

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

---

SUMMARY MEMORANDUM

TO: El Paso County Board of County Commissioners  
FROM: Planning & Community Development  
DATE: 11/14/2024  
RE: P2223 and SF249, Settlers Ranch Fil. No. 3 Map Amendment (Rezoning) and Final Plat

Project Description

A request by Hodgen Settlers Ranch, LLC for approval of a Map Amendment (Rezoning) of 53.53 acres from PUD (Planned Unit Development) to RR-2.5 (Rural Residential); and a 78.71-acre Final Plat depicting 24 single-family residential lots, and 1 open space, utility, drainage tract. The items were heard on the consent agenda at the October 17, 2024, Planning Commission hearing, and were recommended for approval with a vote of 6-0. The property is zoned PUD (Planned Unit Development) and is located immediately north of Hodgen Road, west of Stepler Road, and immediately adjacent to Settlers Ranch Road. (Parcel Nos. 6123007024, 6124004003, 6124005001 and 6123004048) (Commissioner District No. 1)

Notation

Please see the Planning Commission Minutes for a complete discussion of the topic and the project manager's staff report for staff analysis. There were opposition letters received identifying the adjacent conservation easements, additional traffic, water use, and drainage concerns. The applicant provided a written rebuttal (attached).

Planning Commission Recommendation and Vote

Carlson moved / Fuller seconded for approval of the RR-2.5 Map Amendment, utilizing the resolution attached to the staff report with 1 condition and 2 notations. Fuller moved / Brittain Jack seconded for approval of the Final Plat, utilizing the resolution attached to the staff report with 9 conditions, 4 notations, and a finding of water sufficiency with regard to quality, quantity, and dependability, that this item be forwarded to the Board of County Commissioners for their consideration. The motions were all **approved (6-0)**. The items were heard as consent agenda items.

Discussion

The items were heard as consent agenda items, there was little discussion. Mr. Bailey asked a clarifying question regarding the adjacent conservation easements (not included in the requests); however, no concerns were raised, and staff provided an answer to the satisfaction of the Planning Commission.

Attachments

1. Planning Commission Minutes from 10/17/2024.
2. Signed Planning Commission Resolutions.
3. Planning Commission Staff Report.
4. Letters of Opposition.
5. Applicant's Response to Opposition.
6. Draft BOCC Resolutions.  
**BOCC Report Packet**

**Meggan Herington, AICP, Executive Director**  
**El Paso County Planning & Community Development**  
O: 719-520-6300  
MegganHerington@elpasoco.com  
2880 International Circle, Suite 110  
Colorado Springs, CO 80910

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

---

## **EL PASO COUNTY PLANNING COMMISSION**

### **MEETING RESULTS (UNOFFICIAL RESULTS)**

Planning Commission (PC) Meeting  
Thursday, October 17, 2024  
El Paso County Planning and Community Development Department  
2880 International Circle – Second Floor Hearing Room  
Colorado Springs, Colorado

#### **REGULAR HEARING, 9:00 A.M.**

**PC MEMBERS PRESENT AND VOTING:** THOMAS BAILEY, SARAH BRITTAIN JACK, JAY CARLSON, BECKY FULLER, JEFFREY MARKEWICH, AND CHRISTOPHER WHITNEY.

**PC MEMBERS VIRTUAL AND VOTING:** NONE.

**PC MEMBERS PRESENT AND NOT VOTING:** NONE.

**PC MEMBERS ABSENT:** JIM BYERS, ERIC MORAES, BRYCE SCHUETTPELZ, WAYNE SMITH, AND TIM TROWBRIDGE.

**STAFF PRESENT:** MEGGAN HERINGTON, JUSTIN KILGORE, ELIZABETH NIJKAMP, KARI PARSONS, RYAN HOWSER, ED SCHOENHIET, CHARLENE DURHAM, MIRANDA BENSON, ERIKA KEECH, AND LORI SEAGO.

**OTHERS PRESENT AND SPEAKING:** NONE.

#### **1. REPORT ITEMS**

**Mr. Bailey** advised the board that Mr. Moraes was reappointed to serve a second term on the PC. There is an open advertisement for additional Associate membership.

**Ms. Herington** added that the LDC update group will have their next meeting on Monday, [October 21, 2024], where they will discuss zoning districts. The 2 PC members on that committee may have an update soon.

**Mr. Kilgore** advised the board that the next PC Hearings will be November 7, November 21, December 5, and December 19. Projects are anticipated at each of those meetings.

#### **2. CALL FOR PUBLIC COMMENT FOR ITEMS NOT ON THE HEARING AGENDA (NONE)**



### 3. CONSENT ITEMS

A. **Adoption of Minutes** for meeting held October 3, 2024.

**PC ACTION: THE MINUTES WERE APPROVED AS PRESENTED BY UNANIMOUS CONSENT (6-0).**

B. P2223

PARSONS

#### **MAP AMENDMENT (REZONING) SETTLERS RANCH RR-2.5 REZONE**

A request by Hodgen Settlers Ranch, LLC, for approval of a Map Amendment (Rezoning) 53.53 acres from PUD (Planned Unit Development) to RR-2.5 (Residential Rural). The applicant intends to develop single-family homes pursuant to the concurrently requested Settlers Ranch Filing No. 3 Final Plat. The property is located north of the Hodgen Road, West of Stepler Road, and immediately adjacent to Settlers Ranch Road. A combined staff report has been provided. (Parcel Nos. 6123007024, 6124004003, 6124005001 and 6123004048) (Commissioner District No. 1)

**NO PUBLIC COMMENT**

#### **DISCUSSION**

**Mr. Bailey** asked to see aerial imagery of the subject property in relation to the adjacent conservation easement, mentioned by public comment in the staff report.

**Ms. Parsons** presented the zoning PowerPoint slide. She referenced the imagery to explain the conservation easement's location in relation to the project. She further explained that the applicant has proposed a transition in lot sizes on the Final Plat where their property abuts the conservation land. Lots will be approximately 4.29 acres along Stepler Road and transition to gradually smaller sizes until reaching the 2.5-acre lot size further west.

**Mr. Markewich** asked for more information about the conservation easement and an explanation of how it is different than the typical RR-5 zoning.

**Ms. Parsons** replied that County staff cannot explain the conservation easement because it was not part of the application, and she does not have the information.

**Mr. Markewich** asked about the concept of a conservation or grazing easement in general.

**Ms. Seago** reiterated that while staff does not have the specific details of the particular conservation easement adjacent to the subject property, but she can provide general information. A conservation easement is typically a restrictive easement on undeveloped property. That easement is usually granted to a non-profit organization or governmental entity who is then responsible for enforcing the easement. The purpose of creating a conservation easement is to preserve natural features or conservation values and generally restricts development of the property to whatever is defined within the easement. It is a private agreement between the property owner and whomever holds the easement. The County is not involved, unless they are the easement holder.

**Mr. Markewich** expressed his understanding.

**BOCC Report Packet**

**Page 3 of 84**

Ms. Fuller asked how the rezoning will be different from the previously approved PUD zoning.

Ms. Parsons explained that the rezoning will increase the total number of lots by 6.

**PC ACTION: CARLSON MOVED / FULLER SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3B, FILE NUMBER P2223 FOR A MAP AMENDMENT (REZONING), SETTLERS RANCH RR-2.5 REZONE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH ONE (1) CONDITION AND TWO (2) NOTATIONS, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).**

C. SF249

PARSONS

**FINAL PLAT  
SETTLERS RANCH FIL. NO. 3**

A request by Hodgen Settlers Ranch, LLC for approval of a 78.71-acre Final Plat creating 24 residential lots, and one tract. The property is zoned PUD (Planned Unit Development) and is located north of the Hodgen Road, West of Stepler Road, and immediately adjacent to Settlers Ranch Road. A concurrent Map Amendment (Rezoning) is also requested. (Parcel Nos. 6123007024, 6124004003, 6124005001 and 6123004048) (Commissioner District No. 1)

**NO PUBLIC COMMENT OR DISCUSSION**

**PC ACTION: FULLER MOVED / BRITAIN JACK SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3C, FILE NUMBER SF249 FOR A FINAL PLAT, SETTLERS RANCH FIL. NO. 3, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH NINE (9) CONDITIONS, FOUR (4) NOTATIONS, AND A RECOMMENDED FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).**

D. PUDSP229

HOWSER

**PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN  
WATERSIDE**

A request by Lake Woodmoor Holdings, LLC for approval of a Map Amendment (Rezoning) of 7.53 acres from R-4 (Planned Development) to PUD (Planned Unit Development) with approval of a Preliminary Plan depicting 44 single-family attached (townhome) lots and 6 tracts for open space and private roads. The property is located on the east side of Woodmoor Drive, approximately one-half of a mile north of Highway 105. (Parcel Nos. 7111404112 through 7111404194 (83 total parcels)) (Commissioner District No. 1)

A member of the public was called in to observe the hearing remotely.

