



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

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

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

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



- 3. Replatting or Resubdividing: The City will consider the following factors in any replat of land platted prior to September 6, 1973, for which Park Fees were paid or land was dedicated:
 - If the replat is to correct engineering errors (legal descriptions), it is exempt from this Section 7.4.307.
 - If Park Fees have been paid or land dedicated, or both, the land replatted shall be exempt from the provisions of this Section 7.4.307 unless as a result of such replat residential density is increased. If residential density is increased, the owner shall pay the fees or dedicate land, or both, in those amounts set forth in this Section 7.4.307 as applied only to additional residential units shown on the replat. If residential density is decreased in the replat, the provisions of this Section 7.4.307 shall not apply. No credit for land or fees previously dedicated or paid will be granted if a replat results in a decrease of residential density.
 - c. Minor Subdivisions 4 or less lots need not make a land dedication. Suggestion: add language that minor subdivisions are not skirting the requirement by undertaking sequential minor subdivisions. **Town Attorney will also weigh in. Sometimes the applicant creates outlots or tracts to avoid a major subdivision. COMPLETE.** Language strengthened to avoid skirting the major subdivision process.
 - d. Cross reference PUDs- requirement is 30% land dedication- no change from current requirements. **COMPLETE.**
- 7) Add reference to Major Activity Notice CRS 31-23-225: **COMPLETED**
- When a subdivision or commercial or industrial activity is proposed which will cover five or more acres of land, the governing body of the municipality in which the activity is proposed shall send notice to the state geologist and the board of county commissioners of the county in which the improvement is located of the proposal prior to approval of any zoning change, subdivision, or building permit application associated with such a proposed activity.*
- Source: L. 75: Entire title R&RE, p. 1154, § 1, effective July 1. L. 2005: Entire section amended, p. 669, § 7, effective June 1.
 - Editor's note: This section is similar to former § 31-23-125 as it existed prior to 1975.4 | Page
 - Cross references: For duties of the state geologist upon receipt of a notice, see §23-41-205.
- 8) Ensure that subdividers know that access to a public street is required. This language will be added to the Subdivision Ordinance. **Per Dawn only cite the Statutory reference but this might then be placed in some sort of development review checklist for Planning Commission and the Board. COMPLETED WITH STATUTORY REFERENCE**



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

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

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

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

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



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