

December 5, 2024

**Sent via FedEx Overnight to:**

Board of Trustees  
Town of Palmer Lake  
42 Valley Crescent  
Palmer Lake, CO 80133

**Sent via Email to:**

Scotty P. Krob, Esq. ([scott@kroblaw.com](mailto:scott@kroblaw.com))  
Town Attorney for Town of Palmer Lake  
Krob Law Office, LLC  
8400 East Prentice Avenue, Penthouse  
Greenwood Village, CO 80111

**Re: Request to Delay Consideration of Master Plan Approval for Lakeview Heights Re-Subdivision ("Lakeview Heights") at the December 12, 2024 Board of Trustees' Meeting, to Allow for Necessary Clarifications, Additional Conditions, and Amendments**

Dear Board of Trustees and Mr. Krob:

I represent Kippan (Kip) Murray ("Murray") and his family, owners of Lot 9 in Block 2 of Unit 2, within the Lakeview Heights development, as well as the real property and residence immediately adjacent to this development along Star View Circle. Murray is also the former owner of the majority of the lots within Units 2 through 4 of Lakeview Heights. He previously sought to develop these properties but was impeded in his efforts due, in part, to a moratorium that prohibited the expansion of the local water district and restricted access to new water taps within Units 2-4. Moreover, Murray was required by the Town of Palmer Lake (the "Town") to provide a full-time public secondary access, a condition enforced by Town management and documented in multiple formal meetings with town officials over the course of several years.

Murray requests the Board of Trustees ("Board") postpone consideration of the Master Plan at the December 12, 2024 meeting. Additional time is needed for a comprehensive review and inclusion of critical clarifications, conditions, and/or amendments to the Master Plan for the proposed development project at Lakeview Heights.

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Addressing the matters outlined below is necessary to ensure the proposed development adheres to all applicable legal, regulatory, and safety requirements. Postponing the meeting would facilitate a more thorough evaluation and safeguard the interests of Palmer Lake and its residents, thus preserving the integrity of the planning and approval process. Furthermore, delaying the meeting would mitigate the risk of exposing the development to additional regulatory scrutiny or potential legal challenge.

### **1. Completion of Roads**

There is ambiguity and disagreement as to what roads need to be improved as part of the Master Plan. The Board ought to consider imposing a condition requiring the developer to complete infrastructure, including all primary access roads to the development site, prior to the commencement of any construction activities. Specifically, the roads—Star View Circle, Lake Avenue, Grant, Oakdale, and Cathedral—must be fully paved, operational, and compliant with relevant safety and accessibility standards before any vertical construction may begin.

The road system currently remains incomplete, particularly with respect to a critical missing 40 foot by 100+ yard section of roadway of Lake Avenue (see enclosed photos) situated on a 50-foot cliffside. This unfinished section directly contradicts fire safety requirements, which requires reliable and unobstructed access for emergency responders. Failure to complete this roadway section poses substantial risk to public safety.

The developer should be required to promptly submit detailed engineering plans for the completion of the roadways, including the missing section. These plans should demonstrate full compliance with all local, state, and fire safety standards and be subject to review and approval by the relevant authorities prior to any construction.

### **2. Further Consideration of Water Resources**

The Water Resources Report (the "Water Report"), revised on October 2, 2024, paints a fairly dire picture of the Town's water resources for future development. The Water Report confirms that Ordinance 2018-16 prohibited the expansion of water infrastructure to Lakeview Heights from 2018 through June 8, 2023, and that Ordinance 14-2023 lifted the emergency declaration but nevertheless prohibits the sale of taps or provision of water service beyond the capacity of the Town's municipal water system.

The Water Report states that it is the opinion of Town Staff and GMS, Inc. Consulting Engineers ("GMS") that "up to 106 water taps are currently immediately available", which exceeds the 91 lots in the development. However and critically, the

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Water Report acknowledges that "additional demand is anticipated to occur elsewhere within the Town simultaneously".

The Water Report identifies a "3-priority plan" for Town water infrastructure and improvements, but it is not at all clear that even if this plan is implemented, that it will significantly enhance the Town's water resources or ability to add taps for new development. Certainly the Water Report does not address what, if any, additional capacity will become available or do any type of analysis.

The Board ought to require the developer to commission an independent, comprehensive water study assessing the capacity and sustainability of the existing water supply. Of the available sources of water identified in the Water Report, it is believed that one of the backup wells is non-operational, while the other may be functioning at a significantly reduced capacity. However, this has not yet been fully verified.

Given the scale of the proposed development, it is essential that the Board verify that the water supply will be sufficient to meet the needs of both the new residents and any commercial establishments. A new water study should evaluate both immediate and long-term water demands and address potential impacts on the surrounding environment and existing water consumers. The study should also consider a plan for the restoration or replacement of the inoperative well. The Board ought to retain the right to approve or reject the study based on adherence to best practices in water resource management.

### **3. Developer's Financial Responsibility**

While Section A.4. of the Master Plan states that "[t]he Developer agrees to provide appropriate collateral until the public improvements in A.1 are completed and accepted by the Town", the Board ought to require the developer to fully insure and bond the project to protect the municipality and its residents from potential financial liabilities arising from abandonment, delays, or failure to complete the development. These requirements should be set forth specifically in the Master Plan or in the Board's conditions to approval of the same.

It is imperative that the developer demonstrate adequate financial capacity and bonding before any permits are issued. These safeguards should remain in effect throughout the duration of the project to ensure that the Town is not exposed to future financial risks.

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#### **4. Emergency Fire Access**

The Board ought to require or condition approval of the Master Plan on reinstatement of the previously approved emergency fire access, which was later denied following prolonged negotiations between El Paso County officials and the Town of Palmer Lake. See enclosed Letter of Intent from El Paso County. This emergency access must be incorporated into the first phase of construction, prior to the initiation of any residential or commercial building projects.

The position taken so far that only one point of access is required to the development because none of the roads dead end and instead form a circle ignores the reality that one point of access for 91 lots (47 in Phase 1 and 44 in Phase 2), combined with the 55 homes previously built and which utilize the same access on Oakdale to a public road, is not safe particularly in light of the area's elevated fire hazard. While requiring construction of sprinklers in newly constructed homes in Lakeview Heights is advocated as a potential solution, it ignores the fact that the previously constructed 55 homes do not have sprinklers and yet utilize the same road.

The November 15, 2024 memorandum ("Memorandum") issued by the Palmer Lake Planning Commission and associated staff incorrectly refers to a "single point of entry from Lake Avenue," when in fact, Oakdale Drive serves as the primary access point for both Lakeview Heights and the existing neighborhood adjacent to the proposed development. The safety implications of this mischaracterization should be considered.

The Memorandum also compares Lakeview Heights to the Forest View Neighborhood, which is misleading. The Forest View development has multiple access points and lower density, factors that significantly affect safety considerations for Lakeview Heights. These differences ought to be considered by the Board and corrected in the planning documents.

The absence of adequate emergency access threatens to not only violate fire safety regulations but could also jeopardize the development's compliance with El Paso County's fire safety requirements. The Board ought to consider and prioritize the reinstatement of this critical, second fire access.

#### **5. Disclosure and Recusal for Conflicts for Appearance of Conflicts**

In the interest of maintaining transparency and avoiding any conflicts of interest, any local government officials, Board members, or employees with a direct or indirect financial interest in the proposed development be recused from voting on or influencing the approval process.

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Even the appearance of a conflict of interest undermines public confidence in the decision-making process and could expose the Town and its Board to potential legal challenges. To ensure impartiality, the Board ought to consider and implement safeguards that prevent undue influence from those with a vested interest in the outcome of the development.

Commissioner Amy Hutson should have been eligible to vote on the proposed development at the Planning Commission meeting on November 20, 2024. While Commissioner Hutson owns properties adjacent to Lakeview Heights, her recusal was not legally required. The Master Plan for Lakeview Heights excludes her properties from Phase I, and access to her properties will be via Star View Circle. Given these facts, her participation in discussions and decisions moving forward is consistent with her duties as an elected official. Therefore, my client believes that Commissioner Hutson should be eligible to vote on this matter moving forward.

