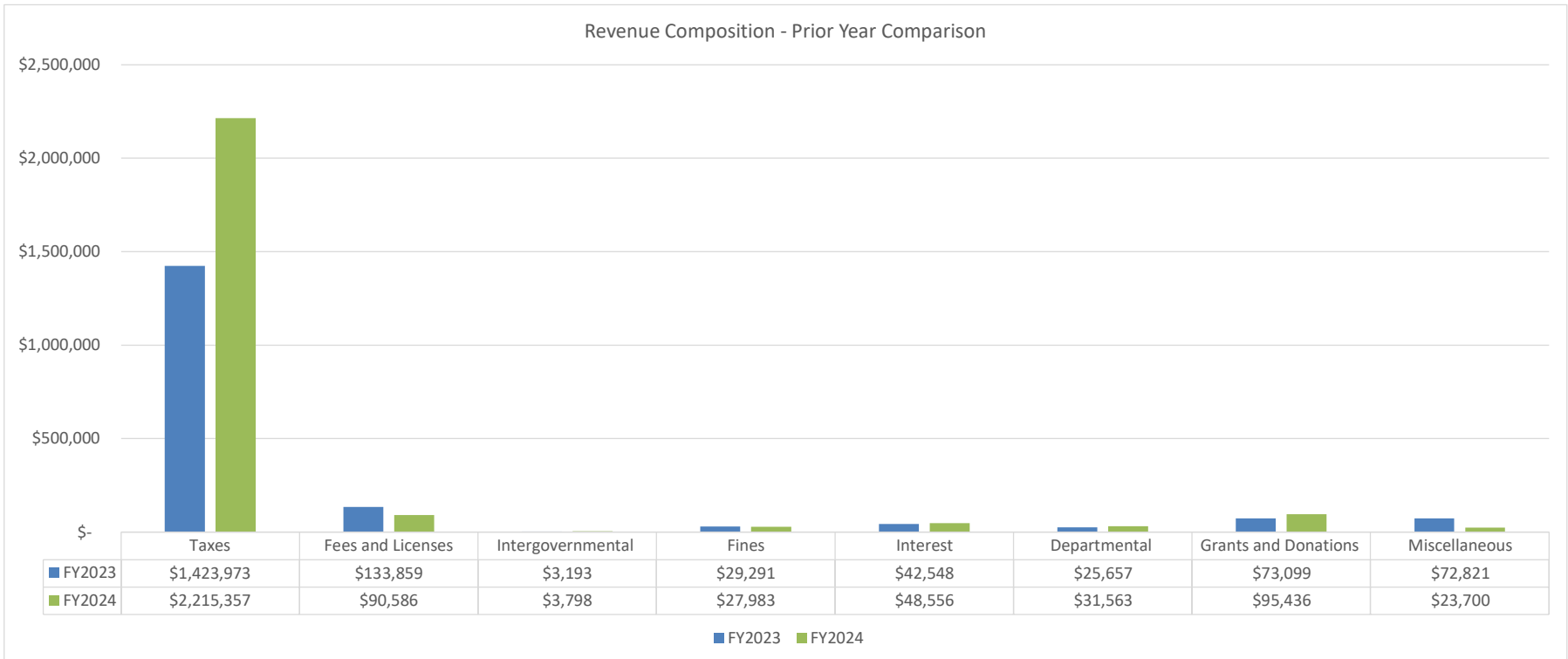
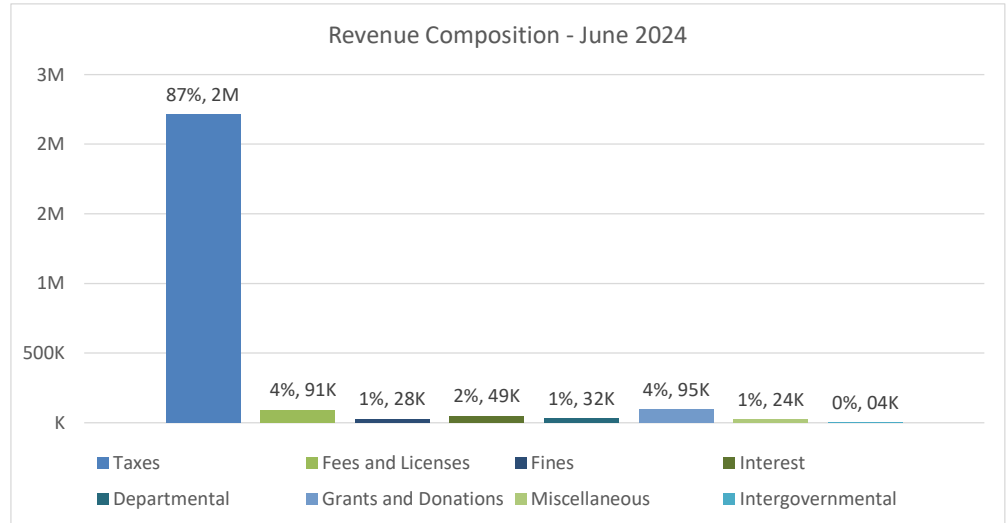
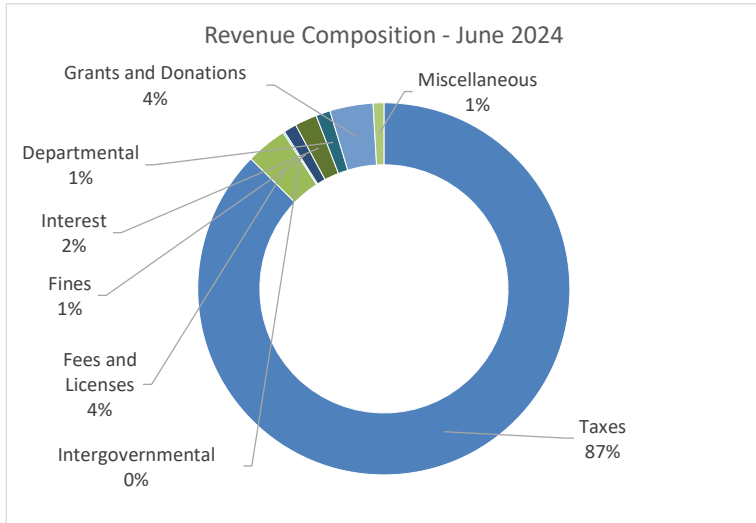
**Charts**  
**June 2024**

# TOWN OF PALMER LAKE

Item 4.

## REVENUE CHARTS GENERAL FUND

For the Six Months Ended June 30, 2024  
UNAUDITED

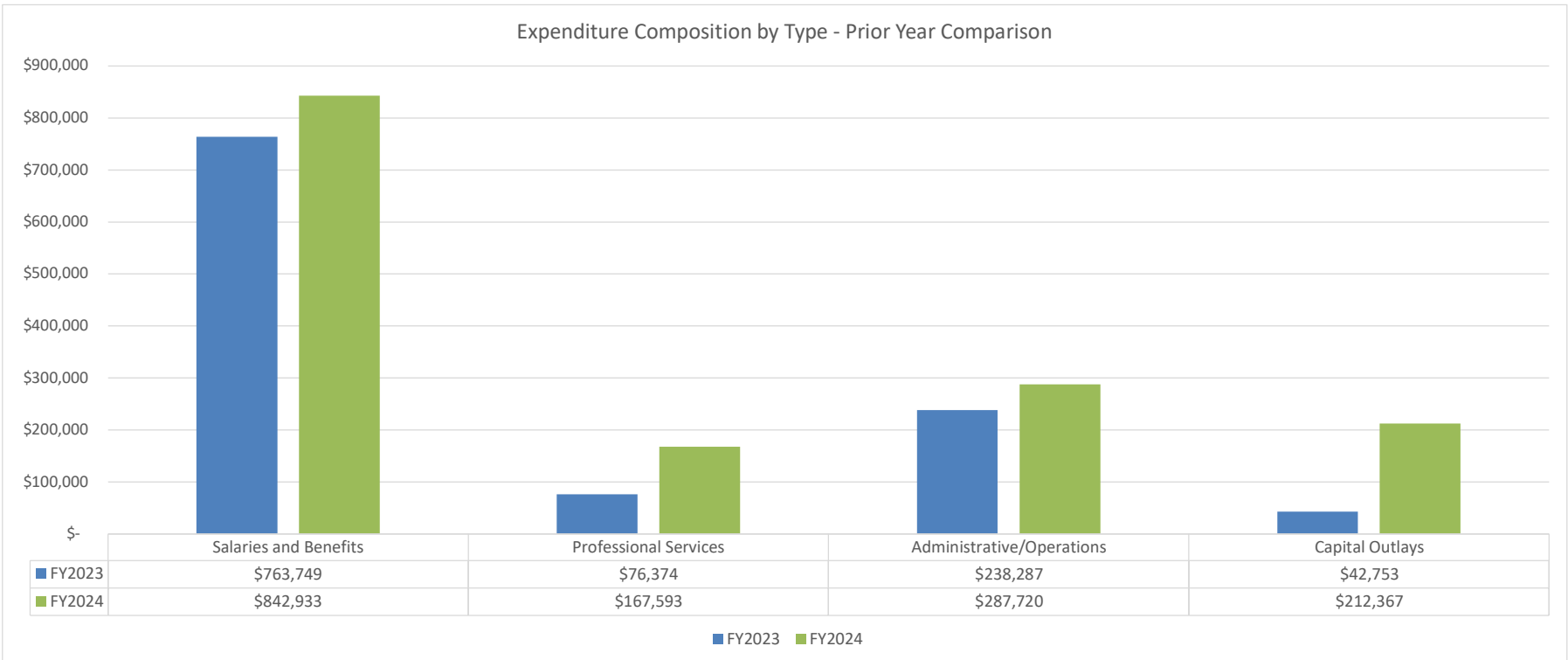
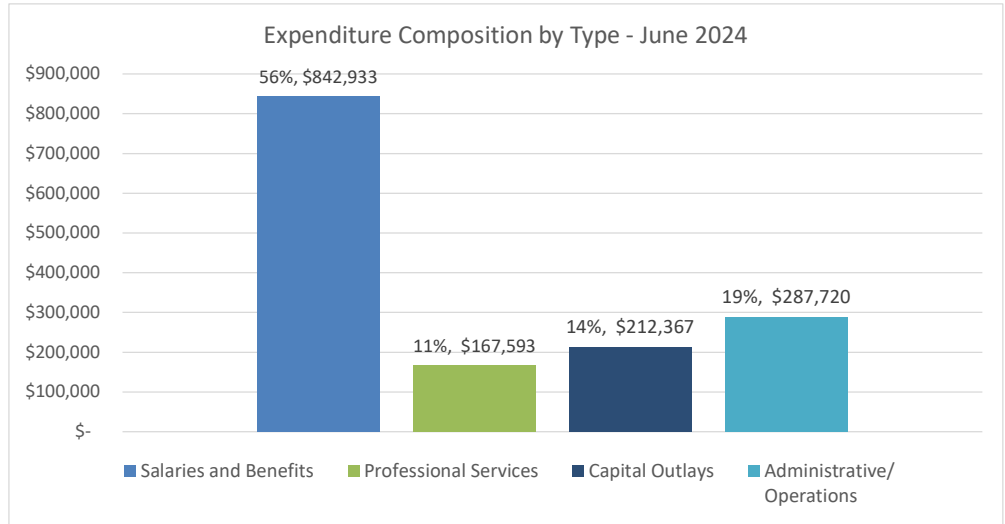
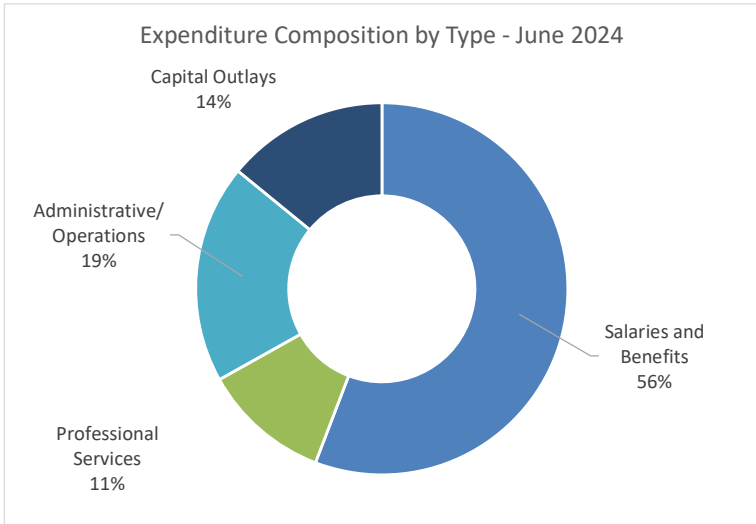


# TOWN OF PALMER LAKE

Item 4.

## EXPENDITURE CHARTS GENERAL FUND

For the Six Months Ended June 30, 2024  
UNAUDITED



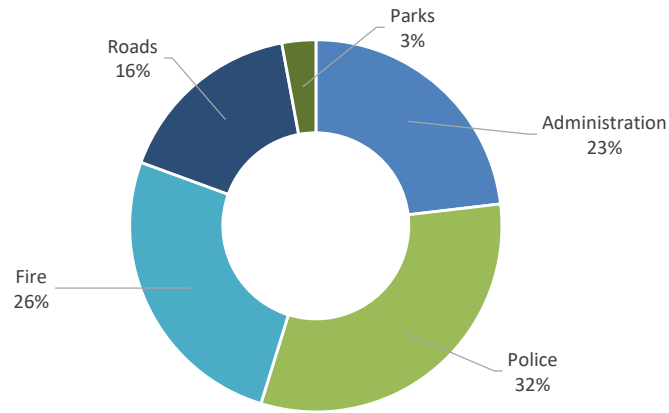
# TOWN OF PALMER LAKE

Item 4.

