



November 11, 2024

TO: Mr. Eric Sepp and NES Team  
BY: Dawn Collins, Town Administrator  
FR: Development Review Team (DRT)  
RE: Lakeview Heights Master Plan Resubdivision – Review of 4<sup>th</sup> Submittal

This is the Master Plan submittal required under the applicable regulations, Ch. 16. This review is for Phase 1 only, but because the submittal impacts owners of non-applicant owned lots, issues affecting areas outside Phase 1 are also discussed in some instances.

It appears the applicant's proposal, if approved as requested, could result in substantial burdens being placed on lots that are not part of this application, including an easement across non-applicant owned property for roadway and utilities, a requirement that all future homes be sprinklered, and compliance with requirements for becoming a Firewise Community, in addition to reimbursement for roadways and related subdivision improvements. The developer will need to provide the Town written confirmation that the non-applicant lot owners have been advised of and consent to such burdens being placed on their property, as part of the Master Plan approval.

Additionally, this review is not an implied acceptance of the Development Standards or other submission details appropriate for future steps – ie., preliminary and final plat. The Master Plan review is made with the understanding that lots will be combined through this resubdivision process in the forthcoming preliminary plat to meet the zoning requirements of 10,000 sq. ft. minimum lot size.

Lastly, evidence of ownership from all lot owners in Phase 1 including Sepp and Affiliates, Zoom Holding Trust, and Hulsmann is required. Proof that these entities currently own the Phase 1 lots and authority for the applicant to act on behalf of the landowners must be provided prior to the public hearing for this application to proceed.

The following summarizes the Town of Palmer Lake (TOPL) Development Review Team (DRT) review of your October 29, 2024, electronic *resubmittal* documents, and the paper copy delivered on October 30, 2024.

This memo and a separate memo with the Town's staff recommendation to the Planning Commission will be distributed to Planning Commission members no later than November 15, 2024.

In addition to the DRT's review of the 4<sup>th</sup> submittal, the DRT has also summarized items that have been sent to you and NES as early as April 24, 2024. To aid in your consideration of staff comments and requirements previously sent to the applicant, these comments and requirements are arranged by contract staff:

- Town Attorney -- Krob Law Firm



- Town Engineer – GMS Inc., Consulting Engineers
- Town Planner -- Community Matters Institute
- Town Water Quality Consultant -- Chavez Consulting

Administrator Collins has asked for further recommendations based on the referral comments received. The memo that will go to the Planning Commission will include recommendations as well as suggested conditions of approval.

## DOCUMENTS RECEIVED



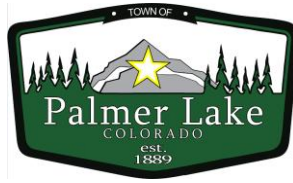
Figure 1: 4th Submittal Plan. See Figure 3 below for the legend to this map.

The 4<sup>th</sup> submittal received by the Town included the following documents from the Applicant Team.

- Lakeview Heights – TIS Revised April 2024
- Lakeview Heights - Master Plan 10-28-24
- Lakeview Heights - MDDP 2024-10-28 (sealed)
- Lakeview Heights - PLSD Petition for Inclusion
- Lakeview Heights - Black Hills Energy - Will Serve
- Lakeview Heights – CORE – Will Serve
- Lakeview Heights – Revised Letter of Intent 4<sup>th</sup> Submittal
- LVH Water Resources Report CDC 10-25-24
- NES Responses to GMS Review Memo 09-24-24
- NES response to CMI Review Letter
- Trip Generation Table (October 2024)



Figure 2: Legend for map in Figure 2.