\* \* \*

I trust the Board will prioritize the safety and well-being of Palmer Lake residents impacted by the Master Plan in its consideration of these concerns. These residents include Phase 2 owners and owners of land adjacent to Lakeview Heights. We believe that the requested clarifications, conditions, and/or amendments are essential to ensuring that the development adheres to all legal and safety requirements and that the interests of the community are properly protected.

I appreciate the Board's prompt attention to these critical issues, which will take time to address hence the request to table or delay consideration of the Master Plan at the upcoming hearing on December 12.

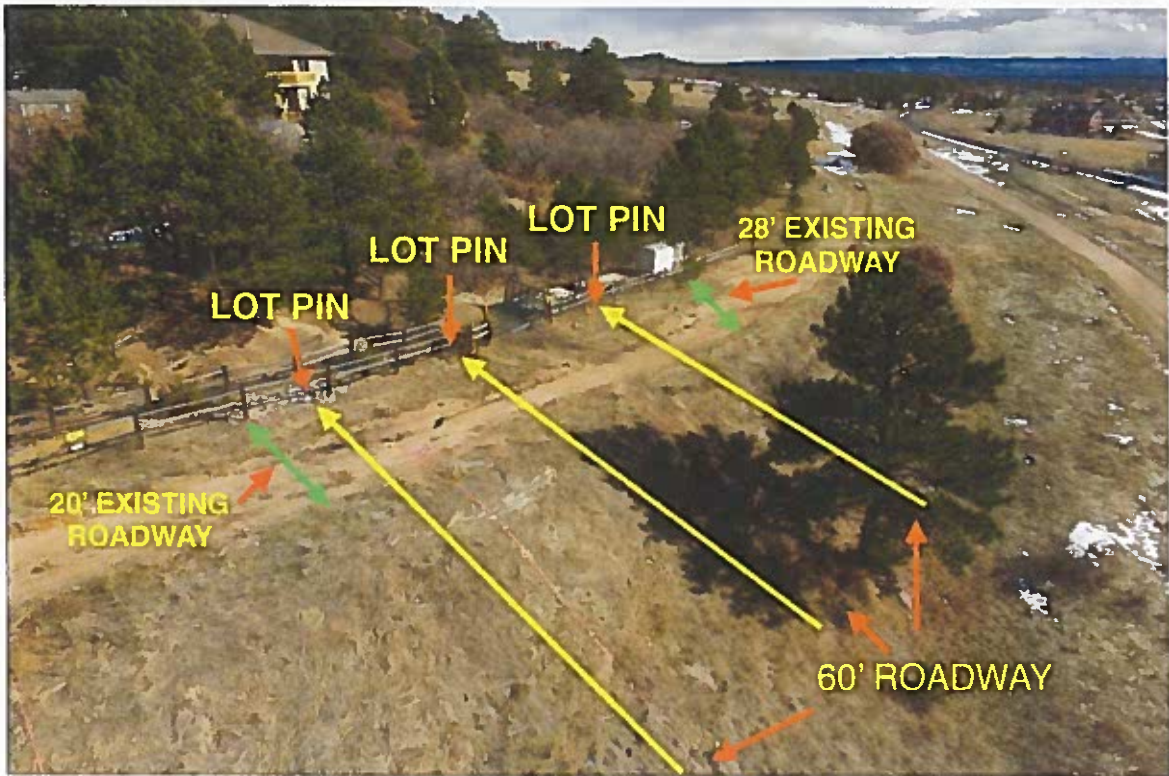
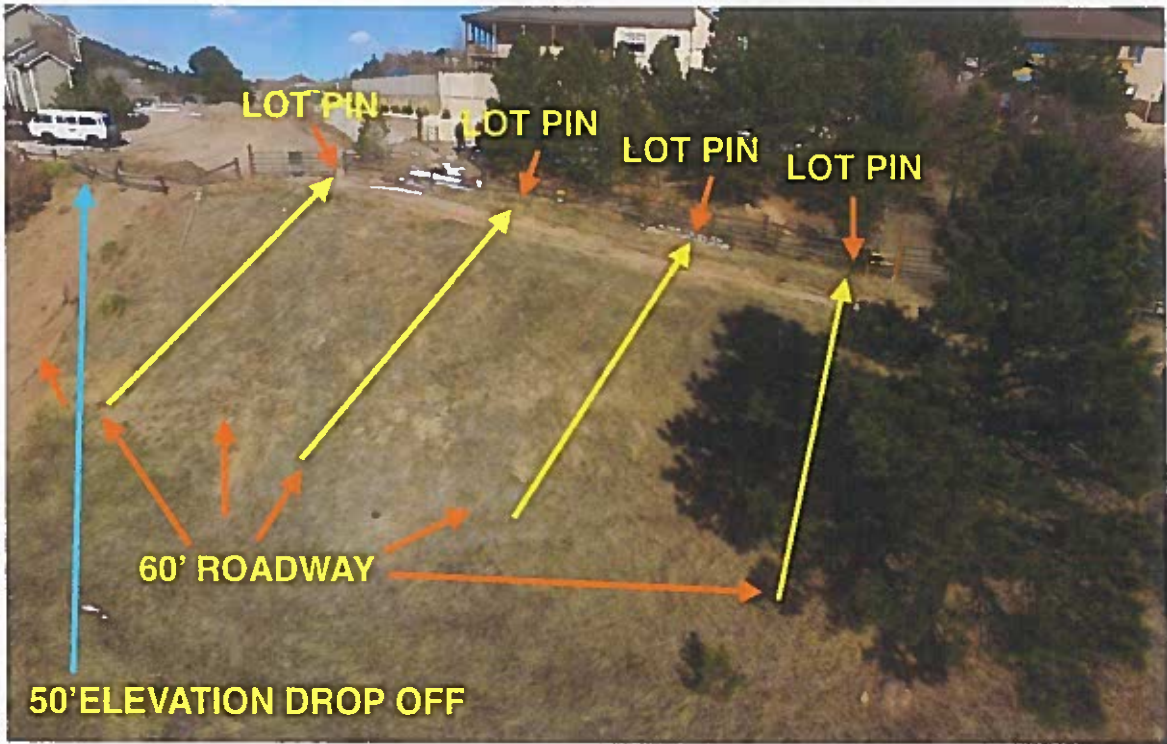
Very truly yours,