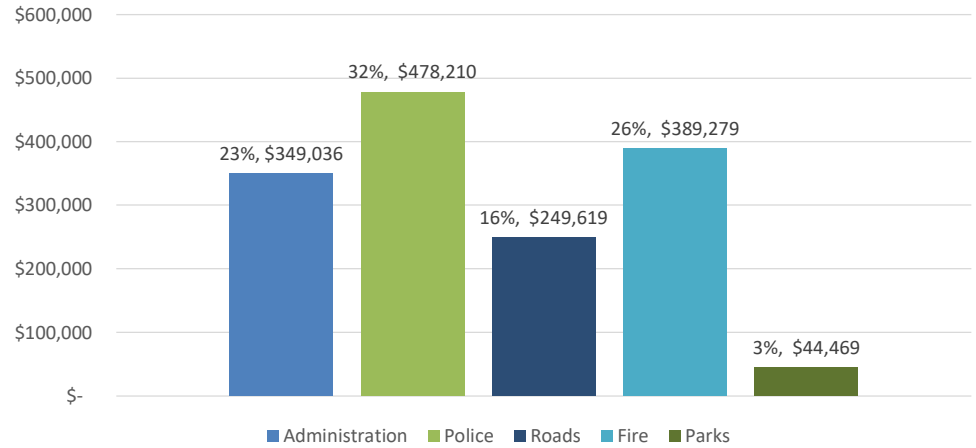
## EXPENDITURE CHARTS GENERAL FUND

For the Six Months Ended June 30, 2024  
UNAUDITED

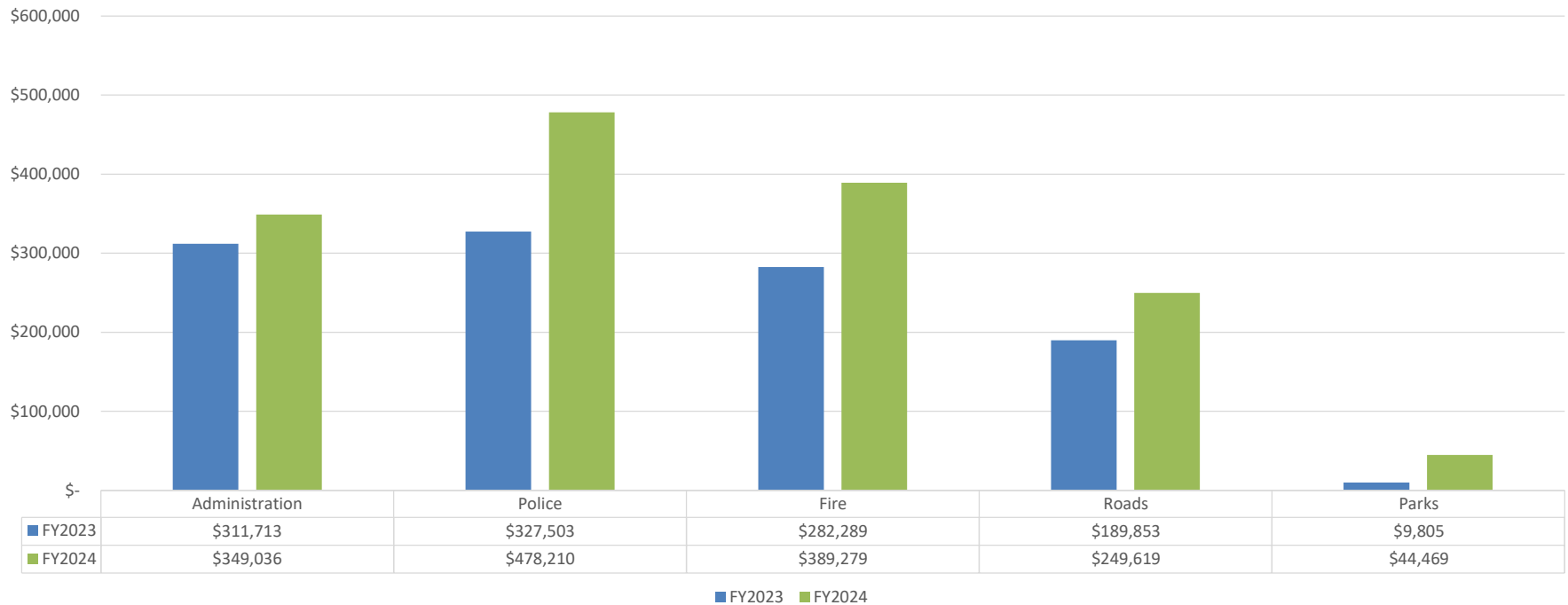
Expenditure Composition by Department - June 2024



Expenditure Composition by Department - June 2024



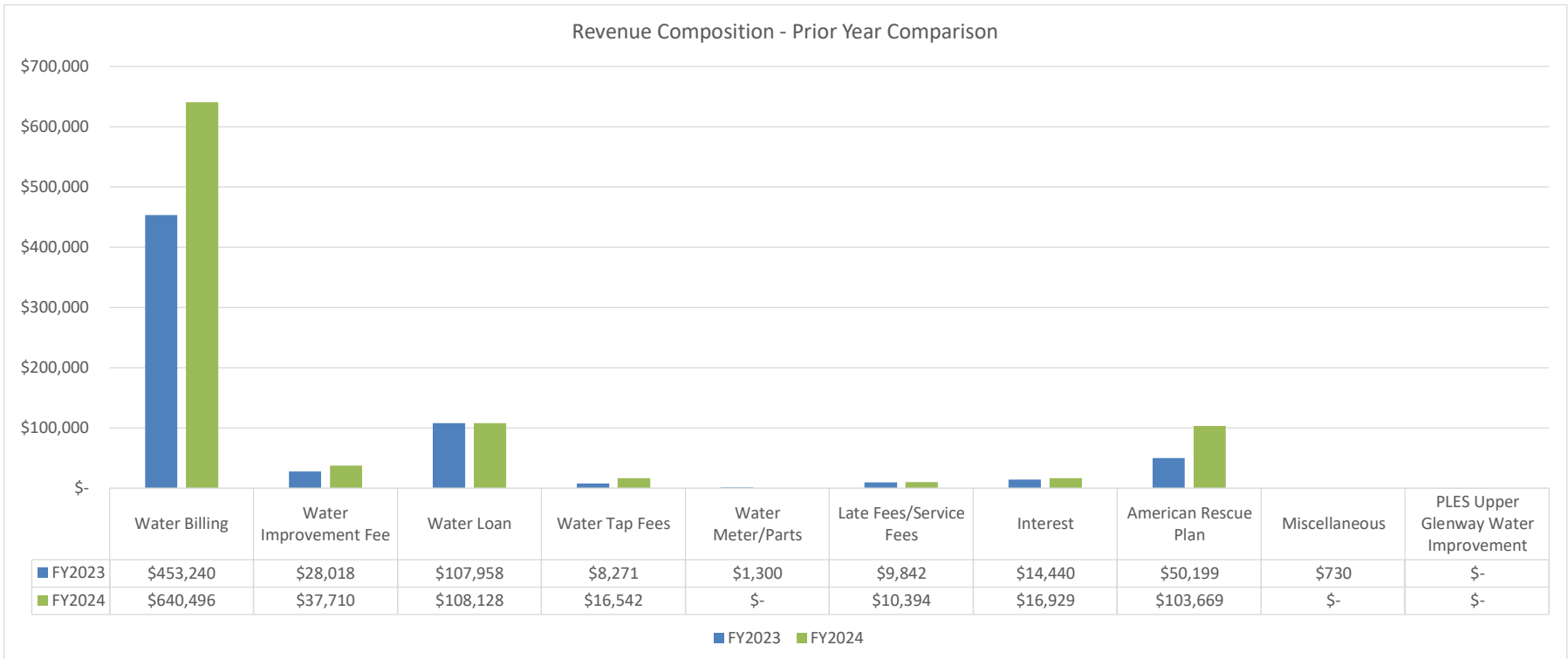
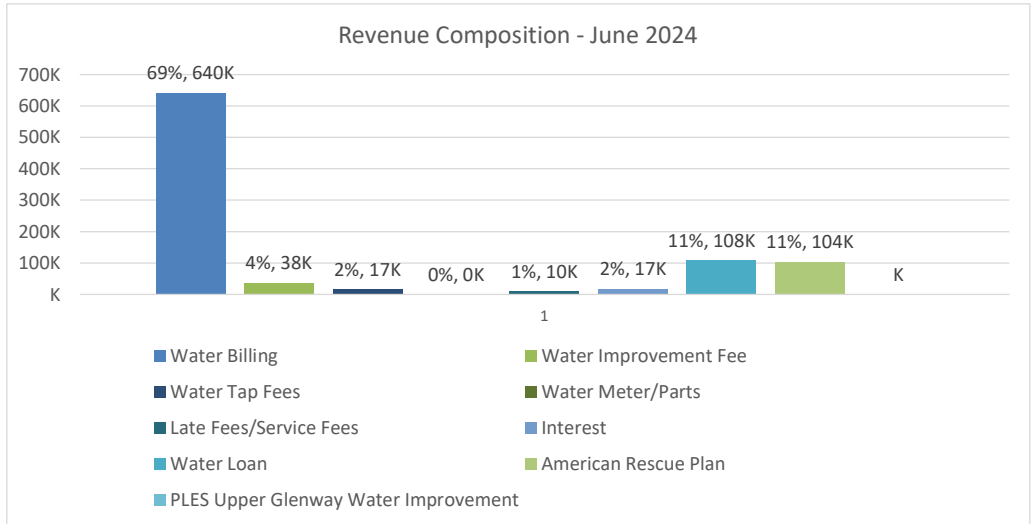
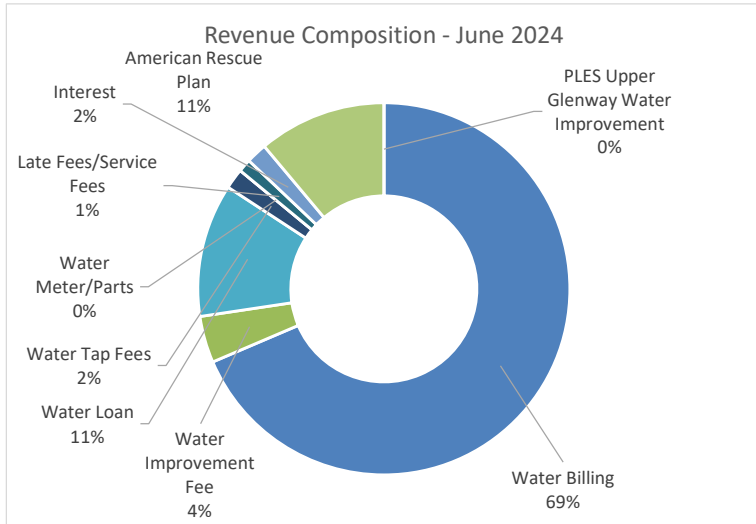
Expenditure Composition by Department - Prior Year Comparison



# TOWN OF PALMER LAKE

Item 4.