**NO PUBLIC COMMENT**

**DISCUSSION**

**Mr. Whitney** clarified the conditional finding of sufficiency in regard to water and the requirement of the applicant to enter into a supplemental agreement. He asked what would happen to the project if the applicant does not sign the letter.

**Ms. Seago** answered that for this situation, the condition was added based on a contingency in the commitment letter from Woodmoor Water and Sanitation. She then read the requirement into the record, *"Prior to recording the final plat, Applicant must provide proof that it has entered into an approved Supplemental water Service Agreement with the District."* She anticipates that when the Final Plat is submitted, the County Attorney's Office will work with the Planner. The plat will not be recorded until proof of that agreement is provided.

**Mr. Whitney** asked how that should be addressed in the PC's motion.

**Ms. Seago** requested that the water finding be identified as a conditional finding of sufficiency.

**PC ACTION: FULLER MOVED / WHITNEY SECONDED TO RECOMMEND APPROVAL OF CONSENT ITEM 3D, FILE NUMBER PUDSP229 FOR A PLANNED UNIT DEVELOPMENT / PRELIMINARY PLAN, WATERSIDE, UTILIZING THE RESOLUTION ATTACHED TO THE STAFF REPORT WITH SIX (6) CONDITIONS, FIVE (5) NOTATIONS, AND A RECOMMENDED CONDITIONAL FINDING OF SUFFICIENCY WITH REGARD TO WATER QUALITY, QUANTITY, AND DEPENDABILITY, THAT THIS ITEM BE FORWARDED TO THE BOARD OF COUNTY COMMISSIONERS FOR THEIR CONSIDERATION. THE MOTION TO RECOMMEND APPROVAL PASSED (6-0).**

**4. CALLED-UP CONSENT ITEMS (NONE)**

**5. REGULAR ITEMS (NONE)**

**6. NON-ACTION ITEMS (NONE)**

**MEETING ADJOURNED** at 9:20 A.M.

**Minutes Prepared By:** Miranda Benson

MAP AMENDMENT - REZONING (RECOMMEND APPROVAL)

Carlson moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. P2223  
SETTLERS RANCH RR-2.5 REZONE

WHEREAS, Hodgen Settlers Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment of the El Paso County Zoning Map to rezone property in the unincorporated area of El Paso County as described in Exhibit A and depicted in Exhibit B, attached hereto and incorporated herein by reference, from the PUD (Planned Unit Development) Zoning district to the RR-2.5 (Residential Rural) Zoning district; and

WHEREAS, a public hearing was held by this Commission on October 17, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation, and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission Members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations; and

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Map Amendment (Rezoning), the Planning Commission and the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code ("Code") (as amended):

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The Rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Hodgen Settlers Ranch, LLC for an amendment to the El Paso County Zoning Map to Rezone property located in the unincorporated area of El Paso County from the PUD (Planned Unit Development) Zoning district to the RR-2.5 (Residential Rural) Zoning district be approved by the Board of County Commissioners with the following condition and notations:

#### CONDITION

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

#### NOTATIONS

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.

- 2. Map Amendment (Rezoning) requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Fuller seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpezl	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 by the Planning Commission of the County of El Paso, State of Colorado.

DONE THIS 17th day of October 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Thomas Bailey, Chair

EXHIBIT A  
LEGAL DESCRIPTION:

TRACTS A-1, A-2 A-3 AND TRACT C, SETTLERS RANCH SUBDIVISION FILING NO. 2C, AS RECORDED UNDER RECEPTION NO. 22014487 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (S1/2 SE1/4 NE1/4) OF SECTION 23, TOGETHER WITH THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED HEREIN ARE BASED ON AN ASSUMED BEARING OF N89°57'46"W, A DISTANCE OF 1326.42 FEET BETWEEN THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP STAMPED "NE COR NW QUARTER SE QUARTER SEC 23" AND THE CENTER QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP (ILLEGIBLE); COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23; THENCE N00°47'45"E ALONG THE WEST LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 662.45 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE N89°48'55"E ALONG THE NORTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 1347.60 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF SAID SW1/4 NW1/4; THENCE ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID SW1/4 NW1/4 THE FOLLOWING FOUR (4) COURSES; 1.) THENCE N00°27'45"E, A DISTANCE OF 661.27 FEET; 2.) THENCE N89°48'42"E, A DISTANCE OF 1318.18 FEET; 3.) THENCE S00°49'57"W, A DISTANCE OF 1323.44 FEET; 4.) THENCE S89°50'36"W, A DISTANCE OF 1309.58 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID S1/2 SE1/4 NE1/4; THENCE S89°46'03"W ALONG THE SOUTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 747.82 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SETTLERS RANCH ROAD AS RECORDED UNDER SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1.) ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°22'06", AN ARC LENGTH OF 77.41 FEET (THE LONG CHORD OF WHICH BEARS N05°23'47"E, A LONG CHORD DISTANCE OF 77.34 FEET); 2.) THENCE N01°12'44"E, A DISTANCE OF 66.40 FEET; 3.) THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°18'43", AN ARC LENGTH OF 166.62 FEET (THE LONG CHORD OF WHICH BEARS N11°22'05"E, A LONG CHORD DISTANCE OF 165.75 FEET); THENCE N68°28'34"W A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C, THENCE N60°12'24"W ALONG THE NORTHERLY LINE OF SAID LOT 9, ALSO BEING THE SOUTHERLY LINE OF THE DESCRIBED TRACT OF LAND A DISTANCE 668.36 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 53.53 ACRES OF LAND, MORE OR LESS.





FINAL PLAT (RECOMMEND APPROVAL)

Fuller moved that the following Resolution be adopted:

BEFORE THE PLANNING COMMISSION

OF THE COUNTY OF EL PASO

STATE OF COLORADO

RESOLUTION NO. SF249  
SETTLERS RANCH FILING NO. 3

WHEREAS, Hodgen Settlers Ranch, LLC. did file an application with the El Paso County Planning and Community Development Department for approval of a Final Plat for the Settlers Ranch Filing No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by this Commission on October 17, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, and comments by the El Paso County Planning Commission members during the hearing, this Commission finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code ("Code") (as amended):

1. The Subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The Subdivision is in substantial conformance with the approved Preliminary Plan;
3. The Subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code, or, with respect to applications for Administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed Subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed Subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the Engineering Criteria Manual ("ECM");
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed Subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the Subdivision in accordance with applicable requirements of Chapter 8 of the Code;

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed Subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the Subdivision will be adequately mitigated;
13. The Subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this Subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of Subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code.

NOW, THEREFORE, BE IT RESOLVED, the El Paso County Planning Commission recommends that the petition of Hodgen Settlers Ranch, LLC. for approval of a Final Plat for the Settlers Ranch Filing No. 3 Subdivision be approved by the Board of County Commissioners with the following conditions and notations:

#### CONDITIONS

1. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated June 13, 2024, as provided by the County Attorney's Office.
2. All Deed of Trust holders shall ratify the Plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
3. Colorado statute requires that at the time of the approval of Platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this Plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the Plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
4. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Plat.
5. The Applicant shall submit the Mylar to Enumerations for addressing.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding

the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.

#### NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of Plat recordation:
  - a. The subject property is in both the West Cherry Creek Drainage Basin and East Cherry Creek Drainage Basin, currently there are no fees required.
  - b. Park fees in lieu of land dedication for regional park (Area 2) purposes in the amount of \$12,120.00 are due at Plat Recordation.
  - c. School fees in lieu of land dedication for the benefit of Lewis-Palmer School District No. 38 in the amount of \$7,392.00 are due at Plat recordation.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. The El Paso County Road Impact Fee Program Resolution (Resolution Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on Plat notes to ensure that a title search would find the fee obligation before sale of the property.

AND BE IT FURTHER RESOLVED that this Resolution and the recommendations contained herein be forwarded to the El Paso County Board of County Commissioners for its consideration.