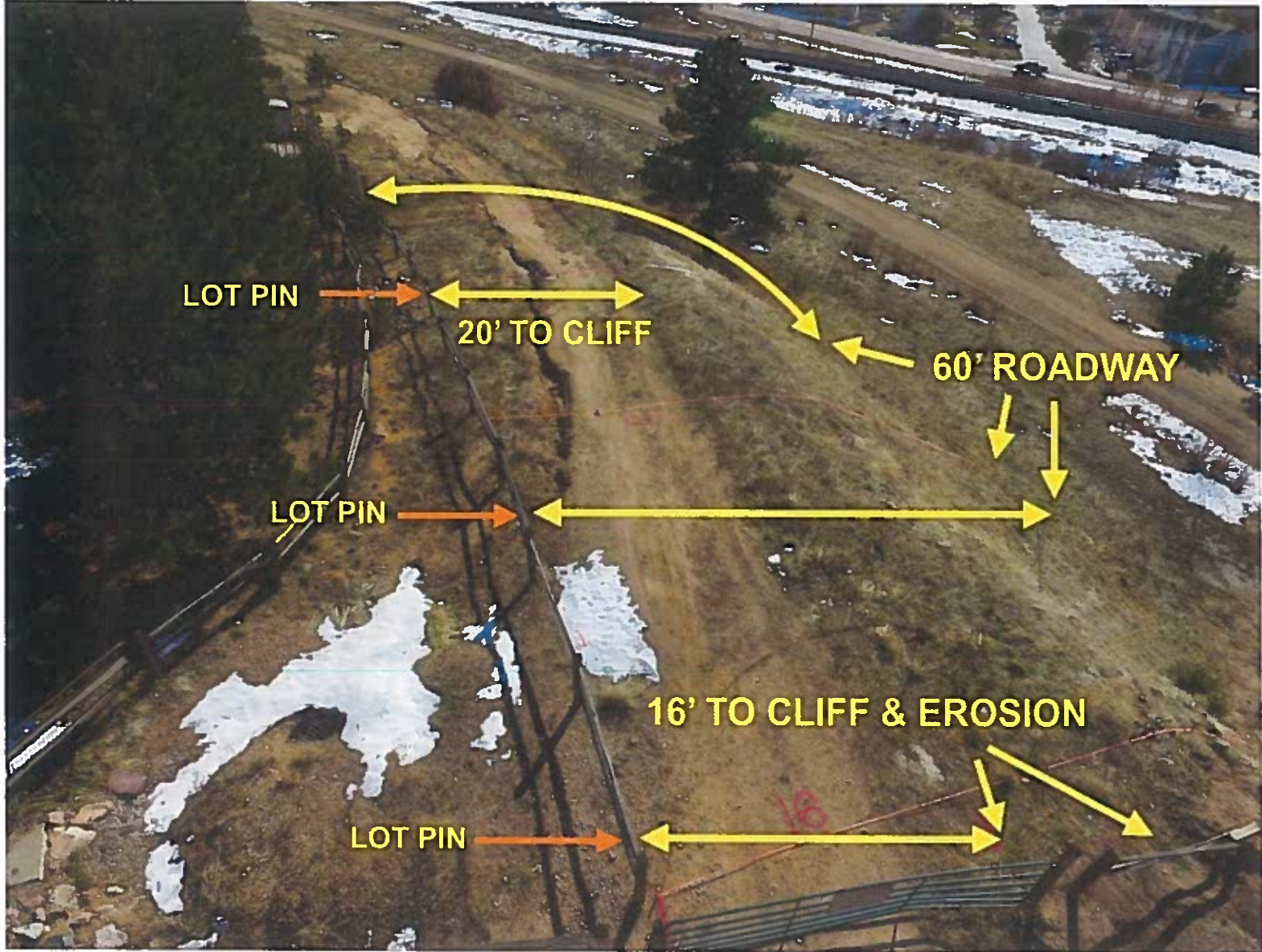


Charles E. Fuller

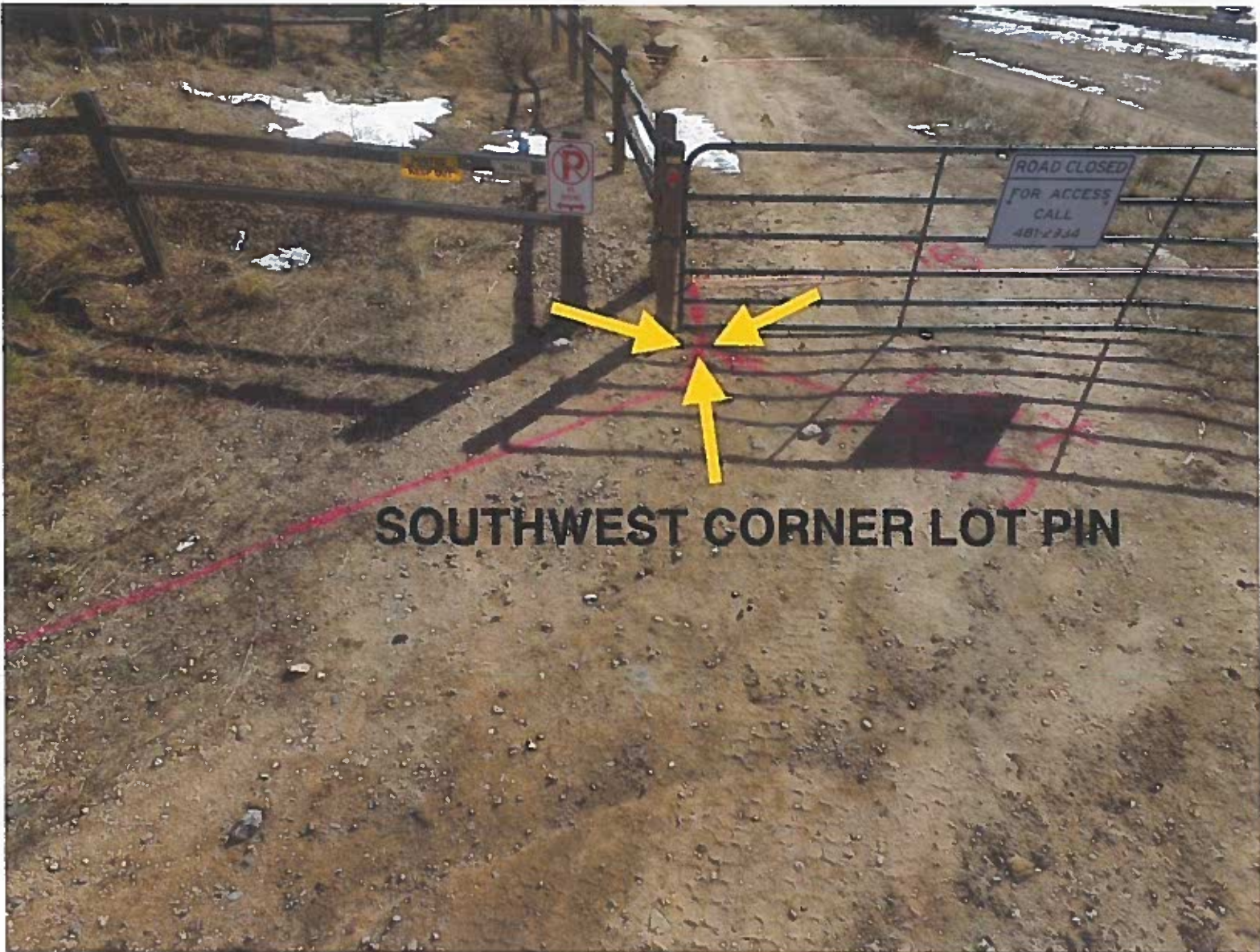
Encls.

cc: Mr. Kip Murray ([kippan@me.com](mailto:kippan@me.com)); Town Management and Board, at the following email addresses: [ghavenar@palmer-lake.org](mailto:ghavenar@palmer-lake.org); [shball44@comcast.net](mailto:shball44@comcast.net); [ticcaves@yahoo.com](mailto:ticcaves@yahoo.com); [ahutsonopl@gmail.com](mailto:ahutsonopl@gmail.com); [atisjurka@msn.com](mailto:atisjurka@msn.com); [dawn@palmer-lake.org](mailto:dawn@palmer-lake.org); [jvincent@palmer-lake.org](mailto:jvincent@palmer-lake.org)