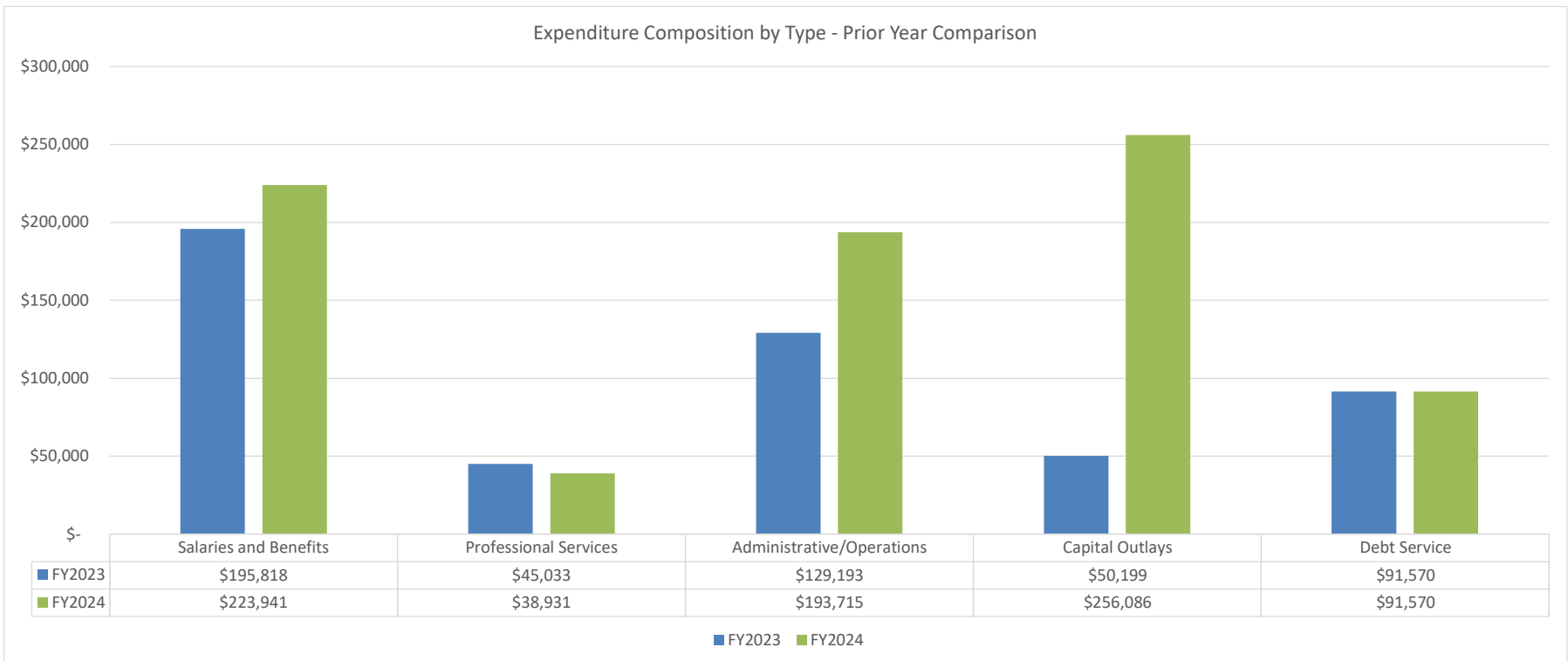
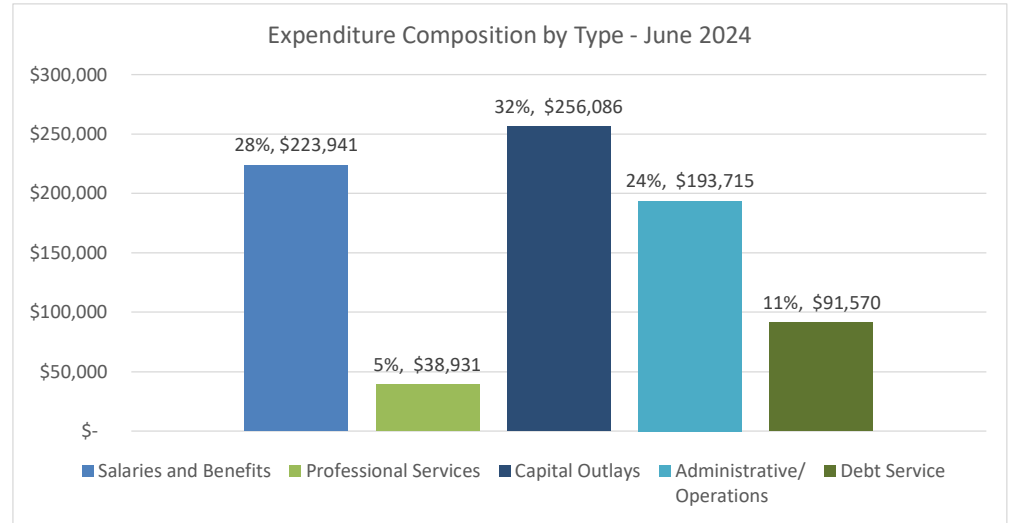
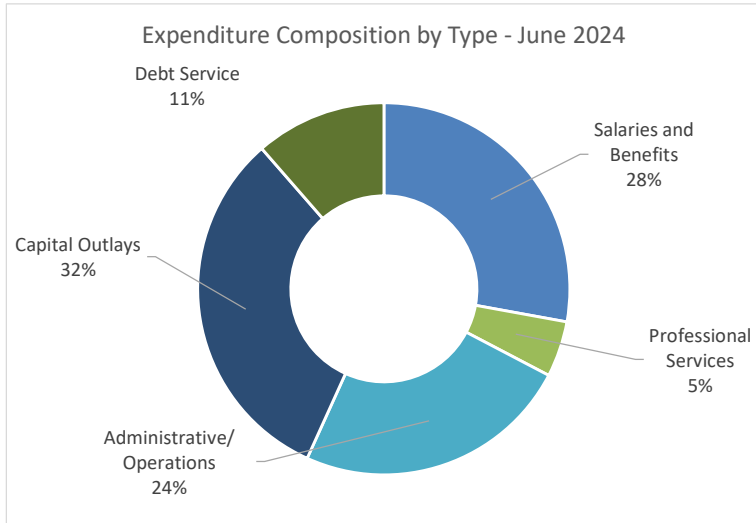
## REVENUE CHARTS WATER ENTERPRISE FUND For the Six Months Ended June 30, 2024 UNAUDITED



# TOWN OF PALMER LAKE

Item 4.

## EXPENDITURE CHARTS WATER ENTERPRISE FUND For the Six Months Ended June 30, 2024 UNAUDITED



NOTICE OF PUBLIC HEARING

TOWN OF PALMER LAKE

Notice is hereby given that Palmer Lake Planning Commission shall hold a public hearing on Wednesday, January 17, 2023, at 5 PM at the Town Hall, 28 Valley Crescent, Palmer Lake, to consider a Conditional Use application for Landscape Yard in C2 zone, located at 650 Illumination Point, Hwy 105, Palmer Lake. A recommendation will be made to the Board of Trustees on the same matter scheduled for Thursday, January 25, 2024, 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



42 Valley Crescent  
PO Box 208  
Palmer Lake CO 80133  
719-481-2953 – office

Office Use Only	
Case Number:	_____
Date:	<u>11/27</u>
Fees:	<u>\$250.00</u>
Check #:	_____
Rec'd By:	<u>JAC</u>
Application Complete:	_____

**PAID**  
CK #1585

*Jan PC 1 BOT  
CONT'd  
March '21*

### Conditional Use Application Form

Name of Applicant/Property Owner: Jared Whiteley/Illumination Point LLC

Address: 650 Illumination Point Phone#: 719-313-9577

Email: jared@greatergroundslc.com

Name of Proposal: Greater Grounds Landscape Yard

Legal Description or Address: LOT 4 ILLUMINATION POINT SUB

*Note: If the applicant is someone other than the property owner, the applicant must provide a notarized letter from the property owner giving permission to be represented in this action.*

**This is a Conditional Use** – A request for a use not permitted under certain zoning categories subject to review by the Planning Commission and consideration by the Board of Trustees.

**Criteria for approval of a conditional use** – Include a “site plan” or building design where a structure is involved to address the following criteria in which the Planning Commission and the Board of Trustees must find evidence, both factual and supportive, provided by the applicant.

- The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this ordinance.
- The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use.
- Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other ordinance standards or other reasonable conditions of approval.
- If of benefit to the community, any proposed structures will be of a design complimentary to the surrounding area.



By signing this application, parties agree to the following:

- Town of Palmer Lake staff or its consultants may enter the property to inspect the property and evaluate the proposal.
- The applicant/petitioner is liable for all non-refundable fees and costs associated with the Town’s review of this application. Fees may include, but are not limited, to engineering and consultant fees, public notice costs, publication/recording fees, and any other fees paid by the Town in connection with, or related to, review of this application.
- Payment of fees as described is due within 10 days of the date of filing and, if not received within 30 days will be considered past due. Payment of the above fees shall not relieve the payment of any other fees imposed by the Town.

As owner/applicant, I affirm the information contained in this application is accurate, and I agree to the above conditions.

Applicant Signature: *[Signature]* Date: 11/23/2023

If the applicant is not the owner:

As owner of the above property, I agree to the application.

Owner – Print: \_\_\_\_\_

Owner – Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# **GREATER GR UNDS**

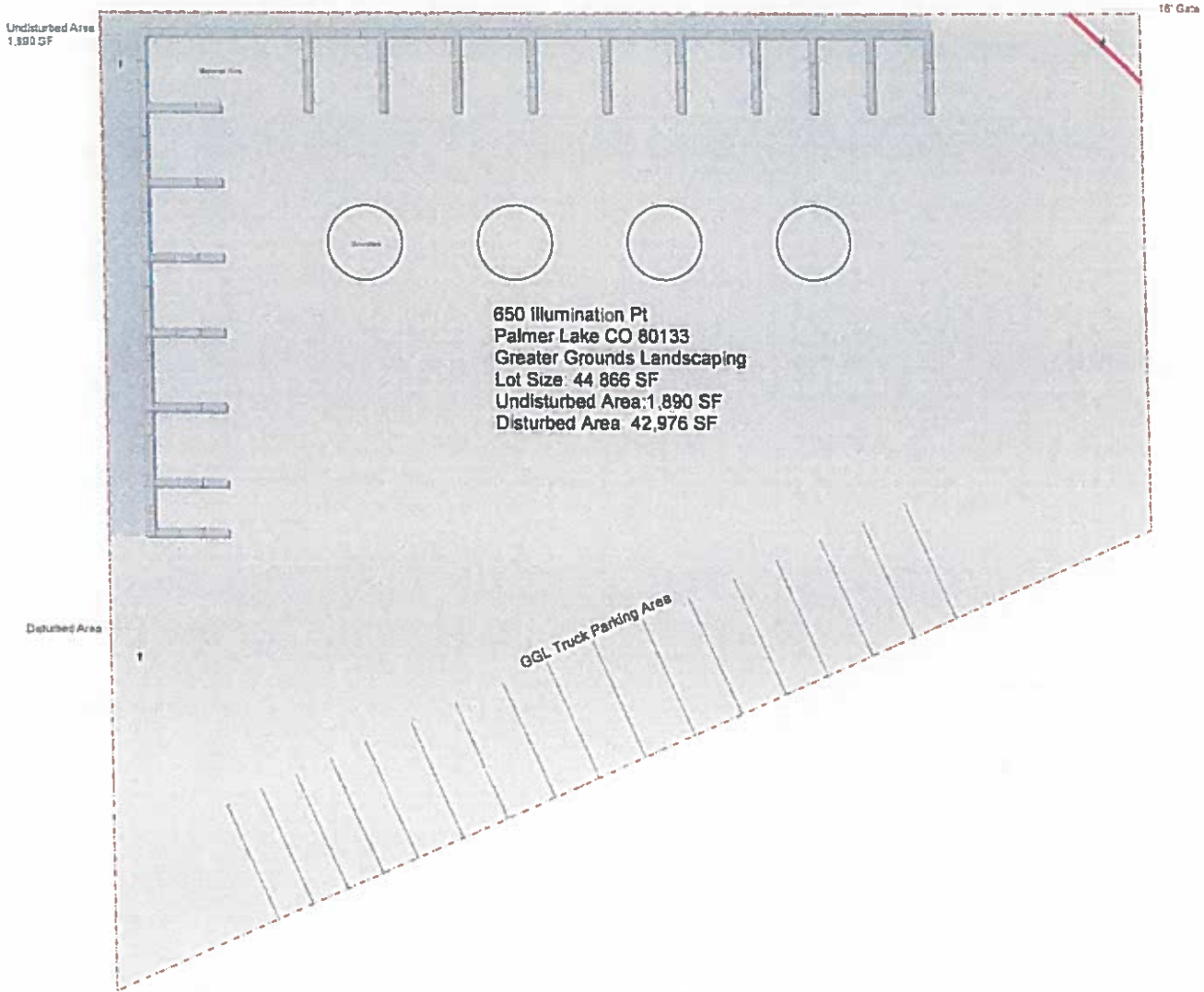
## **LANDSCAPING**

### Letter of Intent

Business: Illumination Point LLC/Greater Grounds Landscaping  
Address: 630 Highway 105 Palmer Lake CO, 80133  
Contact: Jared Whiteley  
Number: 719-313-9577

Lot Address: 650 Illumination Point Palmer Lake CO, 80133

Greater Grounds Landscaping is requesting a conditional use permit on the lot listed above. We intend to park our trucks and equipment on this lot, as well as store landscape building materials as shown in the attached design. We do not intend to build any structures, or place any roads/curb & gutter. We do not intend to use any site utilities such as gas, electric, & water. We are utilizing the natural soils as a parking lot. We will be disturbing at most approx. 42,976 SF to properly use the lot for what we need. Any soils disturbed during the construction process that will not be utilized, will be reclaimed with native seed and ECB. We will be placing a 6' privacy fence around our lot to screen from HWY 105, as well as the trailer park to the South. Greater Grounds will be the only company using this lot. For any more information, please feel free to contact.



Proposed Fence - 6' weld wire fence

Landscape block material 6'x3'x2'



Information: Greater Grounds is using 650 Illumination Pt as an area to park our trucks and equipment. As well as store landscape building materials such as rock, mulch, boulders, and soil. As of right now our operation is not changing from where we were located at the previous location at 630 Highway 105, we are simply moving our equipment out of a 100yr flood plane to our newly purchased lot. We are disturbing under 43,580 SF.



This document and the plan information herein are the sole property of Greater Grounds Landscaping, LLC. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Greater Grounds Landscaping, LLC. The information herein is provided for informational purposes only and does not constitute an offer of any services. The information herein is provided for informational purposes only and does not constitute an offer of any services. The information herein is provided for informational purposes only and does not constitute an offer of any services.