Brittain Jack seconded the adoption of the foregoing Resolution.

The roll having been called, the vote was as follows: (circle one)

Thomas Bailey	aye / no / non-voting / recused / absent
Sarah Brittain Jack	aye / no / non-voting / recused / absent
Jim Byers	aye / no / non-voting / recused / absent
Jay Carlson	aye / no / non-voting / recused / absent
Becky Fuller	aye / no / non-voting / recused / absent
Jeffrey Markewich	aye / no / non-voting / recused / absent
Eric Moraes	aye / no / non-voting / recused / absent
Bryce Schuettpelz	aye / no / non-voting / recused / absent
Wayne Smith	aye / no / non-voting / recused / absent
Tim Trowbridge	aye / no / non-voting / recused / absent
Christopher Whitney	aye / no / non-voting / recused / absent

The Resolution was adopted by a vote of 6 to 0 by the El Paso County Planning Commission, State of Colorado.

DONE THIS 17th day of October 2024 at Colorado Springs, Colorado.

EL PASO COUNTY PLANNING COMMISSION

By:   
Chair



EXHIBIT A

TRACTS A-1, A-2, A-3, TRACT B, TRACT C AND A PORTION OF SETTLERS RANCH ROAD, SETTLERS RANCH SUBDIVISION FILING NO. 2C, AS RECORDED UNDER RECEPTION NO. 220714487 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, AND A PORTION OF SETTLERS RANCH ROAD, SETTLERS RANCH SUBDIVISION FILING NO. 2B, AS RECORDED UNDER RECEPTION NO. 217714062, LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER, AND IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SE1/4 NE1/4) OF SECTION 23, AND THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED HEREIN ARE BASED ON A BEARING OF N89°57'46"W (AS DEPICTED ON SAID PLAT OF SETTLERS RANCH SUBDIVISION FILING NO. 2C), A DISTANCE OF 1326.42 FEET (OF RECORD), BETWEEN THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP STAMPED "NE COR NW QTR SE QTR SEC 23" AND THE CENTER ONE-QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP (ILLEGIBLE);

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT A-1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 9, OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE N89°48'55"E ALONG THE NORTHERLY LINE OF SAID TRACT A-1 AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 1347.60 FEET TO A POINT ON THE LINE COMMON TO SAID SECTION 23 AND SAID SECTION 24, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT A-2 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE N00°27'45"E ALONG SAID COMMON LINE AND ALONG THE WESTERLY LINE OF SAID TRACT A-2, A DISTANCE OF 661.27 FEET TO THE NORTHWEST CORNER OF SAID TRACT A-2; THENCE N89°48'42"E, ALONG THE NORTHERLY LINE OF SAID TRACT A-2, A DISTANCE OF 1288.18 FEET TO THE NORTHEAST CORNER OF SAID TRACT A-2, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STEPLER ROAD, AS DEPICTED ON SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE S00°49'57"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TRACT A-2, SAID TRACT C AND SAID TRACT A-3, A DISTANCE OF 1323.42 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A-3; THENCE S89°50'36"W ALONG THE SOUTH LINE OF SAID TRACT A-3, A DISTANCE OF 1279.58 FEET TO THE QUARTER CORNER COMMON TO SAID SECTION 23 AND SAID SECTION 24, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 9477 1995"; THENCE S89°46'03"W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 747.82 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD, THE FOLLOWING FOUR (4) COURSES: 1.) THENCE ALONG THE ARC OF A 530.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°59'46", AN ARC LENGTH OF 749.23 FEET (THE LONG CHORD OF WHICH BEARS S50°04'43"W, A LONG CHORD DISTANCE OF 688.39 FEET) TO A POINT OF TANGENCY; 2.) THENCE N89°27'04"W, A DISTANCE OF 174.24 FEET TO A POINT OF CURVATURE; 3.) THENCE ALONG THE ARC OF A 780.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 87°31'19", AN ARC LENGTH OF 1191.48 FEET (THE LONG CHORD OF WHICH BEARS S46°47'17"W, A LONG CHORD DISTANCE OF 1078.98 FEET) TO A POINT OF REVERSE CURVATURE; 4.) THENCE ALONG THE ARC OF A 911.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°57'11", AN ARC LENGTH OF 78.75 FEET (THE LONG CHORD OF WHICH BEARS S05°30'13"W, A LONG CHORD DISTANCE OF 78.73 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 15.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 86°49'52", AN ARC LENGTH OF 22.73 FEET (THE LONG CHORD OF WHICH BEARS S35°26'11"E, A LONG CHORD DISTANCE OF 20.62 FEET) TO A POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT B; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID TRACT B, THE FOLLOWING TWENTY-ONE (21) COURSES: 1.) THENCE S79°14'11"E, A DISTANCE OF 137.98 FEET TO A POINT OF CURVATURE; 2.) THENCE ALONG THE ARC OF A 480.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13°52'45", AN ARC LENGTH OF 116.27 FEET (THE LONG CHORD OF WHICH BEARS S72°17'49"E, A LONG CHORD DISTANCE OF 115.99 FEET); 3.) THENCE N24°38'34"E, A DISTANCE OF 321.65 FEET; 4.) THENCE N67°37'32"E, A DISTANCE OF 202.27 FEET; 5.) THENCE N62°47'59"E, A DISTANCE OF 140.65 FEET; 6.) THENCE N84°48'35"E, A DISTANCE OF 183.62 FEET TO THE NORTHEAST CORNER OF SAID TRACT B; 7.) THENCE S00°20'34"W, A DISTANCE OF 440.55 FEET TO THE SOUTHEAST ONE-SIXTEENTH CORNER OF SAID SECTION 23, AS MONUMENTED BY A 2" ALUMINUM CAP STAMPED LS 9477 1995; 8.) THENCE S00°19'24"W, A DISTANCE OF 1023.25 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 1781 AT PAGE 413 OF SAID COUNTY RECORDS; 9.) THENCE N89°59'26"W ALONG



THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 199.91 FEET; 10.) THENCE S00°20'31"W ALONG THE WESTERLY LINE OF SAID TRACT, A DISTANCE OF 210.03 FEET TO THE NORTHEAST CORNER OF PARCEL 17A, AS RECORDED UNDER RECEPTION NO. 210041511 OF SAID COUNTY RECORDS; 11.) THENCE N90°00'00"W ALONG THE NORTHERLY LINE OF SAID PARCEL 17A;, A DISTANCE OF 397.50 FEET TO THE SOUTHEAST CORNER OF SETTLERS RANCH SUBDIVISION FILING NO. 2A, AS RECORDED UNDER RECEPTION NO. 213713405 OF SAID COUNTY RECORDS; 12.) THENCE N00°03'29"W, A DISTANCE OF 50.70 FEET; 13.) THENCE N21°22'41"W, A DISTANCE OF 472.97 FEET; 14.) THENCE N29°56'44"E, A DISTANCE OF 50.82 FEET; 15.) THENCE S83°39'08"E, A DISTANCE OF 338.72 FEET; 16.) THENCE ALONG THE ARC OF A 480.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09°35'13", AN ARC LENGTH OF 80.32 FEET (THE LONG CHORD OF WHICH BEARS N07°37'32"W, A LONG CHORD DISTANCE OF 80.22 FEET); 17.) THENCE N70°43'47"W, A DISTANCE OF 312.26 FEET; 18.) THENCE N23°52'09"W, A DISTANCE OF 159.43 FEET; 19.) THENCE N47°06'56"E, A DISTANCE OF 362.93 FEET; 20.) THENCE ALONG THE ARC OF A 420.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 36°21'07", AN ARC LENGTH OF 266.47 FEET (THE LONG CHORD OF WHICH BEARS N61°03'37"W, A LONG CHORD DISTANCE OF 262.03 FEET); 21.) THENCE N79°14'11"W, A DISTANCE OF 137.98 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT B; THENCE N79°14'11"W CONTINUING ALONG THE WESTERLY EXTENSION OF THE AFOREMENTIONED LINE, A DISTANCE OF 74.44 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD THE FOLLOWING SIX (6) COURSES:1.) THENCE ALONG THE ARC OF A 851.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°45'32", AN ARC LENGTH OF 144.95 FEET (THE LONG CHORD OF WHICH BEARS N07°54'23"E, A LONG CHORD DISTANCE OF 144.77 FEET) TO A POINT OF REVERSE CURVATURE; 2.) THENCE ALONG THE ARC OF A 840.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 87°31'19", AN ARC LENGTH OF 1283.14 FEET (THE LONG CHORD OF WHICH BEARS N46°47'17"E, A LONG CHORD DISTANCE OF 1161.97 FEET) TO A POINT OF TANGENCY; 3.) THENCE S89°27'04"E, A DISTANCE OF 174.25 FEET TO A POINT OF CURVATURE; 4.) THENCE ALONG THE ARC OF A 470.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°21'58", AN ARC LENGTH OF 733.08 FEET (THE LONG CHORD OF WHICH BEARS N45°53'43"E, A LONG CHORD DISTANCE OF 660.99 FEET) TO A POINT OF TANGENCY; 5.) THENCE N01°12'44"E, A DISTANCE OF 66.40 FEET TO A POINT OF CURVATURE; 6.) THENCE ALONG THE ARC OF A 530.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°18'43", AN ARC LENGTH OF 187.89 FEET (THE LONG CHORD OF WHICH BEARS N11°22'05"E, A LONG CHORD DISTANCE OF 186.91 FEET) TO THE NORTHEAST CORNER OF LOT 9, OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF SAID TRACT A-1; THENCE N60°12'24"W ALONG THAT LINE COMMON TO SAID LOT 9 AND SAID TRACT A-1, A DISTANCE OF 668.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 78.71 ACRES OF LAND, MORE OR LESS.