## Development Review Process

The Master Plan is the first step in the major subdivision process under the applicable subdivision regulations:

*A master plan for a subdivision shall be required when multiple land use (more than one) are proposed for an area by the subdivider and/or when the developer does not intend to subdivide all of his contiguous holdings at the same time, or if a development is to be phased.*

The only definition of Master Plan under the old regulations is *“Master 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.”*

Under the newly adopted subdivision regulations, this step has been renamed ‘Sketch Plan.’ The intent is the same. The purpose of this first step is more clearly articulated in the recently adopted subdivision ordinance:

*“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.”*

In summary, the intent of the first step in the platting process is to ensure that the overall development plan undergoes a technical review as well as a properly noticed public review by both the Planning Commission and Board of Trustees to raise any concerns prior to the applicant investing time and money in the detailed engineered preliminary and final plat.

## Overview of 4th Submittal

**Proposed phasing.** The plan shows three phases –

- **Phase 1:** lots owned by the applicant and others (shown as green) and proposed to be replatted.
- **Phase 2:** lots owned by others (shown as orange), including lots requiring a variance (shown as orange cross hatching).
- **Future Phase:** large lots east of the proposed infrastructure (shown as red hatching).



- **The purple lot** is currently in escrow but it is stated it will be added to Phase 1 after closing. Current status unknown.
- **The blue area** is a parcel adjacent to but not within the subdivision that is proposed be used for storing drainage.

**Existing site.** The Letter of Intent 3<sup>rd</sup> Submittal notes the following about the existing site:

“Site vegetation consists primarily of tall native grass and mixed prairie perennial vegetation. Portions of the site primarily along the north boundary and through the central portion of the property are heavily treed with ponderosa pine tree and gamble oaks. The site has steep slopes and rock outcroppings on parts of the northern boundary.” The Community Master Plan identifies the area as having low to moderate wildfire risk. The site includes expansive soils. Narrow unimproved roads or drives are located in the existing platted rights-of-way.

**Proposed layout:** The proposed plan maintains the previously platted rights-of-way. Phase 1 and Phase 2 are located in the western two-thirds of the site, between the cluster of trees on the east to the embankment and existing homes on the west. The number of lots proposed in Phase 1 total 46, with one additional lot indicated in escrow and anticipated to be include in Phase 1 when closed. The number of non-applicant owned lots in Phase 2 has been revised from 33 lots to 44 lots. Applicant indicates variances may be sought for 11 non-applicant owned lots in Phase 2, which prompted the revision. The area also includes a portion of the Future Phase. The larger portion of the Future Phase is to the east beyond the service area of the Palmer Lake Sanitation District (PLSD) where 8 future large lots on septic systems are planned. The property is shown fully developed with lots and rights-of-way, except for the embankment at the west end. The proposed stormwater detention to the south of the “bend” in the subdivision is on a separate parcel outside of, but adjoining the subdivision.

**Zoning and Uses.** The existing and proposed zone district is R-10,000 Intermediate Density Residential. Existing uses are undeveloped single-family residential (SFR) lots and narrow unimproved drives in the existing platted right-of-way. The proposed use is single-family dwellings on lots of at least 10,000 sq. ft. No conditional uses are proposed.

**Acreage:** The Master Plan shows the following acreages. Acreages highlighted in yellow are not under review by the Town and there is no guarantee that these lots will be approved in the future.

Note the following acreage from the 3<sup>rd</sup> submittal:

- Phase 1 ROW 7.697 acres (ac.)
- Lot area Phase 1 13.472 ac. (green lots with dashed line through the interior of the lot indicating its two lots)
- Lot area Phase 2 8.659 ac. (orange lots)
- Detention area 1.785 ac. (**Master Plan Sheet 2 shows this area outside of the Subdivision**)
- Future Phase 24.539 ac.
- Size of proposed development: 56.152 ac. (includes the detention area)



## TOWN ATTORNEY

### 1. The “applicable regulations” for the current application

As you know, the Town adopted new subdivision regulations effective July 25, 2024. The question has been raised whether the most recent submittal from the applicant should be considered under the Town’s new or previous subdivision regulations.