Greater Grounds Landscaping  
630 Highway 105 Palmer Lake, CO 80133  
719-313-9577  
jared@greatergroundslc.com

Design by:  
Jared Whiteley

650 Illumination Pt  
Palmer Lake CO 80133  
Greater Grounds Landscaping

## 17.48.010. - Permitted uses.

Permitted uses in the C2 zone are as follows:

- (1) Restaurants.
- (2) Licensed liquor and beer outlets.
- (3) Bed and breakfast.
- (4) Funeral homes and mortuaries.
- (5) Medical and dental clinics.
- (6) Service establishments, such as barbershops and beauty shops, watch and jewelry repair, pharmacies, pick-up stations for laundry or dry cleaning, retail good shops.
- (7) Commercial buildings, libraries, parks, museums, art galleries and post offices.
- (8) Retail stores, including the following: liquor store, drug store, miscellaneous good items, clothing store, sporting goods, books, groceries, antiques, gift shop, hardware, and furniture.
- (9) Art, photographic, health, dance and music studios.
- (10) Light/small equipment sales and repair.
- (11) Day care centers.
- (12) Building supplies.
- (13) Light assembly of prefabricated parts.
- (14) Arts/crafts shops such as woodworking, pottery, jewelry or other craft-based industries.
- (15) Small animal veterinary clinic.

(Code 1973, § 17.37.010; Ord. No. 4-1995, § 2, 1995; Ord. No. 18-2000, § 15, 2000)

## 17.48.020. - Conditional uses.

Conditional uses in the C2 zone are as follows:

- (1) Wholesale businesses.
- (2) Drive-in commercial uses.
- (3) Bowling alleys.
- (4) Educational institutions.
- (5) Religious institutions.
- (6) Public and semi-public uses (per definition in section 17.08).

- (7) Nursing homes, hospitals.
- (8) Ambulance services.
- (9) Single-family and multi-family uses (R1 through R4 subject to all regulations of that particular zone).
- (10) Mini-warehouses and storage rental spaces.
- (11) Mixed-residential dwelling and commercial uses occurring in the same building.
- (12) Light manufacturing.
- (13) Kennel, provided that a minimum area of five acres is available.
- (14) Vehicle repair and service.
- (15) Hotels and motels.
- (16) Parking garages.
- (17) Licensed establishments as such term is defined in chapter 5.30 as and if otherwise allowed and regulated by chapter 5.30.
- (18) Other such uses as listed and permitted which are not more detrimental, as determined by the planning commission and town board.

(Code 1973, § 17.37.020; Ord. No. 4-1995, § 3, 1995; Ord. No. 18-2000, § 16, 2000; Ord. No. 15-2017, § 2, 8-24-2017)

17.48.030. - Lot sizes and dimensions.

(a) The sizes and dimensions of a lot in a C2 zone shall be as follows:

- (1) Minimum lot size: 6,600 square feet.
- (2) Minimum lot width: 35 feet street frontage.

(b) No side yard setback shall be required provided the building's side wall is constructed of at least four-hour fire-resistance material. If building material has less than four-hour fire-resistance, a minimum side yard of five feet shall be required.

(Code 1973, § 17.37.030; Ord. No. 4-1995, § 4, 1995)

17.48.040. - Structure height and area.

The structure height and area requirements in a C2 zone are as follows:

- (1) Maximum building height: 30 feet.
- (2) Maximum area covered by structure: 65 percent of lot.

(Code 1973, § 17.37.040; Ord. No. 4-1995, § 5, 1995)

17.48.050. - Required off-street parking and loading.

For required off-street parking and loading, see chapter 17.84.

(Code 1973, § 17.37.050; Ord. No. 4-1995, § 6, 1995)

17.48.060. - Signs.

Signs in the C2 zone are permitted provided they comply with chapter 17.76.

(Code 1973, § 17.37.060; Ord. No. 4-1995, § 7, 1995; Ord. No. 18-2000, § 17, 2000)

17.48.070. - Sewerage.

Septic tanks may be permitted if all of the following conditions are met:

- (1) Inability to tap existing sewer lines.
- (2) Ability to meet current county sewage disposal regulations.
- (3) Compliance with the provisions of chapter 16.48.

(Code 1973, § 17.37.070; Ord. No. 4-1995, § 8, 1995)


17.48.080. - Outdoor storage and buffering.

All outdoor storage must be screened from view by landscaping or fences. Landscaping and/or buffering must also be provided between commercial and residential areas.

(Code 1973, § 17.37.080; Ord. No. 4-1995, § 9, 1995)

DESIGNED BY: JF
DRAWN BY: JF
CHECKED BY: LD
DATE: 2/14/2024
PROJECT NO: 2452.00
SHEET NO: 1/4

271 S. 23RD STREET  
DENVER, CO 80202  
TEL: 303.733.4422  
WWW.TERRANOVA.COM



TERRANOVA  
ENGINEERING, INC.

PREPARED FOR:  
JARED WHITELEY  
ATTN: (719) 313-9577

NO.	REVISIONS	DESCRIPTION	DATE

THIS DESIGN WAS PREPARED UNDER MY DIRECT SUPERVISION  
FOR AND ON BEHALF OF TERRANOVA ENGINEERING, INC.



L. DUVETTE, PROFESSIONAL ENGINEER  
COLORADO P.E. NO. 30329  
2/14/2024

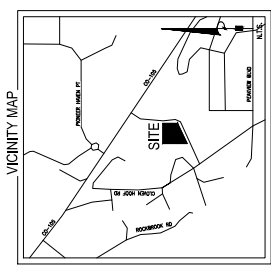
**SITE DATA:**  
 1) ZONING = N/A  
 2) TOTAL LOT AREA = 11,104 S.F.  
 3) TOTAL LOT W/SETBACKS = 11,104 S.F.  
 4) SETBACKS: FRONT: 35', SIDE: 20', REAR: 20'  
 5) AVERAGE SLOPE OF SITE: 0.8%  
 6) AVERAGE SLOPE OF SITE: 0.8%  
 7) LIMITS OF DISTURBANCE: AVERAGE: 0.83

**PROPERTY DESCRIPTION:**  
 Lots 4, Illumination Point Subdivision in the  
 City of Palmer Lake, El Paso County, Colorado.

**PROPERTY OWNER:**  
 Illumination Point LLC  
 Palmer Lake, CO 80133

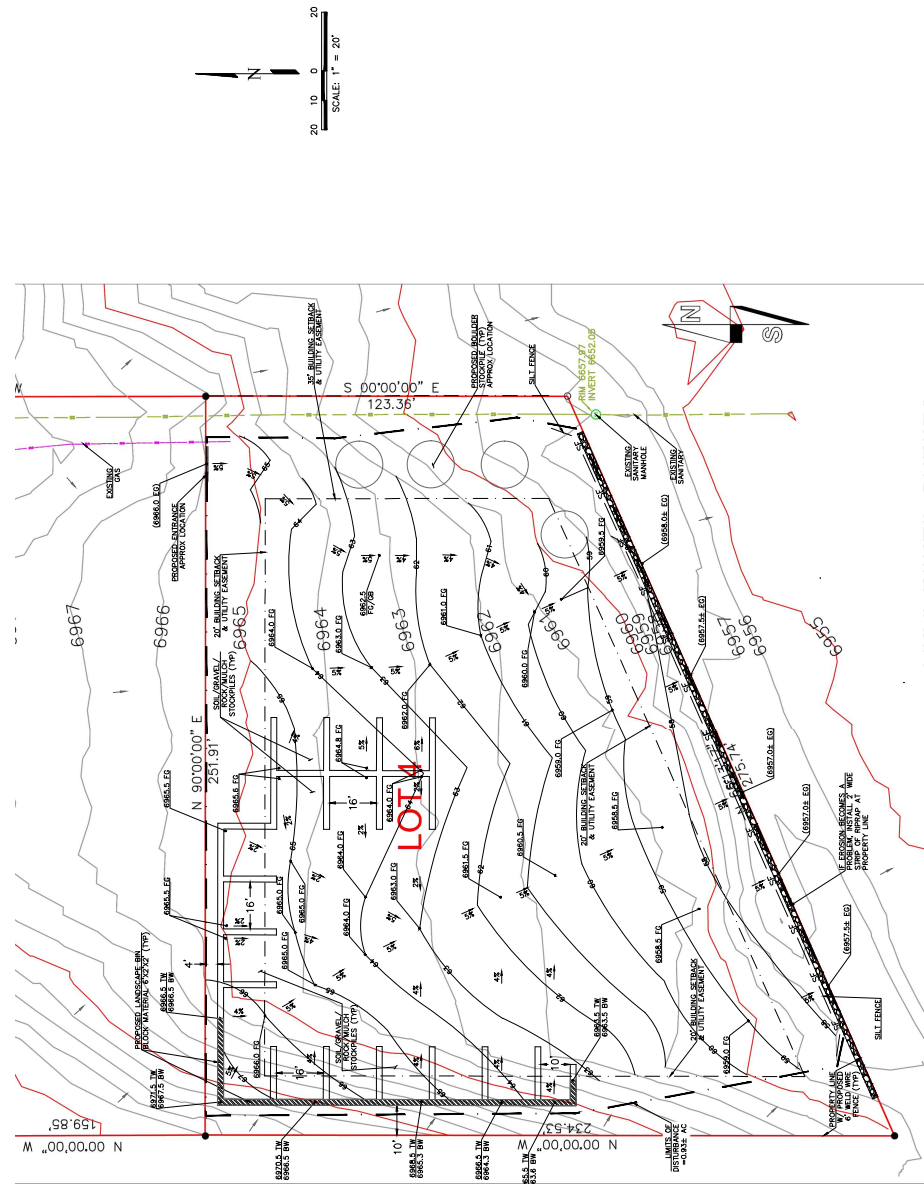
**ADDRESS:**  
 650 Illumination Point, Palmer Lake, CO 80133

**NOTES:**  
 DURING CONSTRUCTION AND AT ALL TIMES THEREAFTER,  
 PARTICULARLY PRIOR TO THE ESTABLISHMENT OF  
 STRUCTURES, DRIVEWAYS OR OTHER HARD SURFACES  
 SHALL BE PROTECTED FROM EROSION.  
 ALL DISTURBED AREAS SHALL BE VEGETATED WITH  
 EROSION CONTROL GRASSES, SHRUBS AND/OR TREES.  
 ALL REQUIRED LANDSCAPING INCLUDING REVEGETATION  
 SHALL BE INSTALLED PRIOR TO OCCUPANCY OF THE PREMISES  
 EXCEPT AS PROVIDED IN SECTION 17-50.100(C), ORD.  
 3-1989, §1, 1989; ORD. 2-1986, §6, 1986



**GRADING LEGEND**

	EXISTING CONTOURS - MINOR
	EXISTING CONTOURS - MAJOR
	PROP CONTOURS - MINOR
	PROP CONTOURS - MAJOR
	PROPERTY LINE
	PROP FLOW
	EXISTING EASEMENT
	PROP FINISHED GRADE
	EXISTING FLOW
	LIMITS OF DISTURBANCE
	PROP RETAINING WALL
	EXISTING SETBACK
	EXISTING GRADE
	FINISHED GRADE AT BOTTOM OF WALL
	TOP OF WALL GRADE



# ***GREATER GR* *UNDS***

## **LANDSCAPING**

Lot Address: 650 Illumination Point, Palmer Lake CO 80133

### Dust Control:

- Applying Dust R/X Hydro as need to mitigate dust from blowing
- Dedicated pickup mounted water truck to apply to ground as needed incase of last-minute dust control measures are needed

### Screening:

- 6' weld wire fence will have privacy screen
- After CDOT replaces removed trees along Hwy 105, possibly planting more trees on Tucker Enterprises property to provide additional screening

### Traffic:

- Work with CDOT on placing a "trucks turning" sign on the 105-hill descending to the illumination pointe entrance
- Dedicated roadway entrance/exit will be from Illumination Pointe
- Traffic is projected to increase approx. 15-25 vehicles a day.

### Fit for the zone:

- Zoning states "building materials"
- What is being sold, falls under the definition of building materials/building supplies
- Providing competitively priced landscape materials for the Town and citizens of Palmer Lake

**Dawn Collins**

---

**From:** Jared Whiteley <jared@greatergrounds.com>  
**Sent:** Tuesday, July 16, 2024 1:29 PM  
**To:** Dawn Collins  
**Subject:** Site Plan & Info  
**Attachments:** Greater Grounds Landscape Materials - Site Plan.pdf

-----**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.**-----

Hey Dawn

Thanks for the call earlier.

Attached is the Site Plan.

Also, Please advise the board of the following.

We will not be selling materials to the public as of right now, due to other internal challenges we are working through. When the time is right, I will notify you that we would like to start selling to the public, and we can work through whatever needs to be done to execute that.

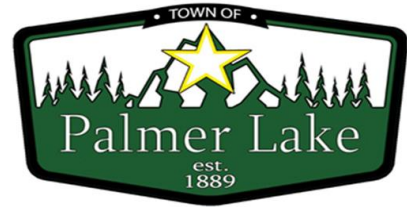
I would really like to move forward with the Permit and attend this Wednesday's meeting, but recently my daughter was bit by our dog in the face and needed medical intervention. We are planning on euthanizing the dog this Wednesday at 5pm. Unfortunately, I will not be able to attend that meeting.

As of right now, all I am waiting on is the Traffic Impact Study to be completed. If we can move forward with everything that would be great. As soon as I receive that it will be sent to Arthur for review.

Let me know if you need anything else.

*Thank you,*

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



**TOWN OF PALMER LAKE  
BOARD OF TRUSTEES - MEMO SUMMARY**

<b>DATE:</b> July 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Resolution to Approve Conditional Use for Landscape Yard in C2 Zone at 650 Illumination Point
<b>Presented by:</b> Town Administrator Collins		

**Recommended Action**

Consider the Resolution and recommendation from Planning Commission to approve the Conditional Use Permit for Greater Grounds with the proposed conditions for the use.