COMMISSIONERS:  
 HOLLY WILLIAMS, DISTRICT 1  
 CARRIE GEITNER, DISTRICT 2

**COLORADO**

STAN VANDERWERF, DISTRICT 3  
 LONGINOS GONZALEZ, JR., DISTRICT 4  
 CAMI BREMER, DISTRICT 5

**PLANNING & COMMUNITY DEVELOPMENT**

**TO:** El Paso County Planning Commission  
 Thomas Bailey, Chair

**FROM:** Kari Parsons, Principal Planner  
 Ed Schoenheit, Associate Engineer  
 Meggan Herington, AICP, Executive Director

**RE:** Project File Numbers: P2223 and SF249  
 Project Names: Settlers Ranch RR-2.5 Map Amendment (Rezoning), and  
 Settlers Ranch Filing No. 3 Final Plat  
 Parcel Numbers: 6123007024, 6124004003, 6124005001, 6123004048

<b>OWNER:</b>	<b>REPRESENTATIVE:</b>
Hodgen Settlers Ranch, LLC PO Box 1488 Monument, CO, 80132-1488	Jerome Hannigan 19360 Spring Valley Road Monument, CO 80132

**Commissioner District: 1**

<b>Planning Commission Hearing Date:</b>	<b>10/17/2024</b>
<b>Board of County Commissioners Hearing Date:</b>	<b>11/14/2024</b>

**EXECUTIVE SUMMARY**

A request by Hodgen Settlers Ranch, LLC for approval of a Map Amendment (Rezoning) of 53.53 acres from PUD (Planned Unit Development) to RR-2.5 (Rural Residential) and approval of a Final Plat of 78.71 acres. The requested Final Plat is proposed to be zoned RR-2.5 in the northern area and remain PUD (Planned Unit Development) zoning in the southern area of the Final Plat.

The property is located to the north of Hodgen Road, West of Stepler Road, and immediately adjacent to Settlers Ranch Road.

2880 INTERNATIONAL CIRCLE  
 OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
 PLNWEB@ELPASOCO.COM

The requested Final Plat area includes 24 detached single-family residential lots (68.93 acres), 1 (one) tract (1.34 acres) to be utilized for drainage, utilities, landscape, and open space, and 8.44 acres of public right-of-way. The southern portion (22.51 acres) and the constructed portion of Settlers Ranch Road (2.67 acres) within the Final Plat area are zoned PUD (Planned Unit Development) which has a range from 2.5 to 2.7-acre lot sizes. The lot layout within the southern portion of the requested Final Plat is consistent with the approved PUD.

A finding of water sufficiency for water quality, quantity and dependability is also requested at this time.

#### **A. WAIVERS/AUTHORIZATION**

**Waiver(s):** No waivers of the Land Development Code are requested.

**Authorization to Sign:** Final Plat, Subdivision Improvements Agreements, License and Detention Pond Maintenance Agreements, and any other documents necessary to carry out the intent of the Board of County Commissioners.

#### **B. APPROVAL CRITERIA**

In approving a Map Amendment (Rezoning), Section 5.3.5, Map Amendment (Rezoning), of the El Paso County Land Development Code, as amended, states the Board of County Commissioners shall find that:

- The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
- The Rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
- The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
- The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

In approving a Final Plat, the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code, as amended:

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
- The subdivision is in substantial conformance with the approved Preliminary Plan;
- The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
- Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code, or, with respect to applications for administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
- A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
- All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
- Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
- Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
- Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
- The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
- Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;
- Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
- The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

**C. LOCATION**

North:	RR-2.5 (Residential Rural)	Single-family Residential
South:	PUD (Planned Unit Development)	Single-family Residential
	RR-2.5/RR-5 (Residential Rural)	Vacant
East:	RR-2.5/RR-5 (Residential Rural)	Single-family Residential
West:	RR-2.5 (residential Rural)	Single-family Residential
	PUD (Planned Unit Development)	Single-family Residential

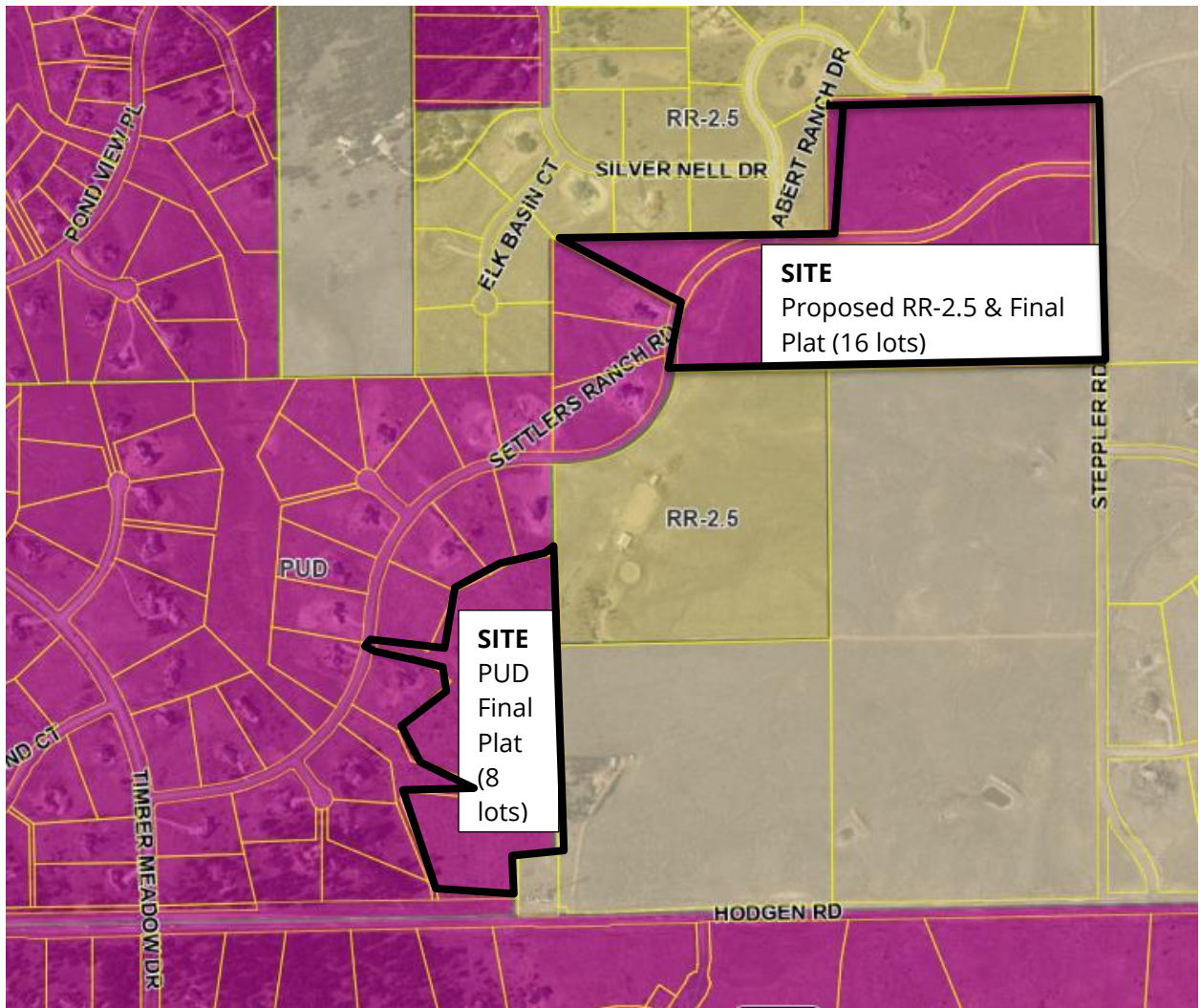


Figure C1: Zoning Map

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



## D. BACKGROUND

The Settlers Ranch Planned Unit Development Plan (PUD), consisting of 307.3 acres, was heard, and approved by the Board of County Commissioners on January 6, 2005, and included a maximum of 86 single-family lots, future right of way, and 31.9 acres of open space. The northern portion of the PUD depicts nine (9) 5-acre lots, and no open space. The remainder of the PUD depicts 75, 2.5-acre lots and open space.