When a land use application is submitted under one set of regulations and then the regulations are replaced with a new set, the regulations under which the application was initially submitted continue to govern the application if the application was substantially complete at the time it was filed, the applicant has pursued the application with reasonable diligence, and the current application is substantially the same as the initial application. It is the date of initial submission, and not the date completeness is determined, that is the determinative date for deciding which regulations apply.

In this instance, the applicant submitted its original application on July 19, 2023. Its second submission was filed on November 15, 2023; third submission on July 26, 2024; and current resubmission on October 29, 2024.

The Town Administrator has indicated the initial application was substantially complete, that many of the changes in subsequent submissions were made to comply with adopted regulations, at the request of Town staff and consultants, and that the current submission is substantially the same as the initial one. That is consistent with the Town Attorney’s understanding, as well.

Under these circumstances, the subdivision application should be reviewed under the subdivision regulations that were in place at the time of the original submission. For purposes of this memo, when there is a reference to the “applicable regulations” it refers to the subdivision regulations in effect on July 19, 2023. To assist the applicant and the Planning Commission, a copy of the applicable code is attached.

### 2. 20% public land dedication

Under the applicable subdivision regulations, Section 16.76.010, a 20% land dedication for public lands is required for residential subdivisions. This 20% is in addition to the dedications required for roads, easements for drainage and utilities, etc.<sup>1</sup>

The applicable regulations also provide in Section 16.76.030 for the payment in lieu of public land dedication, if, based on the recommendation of the Planning Commission, the Board of Trustees concludes that the land proposed for dedication is not suitable for its intended purpose or the public interest would be better served by requiring cash in-lieu of such dedicated lands. (See Town Planner comments and El Paso County comments on 20% land dedication.)

The only reason for not requiring a public land dedication or payment of a fee in lieu is if the applicant could demonstrate to the satisfaction of the Town that this dedication or payment was made by a previous owner of the property. It is the Town Attorney’s understanding nothing has been provided



indicating such prior payment or dedication, nor as required by Code was any such land dedication filed with the El Paso County Clerk and Recorder.

3. Ownership or written authority to act on behalf of all property owners within the application

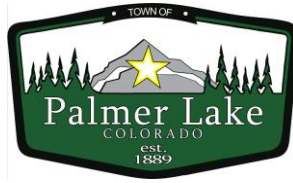
As I mentioned in my April 24, 2024, letter to the applicant's attorney, the applicant must either own all of the property included in the application or have the written authority to act on behalf of all owners for Phase 1. As discussed above, it appears there may have been a transfer of ownership, which will need to be cleared up before the matter proceeds. This is required as part of the Master Plan submittal.

4. Roadway/utility right-of-way dedication or easement

As mentioned in the Town Attorney's April 24, 2024, letter to the applicant's attorney, an additional five-foot wide public improvements easement on each side of the existing 50-foot right-of-way is needed in order to achieve the total 60-foot width that is required. Town staff requested dedication of the additional right-of-way, but the applicant suggested it would be more expeditious to obtain five-foot easements across each lot to achieve the 60 feet and asked that it be allowed to use the easement approach, rather than the right-of-way dedication approach. Staff agreed, provided the applicant obtained the appropriate easements. Accordingly, to meet this requirement, the applicant needs to provide easements across the property of each affected lot, duly executed by the owner of each property that would be encumbered by such easement. This includes lots within this application as well as other lots along the platted roadways that are not owned by the applicant. I do not believe I have seen those easement agreements. Without the non-applicant lots being added to the plat and joining in the application process, or easements being obtained from the non-applicant owners, I have concerns about how this matter can move forward.