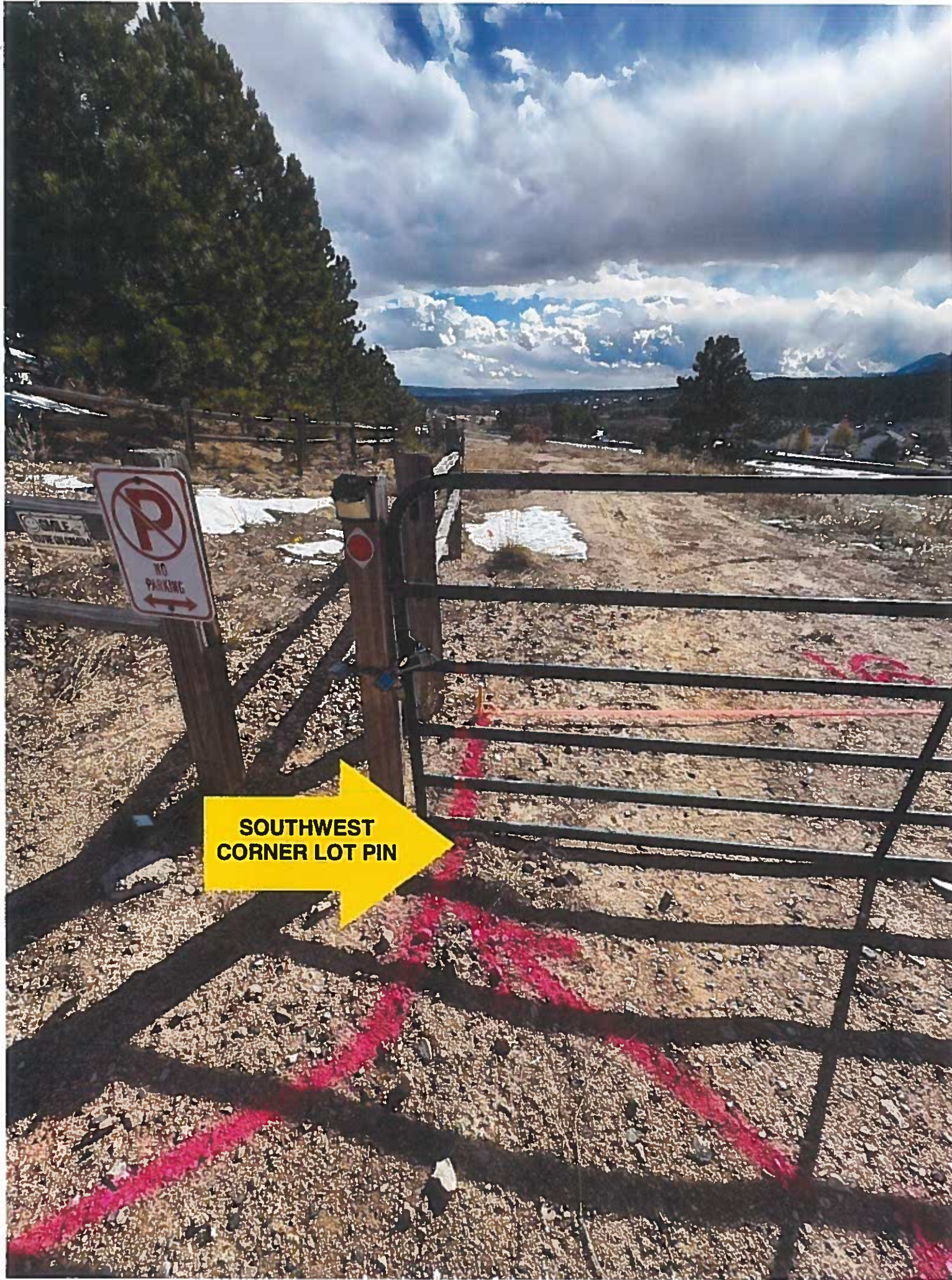








**SOUTHWEST CORNER LOT PIN**



**SOUTHWEST  
CORNER LOT PIN**

# EL PASO COUNTY

COLORADO

COMMISSINERS:  
DARRYL GLENN (PRESIDENT)  
MARK WALLER (PRESIDENT PRO TEMPORE)

PEGGY LITTLETON  
STAN VANDERWERF  
LONGINOS GONZALEZ, JR.

## COMMUNITY SERVICES DEPARTMENT

PARK OPERATIONS ~ PLANNING ~ CSU EXTENSION ~ COMMUNITY OUTREACH  
ENVIRONMENTAL SERVICES ~ VETERANS SERVICES ~ RECREATION/CULTURAL SERVICES

August 4, 2017

Cathy Green  
Town Manager  
Town of Palmer Lake  
42 Valley Crescent, PO Box 208  
Palmer Lake, CO 80133

**Subject: New Santa Fe Regional Trail Emergency Access Request**

Ms. Green,

In April 2017, a resident of Lake View Heights, Kip Murray, approached El Paso County Parks to request an emergency access crossing of the New Santa Fe Regional Trail (NSFRT), near Palmer Lake and the Lake View Heights community. At that time, Parks staff met with Mr. Murray at the proposed crossing near Lake View Heights and discussed various trail crossing options. The attached map shows potential emergency access routes in relation to the NSFRT, the Burlington Northern and Santa Fe Railroad corridor, and the surrounding community.

El Paso County Parks looks forward to working with the Town of Palmer Lake and the Palmer Lake Volunteer Fire Department to continue to our discussions regarding emergency access across the NSFRT, thus providing for greater ingress and egress in the event of an emergency. When the plan is finalized, Parks staff will consult the County Attorney's Office to draft the appropriate legal mechanism for consideration.

Please feel free to contact Ross Williams, El Paso County Park Planner, at 719-520-6984 or [rosswilliams@elpasoco.com](mailto:rosswilliams@elpasoco.com) if you have any questions or concerns.

Sincerely,

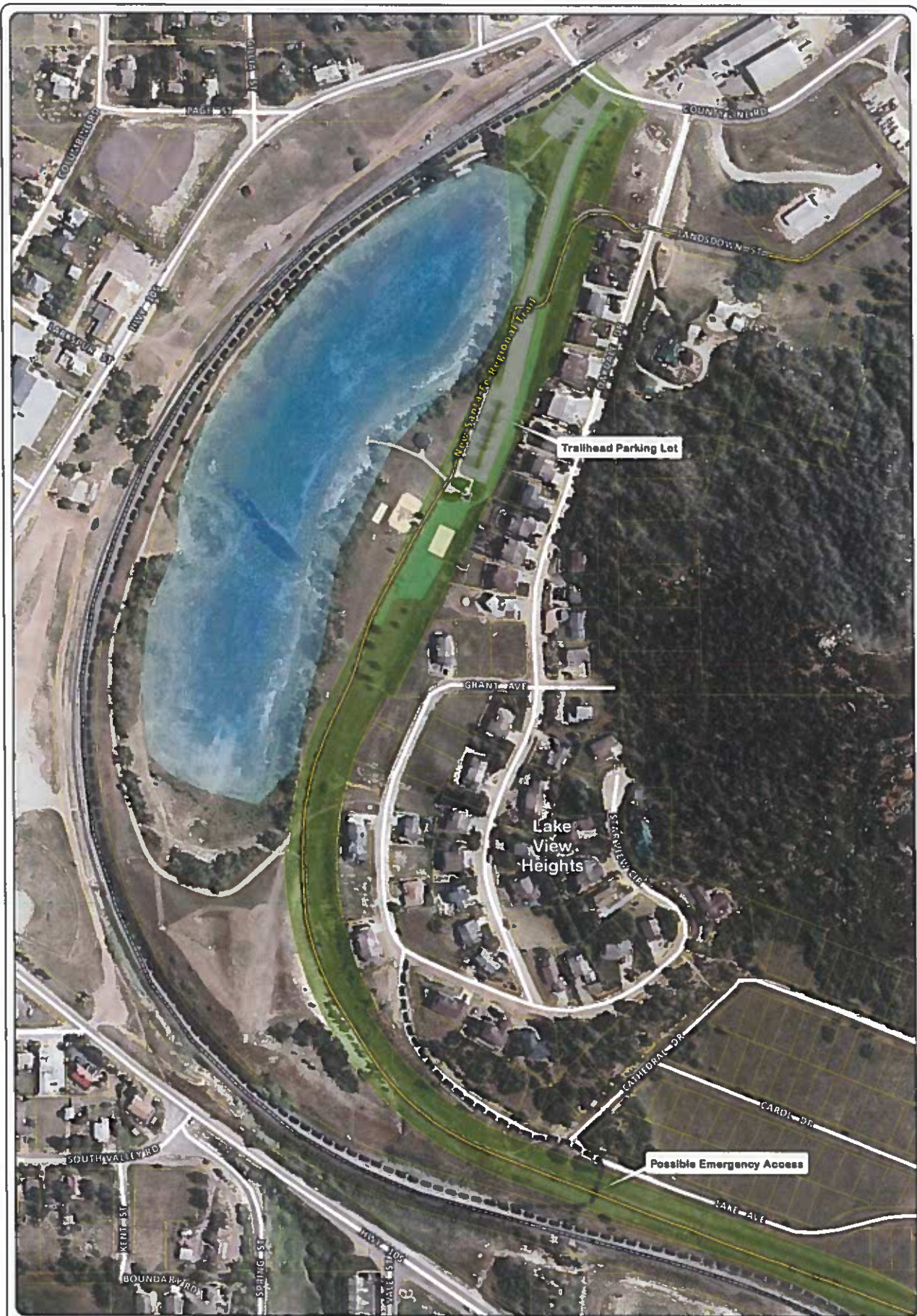
Tim Wolken  
Director  
El Paso County Community Services Department  
[timwolken@elpasoco.com](mailto:timwolken@elpasoco.com)

cc: Tara Berreth, Palmer Lake Town Clerk

200 S. CASCADE AVENUE, SUITE 100  
OFFICE: (719) 520-7276  
WWW.ELPASOCO.COM



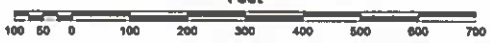
COLORADO SPRINGS, CO 80903  
FAX: (719) 520-6397



-  Emergency Access Route
-  New Santa Fe Regional Trail
-  Railroad
-  Parcels
-  EPC-Owned Park Area

**~ New Santa Fe Regional Trail ~  
Emergency Access Proposal**

Scale - 1:2,500  
Feet



## Dawn Collins

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**From:** Kathy Allen <kallen75@aol.com>  
**Sent:** Tuesday, December 3, 2024 4:14 PM  
**To:** Dawn Collins  
**Subject:** Email to pass along to TC and PC committee members

-----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.-----

Thank you for forwarding my email to the mayor and council members prior to the next meeting.