At the time of the Settlers Ranch PUD Plan approval, the land to the north was zoned RR-3 (Residential Rural). Nomenclature changes have renamed the RR-3 to RR-5 (Residential Rural) Zoning District; the dimensional standards did not change. The PUD Plan depicts a transition of nine (9) 5-acre lots from what was in 2005, the adjacent RR-5 zoned properties north, to this development. The 5-acre lots within the PUD are now proposed to be rezoned to the RR-2.5 Zoning District.

The Settlers View development to the northwest was rezoned from RR-5 to RR-2.5 by the Board of County Commissioners on April 10, 2018. The Abert Ranch development immediately adjacent and to the north was rezoned from RR-5 to RR-2.5 on May 22, 2018. The transition depicted in the northern portion of the Settlers Ranch PUD Plan is no longer needed due to the change in character (zoning) of the properties to the north and northwest. The applicant is proposing a rezoning from the PUD Zoning District to the RR-2.5 Zoning District, to include 16, 2.5-acre lots and an open space tract for detention adjacent to the RR-2.5 zoned properties north of the development. The land to the south (36.68 acres) of the proposed rezone area was rezoned from RR-5 to RR-2.5 by the Board of County Commissioners on September 28, 2023.

The requested eight (8) lots depicted in the southern portion of the requested Final Plat are consistent with the Settlers Ranch PUD depicting lots from 2.5 acres to 2.74 acres in the southern portion of the development area. No rezoning is requested in this area of the Final Plat.

The Settlers Ranch Homeowners Association is anticipated to own and maintain the open space.

## E. ANALYSIS

### 1. Land Development Code Compliance

The applicant is requesting approval of a Map Amendment (Rezoning) of 53.53 acres from PUD (Planned Unit Development) to RR-2.5 (Rural Residential).

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

Section 5.3.5, Map Amendment (Rezoning), of the Code (as amended) states:

*“The purpose of zoning is to locate particular land uses where they are most appropriate, considering public utilities, road access, and the established development pattern. In addition to categorizing land by uses such as residential, commercial, and industrial, the Land Development Code also specifies such details as building setback lines, the height and bulk of buildings, the size and location of open spaces, and the intensity to which the land may be developed. The zoning of parcels of land generally conforms to and promotes the County's Master Plan. Zoning protects the rights of property owners while promoting the general welfare of the community. By dividing land into categories according to use, and setting regulations for these categories, zoning governs private land use and segregates incompatible uses.*

*Generally, Rezoning is justifiable under one of the following circumstances:*

- *When the requested Rezoning is in general conformance or consistency with the County's Master Plan;*
- *If inconsistent with the Master Plan, a material change in the character of the area since the date of the current zoning is demonstrated;*
- *When there was an error or oversight in the original zoning of the property; or*
- *The zone change is necessary for the general health, safety, or welfare of the community.”*

The applicant is also requesting approval of the Settlers Ranch Filing No. 3 Final Plat which includes 16 lots proposed to be zoned RR-2.5 and eight (8) lots proposed to remain zoned PUD. One (1) open space tract to be utilized for drainage, park, and landscape is depicted on the Final Plat. There is no open space minimum within the proposed Zoning District. The lots depicted on the Final Plat meet the respective Zoning Districts' Dimensional and Development standards.

Section 7.2.1, Subdivision, of the El Paso County Land Development Code, as amended states:

*“The Final Plat is the last step in the approval process for a division of land. The Final Plat process will review the final engineering plans, the SIA, financial assurance, CC&Rs (if applicable), the Plat, and any other documents, reports, or studies as necessary; and may also review issues such as building height, landscaping, and*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



*building envelopes which have been deferred. The purpose of this Section is to detail the approval review and approval criteria for a Final Plat, engineering plans, SIA, and other legal requirements for platting a division of land. During this step, there may be public hearings before the Planning Commission and BoCC.”*

This portion of El Paso County has experienced and continues to experience, density increases, growth, and development along the Hodgen Road and Stepler Road corridors. The land uses allowed within the proposed Zoning Districts are compatible with the existing and approved rural-level residential development surrounding the subject property.

The applicant has provided an SIA, a Detention Maintenance Agreement, and covenants in addition to the necessary construction drawings and engineering documents with the Final Plat submittal.

The proposed rezoning and Final Plat are consistent with the Your El Paso Master Plan (2021). See discussion in Section E of this report. The Map Amendment (Rezoning) application meets the purpose of zoning and criteria of approval in Chapter 5 of the Code.

The Final Plat application meets the Preliminary Plan submittal requirements, the standards for Divisions of Land in Chapter 7 of the El Paso County Land Development Code.

## **2. Zoning Compliance**

The RR-2.5 (Residential Rural) zoning district is intended to accommodate low-density, rural, single-family residential development. The density and dimensional standards for the RR-2.5 (Residential Rural) zoning district are as follows:

- *Minimum lot size: 2.5 acres*
- *Minimum width at the front setback line: 200 feet*
- *Setbacks - 25 feet in the front, rear, and 15 feet on the sides*
- *Maximum lot coverage - none*
- *Maximum height: 30 feet*

The requested Final Plat is consistent with the approved Settlers Ranch PUD and proposed Map Amendment (Rezoning) area. The Map Amendment (Rezoning) must



be approved prior to the Final Plat pursuant to the order of the established entitlement process.

## F. MASTER PLAN COMPLIANCE

### 1. Your El Paso Master Plan

#### a. Placetype Character: Large-Lot Residential

*The Large-Lot Residential placetype consists almost entirely of residential development and acts as the transition between placetypes. Development in this placetype typically consists of single-family homes occupying lots of 2.5 acres or more, and are generally large and dispersed throughout the area so as to preserve a rural aesthetic. The Large-Lot Residential placetype generally supports accessory dwelling units as well. Even with the physical separation of homes, this placetype still fosters a sense of community and is more connected and less remote than Rural areas. Large-Lot Residential neighborhoods typically rely on well and septic, but some developments may be served by central water and waste-water utilities. If central water and wastewater can be provided, then lots sized less than 2.5 acres could be allowed if; 1.) the overall density is at least 2.5 acres/lot, 2.) the design for development incorporates conservation of open space, and 3.) it is compatible with the character of existing developed areas.*

*Conservation design (or clustered development) should routinely be considered for new development within the Large-Lot Residential placetype to provide for a similar level of development density as existing large-lot areas while maximizing the preservation of contiguous areas of open space and the protection of environmental features. While the Large-Lot Residential placetype is defined by a clear set of characteristics, the different large-lot areas that exist throughout the County can exhibit their own unique characters based on geography and landscape.*

#### **Recommended Land Uses:**

##### *Primary*

- *Single-family Detached Residential (Typically 2.5-acre lots or larger)*

##### *Supporting*

- *Parks/Open Space*
- *Commercial Retail (Limited)*
- *Commercial Service (Limited)*
- *Agriculture*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

**Analysis:** The property is located within the Large Lot Residential placetype. The Large Lot Residential placetype comprises the County's rural residential neighborhoods with a minimum of 2.5-acre lot sizes. The placetype is a transition placetype between the large rural properties and more urbanizing developments. A change in character from large rural developments to large lot residential developments promoting a "sense of a neighborhood" has occurred in this area of the County. There is no urban development proposed at this time adjacent to the subject property. The applicant has retained the natural features and riparian systems by establishing drainage easements and a drainage tract on the Plat. The application is consistent with the land use and densities set forth in the approved PUD Plan and requested zoning district. Relevant goals and objectives are as follows:

**Objective LU3-1** – *Development should be consistent with the allowable land uses set forth in the placetypes first and second to their built form guidelines.*

**Objective HC2-6** – *Continue to carefully analyze each development proposal for their location, compatibility with the natural environment, and cohesion with the existing character.*

The Map Amendment (Rezoning) and Final Plat are consistent with the Large Lot Residential Placetype. The public roads are designed as rural cross-sections with no sidewalks. The 60-foot-wide roads are designed to have 24 feet of pavement with gravel shoulders that can be utilized for pedestrian and equestrian users typical to the Large Lot Residential placetype. The Cherry Creek Regional Trail and The Fox Run Regional Trail are adjacent to the subject property; easements were previously established which are anticipated to provide recreational opportunities to the community.