5. Second access versus sprinklering

In our meeting earlier this year, the applicant represented having a letter from the Fire Department indicating that no second access would be required, provided the houses built on the property are sprinklered. In my April 24, 2024 letter, I asked the applicant's attorney to provide that letter. I do not believe it is included in either the 3<sup>rd</sup> or 4<sup>th</sup> submittal from the applicant. In addition, if the lack of a second access issue is to be resolved by requiring sprinklering, that requirement would likely apply to all future homes to be built in the subdivision and would be a substantial change from what purchasers understood when they bought their lots. Accordingly, I recommend the applicant provide the Town evidence that all affected property owners have received notice so they have an opportunity to fully understand and address this issue. It is in the Town's and the applicant's interest, as well as the interests of all potentially affected landowners to resolve such matters at the outset of the process. While not part of this review, a Subdivision Improvements Agreement (SIA) will be the vehicle to determine who conducts the Firewise Inspections, it should not be presumed that the cost or burden of these inspections will fall on the Town of Palmer Lake Fire Department.



## 6. Reimbursement for public improvements

To reiterate my discussion of this issue in my April 24, 2024 letter, it is my understanding that with regard to the roadways that run through the proposed subdivision, none of the abutting lots have been built on. If so, if the applicant puts in the entire roadway system and utilities, then Town staff supports entry into a reimbursement agreement between the Town and the applicant requiring proportionate reimbursement of actual costs prior to issuing a building permit for a benefitted lot, at least for a substantial period of time. The note in the development standards added in the 4<sup>th</sup> submittal does not state 'proportional.' All lots within the subdivision would be subject to reimbursement regardless of ownership.

### TOWN CONSULTING ENGINEER

#### 1. Applicant's 4<sup>th</sup> submittal package

##### a. Letter of Intent

- i. The wastewater provider is the Palmer Lake Sanitation District, not Town of Palmer Lake Sanitation District.

##### b. Master Plan Drawings

- i. Lakeview Heights Development Standards Notes: As noted, the Development Standards are not reviewed at the Master Plan submittal. The development standards will be a matter for further review and negotiation. Some items, such as the Firewise requirements, may be considered in the SIA.
- ii. General Note #10 indicates by date the previous versions of other supporting documents in the Master Plan submittal package. All documents listed must be updated with the latest dates of revision to coincide with the latest versions submitted as part of the 4<sup>th</sup> submittal package being reviewed, in order to reference the correct and applicable documents.
- iii. General Note #14 was added to require all property owners to dedicate a 5' public improvement easement adjacent to the Right-of-Way. However, it does not indicate how the non-applicant owned lots will consent to, or convey, that easement. The Applicant must provide the intended process for obtaining the easements from non-applicant owned properties as noted by Attorney Krob. Refer to comments below regarding the NES response to the CMI letter.
- iv. The Owner indicated on the title sheet has changed from Sepp & Affiliates to Zoom Holdings Trust. All other drawings appear to indicate Sepp & Affiliates as the property owner of applicant-owned lots. It appears that there may be at least one other non-applicant owner participating in Phase 1. All lot owners must consent to the Master Plan submittal, refer to previous comments on this matter.



- c. Water Resources Report
  - i. No additional comments
- d. Traffic Impact Study
  - i. The submitted document is the exact same document as was submitted for in the third submittal package, no changes in response to previous comments.
  - ii. The only apparent response to previous comments was a separate Trip Generation table which revised (increased) trip counts based on previous comments regarding total lots included in Phase 1 and Phase 2. The request in previous comments to identify the impacts and changes that resulted from increasing the values in the Trip Generation table were not given. It is recommended that the Traffic Impact Study be revised to:
    - 1. Update all discussions on trip generation values
    - 2. Update all figures to illustrate the additional traffic loads, including the individual movements counts through the intersections evaluated
    - 3. Update all traffic count tables and data tables
    - 4. Update all trip generation and level of service tables, and identify all changes to the level of service provided due to the increase in trip counts
    - 5. Confirm whether or not the increase in trip counts requires any changes to turn lane construction requirements or requires additional turn lane construction
    - 6. Identify the changes to roadway section construction limits for the Urban Local and Local (Low Volume) roadway sections due to the additional trips
- e. Master Drainage Development Plan
  - i. Refer to comments provided by Chavez Consulting
  - ii. The offsite stormwater detention tract should be included in the replat and noted as being associated with the drainage requirements of the replatted lots.
- f. NES responses to GMS comments
  - i. Traffic Impact Study was not updated, only a single table for trip generation was provided. Refer to the comments above regarding the Traffic Impact Study.
- g. NES responses to CMI comments
  - i. On Page 5 regarding the CMI comments under Number of Lots and Density, the CMI comment was “**Required:** For the preliminary plat application, signatures of all property owners for each phase are required.” The NES response was “Noted. To be provided with preliminary plat.” On Page 10 under Other Easements, the CMI