I am writing this email to share my concerns about the development proposal for Lakeview Heights Subdivision Units 2-4. I am opposed to the approval of this development. The Planning Commission heard the proposal at their Nov 20th meeting. The residents that attended the meeting made very good and thoughtful comments about the development and how it might affect them and the town. I hope Town Council members have listened to the meeting recording and have heard the comments from residents. The developer did not answer many of the questions that were brought up and I feel that more time should be given to this important topic. I am not sure why the Planning Commission moved this along to the Town Council since so many questions were not addressed. Since the Buc EE's annexation discussion is also scheduled for the Dec 12th Town Council meeting I am afraid the Lakeview Heights Subdivision proposal will not be given the time it deserves.

I have lived in Palmer Lake for many years and I know that proposals have been submitted for the undeveloped Lakeview Heights Filings several times over the years. **The Town has always responded to these proposals stating that with only one access point to get in or out of the development, they would NOT consider approval. Another access has never been obtained.** The existing infrastructure that is currently in place does not support adding several hundred homes. **Nothing has changed so why would this development be allowed to move forward now?**

These are the reasons I believe this development proposal should be denied:

1. Emergency access & public safety are the most important reasons I believe the Town Council should deny this proposal. I understand that sprinklers would be required in the new homes that would be built (for fire suppression) but I do not understand how the fire chief could support this proposal. If the train is blocking County Line Road any emergency vehicles would need to come from the East. This could create a dangerous situation. One resident at the PC meeting indicated that the existing right of way to access this new development is only 16' wide. There are homes/fences built very close on either side of the existing right of way. Any evacuation that might be required due to fire or a train accident could be life threatening. I believe we have fire codes that show that the access for this development does not meet the requirements. If you consider the number of cars and trucks that would enter/exit on a daily basis it would be overwhelming for the existing residents and infrastructure.

This recent court hearing sounds like a similar situation as what we are facing. Here is a link to the article: [https://gazette.com/news/judge-sides-with-resident-over-developers-in-fire-evacuation-lawsuit-fight-with-el-paso-county/article\\_f2a0732e-ae71-11ef-ab80-9b1df3a38deb.html](https://gazette.com/news/judge-sides-with-resident-over-developers-in-fire-evacuation-lawsuit-fight-with-el-paso-county/article_f2a0732e-ae71-11ef-ab80-9b1df3a38deb.html)

2. The developer does not own all the lots that are proposed in this development. Right now lot owners are paying property taxes for undeveloped land that is only a few hundred dollars a year. Once

developed, the vacant land taxes will increase to a much higher amount. Besides the higher property taxes, what will the cost be to individual lot owners for the improvements? This has not been addressed. The developer at first said there would be only one builder who will be allowed to build in this area. At the meeting he said there would be 4 builders. What happens if an individual lot owner has their own builder, or if they choose to build their own home? How can the developer dictate this if they don't own the lot?

3. Adding so many homes will put a huge strain on town services and our water supply.
4. Where are the open spaces, a connection to Santa Fe Trail and parks that are planned for this area? There is nothing on the proposed plat.

Thank you for your consideration.

Kathy Allen

**Email**

colin.lafever@gmail.com

**Subject**

No to 99 homes

**Question/Comment**

I as a life long resident do not support this action of adding nearly 100 new homes to Palmer lake!

1- as most people find Palmer lake the small charm town in the mountains we would only be expanding closer and closer to monument! We do not want our beautiful small town to be ruined by brand new homes!!

2- HWY 105- is not big enough to add additional traffic on what is already a congested area at times.

3- When can we just say no. We don't need more tax revenue we don't need our schools over loaded we don't need to ruin the small community we have!

Give the public what they want and no more building in palmer lake!

The results of this submission may be viewed at:

[https://www.townofpalmerlake.com/admin/structure/webform/manage/general\\_contact/submission/356](https://www.townofpalmerlake.com/admin/structure/webform/manage/general_contact/submission/356)

**Dawn Collins**

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**Subject:** FW: Web Contact Form: Ben Lomand / neighborhood

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**From:** Town of Palmer Lake <noreply@civicplus.com>  
**Sent:** Wednesday, November 20, 2024 11:35 AM  
**To:** Tish Torweihe <tish@palmer-lake.org>  
**Subject:** RE: Web Contact Form: Ben Lomand / neighborhood

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Submitted on Wed, 11/20/2024 - 11:35 AM

Submitted by: Anonymous

Submitted values are:

**First Name**

Kellie

**Last Name**

Currie

**Email**

Amothersreflection@hotmail.com

**Subject**

Ben Lomand / neighborhood

**Question/Comment**

Please do not allow continued building of houses on the south side of Ben Lomand.

Many reasons:

- \*Impact of traffic on highway 105= dangerous
- \*Water usage for new homes= problem
- \*The cost of fire support, storm pipes, upkeep, roads, Maintenance are too much and would put too much demand on our current departments/services
- \*Overcrowding is NOT Palmer Lake mission
- \* High density neighborhoods are not in town plans
- \*Open Space is HIGHLY valued here

The results of this submission may be viewed at:

## Dawn Collins

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**From:** Mike Beeson <beeson.mike@gmail.com>  
**Sent:** Tuesday, November 26, 2024 1:19 PM  
**To:** Glant Havenar; shball44@comcast.net; tlccaves@yahoo.com; Amy Hutson; atisjurka@msn.com; Dennis Stern; Dawn Collins; John Vincent  
**Subject:** Questions Re: PL Fire Chief's Nov 15, 2024 Letter Considering Lakeview Heights Subdivision Master Plan

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Good afternoon all, I'm sending this letter to all current and newly elected BOT members, Fire Chief Vincent, Ms. Dawn Collins and BOT Member/Mayor Havenar. Can you please address the following questions regarding Chief Vincent's Nov 15, 2024 letter (attached). My preference would be a written response to each question prior to the scheduled Dec 12, 2024 BOT meeting.

1. In the letter, Chief Vincent (hereafter "Chief") implies he had a discussion with the applicant as written: *"During discussions with the applicant..."*

**Question:** Was this meeting sanctioned/approved by the Town? If so, please provide a relevant town ordinance that allows a non-elected town employee to enter into discussions with the applicant.

**Question:** Can you please provide the meeting minutes of their discussions for examination? Please include all attendees, date(s), time(s) and location(s) of the Chief's discussions with the applicant.

2. In the letter, the Chief indicates *"...upon my last review of the Lakeview Heights documents, two points of egress cannot be met..."*

**Question:** What engineering documents/studies is the Chief basing this on? Please provide relevant engineering documents he relied upon for examination.

**Question:** Did the Chief contact BNSF, surrounding landowners, El Paso County and/or any other entity that could be involved in such a discussion; did he even ask (other than the applicant) if a 2nd access is possible? Please provide all written correspondence the Chief used to ascertain that "two points of egress cannot be met..."

3. In the letter, the Chief opines: *"It is my understanding that the applicant meets the Exceptions laid forth in the following Code Section D107.1, thus allowing this subdivision as proposed."*

**Question:** Which SPECIFIC exception(s) is he referring to? Without specificity or justification, his letter, as written, is clearly without merit and should not be used as a basis for applicant to be excluded from providing a 2<sup>nd</sup> fire apparatus access road. Please provide his analysis and specific conclusion from the exceptions listed in his letter:

**Exception 1?** (Does not apply because there are existing homes on the single access road, Oakdale Dr., that do not have sprinklers.)

**Exception 2?** (Does not apply because no roads proposed in the subdivision will connect with future access/egress routes.)