**Area of Change Designation:** Minimal Change: Developed

*These areas have undergone development and have an established character. Developed areas of minimal change are largely built out but may include isolated pockets of vacant or underutilized land. These key sites are likely to see more intense infill development with a mix of uses and scale of redevelopment that will significantly impact the character of an area. For example, a large amount of vacant land in a suburban division adjacent to a more urban neighborhood may be developed and*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

*change to match the urban character and intensity so as to accommodate a greater population. The inverse is also possible where an undeveloped portion of a denser neighborhood could redevelop to a less intense suburban scale. Regardless of the development that may occur, if these areas evolve to a new development pattern of differing intensity, their overall character can be maintained.*

**Analysis:** The proposed Map Amendment (Rezoning) and Final Plat are located in an area which is expected to maintain the character of the neighborhood. The character was altered when the adjacent rezonings occurred, doubling the density. The applicant proposes to develop the subject property with 24 single-family residential homes which is consistent with the existing surrounding land uses and density.

**b. Key Area Influences:** Tri-Lakes Area

*Tri-Lakes is the northern gateway into the County along Interstate 25 and Highway 83. It is situated between Pike National Forest, the United States Air Force Academy, and Black Forest. With significant suburban development and some mixed-use development, this Key Area supports the commercial needs of many of the residents in northern El Paso County. Tri-Lakes also serves as a place of residence for many who commute to work in the Denver Metropolitan Area. It is also an activity and entertainment center with the three lakes (Monument Lake, Wood-moor Lake, and Palmer Lake) that comprise its namesake and direct access to the national forest. Tri-Lakes is the most well-established community in the northern part of the County with a mixture of housing options, easy access to necessary commercial goods and services, and a variety of entertainment opportunities. Future development in this area should align with the existing character and strengthen the residential, commercial, employment, and entertainment opportunities in the adjacent communities of Monument, Palmer Lake, and Woodmoor.*

The southern portion of the Final Plat zoned PUD is within the eastern edge of the Tri-Lakes Key Area. The requested Map Amendment (Rezoning) is not within a key area.

**2. Water Master Plan Analysis**

The El Paso County Water Master Plan (2018) has three main purposes; better understand present conditions of water supply and demand; identify efficiencies

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

that can be achieved; and encourage best practices for water demand management through the comprehensive planning and development review processes. Relevant policies are as follows:

**Goal 1.1** – *Ensure an adequate water supply in terms of quantity, dependability, and quality for existing and future development.*

**Goal 1.2** – *Integrate water and land use planning.*

**Policy 6.0.1** – *Continue to require documentation of the adequacy or sufficiency of water, as appropriate, for proposed development.*

The Water Master Plan includes demand and supply projections for central water providers in multiple regions throughout the County. The property is located within Planning Region 2 of the Plan, which is an area anticipated to experience growth by 2040. The applicant is proposing the lots to be served by individual wells. There is no central water provider in the vicinity of the subject property.

A finding of water sufficiency is not required with a map amendment; however, a finding of water sufficiency regarding quantity, dependability, and quality is requested with the proposed Final Plat request.

### **3. Other Master Plan Elements**

The El Paso County Wildlife Habitat Descriptors (1996) identifies the parcels as having a moderate wildlife impact potential. El Paso County Community Services Department, Environmental Services Division, and the Colorado Parks and Wildlife were each sent referrals and have no outstanding comments.

The Master Plan for Mineral Extraction (1996) does not identify valued deposits in the subject parcels. A mineral rights certification was prepared by the applicant indicating that, upon researching the records of El Paso County, no severed mineral rights exist.

The Community Services Department Parks Division has provided the response below which includes an analysis regarding conformance with The El Paso County Parks Master Plan (2022):

*“...The 2022 El Paso County Parks Master Plan shows two primary regional trails located immediately adjacent to the boundaries of Settlers Ranch Filing No. 3. The*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

*proposed Fox Run Regional Trail runs east-west on the north side of Hodgen Road, adjacent the southern boundary of Filing No. 3, while the proposed Cherry Creek Regional Trail is located within open space tracts in Filing No. 2A, located west of and directly adjacent to Filing No 3. Note #28 on the Settlers Ranch Filing No. 2A Final Plat states that a public trail easement will be provided to El Paso County within Tracts A and B for the purpose of constructing and maintaining the Cherry Creek Regional Trail. The Fox Run Regional Trail along Hodgen Road will be accommodated within land purchased with El Paso County PPRTA funds and identified as Parcel 17A. During the development application review process, EPC Parks staff reached out to Jerome W. Hannigan and Associates, as well as other representatives of the applicant, to verify that the narrow tract of open space land located immediately west and adjacent to Lots 22 and 23 was, in fact, the aforementioned 25' regional trail easement mentioned in Settlers Ranch Filing No. 2A, Note #28. The applicant's representatives were able to verify that this was the trail easement mentioned included with the recording of the Final Plat.*

*As no park land or trail easement dedications are necessary for this filing, El Paso County Parks staff recommends fees in lieu of land for regional park purposes in the amount of \$12,120..."*

Please see the Transportation Section below for information regarding conformance with the 2024 Major Transportation Corridor Plan (MTCP).

## **G. PHYSICAL SITE CHARACTERISTICS**

### **1. Hazards**

No hazards were identified in the development area that would preclude development in the Soils and Geology Study Settlers Ranch Filing No. 3 prepared by Entech Engineering Inc., June 28, 2023, that would preclude development if mitigation (avoidance) were to occur. The following comment has been provided by the Colorado Geological Survey (CGS):

*"Drainages exist within the project area that are designated as existing wetlands per the National Wetlands Inventory (U.S. Fish and Wildlife Service, National Standards and Support Team, wetlands\_team@fws.gov). Additionally, Lots 16, 17, and 23 contain drainage easements. Erosional setbacks should be established near drainages and noted in the plans. No buildings or on-site wastewater treatment systems should be allowed within the drainage easements. These areas are also areas of potentially seasonal shallow*

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

*groundwater per Entech's report. We agree with Entech that due to the size of the residential lots (2.5 to 4.5 acres), the seasonally and potentially seasonally shallow groundwater areas can be satisfactorily mitigated through avoidance.*

*CGS agrees with Entech (page 9), "Individual investigations for new building sites and on-site wastewater treatment systems will be required prior to construction."*

*Provided Entech's recommendations are strictly adhered to, CGS has no objection to approval of the final Plat. "*

## **2. Floodplain**

The property is not located within a floodplain as indicated in FEMA Flood Insurance Rate Map (FIRM) panel number 08041C0305G which has an effective date of December 7<sup>th</sup>, 2018. The property is located in Zone "X" which is an area of minimal flood hazard determined to be outside the 500-yr flood zone.

## **3. Drainage and Erosion**

The Settlers Ranch Filing No. 3 development lies within both the West Cherry Creek Drainage Basin (CYCY0400) and East Cherry Creek Drainage Basin (CYCY0200). These basins are unstudied and are not included in the El Paso County drainage basin fee program.

Drainage from the west part of Filing No. 3 flows northerly to an eastern tributary of West Cherry Creek, which flows to a confluence with the main channel north of Walker Road. Drainage from the east part of Filing No. 3 generally flows northeasterly to a tributary of East Cherry Creek.

Historical drainage planning for the Filing No. 3 area was previously studied in the "Final Drainage Report for Settlers Ranch Subdivision Filing No. 2" prepared by JPS Engineering, dated May 30, 2008. An updated Final Drainage Report for Filing No. 3 was also prepared by JPS Engineering dated August 24, 2024.