comment was ***Comment: The Applicant shall provide more information on how the road easements will be obtained and what will be done if a property owner is unwilling to provide this easement.*** The NES response only spoke to the manner in which the applicant owned lots will convey the easement, it did not address how the non-applicant owned lots will convey the easement. The applicant must confirm if the non-applicant owned lot easements will be provided with the preliminary plat as indicated in the previous item response on Page 5, or by other means.

NOTE: As described above by Attorney Krob, non-applicant owners will be required to provide consent to easements and other burdens imposed by the Master Plan.

2. Previous Outside Agency Rereferral Comments (Refer to the Referral Comments section below for additional details)
  - a. Lewis Palmer Schol District
    - i. The current Master Plan submittal is for the development of 46 single family lots only (47 if the lot in escrow is closed and proof provided), although certain infrastructure will be constructed for these 46 lots which will support future lot development.
  - b. Master Drainage Development Plan
    - i. Refer to comments provided by Chavez Consulting
  - c. Master Plan Drawings Review
    - i. No additional comments
  - d. El Paso County Department of Parks and Community Services
    - i. The letter includes several comments regarding the proposed development's impact to the Ben Lomand Mountain Secondary Regional Trail, Santa Fe Regional Trail, the County's designation of candidate open space in the development, designated open space within the development, stormwater impacts, multiple trail and open space connections and public trail easement requirements. As it does not appear that these items have been addressed in the 4<sup>th</sup> submittal package, it is recommended the items in this letter be individually addressed by the applicant to the satisfaction of the County and Town of Palmer Lake Planning Commission and Board of Trustees.
    - ii. Regarding the County comments on road sections, the Master Plan Drawings do indicate the proposed road sections to be constructed in accordance with El Paso County Engineering Criteria Manual requirements, as adopted by the Town. The applicant's intended construction includes curb, gutter and stormwater infrastructure to convey runoff to the detention facilities. The applicant can confirm this intent for the County.
  - e. Colorado Department of Transportation
    - i. No additional comments



## TOWN CONSULTING PLANNER

**Item 1: Role of the Master Plan.** As noted in the Master Plan application the recently adopted Community Master Plan (aka Comprehensive Plan) classifies this land as an ‘environmentally constrained residential area’ on the Future Land Use Map. These areas are identified as including steep slopes, extensive forested areas, or areas that are difficult to serve or access. Some of these land areas show platted roads that have never been built. There is no water or sewer service to these sites, making the development potential severely limited and extremely expensive. The environmentally constrained residential areas are not suitable for development except for single-family homes on larger lots and the size of the lot will be determined by the Hillside Overlay District - known as the Stormwater Quality Control ordinance.

The adopted Master Plan requires as a first step in the review of an application a FINDING OF SUBSTANTIAL COMPLIANCE WITH THE FUTURE LAND USE PLAN. The Plan further states “If the development proposal or request does not substantially conform to the Community Master Plan, the request may be denied.” The Planning Commission and Board of Trustees will need to consider this statement as well as the second step in their review- FINDING OF CONSISTENCY WITH THE ADOPTED COMMUNITY GOALS AND GUIDING OBJECTIVES.