**Exception 3 has 5 possible reasons:**

**Reason 1?** "...when they (2 separate roads) are not possible due to location on property"

**Reason 2?** "...not possible due to topography"

**Reason 3?** "...not possible due to water ways"

**Reason 4?** "...not possible due to non-negotiable grades"

**Reason 5?** "...not possible due to reasons 1-4 or similar"

4. **Question:** What Fire Apparatus access point is the Chief using in his argument? There is only ONE Single Fire Apparatus access road into the development, and that is NOT Lake Ave as I fear the Chief is advocating. The only way out of Lakeview Heights (existing and proposed) is via Oakdale Dr., turning left or right onto County Line Road. Moreover, based on the application, I believe the applicant is also, oddly trying to argue the proposed access to the subdivision is Lake Ave. Fire/EMS vehicles cannot at this time access the existing or proposed homes of Lakeview Heights without first entering via Oakdale Dr.

5. The applicant cites IFC D107.1 Exception 1 (Sprinklers) to waive the 2<sup>nd</sup> access in his master plan application—again this does not apply because there are existing homes on the single access road, Oakdale Dr., that do not have sprinklers.

**Question:** Is the applicant suggesting Lake Ave is the entrance into the proposed development? Based on this submission, the application should have been returned without action by the town.

**Question:** Why did the Chief provide the applicant with an exception not specifically asked for by the applicant?

6. **Question:** Does the Chief and TOPL realize that his letter provides the current applicant, and all future applicants, with a clear path to build as many homes as physically possible with only one access road?

7. **Question:** If this application is approved IAW the Chief's letter, why is the Chief allowed to diminish the safety of current and future residents while providing material benefit to the applicant? The applicant clearly has the right to develop, but not at the expense of the town and residents.

8. **Question:** Does the TOPL and the Chief realize there are other reasons requiring an evacuation of the proposed new subdivision and existing homes? For example, a disabled BNSF train emitting harmful chemicals would trap residents—under the Chief's and Applicant's plan of "Shelter in Place with Sprinklers" and only one exit, trapped residents could possibly perish waiting in their homes or waiting to evacuate if they chose to. Potential future homeowners must be made aware of these dangers.

9. **Question:** Would the addressees to this letter purchase a home, or encourage loved ones to purchase a home in the future development knowing there is only one entrance/exit point? If not, please don't impose the risk on us who already live here.

10. I urgently encourage all addressees to this letter to visit the proposed subdivision site BEFORE the next BOT meeting, paying close attention to the width of Oakdale Dr. while envisioning a panicked evacuation of hundreds of vehicles whether it would be due to a fire, chemical spill or other Hazardous Material event. Please

keep in mind the Chief stated in a public forum regarding a grass fire, (Ref video of the Nov 20, 2024 TOPL Planning Commission Meeting) that no evacuation would be necessary and that he could access the new subdivision with his assets during a crisis. He did not address the chemical spill or Hazardous Material scenarios.

11. I propose delaying the scheduled Dec 12, 2024 BOT meeting until these questions can be clarified. We all need to find a way to allow the applicant his building rights, without imposing his costs, hardships, and diminished safety on TOPL citizens.

12. I've attached my repeated email attempts (Oct 15, 16 and 21, 2024) to clarify this situation with the Chief, and he only responded to one email with a 75-page reference and no help with my specific question. Moreover, please note in the first email has asks me why I would need to evacuate during a catastrophic wildfire! I personally witnessed the Waldo Canyon evacuation, and the fire was INDISCRIMINATE; the blowing embers didn't pay attention to mitigation attempts, and that is why my family and I WILL evacuate. When asked for more specifics in two subsequent emails, he failed to respond to this resident's requests.

Respectfully submitted,

Mike Beeson

Oakdale Dr., Palmer Lake

EMAIL 1 of 3

Re: Wildfire Egress Code For Palmer Lake Residents on Oakdale Dr.  
Inbox

[jvincent@palmer-lake.org](mailto:jvincent@palmer-lake.org)

to me, Dawn

Mr. Benson,

If a new development meets or exceeds a number of homes, then a home sprinkler system is required if only one point of egress is available. I believe your current address is within an area with one point of egress and I don't think the sprinkler requirement was in effect at the time, is your home sprinklered? The potential new development is in a grass fuel model and the "Oakdale" area is in a limited woodland model based upon the current non-Firewise landscaping that is now in place.

If you manage your property/neighborhood to reduce the fuel of a catastrophic wildfire, why would you need to evacuate?

I have included a link to the current TOPL fire code amendments from the International Fire Code-2015 approved by the town trustees.

<https://www.townofpalmerlake.com/media/11781>

Please let me know if you would like to meet at your place of residence to discuss further?  
John

John L. Vincent  
Chief  
Palmer Lake Fire Department  
12 Valley Crescent / PO Box 208  
Palmer Lake, CO. 80133  
Off: 7194812902  
Fax: 7194889305

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**From:** Town of Palmer Lake <[noreply@civicplus.com](mailto:noreply@civicplus.com)>  
**Sent:** Tuesday, October 15, 2024 11:10 AM  
**To:** John Vincent <[jvincent@palmer-lake.org](mailto:jvincent@palmer-lake.org)>  
**Subject:** Wildfire Egress Code For Palmer Lake Residents on Oakdale Dr.

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Name: Mike Beeson  
Email: [BEESON.MIKE@GMAIL.COM](mailto:BEESON.MIKE@GMAIL.COM)

Message: Good morning, I live at 136 Oakdale Drive/PL and understand there is an application to be reviewed by the planning commission on Wed, Nov 20th regarding a new subdivision South of Ben Lomand. My concern is I believe the only ingress and egress to the proposed subdivision will be via Oakdale Dr. Can you please tell me what statute/code/law covers how many private dwellings can be occupied given a single wildfire evac road? I believe there is a provision that if the new homes are fully sprinkled from within, that it changes the numbers, but that does not help us residents currently residing here. Thanks very much! Mike Beeson 719-651-9858

EMAIL 2 of 3 (NO RESPONSE FROM CHIEF VINCENT)

Re: Wildfire Egress Code For Palmer Lake Residents on Oakdale Dr.

Mike Beeson <[beeson.mike@gmail.com](mailto:beeson.mike@gmail.com)>

to jvincent

Hi John, thanks for the info and link. I guess I was wondering if a forest fire originating on Ben Lomand was coming our way with embers and such, and we are all ordered to evacuate, wouldn't the several hundred cars (including those from the new development) cause a dangerous bottleneck through our small neighborhood with one egress route? Whether a house is sprinkled or not would be a moot point in this situation....

Best regards,

Mike

EMAIL 3 of 3 (NO RESPONSE FROM CHIEF VINCENT)

Re: Wildfire Egress Code For Palmer Lake Residents on Oakdale Dr.

Mike Beeson <[beeson.mike@gmail.com](mailto:beeson.mike@gmail.com)>

to jvincent, Dawn, James, Jennifer

Hi John, I reviewed the link you sent but I'm confused about the applicability to the proposed subdivision.... With one entry/exit (Oakdale Dr), how many houses can use the single egress in a wildland fire. For example, if 100 houses are added in the subdivision, does that exceed the number of cars allowed to try to evacuate at once? I simply don't want to be in a traffic jam with hundreds of cars on our dirt road if we have to evacuate. I witnessed the evacuation of Rockrimmon years ago and we need to understand this fully before the upcoming planning meeting. Thanks very much!

Mike

Chief Vincent's Nov 15, 2024 Letter

November 15, 2024

TO: Town of Palmer Lake Planning Commission

FR: John Vincent, Fire Chief

RE: Consideration of Lakeview Heights subdivision Master Plan

During discussions with the applicant and upon my last review of the Lakeview Heights documents, two points of egress cannot be met, and the developer will install fire sprinkler systems in the homes to be built.

It is my understanding that the applicant meets the Exceptions laid forth in the following code Section D107.1, thus allowing this subdivision as proposed.

Per the International Fire Code 2015 and reference Town of Palmer Lake Ordinance 6-2021:

**Section 907.2.25. One and Two-Family Dwellings in Wildland Urban Interface.** Where specifically required on the approved development plan, one-and two-family dwellings (R3) occupancies located in wildland urban interface overlay, shall comply with Appendix K, in addition to other requirements of this code, or as identified on the approved development plans.