Several existing and a new proposed private detention pond maintained by the Settlers Ranch HOA will serve the development. The existing Settlers Ranch Detention Pond No. 4 that was previously completed with Filing No. 2B will serve the westerly part of Filing No. 3. The existing Settlers View Detention Pond No. S3 and Abert Ranch Detention Pond No. 1 will provide detention and water quality for

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM



the northern areas of Settlers Ranch Filing No. 3. The new proposed Settlers Ranch Detention Pond No. 5 will provide detention and water quality for the southeasterly part of Settlers Ranch Filing No. 3.

The drainage report concluded that construction and proper maintenance of the proposed drainage and erosion control facilities will ensure that this subdivision will not adversely affect downstream or surrounding areas.

#### **4. Transportation**

The proposed Settlers Ranch Filing No. 3 development is located north of Hodgen Road and west of Stepler Road, both County maintained paved roads. Hodgen Road is classified as a rural minor arterial road. Stepler Road is classified as a rural local road. Primary access to the development is from the Hodgen and Timber Meadows Drive intersection.

The development will be served by Settlers Ranch Road, a public local paved road. The developer will complete the remaining section of Settlers Ranch Road and the connection to Stepler Road as part of the public improvements which will provide two points of access. This subdivision will result in the dedication of approximately 0.5 miles of developer constructed rural local paved roadway.

The development is projected to generate approximately 271 daily vehicle trips on the average weekday to the surrounding road network.

The development is subject to the El Paso County Road Impact Fee program (Resolution No. 19-471), as amended.

### **H. SERVICES**

#### **1. Water**

The lots are proposed to be served by individual wells.

Water Sufficiency:

Quality: Sufficient

Quantity: Sufficient

Dependability: Sufficient

Attorney's summary: The State Engineer's Office has made a finding of adequacy and has stated water can be provided without causing injury to decreed water

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

rights. The County Attorney's Office has made a favorable recommendation of a finding of sufficiency with regard to water quantity and dependability. El Paso County Public Health has made a favorable recommendation regarding water quality for both the individual wells, and central water supply.

**2. Sanitation**

The rural lots will be served by on-site septic systems.

**3. Emergency Services**

The property is within the Monument Fire Protection District. The District was sent a referral and has no outstanding comments.

**4. Utilities**

Electrical service is provided by Mountain View Electric Association (MVEA). Natural gas service is provided by Black Hills Energy. The agencies were sent a referral and have no outstanding comments.

**5. Schools**

The site is within the boundaries of the Lewis-Palmer School District No. 38. Fees in lieu of land dedication will be paid at time of Final Plat recordation.

**I. APPLICABLE RESOLUTIONS**

The Map Amendment (Rezoning) requests must be approved prior to the approval of the Final Plat. See attached resolutions.

**J. STATUS OF MAJOR ISSUES**

No major issues remain.

**K. RECOMMENDED CONDITIONS AND NOTATIONS**

**A.** Should the Board of County Commissioners find that the Map Amendment (Rezoning) request meets the criteria for approval outlined in Section 5.3.5, Map Amendment (Rezoning), of the Code, as amended, staff recommends the following condition and notations for the rezoning request:

**CONDITION**

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

Applicable agencies include but are not limited to the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

## **NOTATIONS**

1. If a Map Amendment (Rezoning) application has been disapproved by the Board of County Commissioners, resubmittal of the previously denied application will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is an application for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said application. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
  2. Map Amendment (Rezoning) requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.
- B.** Should the Board of County Commissioners find that the Final Plat request meets the criteria for approval outlined in Section 7.2.1 (Subdivisions) of the El Paso County Land Development Code, as amended, staff recommends the following conditions and notations:

## **CONDITIONS**

1. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations dated June 13, 2024, as provided by the County Attorney's Office.
2. All Deed of Trust holders shall ratify the Plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
3. Colorado statute requires that at the time of the approval of Platting, the subdivider provides the certification of the County Treasurer's Office that all

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this Plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the Plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.

4. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the Plat.
5. The Applicant shall submit the Mylar to Enumerations for addressing.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.

## **NOTATIONS**

1. The following fees are required to be paid to El Paso County at the time of Final Plat recordation:
  - a. The subject property is in both the West Cherry Creek Drainage Basin and East Cherry Creek Drainage Basin, currently there are no fees required.
  - b. Park fees in lieu of land dedication for regional park (Area 2) purposes in the amount of \$12,120.00 are due at plat recordation.

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM

- c. School fees in lieu of land dedication for the benefit of Lewis-Palmer School District No. 38 in the amount of \$7,392.00 are due at plat recordation.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. The El Paso County Road Impact Fee Program Resolution (Resolution Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

#### **L. PUBLIC COMMENT AND NOTICE**

The Planning and Community Development Department notified 54 adjoining property owners on October 2, 2024, for the Planning Commission and Board of County Commissioner meetings. Responses will be provided at the hearing.

#### **M. ATTACHMENTS**

Vicinity Map  
Rezone Letter of Intent  
Final Plat Letter of Intent  
RR-2.5 Rezone Drawing  
Final Plat Drawing  
Original PUD Map  
State Engineers Letter  
County Attorneys Letter  
EPC Health Department Letter  
Public Comments  
Draft RR-2.5 Rezone Resolution  
Draft Final Plat Resolution

2880 INTERNATIONAL CIRCLE  
OFFICE: (719) 520 – 6300



COLORADO SPRINGS, CO 80910  
PLNWEB@ELPASOCO.COM





Jerome W.

**HANNIGAN and ASSOCIATES, INC.**

Land Planning • Land Surveying • Land Development Consulting

19360 Spring Valley Road, Monument, CO 80132 • 719-481-8292 • Fax 719-481-9071

**Settlers Ranch Subdivision Filing No. 3  
Rezoning Letter of Intent  
PCD File #P2223**

February 9, 2024  
Rev: July 9, 2024

**Owner and Developer:**

Mark Davis, Managing Member  
Hodgen Settlers Ranch, LLC  
P.O. Box 1488  
Monument, Colorado 80132  
719-338-3116  
markdavis.oaksbury@gmail.com

**Applicant and Land Planner**

Jerome W. Hannigan, PP, PLS  
Jerome W. Hannigan and Associates, Inc.  
19360 Spring Valley Road  
Monument, Colorado 80132  
719-481-8292  
Hannigan.and.assoc@gmail.com

**Primary Consultants:**

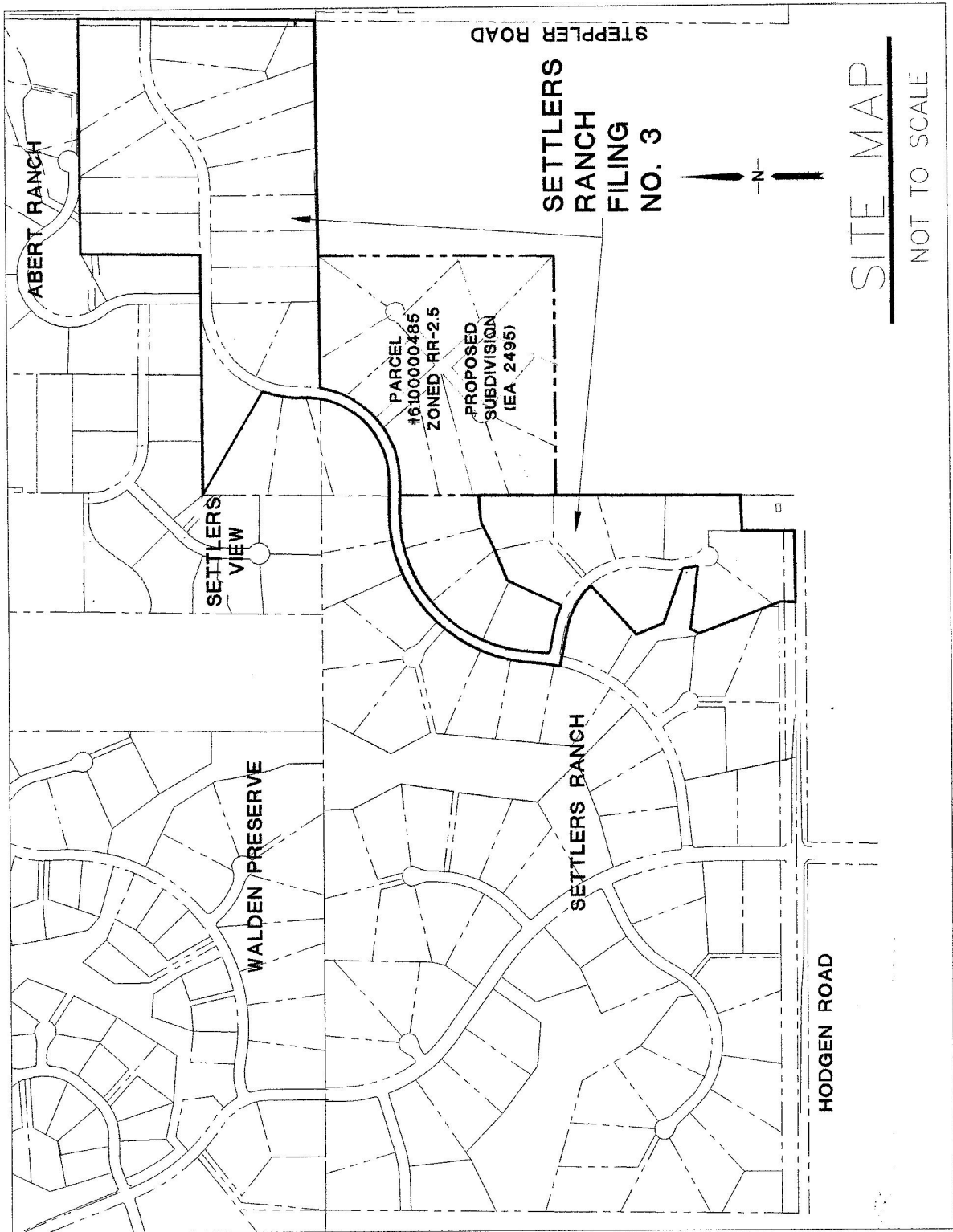
John Schwab, PE  
JPS Engineering, Inc.  
19 E. Willamette Avenue  
Colorado Springs, Colorado 80903  
719-477-9429  
[john@jpsengr.com](mailto:john@jpsengr.com)