### **Item 2: Open Space Dedication**

1. As noted in the Town Attorney’s e-mail to the applicant’s attorney dated April 24, the applicant is required to dedicate 20% open space as part of the Phase 1 Plat application. (See Section 16.76.010. “Land for public uses” of the applicable subdivision ordinance.) The adequacy of the land dedication is reviewed by the Board of Trustees. In addition, under the applicable regulations (Section 16.76.030-Park land dedication or cash in-lieu thereof) allows a cash in-lieu of dedication but only if the Board finds the following:

*“When the dedication of required park, open space, and trail lands is not deemed suitable or not in the public interest, the board of trustees shall require the subdivider, in-lieu thereof, to pay to the town a fee in-lieu of land .”*

2. El Paso County referral comments asked for useable open space within the subdivision and a connection to the Sante Fe Open Space both to meet the requirement and also to reduce stormwater run-off concerns. (See full request under referral comments.)

**Item 3: Detention facility should be included in the subdivision plat.** (See comments from Chavez Consulting.) This is preferable rather than making the detention facility an off-site improvement and is standard practice in El Paso County.

**Item 4: Applicant shall provide an overview of the cost-reimbursement plan for infrastructure, and this shall be made part of the record.** (See comments on same from GMS/Krob Law.)

**Item 5: Land Disturbance.** Slopes under 16 % are required to comply with the Hillside Overlay District. (See Zoning Section 17.68.064 Development standards.) For preliminary plat submittals, indicate the average slope utilizing the following section of the Municipal Code - 17.68.050. Merger of contiguous



lots. Also see 17.68.030. Definitions for the method of calculating the slope of a property. On the preliminary plat for each lot, show on the “map” or in a table, the slope and the percent of the lot to remain in a natural state.

**Item 6: Land In Natural State Requirement.** On the preliminary plat for each lot, show on the “map” or in a table, the slope and the percent of the lot to remain in a natural state.

**Item 7: Sheet 1 General Note 1.** Revise dates.

**Item 8: Sheet 1 General Note 13.** Please delete 17.60. This was incorrectly included in a comment previously sent to you.

**Item 9: Midblock walkways.** Provide midblock walkways as required by Subdivision section 16.40.040. *Applicant responded ‘no sidewalks’ proposed.* Midblock walkways MUST be provided.

**Item 10: Sheet 2 Lot variances.** Legend indicates 11 lots need variances. Map layout appears to show 8 such lots. Reconcile or explain.

**Item 11: Required.** For the preliminary plat application, signatures of all impacted property owners are required.

**Item 12: Requirement on Compliance with Zoning.** For the hearing on the master plan, add a note that the project will comply with Title 17 Zoning as is currently being amended. Specific attention to the following sections of the Municipal Code shall be adhered to: Chapter 14.20- Lighting, and current chapters 17.12, 17.60, 17.64, 17.68 and 17.84 regarding drainage, flooding, erosion, and landscaping.

## TOWN STORMWATER CONSULTANT

The MDDP provided is not signed. The MDDP must be signed and stamped by the Engineer of Record and the Owner to be considered a complete submittal.

The MDDP states the site is 57 acres, which is consistent with the Master Plan documents. However, the MDDP does not account for the entire site. Only Phases 1 and 2 are accounted for in the MDDP. This exclusion should be noted in the MDDP.

A second MDDP will be required for review of “Future Phase” identified in red shading in the Master Plan map. El Paso County Parks (Outside Agency Review) expressed concern about the runoff associated with the “Future Phase” of this development. Stabilized drainage ways will be required downstream of the permanent stormwater control measure for that phase.

Sub basin A24 is not included in the Standard Form SF-3 STORM DRAINAGE SYSTEM DESIGN (RATIONAL METHOD PROCEDURE) DEVELOPED spreadsheets. Please explain/justify the omission.

The Cross Sections for Gutter Capacity are based on 1% slopes whereas anticipated slopes of streets are stated to be considerably greater than 1%. Re-evaluation should be conducted based on actual proposed slopes of the streets.



The Four Step Process section does not refer to the need for stabilized drainage ways specifically in sub-basin A24. The description of basin A24 identifies the need for a “cutoff channel” and will require stabilization.

The parcel of land on which the proposed extended detention basin is located is not included in the Plat. This parcel must be included in the Plat and identified as a Tract or as a drainage easement.