**Section D107.1. One or Two Family Dwelling Residential Developments.** Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

**Exceptions:**

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units *are* equipped throughout with an approved automatic fire sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

3. The fire code official is authorized to modify the requirement of two separate and approved fire apparatus access roads, when they are not possible due to location on property, topography, water ways, non-negotiable grades or similar.

JV

Nov 13, 2024

Ladies and gentlemen of the Palmer Lake Planning Commission and Board of Trustees,

While I believe private citizens should be able to develop their own properties according to existing codes, it should not be, however, at the expense of the town, residents, or public safety. The current application for development of Lakeview Heights by Sepp & Affiliates appears to disregard this important principle in many ways.

I respectfully request Palmer Lake Planning Commission members address the following issues at the upcoming Nov 20<sup>th</sup> 2024, hearing on the proposed Lakeview Heights Master Plan

Thank you,

Mike Beeson  
136 Oakdale Dr.  
Palmer Lake, Co

**INTERNATIONAL FIRE CODE SECTION D107.1 REQUIREMENT FOR TWO FIRE APPARATUS ACCESS ROADS**

Applicant misleadingly implies that only a single public fire apparatus access road (Oakdale Dr.) is required since he intends to install sprinklers on Phase 1 homes. This, however, is not compliant because the code requires that if there is a single access road ALL homes on it must be sprinkled.

He fails to acknowledge in his application that there are existing homes accessed via Oakdale Dr. that do not have sprinklers, which triggers a requirement for a second public fire apparatus access road—he cannot just ignore these homes. It is simply unconscionable to propose only one exit—I would have hoped the applicant cared more about human life than profits. (Both the Applicant’s very paraphrased and misleading wording of Section D107.1, and the actual Section D107.1 are listed below in the reference section.)

**Does the Town of Palmer Lake intend to disregard, circumvent or otherwise ignore the provisions of International Fire Code Section D107.1 in favor of providing profit to the Applicant at the expense of public safety?**

**TOWN OF PALMER LAKE ORDINANCE 8-2024 REQUIREING TWO FIRE APPARATUS ACCESS ROADS**

In addition to Section D107.1, above, on July 25, 2024, the Town of Palmer Lake Board of Trustees passed Ordinance No. 8-2024, regulating the subdivision of property within the town.

Within the Ordinance, there are no less than 3 additional requirements for a second public fire apparatus access road, all which apply in this case. (Ordinance No. 8-2024 relative excerpt listed below in the reference section.)

**Does the Town of Palmer Lake intend to disregard, circumvent or otherwise ignore the provisions of Ordinance No. 8-2024 in favor of providing profit to the Applicant at the expense of public safety, regardless of when the application was first filed?**

### WILDFIRE AND CHEMICAL SPILL EVACUATION

The proposed use of sprinklers to alleviate the requirement for a second access road is concerning given the geographic location of Palmer Lake. The Applicant notes that the new subdivision is designed as a Firewise community that will ALLOW RESIDENTS TO SHELTER IN PLACE during a wildfire.

This is simply another attempt to confuse the issue—nobody can reasonably be expected to remain in their homes as a firestorm such as Waldo Canyon comes upon them—or similarly a chemical spill caused by train derailment—they will join the vehicle evacuation. The sprinkler system is a dedicated water tank in each home and once exhausted leaves the system without immediate water —this system is generally designed to give the occupants time to evacuate.

The development of a neighborhood with 150+ homes with only one proposed exit route via Oakdale is simply too much of a risk for our citizens. I, like many of you personally witnessed the horror of Waldo Canyon evacuation through the Rockrimmon housing area, (link below to a Gazette article) and thank goodness there were multiple egress routes, unlike this Lakeview Heights proposal.

**What is the town's plan for the evacuation of the expanded Lake View Heights neighborhood in the event of a train-borne chemical spill or overwhelming wildfire with only one proposed evacuation route? If the assumption is that the residents of the new homes are to shelter in place, how will the town ensure the residents of the new do so while the residents of the existing (un-sprinkled) neighborhood are allowed to evacuate?**

### PAVING OF ROADS

The Applicant's Letter of Intent states his promise to pave Oakdale Dr. from County Line Road only to Grant, then to Lake and Cathedral to Carol (file lakeviewheights\_letter\_of\_intent\_4thsubmittal.pdf).

If this is true, how can we be guaranteed that heavy construction traffic, plus new residents won't detour past Grant when it is congested and continue along the dirt portions of Oakdale and Star View Cir to access/depart from the new subdivision.

Applicant can surely not guarantee all traffic destined for the new subdivision will only use the paved roads. Applicant needs to fully pave/gutter Oakdale and Star View Cir. Moreover, given

the current amount of erosion at the intersection of Lake Ave and Star View Cir, if applicant leaves Star View Cir unpaved, significant erosion and possible undermining of the paved surface on Lake must be considered as a future, significant cost to the town of Palmer Lake. (Photo attached)

**Has Applicant proposed an escrow account (funded by Sepp and Affiliates) to reimburse the town of Palmer Lake for future dirt road damage that is inevitable due to his failure to pave/gutter?**

#### SHORING UP EROSION/PLAN TO PROVIDE RETAINING STRUCTURE WHERE LAKE AND CATHEDRAL INTERSECT

I am unable to locate any discussion in the application about how the applicant plans on preparing the road surface where Lake Ave will intersect with Cathedral Ave. The attached photos are taken from the Santa Fe Trail below the intersection, and one on top of the grade. You will notice significant erosion that continually needs to be repaired by the city.

**How will applicant reinforce/shore up this section without impacting the Santa Fe Trail—this appears to require the equivalent of a highway exit abutment, for example—what is his plan?**

#### TRAFFIC IMPACT STUDY

Are we prepared to have heavy construction traffic (and later over 1,000+ vehicle trips per day) transit through Hwy 105, County Line and ONLY Oakdale for years to come? The Traffic Impact Study (TIS) admits that traffic down Oakdale Drive would be expected almost to quadruple due to this development, with delays at Oakdale and County Line increasing slightly.

However, there is absolutely no mention in their study of the projected impacts on delays and backups south on Hwy 105 and North on County Line caused by heavy BNSF rail traffic and the new development traffic. A second access road to the new development would alleviate these problems.

**What is Applicant's plan regarding a study to include the inevitable impact of train delays? What happens when the new development eventually swells to greater than 170 homes? Plan?**

#### DRAINAGE STUDY

I was unable to find in the applicant's study ANY mention of drainage systems for Oakdale Dr., Grant /Lake Ave, or Star View Cir.

**What is the applicant's plan?**

WHAT HAS CHANGED FROM PREVIOUS DEVELOPER APPLICATIONS

Finally, with respect to the standing requirement for 2 fire access roads, what has materially changed over the years that prevented other persons from developing the same property when they owned it?—NOTHING. I fear that approving this application as presented not only creates a significant evacuation threat to all residents but also opens the town up to litigation for damages to prior applicants.

XX

**REFERENCE MATERIAL:**

**Applicant’s wording from their Lakeview Heights Master Plan document**  
(lakeview\_heights\_master\_plan\_10.28.24.pdf):

**Section 11. “PER INTERNATIONAL FIRE CODE (SECTION D107.1.), IF SPRINKLERS ARE PROVIDED, A SECOND POINT OF ACCESS IS NOT REQUIRED. IT IS THE APPLICANTS' INTENT TO INCLUDE SPRINKLERS IN ALL NEW HOMES WITHIN PHASE 1. ANY LOT OWNER/BUILDER IN FUTURE PHASES WHO FAILS TO COMPLY WITH THIS PROVISION AND THUS TRIGGERS THE REQUIREMENT FOR A SECONDARY ACCESS SHALL BE SOLELY RESPONSIBLE FOR ALL COSTS, CONSTRUCTION, AND APPROVALS ASSOCIATED WITH SUCH SECONDARY ACCESS.”**

**The following is the complete wording to section D107.1:**

**D107.1 One or Two Family Dwelling Residential Developments.**

Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

**Exceptions:**

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic fire sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
3. The fire code official is authorized to modify the requirement of two separate and approved fire apparatus access roads, when they are not possible due to location on property, topography, water ways, non-negotiable grades or similar

### **Town of Palmer Lake Ordinance No. 8-2024**

An ordinance amending and replacing in its entirety Title 16 of the PL municipal code governing and regulating the subdivision of property within the town. Signed July 25<sup>th</sup>, 2024.