**Background**

After several months of continuing the hearing, the Planning Commission reviewed the consideration of a landscape yard in a C2 zone specifically for business owner, Mr. Jared Whiteley for Greater Grounds.

Note that Mr. Whiteley continues to work with CDOT to meet the requirements of the access permit from Hwy 105 for Illumination Point. Additionally, a recent modification from Mr. Whiteley is that he does not intend to conduct retail sales at this time, which previously raised a concern of additional truck traffic and dust at the Illumination Point site.

The minutes from the Planning Commission meeting discussion of this item follows –

**Public Hearing**

2. Application for Conditional Use - Landscape Yard in C2 Zone, Greater Grounds. Collins provided review of the activity with Greater Grounds, the applicant’s absence, and the change from the applicant to not pursue retail sales at this time. No person spoke for or against the use. Chair Ihlenfeld closed the hearing.

**Business Items**

3. Recommendation on Conditional Use Permit - Landscape Yard in C2 Zone, Greater Grounds. Discussion ensued about violations and moved to various conditions so the business complies with a conditional use. Collins noted that CDOT and Town regulations are required to be met regardless. It was noted that the use does not comply with the Master Plan vision for that part of the Hwy 105 corridor. Discussion took place about the conditions that members previously discussed and would like to see for a landscape yard in a C2 zone. Members returned to the prior list, discussing dust control, screening with fencing and trees, and limiting the conditional use to this applicant and business only.



MOTION (Hutson, Zapalac) to recommend approval of the conditional use for a landscape yard in a C2 zone with the following conditions – dust control as presented by the applicant with a dedicated pick up mounted water truck as needed and applying Dust R/X Hydro as needed; screening to be completed within 90 days of the effective date of the conditional use permit and will include an 8 ft opaque fence (not wildlife) at the north and east lot lines and evergreens outside the fence - minimum of 4 ft high at 20 ft on center at the north and east lot lines; any dumpster/other storage must remain behind the screening; no retail sales activity; all required CDOT, town regulations met; limited to this business owner and business, Greater Grounds. Motion passed 7-0.

**TOWN OF PALMER LAKE, COLORADO**

**RESOLUTION NO. 40 - 2024**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A LANDSCAPE YARD IN GENERAL BUSINESS AND COMMERCIAL (C2) ZONE DISTRICT, LOT 4, ILLUMINATION POINT SUBDIVISION, LOCATED AT 650 ILLUMINATION POINT, PALMER LAKE, COLORADO, SUBJECT TO CONDITIONS**

**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**, Jared Whiteley (“Applicant”) purchased and developed Lot 4, Illumination Point Subdivision, located at 650 Illumination Point, Palmer Lake, Colorado (the “Property”) and developed it into a landscaping business known as Greater Grounds; and

**WHEREAS**, the Applicant submitted an application for a conditional use permit for a landscape yard on the Property; and

**WHEREAS**, the Property is located in the General Business and Commercial (C2) zone district; and

**WHEREAS**, Section 17.44.020(18) of the Palmer Lake Town Code authorizes uses that are not specifically listed as conditional uses in the C2 zone district if they are not more detrimental than the specifically listed conditional uses, as determined by the planning commission and town board; and

**WHEREAS**, beginning in January through July 18, 2024, the Palmer Lake Planning Commission considered the application, and on July 18, 2024, by a vote of 7-0, recommended that the Board of Trustees approve the conditional use permit subject to a number of conditions that are set forth in Section 3, below; and

**WHEREAS**, on July 25, 2024, the Palmer Lake Board of Trustees considered the application, including the recommendation of the Planning Commission, and public comment and concluded that the conditional use permit should be granted on the conditions set forth in Section 3, below.

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

1. The Board of Trustees reviewed the application, considered the recommendation of the Planning Commission, and the comments of the public, and finds that the proposed use of the Property by the Applicant for a landscape yard is similar in nature and not more detrimental than other uses allowed as conditional uses in the C2 zone district, provided the conditions set forth in Section 3 are fully complied with.
2. The Application of Jared Whiteley, dba Common Ground, for a conditional use permit to operate a landscape yard in the C2 zone district on the Property located at Lot 4, Illumination Point Subdivision, 650 Illumination Point, Palmer Lake, Colorado is approved subject to the conditions set forth in Section 3, below.

- 3. The conditional use hereby approved shall be subject to the following conditions.
  - a. At all times the Applicant must maintain dust control in the manner presented by the applicant with a dedicated pick up mounted water truck and applying Dust R/X Hydro as needed. Such dust control shall be performed when the Applicant or the Town Administrator deems it to be needed;
  - b. Screening to be completed within 90 days of the date of this resolution. Fencing will include an 8 ft opaque fence (not wire wildlife) at the north and east lot lines and evergreens outside the fence a minimum of 4 ft high at 20 ft on center at the north and east lot lines;
  - c. All dumpster and other storage must remain behind the screening;
  - d. no retail sales shall be conducted on the Property;
  - e. Applicant shall meet all required CDOT regulations pertaining to the access permit and town regulations pertaining to the land development within 90 days of the date of this Resolution or on such date as may be specifically agreed to by CDOT and the Town Administrator; and
  
- 4. The conditional use permit approved by this Resolution is limited to Jared Whiteley and the Greater Grounds business and may not be transferred without the advance written approval of the Board of Trustees.
  
- 5. 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.
  
- 6. 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 25th DAY OF JULY 2024.**

ATTEST:

TOWN OF PALMER LAKE, COLORADO

\_\_\_\_\_  
 Dawn A Collins  
 Town Administrator/Clerk

BY: \_\_\_\_\_  
 Glant Havenar  
 Mayor



# Community Matters Institute

Tel: ++303 730 0396

[barbcole@communitymattersinstitute.org](mailto:barbcole@communitymattersinstitute.org)

## M E M O

To: Palmer Lake Board of Trustees  
 Thru: Dawn Collins, CMC, Town Administrator/Clerk  
 From: Barb Cole, Executive Director, CMI  
 CC: Mike Davenport, CMI, Mark Morton, GMS, and Scott Krob, Town Attorney  
 Date: July 22, 2024  
 RE: Title 16- Subdivision

---

Everybody's heard of the zoning code. Sooner or later, a developer will submit an application to rezone land near your home or business, and everyone snaps to attention. However zoning changes typically only involve a few parcels of land at a time. The Subdivision Ordinance specifies the requirements for dividing and consolidating property. Subdivision regulations often operate in almost complete obscurity and involve larger acreages. A subdivision ordinance includes many engineering design standards technical requirements for submitting a plat as well as statutory requirements. The review is driven by engineering requirements.

Palmer Lake's current subdivision ordinance is over 50 years old and there have been few amendments. The most notable amendment was in 2020 with the addition of the stormwater quality requirements (MS4). The redlined copy included in your packets shows in yellow highlight the only sections of the current code that were incorporated in the new ordinance. This is a new subdivision ordinance with only a few remnants of the old code carried forward.

This ordinance is the result of multiple reviews and suggestions from the Planning Commission members and technical additions from Mark Morton, Town Engineer. We believe that this ordinance fills in many technical gaps and ensures that the Subdivider's commitments are properly documented and recorded.

Notable items include:

- Chapter 2- Types of Subdivisions. New administratively simple plat applications have been added- Plat Amendment and Plat Correction. The technical submittal requirements for all types of subdivision applications have been expanded and submittal requirements and procedural steps outlined.
- 16.40.040. Access requirements have been added with engineering criteria from GMS.



- 16.50.020. Open Space dedication requirements remain the same. What constitutes open space has been further defined and school land dedication has been clarified- this requirement notes that this is the business of the school district not the Town.
- Chapter 3 Public Improvements. This chapter outlines the public improvement requirements and dedications and the steps that must be followed for a Subdivision Improvements Agreement.



**TOWN OF PALMER LAKE, COLORADO**

**ORDINANCE NO. 8 - 2024**

**AN ORDINANCE AMENDING AND REPLACING IN ITS ENTIRETY TITLE 16  
OF THE PALMER LAKE MUNICIPAL CODE GOVERNING AND REGULATING THE  
SUBDIVISION OF PROPERTY WITHIN THE TOWN**

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

**WHEREAS**, Chapter Title 16 of the Town Code sets forth the procedures and requirements for subdivision of property within the Town; and

**WHEREAS**, the Board of Trustees has determined that it wishes to update the provisions of Title 16; and

**WHEREAS**, proposed revisions to Title 16 were provided to the Palmer Lake Planning Commission and the Commission has reviewed and provided comments regarding the proposed revisions; and

**WHEREAS**, The Board of Trustees has received, reviewed and considered the proposed revisions to the existing provisions of Title 16, as reflected in the redline attached as Exhibit A, as well as the comments of the Planning Commission and the public; and

**WHEREAS**, the Board of Trustees has concluded that it is in the best interest of the health, safety and welfare of the Town to accept and approve the suggested revisions to Title 16 Subdivision resulting in a revised Title 16 that reads in its entirety as set forth in Exhibit B, attached.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE, COLORADO AS FOLLOWS:**

1. The Palmer Lake Municipal Code is hereby amended by replacing Title 16 Subdivision, in its entirety with the provisions set forth in Exhibit B, attached.
2. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance 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 Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.
3. Repeal. Existing ordinances or parts of ordinances covering the same matters embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances

inconsistent with the provisions of this Ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**INTRODUCED AND PASSED AT A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF PALMER LAKE ON THIS 25<sup>TH</sup> DAY OF JULY, 2024.**

**ATTEST:**

**TOWN OF PALMER LAKE, COLORADO**

\_\_\_\_\_  
Dawn A. Collins  
Town Administrator/Clerk

BY: \_\_\_\_\_  
Glant Havenar  
Mayor



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

### Drafting notes:

- The yellow highlighted text represents the only text imported from the current Title 16, adopted with minor modifications in 1973. The major update to the subdivision ordinance was the addition of the stormwater quality requirements in 2020 and there were minor amendments in 1984 and 1987.
- The redline comments were minor with the exception of the reference to the Town of Palmer Lake Public Works Standards Manual. The Planning Commission did not like the heavy reliance on the El Paso County Engineering Criteria Manual because many of the standards do not 'fit' Palmer Lake. This is especially true for the street standards
- Comments from the Planning Commission have been addressed.
- This final draft includes additional engineering insertions from GMS.

## TITLE 16 SUBDIVISION

---

### CHAPTER 1. 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
- (g) Ensuring that the development of various parcels of land is compatible and in harmony with the existing community, allowing for the future development of adjoining parcels of land, and facilitating emergency access in the case of fires.
- (h) Ensuring that the cost of improvements will be borne by the owners/subdividers of the land parcels.
- (i) Protecting historic and cultural areas of 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.** 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. This title is adopted pursuant to Colorado Revised Statutes (C.R.S.) Sections 31-23-201, et seq. and is declared to be in conformance with those statutes.

**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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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 Colorado registered professional land surveyor (PLS); 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 in which the Town of Palmer Lake first adopted subdivision regulations.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
- (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 (CCIOA), 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,



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

and drainage alterations. All subdividers are required to sign a cost reimbursement agreement.

- (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 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 the engineering design standards for the Town of Palmer Lake. These are the currently adopted Town of Palmer Lake Public Works Standards (which includes road standards, as well as the currently adopted El Paso County Engineering Criteria Manual as may be amended and the regulations of the El Paso County Board of Health El Paso County, Colorado Chapter 8 On-Site Wastewater Treatment Systems (OWTS) Regulations, as amended and adopted by reference. These are available online, and one (1) copy is on file in the Town Clerk's office. Subdivision designs shall also be governed by the design standards specified in other titles of the Town of Palmer Lake's Municipal Code and shall to the extent possible be consistent with the Town's Community Master Plan. The Public Works



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

**Standards are cardinal to the El Paso County Engineering Criteria Manual and are consistent with the adopted Community Master Plan.**

- (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.

## CHAPTER 2 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, **five or more residential dwelling structures, or five or more non-residential habitable structures**, 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.
- (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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 and the subdivider can demonstrate that the initial subdivision was reviewed to include water, sewer, roads, other utilities, drainage, dedication requirements, and complied 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.
- (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.



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
 COMMENTS.

<b>Table 16.1 Drawing Format and Content</b>	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
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:						



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
 COMMENTS.

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
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 the intent to file a subdivision application with the Town		X	X			



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
 COMMENTS.

**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) 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 denial of the application.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (f) 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 Trustee's decision shall be final, subject only to judicial review pursuant to C.R.C.P. 106(a)(4).
- (g) 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 by the subdivider to the Town Clerk.
  - c. The Town Administrator or designee shall publish notice of the hearing in a newspaper of general circulation and post a sign on the property in a visible location.
- (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 hearing, 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.



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
 COMMENTS.

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, **where five (5) or more residential dwellings are proposed, or five (5) or more non-residential habitable structures are proposed**, 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 of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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).

- 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 fewer than five (5) lots, all with direct access to an existing public street.
  - (4) Does not land-lock or prevent development of the remainder of the parcel or abutting property.
  - (5) 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) Does not require public infrastructure to be constructed in association with the subdivision.
  - (7) Does not require an exception or variance from any requirement of this title nor exceptions to the ~~Town of Palmer Lake Public Works Standards Manual- El Paso County Engineering Criteria Manual.~~
  - (8) 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

(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 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 less than 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
  - (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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

**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, and 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 use (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 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 larger area and street photos (per comments on Memo worksheet)
- 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
  - 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 the



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.