There is an El Paso County Parks trail intersecting the drainage path downstream from the proposed Extended Detention basin. Additional considerations may be required to ensure no negative impact to the trail occurs.

The hydraulic analysis must include an evaluation of the Extended Detention Basin drain and infiltration time for the 10-year event. The Mile High Flood Control District has a workbook “SDI-Design Data v2.00, Released January 2020,” which must be used to verify there are no downstream impacts on water right owners.

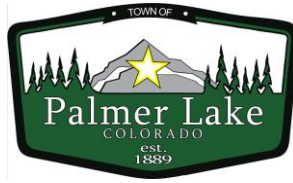
## REFERRAL COMMENTS

### Colorado Department of Transportation

1. The Colorado Department of Transportation requested a copy of the MDDP. A copy of the final, signed MDDP should be provided to CDOT.
2. A State Highway Access Permit will be required for the connection of Spruce Mountain Road to State Highway 105A.
3. CDOT has requested copy of the drainage plan for review.
4. On-premise and off-premise signing shall comply with the current Colorado Outdoor Advertising Act, sections 43-1-401 to 421, C.R.S. and all rules pertaining to outdoor advertising.
5. Any utility work within the state highway right-of-way will require a utility permit from CDOT.

### El Paso County Department of Parks and Community Services

1. The Applicant should reconsider the current lot design to integrate useful open space areas into the plan as requested by the County. The Town requests that the applicant meet with El Paso County to resolve this issue and to seek means to reduce runoff onto the County’s property.
2. No stormwater runoff shall impact the Santa Fe Open Space or Trail.
3. The Applicant is required to work with EPC Parks and Community Services staff on neighborhood trail connections to the Santa Fe Open Space and two noted neighborhood trail connections from Lake Avenue.
4. Consider the construction of decorative but effective fencing between the Santa Fe Open Space and the residential lots north of and adjacent to the Open Space.
5. Provide a 25’-50’ wide public trail easement through the eastern portion of Lakeview Heights for the construction and continued maintenance of the Ben Lomand Mountain Secondary Regional



Trail, and to designate and provide the easement on forthcoming preliminary plans and final plats.

6. El Paso County Parks expressed concern about possible erosion impacting the trail from the future discharge from the “Future Phase” of the Master Plan. This area is not included in the MDDP and should be clearly stated.

### School District 38

Fees in lieu of land is required at the rate of \$1,360 for each single family detached dwelling unit (SF DU). Based on the 4<sup>th</sup> submittal plan, following are the total amounts for each phase.

- Phase 1 with 46 SF DU = \$62,100
- Phase 2 with 33 SF DU = \$44,550
- 20 other possible SF DU = \$26,400

Xc:

- September 10, 2024 letter from Teresa Guagliardo, Colorado Department of Transportation
- August 29, 2024 letter from Ross Williams, El Paso County Parks and Community Services
- September 20, 2024 email from Melissa Andrews, Lewis Palmer School District

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i ch 17.76.030 *Land dedication standards.*

- (1) Any land to be dedicated as a requirement of this section shall be suitable, in the opinion of the board of trustees, for use as parks, open space, and/or trails. Land dedication shall include the board of trustees for use as parks, open space, and/or trails. 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.
- (2) The board of trustees, in consideration of the recommendations of the planning commission, will determine the suitability of the land proposed for dedication in providing for the intended purpose of the dedication, in accordance with the standards and criteria set forth in this section. If the board, in its sole discretion, determines that such land is not suitable for dedication or that the public interest would be better served by requiring cash in-lieu of such dedicated lands, the subdivider shall be required to provide cash in lieu of such dedicated lands pursuant to the provisions of subsection (b) of this section. Further, nothing contained herein shall be construed to prevent the board from requiring that part of the park land dedication requirement be made in the form of dedicated land and that part of such requirement be made in the form of cash in lieu of the remaining requirements for such land.