#### 16.40.040 Access and Dedication

##### (b) Access Requirements

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:

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 case of emergencies or evacuations

- f. 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. (Oakdale, Lake, Cathedral)
- f. iv. A street which is fronting and providing access to 25 lots or more must provide a minimum of 2 access points.
- f. v. Requirements of the number of access points dictated by any other current local codes, such as the local fire code, shall also apply, with the most stringent (largest number of access points) requirement being met.

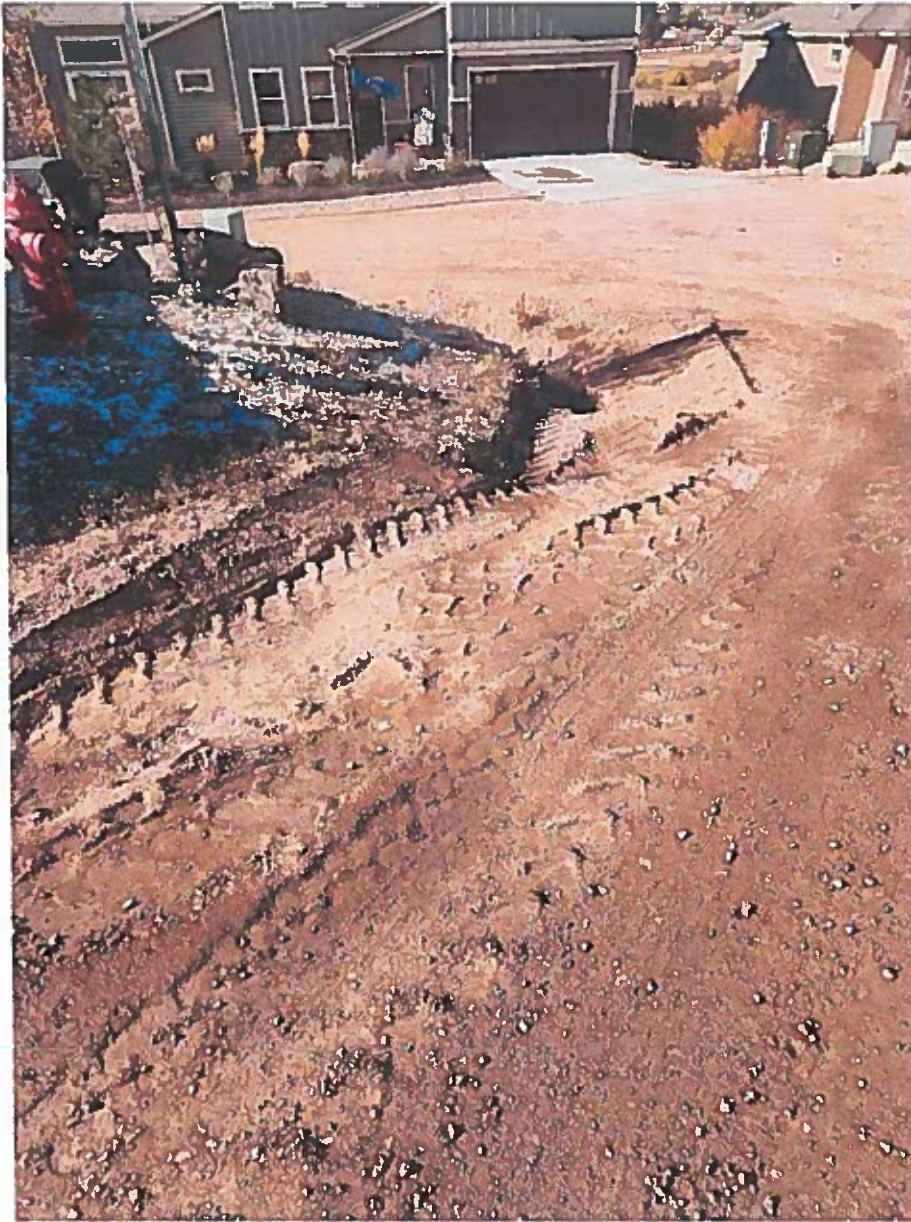
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#### Waldo Canyon Fire Evacuation

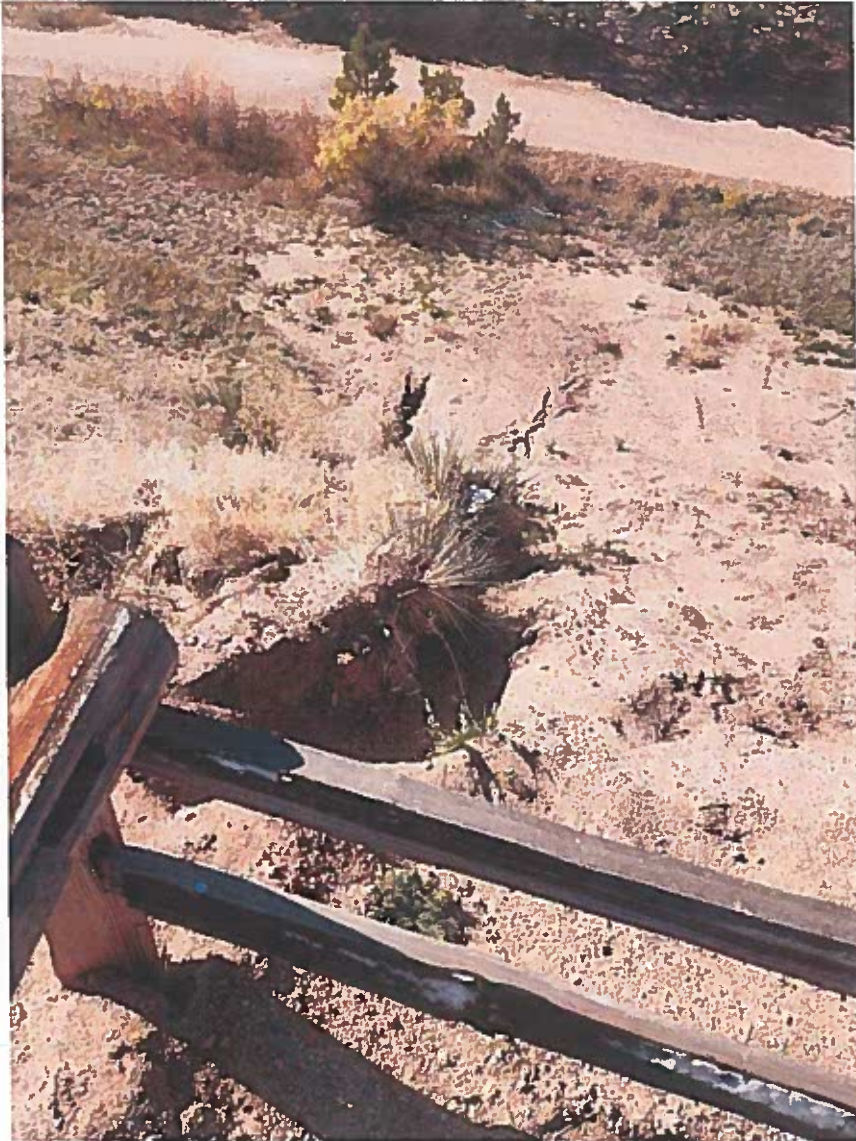
[https://gazette.com/news/waldo-canyon-fire-hell-in-the-rearview-mirror/article\\_132db048-f79c-5864-b7e0-31c4459fe336.html](https://gazette.com/news/waldo-canyon-fire-hell-in-the-rearview-mirror/article_132db048-f79c-5864-b7e0-31c4459fe336.html)



*Figure 1: Waldon Canyon Fire evacuation from Rockrimmon neighborhood 2012*



*Figure 2: Intersection of Star View Cir and Lake Ave after 4-ft-deep hole filled by TOPL*



*Figure 3: Intersection of Lake Ave and Cathedral, taken from above Santa Fe Trail Nov 3, 2024*



*Figure 4: Erosion below the intersection of Lake Ave and Cathedral Ave after a rainstorm, taken from the Santa Fe Trail May 15, 2024*