(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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
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,



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

and explain how the proposed plat is consistent with the all 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.
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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.

b. Permanent stormwater quality control measure maintenance and access agreement templates are provided in the [Town of Palmer Lake Public Works Standards Manual](#) ~~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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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).

**16.20.100. Final Plat Application Process.**

- (a) A final plat shall be required for all types of subdivisions.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 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:
    1. The plat shall be prepared, signed, and sealed by a Colorado registered land surveyor and meet applicable State requirements.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
  8. Bearings, distances, chords, radii, central angles and tangent links for the perimeter and all lots, blocks, rights-of-way, and easements.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
22. Certification of ownership and dedication of streets, rights-of-way, easements, and public sites. Town will provide format.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
  - g. Structure Details. Sufficient data shall be given to construction of major structures and road appurtenances such as bridges,



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
- (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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
  - (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 shall request a preapplication conference with the Town Administrator or designee or 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,



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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.
- (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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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).

(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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
    - 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 agreepppppment 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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.
  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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.

**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 3 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 Article.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

**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.
- (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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.
- 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

the public utility and infrastructure improvements. Subdivider shall pay all costs and fees incurred by the Town in performing testings or inspections in connection with final acceptance. At that point, any remaining performance or warranty assurances held by the Town shall be released to theSubdivider.

**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. Engineering Design Standards.**

The engineering design standards for the Town of Palmer Lake are the currently adopted Town of Palmer Lake Public Works Standards which includes road standards, as well as the regulations of the El Paso County Board of Health El Paso County, Colorado Chapter 8 On-Site Wastewater Treatment Systems (OWTS) Regulations, as amended and adopted by reference. These are available online, and one (1) copy is on file in the Town Clerk's office. Subdivision designs shall also be governed by the design standards specified in other titles of the Town of Palmer Lake's Municipal Codes and shall be consistent to the extent possible with the Town's Community Master Plan. The Public Works Standards are cardinal to the El Paso County Engineering Criteria Manual and are consistent with the adopted Community Master Plan.

**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 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.

**Commented [b1]:** [https://library.municode.com/co/palmer\\_lake/codes/code\\_of\\_ordinances?nodeId=COOR\\_TIT16SU\\_CH16.44LO\\_16.44.090COINLO#:~:text=A%20SEWER%20UTILITIES-.CHAPTER%2016.44.%20%2D%20LOTS,-SHARE%20LINK%20TO](https://library.municode.com/co/palmer_lake/codes/code_of_ordinances?nodeId=COOR_TIT16SU_CH16.44LO_16.44.090COINLO#:~:text=A%20SEWER%20UTILITIES-.CHAPTER%2016.44.%20%2D%20LOTS,-SHARE%20LINK%20TO)

**Commented [b2R1]:** There is a current section on lots- see link above - 16.44- CMI replaced this section. It is unclear what the issue is but this does institute the setback from Highway 105 as noted in the Community Master Plan.

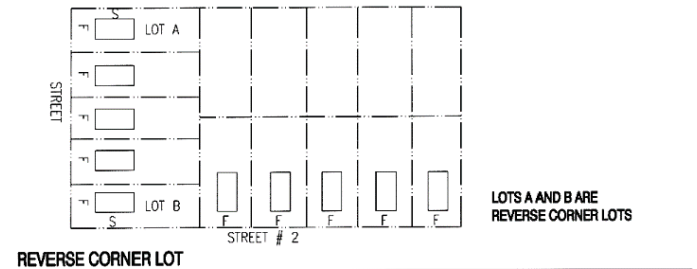
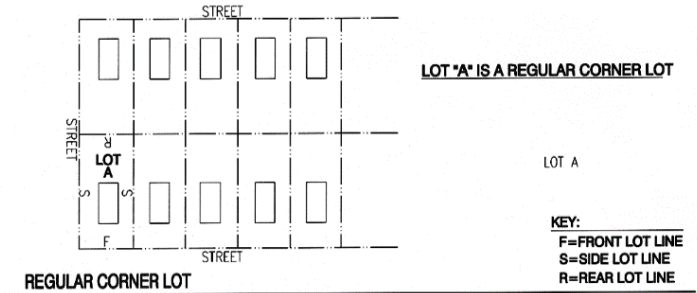


Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

b. Limitations and opportunities of topography.

(2) Lot Dimension and Configuration.

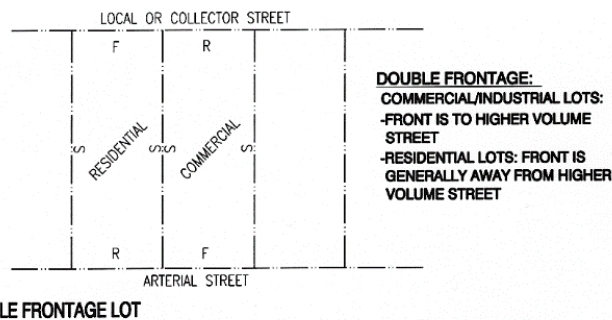
- a. Lot size, width, depth, shape, and orientation and minimum building setback lines shall conform to “Zoning Districts and Uses” in Title 17 Zoning and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy, and view.
- b. Depth and width of properties shall be 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.





Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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.



- a.
  - 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 about 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 **unless waived by the Town Engineer;** or

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. Access and Dedication.**

(a) Access. Access to all subdivisions shall be from a public street system. Driveways shall not be permitted to have direct access to arterials or CDOT state highways (principal arterials).

**(b) Access Requirements**

1. All subdivisions shall be platted and developed to provide adequate access to all portions of the subdivision.
2. 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:
  - a. Provide normal access to all lots within the subdivision, with all lots being accessed directly from a developed roadway.
  - b. 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- c. Provide adequate access, ingress and egress of emergency services vehicles and equipment.
- d. Conform with access requirements of the current adopted versions of all other applicable codes, including the local fire code.
- e. Provide adequate egress for the subdivision in the case of emergencies or evacuations.
- f. Number of access points.
  - i. A street with a total length less than 500 feet from the centerline intersection of the intersecting street to the furthest point 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.

(c) 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 *Town of Palmer Lake's Public Works Standards 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.

**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*~~, *Town of Palmer Lake Public Works Standards 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 prohibited due to fire hazards. In addition to street design standards found in the adopted *Public Works Standards Manual*, street layout shall also be reviewed by the Fire Department for conformance with the and Fire Code. shall have final determination on required access.~~
- (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 ~~Triangle~~ area. Trees shall not be planted in the Sight Distance ~~Triangle~~ 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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 and ensure that pedestrian access is safe and sufficient in width through the provision of sidewalks, trails or paths.
- (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.

**16.40.080. Easements.**

Commented [b3]: From GMS

- (a) Minimum easement width for an exclusive easement containing a single water line and no other utilities shall be 20 feet.
- (b) Minimum easement width for an exclusive easement containing a single storm sewer pipe less than or equal to nominal 30-inch diameter and no other utilities shall be 20 feet.
- (c) Non-exclusive easements planned for multiple utilities must be acceptable to all utility providers involved and shall be sized for the number, size, depth and required separation for each utility in accordance with the respective utility providers' requirements.
- (d) Easements shall be located so as to provide efficient installation, access, operation, maintenance and replacement of utilities. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross-connections, mitigate interferences during operation, maintenance and replacement, and adequately separate incompatible systems in accordance with the regulations of the Colorado Department of Public Health and Environment and other authorities.
- (e) 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.

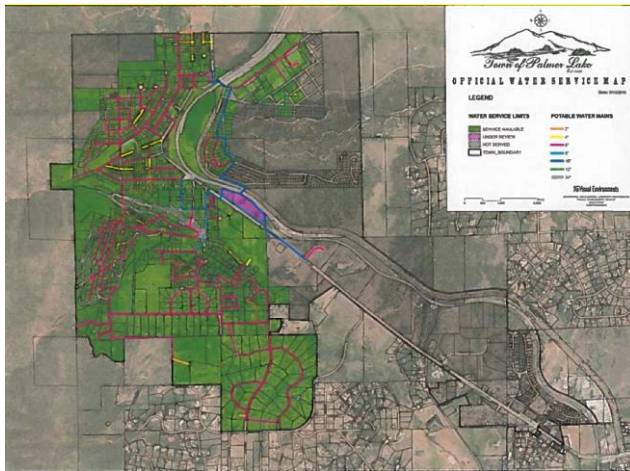


Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (f) 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.
- (g) 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 Town Engineer on the basis of topography, the presence of natural features, or vehicular safety factors.
- (h) 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.



**Water System Map**



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

(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.

(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.

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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

(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.

**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.

(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.

(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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

(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.

(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.

(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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.

## CHAPTER 5 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 the 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, school sites, 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 market value), not including right-of-way, shall equal 20 percent of the total land area (gross area) for a residential development and ten



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

**percent for a nonresidential development.** PUDs require ~~additional~~ **30 percent** and 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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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 includes:

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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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, 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.
- (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.

**Sec. 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.

## CHAPTER 6: ENFORCEMENT

### 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.

### 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.
- (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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- (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.

## Chapter 7 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 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.

*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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

*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.

*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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- *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, if approved by the Planning Commission and Board of Trustees, 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.

*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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- 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 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-



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

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.

*Sight Distance Triangle* means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area.

*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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- REDLINE OF 4<sup>th</sup> VERSION TO ADDRESS PLANNING COMMISSION  
COMMENTS.

- *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 the following.

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



## TITLE 16 SUBDIVISION

---

### CHAPTER 1. 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.
- (g) Ensuring that the development of various parcels of land is compatible and in harmony with the existing community, allowing for the future development of adjoining parcels of land, and facilitating emergency access in the case of fires.
- (h) Ensuring that the cost of improvements will be borne by the owners/subdividers of the land parcels.
- (i) Protecting historic and cultural areas of 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.** 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. This title is adopted pursuant to Colorado Revised Statutes (C.R.S.) Sections 31-23-201, et seq. and is declared to be in conformance with those statutes.

**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 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 Colorado registered professional land surveyor (PLS); and upon the filing of said plat with the Clerk and Recorder of El Paso



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

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 in 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.
- (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 (CCIOA), 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.
- (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 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 the engineering design standards for the Town of Palmer Lake. These are the currently adopted Town of Palmer Lake Public Works Standards (which includes road standards, as well as



the currently adopted El Paso County Engineering Criteria Manual as may be amended and the regulations of the El Paso County Board of Health El Paso County, Colorado Chapter 8 On-Site Wastewater Treatment Systems (OWTS) Regulations, as amended and adopted by reference. These are available online, and one (1) copy is on file in the Town Clerk's office. Subdivision designs shall also be governed by the design standards specified in other titles of the Town of Palmer Lake's Municipal Code and shall to the extent possible be consistent with the Town's Community Master Plan. The Public Works Standards are cardinal to the El Paso County Engineering Criteria Manual and are consistent with the adopted Community Master Plan.

- (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.

## CHAPTER 2 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, five or more residential dwelling structures, or five or more non-residential habitable structures, 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.
- (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 and the subdivider can demonstrate that the initial subdivision was reviewed to include water, sewer, roads, other utilities, drainage, dedication requirements, and complied 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.
- (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**

- (h) Submittal items. All subdivision applications shall contain the information as outlined for each type of land division.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

- (i) 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

<b>Table 16.1 Drawing Format and Content</b>	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
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



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- CLEAN COPY

Item 9.

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
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 the intent to file a subdivision application with the Town		X	X			



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

**Procedure.**

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

(e) 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 denial of the application.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

(f) 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).

(g) 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 by the subdivider to the Town Clerk.
- c. The Town Administrator or designee shall publish notice of the hearing in a newspaper of general circulation and post a sign on the property in a visible location.

(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 hearing, 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.



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- CLEAN COPY

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

**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, where five (5) or more residential dwellings are proposed, or five (5) or more non-residential habitable structures are proposed, 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).
- (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 fewer than five (5) lots, all with direct access to an existing public street.
  - (4) Does not land-lock or prevent development of the remainder of the parcel or abutting property.
  - (5) 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) Does not require public infrastructure to be constructed in association with the subdivision.
  - (7) Does not require an exception or variance from any requirement of this title nor exceptions to the Town of Palmer Lake Public Works Standards Manual.
  - (8) 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 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 less than 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.
- (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, and 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 use (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 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 larger area and street photos (per comments on Memo worksheet)
- 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

- 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 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.
  - 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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- (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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
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 all 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
- b. Permanent stormwater quality control measure maintenance and access agreement templates are provided in the Town of Palmer Lake Public Works Standards Manual 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- (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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- (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 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).

**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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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:
  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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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.
  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).



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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 for all utility providers unless otherwise provided in agreement form.
  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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

- 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.
- 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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.
- 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).



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- (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.
- (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.
- (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 shall request a preapplication conference with the Town Administrator or designee or 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

- 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.
- (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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

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).
- (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.
    - 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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 agreeppppppment 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.
  - 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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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 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.

- (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.

**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 3 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 Article.

### 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.
- (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.
- (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 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 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 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**

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 testings or



inspections in connection with final acceptance. At that point, any remaining performance or warranty assurances held by the Town shall be released to theSubdivider.

**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. Engineering Design Standards.**

The engineering design standards for the Town of Palmer Lake are the currently adopted Town of Palmer Lake Public Works Standards which includes road standards, as well as the regulations of the El Paso County Board of Health El Paso County, Colorado Chapter 8 On-Site Wastewater Treatment Systems (OWTS) Regulations, as amended and adopted by reference. These are available online, and one (1) copy is on file in the Town Clerk's office. Subdivision designs shall also be governed by the design standards specified in other titles of the Town of Palmer Lake's Municipal Codes and shall be consistent to the extent possible with the Town's Community Master Plan. The Public Works Standards are cardinal to the El Paso County Engineering Criteria Manual and are consistent with the adopted Community Master Plan.

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

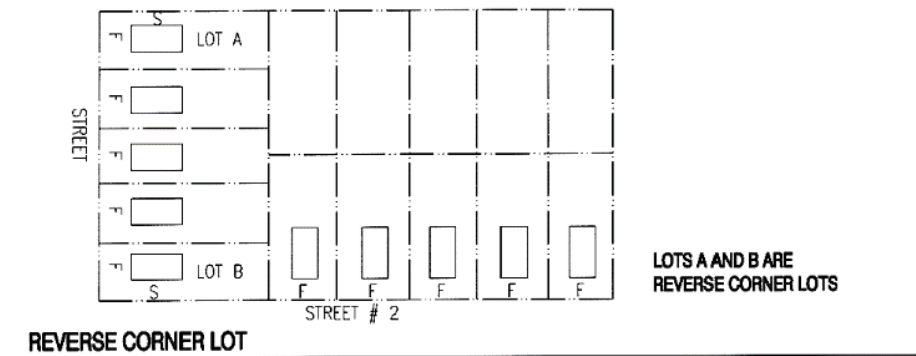
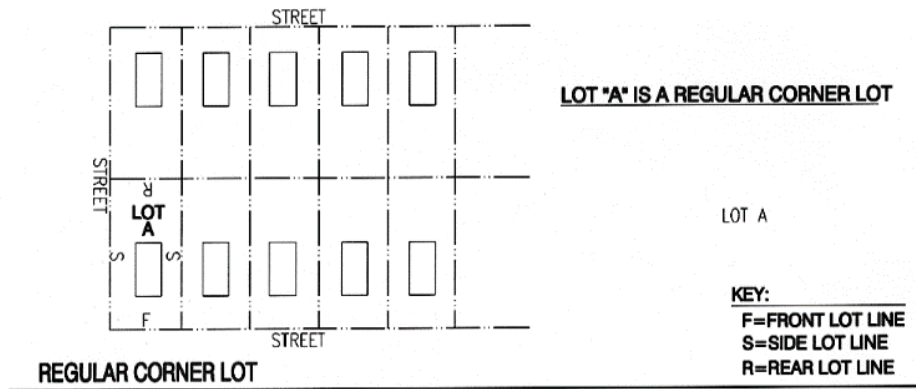
(a) General Provisions.

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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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.

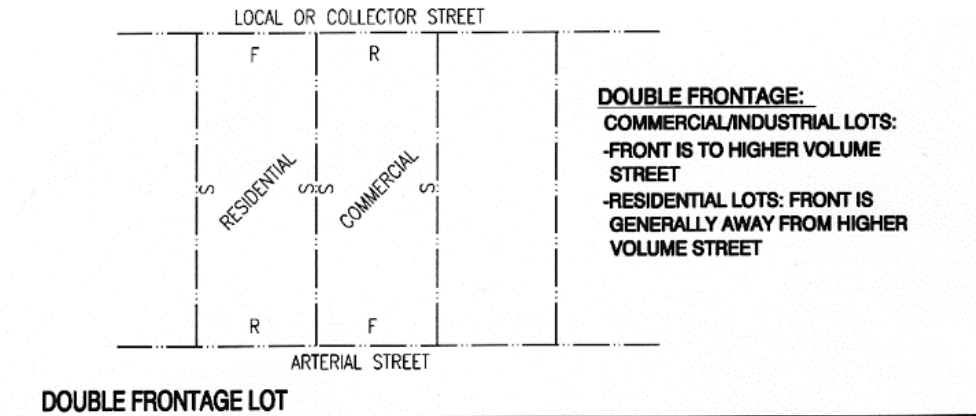


- e. Double Frontage and Reverse frontage lots. Double frontage and reverse frontage lots for residential development shall not be permitted except where they are essential to provide for the separation of residential development from a highway, an arterial street, a railroad, or to overcome specific disadvantages



Town of Palmer Lake: Title 16  
 FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
 JULY 19, 2024- CLEAN COPY

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.



- 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 unless waived by the Town Engineer; or
  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. Access and Dedication.**

(a) Access. Access to all subdivisions shall be from a public street system. Driveways shall not be permitted to have direct access to arterials or CDOT state highways (principal arterials).

(b) Access Requirements

1. All subdivisions shall be platted and developed to provide adequate access to all portions of the subdivision.
2. 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:
  - a. Provide normal access to all lots within the subdivision, with all lots being accessed directly from a developed roadway.
  - b. 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.
  - c. Provide adequate access, ingress and egress of emergency services vehicles and equipment.
  - d. Conform with access requirements of the current adopted versions of all other applicable codes, including the local fire code.



- e. Provide adequate egress for the subdivision in the case of emergencies or evacuations.
  - f. Number of access points.
    - i. A street with a total length less than 500 feet from the centerline intersection of the intersecting street to the furthest point 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.
- (c) 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 *Town of Palmer Lake's Public Works Standards 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.

**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 *Town of Palmer Lake Public Works Standards Manual* as amended. Additional street standards are noted below.
- (b) 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 Sight Distance Triangle area. Trees shall not be planted in the Sight Distance Triangle area.
- (c) 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.
- (d) 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.
- (e) Arterial streets in or abutting a 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 and ensure that pedestrian access is safe and sufficient in width through the provision of sidewalks, trails or paths.
- (f) 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.

**16.40.080. Easements.**

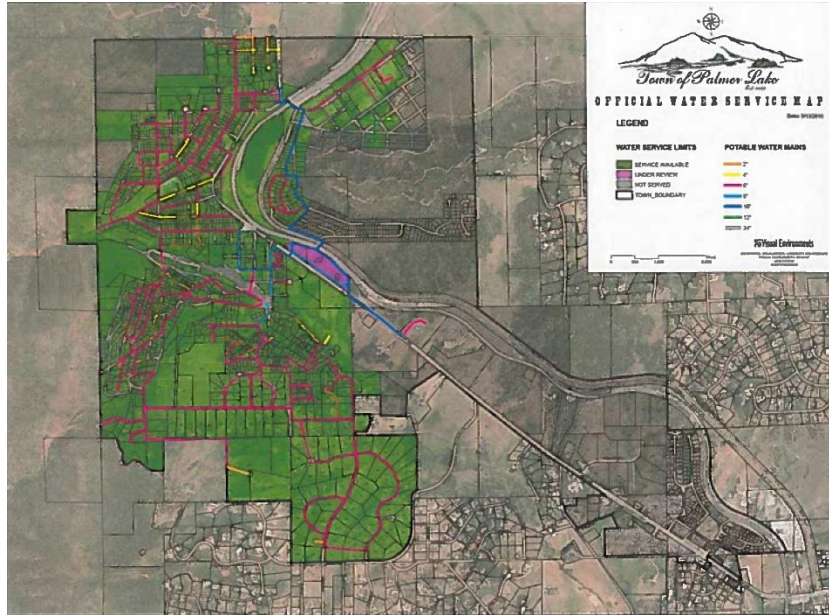
- (a) Minimum easement width for an exclusive easement containing a single water line and no other utilities shall be 20 feet.
- (b) Minimum easement width for an exclusive easement containing a single storm sewer pipe less than or equal to nominal 30-inch diameter and no other utilities shall be 20 feet.
- (c) Non-exclusive easements planned for multiple utilities must be acceptable to all utility providers involved and shall be sized for the number, size, depth and required separation for each utility in accordance with the respective utility providers' requirements.
- (d) Easements shall be located so as to provide efficient installation, access, operation, maintenance and replacement of utilities. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross-connections, mitigate interferences during operation, maintenance and replacement, and adequately separate incompatible systems in accordance with the regulations of the Colorado Department of Public Health and Environment and other authorities.
- (e) 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.
- (f) 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.
- (g) 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 Town Engineer on the basis of topography, the presence of natural features, or vehicular safety factors.



(h) 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.



**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.

**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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
- (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.

**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.
- (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.



**16.40.120. Warranty of Water Supply System.**

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

**16.40.130. 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.
- (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 stormwater 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.
- (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:



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

Item 9.

- (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.
  - (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 the 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.
- (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.
- (g) 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.

**CHAPTER 5 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 the 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, school sites, 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 market value), not including right-of-way, shall equal 20 percent of the total land area (gross area) for a residential development and ten percent for a nonresidential development. PUDs require 30 percent and 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 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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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 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 includes:

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

**Sec. 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.

**CHAPTER 6: ENFORCEMENT**

**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.

**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,



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.
- (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.

## Chapter 7 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 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.

*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



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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.

*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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

*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, if approved by the Planning Commission and Board of Trustees, 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.

*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.



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

- 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 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.

*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.

*Sight Distance Triangle* means the area at the four (4) corners of an intersection that is to be kept free of shrubs, ground covers, berms, fences, signs, structures or other materials or items greater than thirty (30) inches in height. Trees shall not be planted in the triangular area.

*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

*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.

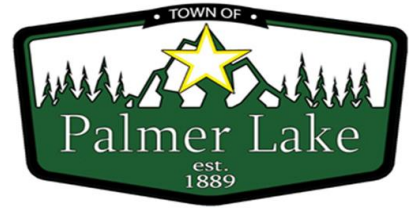
A *Traffic Impact Analysis (TIA)* means a study conducted by a traffic engineer that evaluates the availability and adequacy of the transportation system regarding traffic impacts due to proposed development including likely impacts of development that has been approved but not constructed. The TIA also forecasts additional traffic



Town of Palmer Lake: Title 16  
FINAL DRAFT FOR BOARD OF TRUSTEE CONSIDERATION  
JULY 19, 2024- CLEAN COPY

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 the following.

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



**TOWN OF PALMER LAKE  
BOARD OF TRUSTEES - MEMO SUMMARY**

<b>DATE:</b> July 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Authorize Mayor to Sign Request for Extension to File Financial Audit
<b>Presented by:</b> Town Administrator Collins		

**Recommended Action**

Authorize Mayor to sign the request for the extension.

**Background**

Typically, staff aims to have the financial audit completed and reported to the Board of Trustees in July to file annually by July 31. Auditor, Mr. David Green, is requesting a couple of additional weeks which will require an extension to file the completed financial audit by December 31.

It is expected the audit will be prepared to present in August.



OFFICE OF THE STATE AUDITOR • LOCAL GOVERNMENT AUDIT DIVISION  
KERRI L. HUNTER, CPA, CFE • STATE AUDITOR

## Request for Extension of Time to File Audit for Year End *December 31, 2023* ONLY

Requests may be submitted via internet portal: <https://apps.leg.co.gov/osa/lg>.

<b>Government Name:</b>	<u>Town of Palmer Lake</u>
<b>Name of Contact:</b>	<u>Dawn Collins</u>
<b>Address:</b>	<u>42 Valley Crescent</u>
<b>City/Zip Code</b>	<u>Palmer Lake 80133</u>
<b>Phone Number:</b>	<u>719-481-2953</u>
<b>E-mail</b>	<u><a href="mailto:dawn@palmer-lake.org">dawn@palmer-lake.org</a></u>
<b>Fiscal Year Ending (mm/dd/yyyy):</b>	<u>12/31/2023</u>
<b>Amount of Time Requested (in days):</b> (Not to exceed 60 calendar days)	<u>60 days Audit Due: September 30, 2024</u>

**Comments (optional):** \_\_\_\_\_

I understand that if the audit is not submitted within the approved extension of time, the government named in the extension request will be considered in default without further notice, and the State Auditor shall take further action as prescribed by Section 29-1-606(5)(b), C.R.S.

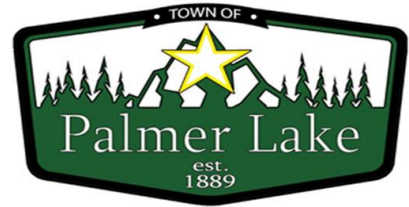
**Must be signed by a member of the governing board.**

Signature \_\_\_\_\_

Printed Name: Glant Havenar

Title: Mayor

Date: \_\_\_\_\_



**TOWN OF PALMER LAKE  
BOARD OF TRUSTEES - MEMO SUMMARY**

<b>DATE:</b> July 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Direction for ER Property
<b>Presented by:</b> Town Administrator Collins		

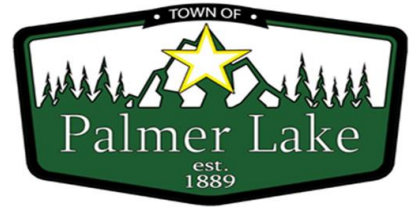
**Recommended Action**

Direction for next steps on property, if needed.

**Background**

With the presentation of the vision for elephant rock property, this item is a placeholder for any direction by the Board, if needed.

The former direction from the Board to remove asbestos in 7 structures in preparation for demolition resulted in quotes (up to \$100k) that may require an update to be considered.



Item 12.

**TOWN OF PALMER LAKE  
BOARD OF TRUSTEES - MEMO SUMMARY**

<b>DATE:</b> July 25, 2024	<b>ITEM NO.</b>	<b>SUBJECT:</b> Consider Amending Business License Regulations
<b>Presented by:</b> Town Administrator Collins		

**Background**

Trustee Farr requested this section of code be on the agenda to consider amending.

- CODE OF ORDINANCES  
Title 5 - BUSINESS LICENSES AND REGULATIONS  
CHAPTER 5.04. BUSINESS LICENSES

## **CHAPTER 5.04. BUSINESS LICENSES**

### **5.04.010. Purpose.**

The purpose of this chapter is to require registration and the maintaining of a register of all licensed business activities physically located and/or conducted within the jurisdiction of the town in order to protect the health, safety and welfare of the town's inhabitants.

(Ord. No. 13-2021, § 1(5.02.010), 12-9-2021; Ord. No. 2-2022, § 1(5.02.010), 2-10-2022)

### **5.04.020. 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:

*Applicant* means a person who has filed an application for a business license.

*Application* means an application for a business license.

*Business* means all trades, vocations, occupations, professions, enterprises and establishments and all other kinds of activities which are conducted for gain, financial profit, advantage or benefit either directly or indirectly, on any location regardless of whether of a permanent or temporary nature in this town, including, but not limited to, all retail sales, wholesale sales, services and including contractor services. The term "business" does not include:

- (1) Billboards and signs;
- (2) Coin-operated amusement machines;
- (3) Peddlers;
- (4) Solicitors and canvassers; and
- (5) Individuals who engage in at-home office work from their residence for a remotely located business.

*License* means the document issued by the town clerk evidencing the registration of a business pursuant to this chapter.

*Licensed business* means a business which has been registered and licensed by the town pursuant to this chapter.

*Location* means the premises upon which the business is located and any adjacent property under the ownership and control of the licensed business.

*Person* means any natural person or non-natural entity, including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

*Premises* means all lands, structures and places related to the business of the licensed business and its operation. The term "premises" also means equipment and appurtenances connected or used therewith in any business and also any personal property that is either affixed to or is otherwise used in connection with any business conducted on such premises.

(Ord. No. 13-2021, § 1(5.02.020), 12-9-2021)

#### **5.04.030. Business license required and license term.**

- (a) It shall be unlawful for any person operating a business within the town to fail to obtain and maintain a business license at all times while operating said business. Upon application approval, the town clerk shall issue an appropriate license evidencing such registration.
  - (b) Business licenses issued under this chapter shall be issued for a period of one year, commencing on the date of license issuance and expiring one year (365 days) from the date of license issuance. Each license shall explicitly set forth the date of issuance and expiration. Applications for renewal of a license are due a maximum of 60 days prior to the date of license expiration. A renewal application will be mailed approximately 30 days prior to expiration, although the responsibility to renew lies solely with the business owner. License applications received after the expiration date shall be subject to a late fee as set forth in the town fee schedule, as adopted and as amended from time to time by the town board.
  - (c) A separate business license shall be required for each fixed location of a business operating within the town.
- (Ord. No. 13-2021, § 1(5.02.030), 12-9-2021)

#### **5.04.040. Town clerk duties.**

The town clerk shall:

- (1) Enforce all reasonable rules and regulations approved and adopted by the town clerk as necessary for the operation and enforcement of this chapter;
- (2) Review business license applications;
- (3) Keep confidential all proprietary, confidential or privileged information provided by an applicant (such information shall not be subject to public inspection except for that information available to the public under the Colorado Open Records Act or through a court order);
- (4) Notify applicants of the approval or denial of their applications;
- (5) Issue licenses evidencing such registration to all qualified applicants;
- (6) Collect license fees; and
- (7) Maintain records of all licenses and revenues received therefor.

(Ord. No. 13-2021, § 1(5.02.040), 12-9-2021)

#### **5.04.050. Procedures for issuance.**

Each applicant for a business license must submit, on forms approved by the town clerk, information necessary to determine compliance with this chapter.

(Ord. No. 13-2021, § 1(5.02.050), 12-9-2021)

#### **5.04.060. License fee.**

- (a) Each application for a business license or an application for renewal of a business license shall be accompanied by an annual license fee paid in cash or certified funds, in the amount as set forth in the business license fee schedule resolution adopted by the town board, as amended from time to time.

- (b) In the event of cessation of any business prior to expiration of any license issued hereunder, no portion of any license fee shall be refunded.

(Ord. No. 13-2021, § 1(5.02.060), 12-9-2021)

#### **5.04.070. Denial of license.**

- (a) The town clerk shall approve or deny an application for a business license within 30 days of receipt of a completed application and fee.
- (b) An application for a business license may be denied for any of the following reasons:
- (1) To the extent reviewed by the town clerk for compliance, all applicable provisions of this chapter and state and local law have not been met;
  - (2) The required fee has not been paid in full;
  - (3) The application is incomplete or contains false, misleading or fraudulent statements; or
  - (4) The applicant is in arrears on taxes, fees, or other charges owed to the town for any licensed business owned by the applicant.
- (c) If the town clerk denies an application, the town clerk shall provide by first class U.S. mail written notice of such denial, the reason for the denial, a description of the appeal process, and a refund of the license fee submitted by the applicant.
- (d) Notwithstanding any provision herein, the issuance of a business license shall not be construed or relied upon as any representation by the town or by the town clerk regarding conformity of the licensed business with the zoning and/or any other applicable provisions of local, state or federal law or regulations that may affect the business and its operations.

(Ord. No. 13-2021, § 1(5.02.070), 12-9-2021)

#### **5.04.080. Hearings.**

- (a) An applicant may appeal a denial of his or her license by the town clerk to the town board of trustees and shall be entitled to a hearing before the town board of trustees. The appeal shall be made in writing, stating the grounds for appeal, within 15 working days of the date the notice of denial is mailed by the town clerk.
- (b) At the hearing, the town board shall hear such statements and consider such evidence as is offered that is relevant to the grounds alleged for denial. The town board shall make findings of fact from the statements and evidence offered as to whether such grounds exist. If the town board determines by a preponderance of the evidence that cause for denial exists, it shall issue an order denying the license within ten days after the hearing is concluded, based on the findings of fact. If the town board does not find based on the findings of fact by a preponderance of the evidence that cause for denial exists, it shall issue an order granting the license and ordering the town clerk to issue the required license within ten days after the hearing is concluded. A copy of the order shall be mailed by first class U.S. mail to or served on the applicant at the address on the application.
- (c) The order of the town board made pursuant to subsection (b) of this section shall be a final decision and may be appealed to the district court in accordance with rule 106(a)(4) of the state rules of civil procedure. Failure of an aggrieved party to timely appeal said order constitutes a waiver of any right such aggrieved party may otherwise have to contest the denial of the license.

- (d) The town clerk shall have the power to administer oaths, issue subpoenas, and, when necessary, grant continuances. Subpoenas may be issued to require the presence of persons and production of papers, books and records necessary to the determination of any hearing that the town board conducts. It is unlawful for any person to fail to comply with any subpoena issued by the town clerk. A subpoena shall be served in the same manner as a subpoena issued by the municipal court.
- (e) All hearings held before the town board regarding denial of a license shall be recorded by electronic recording device. Any person requesting a transcript of such record shall post a deposit in the amount required by the town clerk, and shall pay all costs of preparing such record.

(Ord. No. 13-2021, § 1(5.02.080), 12-9-2021)

#### **5.04.090. Duplicate licenses.**

A duplicate license valid for the remainder of the license period shall be issued by the town clerk to replace any license previously issued which has been lost, stolen, defaced or destroyed. Duplicate license fee amounts, if any, shall be those set out in the business license fee schedule adopted by the town board by resolution, as amended from time to time.

(Ord. No. 13-2021, § 1(5.02.090), 12-9-2021)

#### **5.04.100. Supplemental information.**

A licensed business shall report, in writing, any change in information contained in his or her or its last application within 30 days of such change, and a supplemental license may be issued and additional fees collected or refunded where appropriate.

(Ord. No. 13-2021, § 1(5.02.100), 12-9-2021)

#### **5.04.110. Contents of licenses.**

Each license shall contain the following information:

- (1) Name and address of the licensed business and any other name under which such business is to be conducted;
- (2) Nature of business operations;
- (3) Address of each location of business licensed; and
- (4) Date of issuance and expiration.

(Ord. No. 13-2021, § 1(5.02.110), 12-9-2021)

#### **5.04.120. Duties of licensed businesses.**

All persons holding licenses shall:

- (1) Refrain from operating the business unless a valid license therefor has been issued.
- (2) Post and maintain such license at the registered location in a place visible at all times and, when working outside the registered location, carry a copy of the license at all times.
- (3) Timely pay all taxes, fees, and other charges owed to the town for the licensed business.

(Supp. No. 3, Update 1)

Created: 2024-05-14 16:43:13 [EST]

- (4) Operate the licensed business in compliance with all federal, state and local laws and regulations.
- (5) At all times, operate the business in a manner representing good moral character.

(Ord. No. 13-2021, § 1(5.02.120), 12-9-2021)

#### **5.04.130. Change of business locations.**

Upon changing the location of the licensed business, the person holding a license shall file a written application for change with the town clerk.

(Ord. No. 13-2021, § 1(5.02.130), 12-9-2021)

#### **5.04.140. Nontransferability.**

All business licenses are nontransferable. If a business is sold or transferred to a different owner, the new owner must apply for a new license before resuming operation of the business. Sale or transfer of the business is defined as the acquisition of 50 percent or more of an ownership interest by any person.

(Ord. No. 13-2021, § 1(5.02.140), 12-9-2021)

#### **5.04.150. License register.**

The town clerk shall keep a register listing every license issued under this chapter, including:

- (1) The owner information;
- (2) The name of the business;
- (3) The location of the business;
- (4) Emergency contacts; and
- (5) The date of issuance and expiration of the license.

(Ord. No. 13-2021, § 1(5.02.150), 12-9-2021)

#### **5.04.160. Enforcement and fines.**

In addition to any other remedies available to the town, this chapter may also be enforced in the municipal court or any court of competent jurisdiction. The municipal court is authorized to revoke a business license for non-compliance with this chapter, in addition to any other remedies authorized by law. Any person who violates the requirements of this chapter may be punished in accordance with the general penalty provisions set forth in chapter 1.12.

(Ord. No. 13-2021, § 1(5.02.160), 12-9-2021)

#### **5.04.170. Renewal of license.**

- (a) At any time within 60 days prior to the expiration of the current license, a licensee may make application for a license renewal for the succeeding year and pay the required fees. Unless otherwise provided by this title, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of the current license, and upon payment of the required fee, the licensee may continue the

---

business for the succeeding period unless or until the application for license renewal is denied. Within 30 days, a renewal application will be mailed to the business owner.

- (b) In the event a suspension or revocation proceeding is pending when the licensee applies for renewal, the business may continue during the pendency of the proceeding, but the renewal application shall not be acted upon until the suspension or revocation proceeding has been completed and the time to appeal such decision has expired.
- (c) Every renewal application shall be evaluated in accordance with the requirements of this title applicable to the initial issuance of a license. In addition to local compliance, if there are more than two findings of complaints about the business operation on file with the town, the clerk shall inform the business owner and schedule a review of the license renewal before the town board of trustees to determine renewal or a conditional license with criteria to address within another six or 12 months of the succeeding licensing year.
- (d) Whenever any renewal application and accompanying license fee payment is not received on or before the expiration date of any license issued for the current license term, and the licensee continues to engage in the business for which the license was issued, a penalty fee in the amount set by resolution of the board of trustees shall be imposed for each month of delinquency. The town clerk shall be authorized to waive or adjust any and all of such penalty and additional fee whenever in the clerk's judgment the delinquency is not the fault of the licensee or when collection or payment would constitute an injustice.
- (e) The failure of a licensee to exercise the privilege of renewal granted under a license for a period of 60 days beyond the expiration of the license shall be apparent evidence that the renewed license is abandoned.

(Code 1973, § 5.02.120; Ord. No. 6-1974, § 12, 1974; Ord. No. 8-1984, § 2, 1984; Ord. No. 2-1995, § 1, 1995; Ord. No. 2-2000, § 2, 2000; Ord. No. 7-2016, §§ 1, 2, 4-28-2016; Ord. No. 2-2017, § 1, 1-25-2017; Ord. No. 13-2021, § 1(5.02.170), 12-9-2021)

**Proposed Schedule for Town of Palmer Lake - 2025 Budget**

---

Distribution of 2025 Budget Material to Dept: ~ June financials + material by August 1

Department reviews: ~ August 12 thru September 13

Department retreat with Board: Fri., September 20 (tentative)

*\*Consider 5p meeting time prior to Board meetings to review priority projects with departments*

---

**Distribute Draft 2025 Budget:**

*\*\* due by 10/15 per statute*

**Thu., October 10 Board Meeting**

**Set hearing date (November 14)**

**Department Presentation of Draft 2024 Budget**

**Fri., October 11 workshop, Town Hall (9-3)**

*Publication for Hearing*

*Send Notice October 22 to Publish October 30*

***Distribute/Review Revised 2025 Budget***

***Thu., October 24 Board Meeting***

***Review at 5PM***

**Review of Proposed 2025 Budget**

**Thu., November 14 Board Meeting – 5PM**

**2024 Budget Public Hearing – 6 PM**

*(Note: November 21, special meeting, if needed)*

*\*No meeting November 28 (Thanksgiving)*

**Adoption of 2025 Budget**

**Thursday, December 12 Board meeting**

*\*No meeting December 26 (Christmas)*

*\*\* File for 2025:*

*El Paso County – December 15 (mill levy cert.)*

*DOLA - January 31 (2025 budget)*

dc