Russ Wood, Managing Member  
Rampart Surveys, LLC  
P.O. Box 5101  
Woodland Park, Colorado 80866  
719-687-0920  
[Russ@RampartLS.com](mailto:Russ@RampartLS.com)

This Letter of Intent is for a proposed rezoning. A separate Letter of Intent is provided for the proposed subdivision. Parcel Information for the area proposed to be rezoned:

Parcel 61230-07-024; Tract A-1, Settlers Ranch Subdivision Filing No 2C; 3.26 Acres  
Parcel 61240-04-003; Tract A-2, Settlers Ranch Subdivision Filing No 2C; 15.59 Acres  
Parcel 61240-05-001; Tract A-3, Settlers Ranch Subdivision Filing No 2C; 31.54 Acres





Plus Tract C which is the 3.14 acre Settlers Ranch Road right of way.  
These are not currently addressed.

**Development Request:**

The Settlers Ranch property is located east of Highway 83; approximately one quarter mile north of Hodgen Road, west of Stepler Road and east of the currently developed Settlers Ranch. The property also adjoins Abert Ranch Subdivision and Settlers View Subdivision to the north. The property lies in the Northeast one quarter and the South one half of Section 23 and within portions of the Northwest one quarter of Section 24, Township 11 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, El Paso County, Colorado.

Tracts A-1, A-2, A-3 and C, Settlers Ranch Subdivision Filing No 2C, Phase 4 are currently zoned PUD and approved for a total of 10 single family residential lots ranging in size from 3.02 acres to 5.55 acres. Tract C is the right of way for the continuation of Settlers Ranch Road north and easterly which connects to Stepler Road at the east boundary.

These Tracts are proposed to be rezoned from PUD to RR-2.5 which will allow for lots with a minimum of 2.50 acres each. They remain rural in nature being served with a local paved road, individual wells and sewage disposal systems. Lot sizes will continue to vary within a proposed range of 2.50 to 4.24 acres. A total of 16 lots is proposed in the concurrent replat request with an average lot size of 3.14 acres. Density is 1 Dwelling Unit per 3.35 acres. The total area proposed for rezoning is 53.53 acres.

Currently vacant, the property exhibits remnants of its past ranch grazing history including erosion control berms, fencing and two track trails. Vegetation consists primarily of grasses with few trees. Proposed improvements include the 16 residential lots served by the extended County dedicated Settlers Ranch Road, drainage channels and pond and utility services including natural gas, electricity, telephone and other communication services.

Access to and through the property is provided by Settlers Ranch Road which will connect easterly to Stepler Road. In addition, Abert Ranch Drive provides access to the property from the north.

Water will be provided by individual on site wells operated under the State approved Augmentation Plan. Wastewater treatment will be provided by individual on site septic systems installed and operated per State and County Health Department rules and regulations.

The property is located within and is served by the Lewis-Palmer School District, the Tri Lakes Monument Fire Protection District, Mountain View Electric Association, Black Hills Energy Corporation and Century Link Telephone.

**Justification for the Rezoning Request:**

This application satisfies the Criteria for Approval outlined in the Land Development Code Section 5.3.5 (A) and (B) and is consistent with the goals and objectives of the El Paso County Master Plan as detailed below.

**Criteria for Approval**

In approving a Map Amendment (rezoning), the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 5.3.5 of the El Paso County Land Development Code including:

*The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned.*

The character of the neighborhood has been steadily shifting toward residential densities suitable for RR-2.5 zoning, that is, from 2.5 to 4.99 acres per lot. This request adjoins similar lot sizes existing to the west in Settlers Ranch. It also adjoins RR-2.5 zoning and lots in Settlers View and Abert Ranch to the north, out to Stepler Road and the recently rezoned 36 acre Stewart property adjoining to the south on the west half of Tract A-3.

*The rezoning is in compliance with all applicable statutory provisions including, but not limited to C.R.S. Sec30-28-111; Sec 30-28-113 and Sec 30-28-116.*

Adherence to existing County procedures and policies as well as development codes ensures compliance with State Statute.

*The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions.*

The existing approved land use is rural residential as is that proposed. As discussed just above, adjoiners to the west and north are RR-2.5 densities and half of the south is now zoned RR-2.5. The east half along the south line as well as property across (east of) Stepler Road remains zoned RR-5. That property lying catty-corner to the southeast is developed as 5 acre homesites in Longview Estates.

*The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code for the intended use.*

The property is suitable for this use with 16 lots. The concurrent application for

final plat approval contains several reports and studies that further substantiate that suitability. The proposed density is 1 dwelling unit per 3.14 acres. -

**Master Plan Consistency:**

The El Paso County Master Plan utilizes a system of “Key Area Place Types” aligning with approved “Land Uses” to evaluate Master Plan land use consistency. The Settlers Ranch Subdivision Filing No. 3 is located in the Tri Lakes Key Area. The filing’s location within the Tri Lakes Key Area allows for or aligns with a Large Lot Residential Place Type and a single family detached residential land use. The primary Large Lot Residential Place Type allows for detached single family residential land uses having lot sizes of 2.5 acres or greater which is consistent with this rezoning request.

Filing 3 is located within a “Minimal Change: Developed” area of change. This filing is the completion of the long planned Settlers Ranch development and is consistent in land use and lot size with all previous Settlers Ranch filings.

Filing 3 is further located within a Large Lot Residential / Priority Development Area. This Priority Area encourages development which efficiently utilizes and extends existing infrastructure, conserves water resources and strengthens established neighborhoods. As mentioned, Filing 3 is a continuation of the Settlers Ranch development which efficiently utilizes previously developed infrastructure, conserves water and contributes to the several neighborhood subdivisions.

As discussed in Chapter 14 Implementation – Land Use Applications and Master Plan Consistency, previous Settlers Ranch subdivision approvals, including PUD Zoning, PUD Development Plan, Preliminary Plan and Final Plat Filings also establish Master Plan consistency relative to the land use goals and objectives as well as a significant portion of the Master Plan’s technical subdivision goals and objectives.

**Master Plan Goals and Objectives:**

**Land Use – Core Principal:** Manage growth to ensure a variety of land uses that preserve all character areas of the County.

*Goal LU-1: Ensure compatibility with established character and infrastructure capacity.*

The proposed single family residential land use and density is compatible with the adjoining communities. The existing infrastructure including electric, natural gas, telephone, drainage facilities, open space / trails and roadways have been designed and constructed to facilitate this filing.

*Goal LU-3: Encourage a range of development types to support a variety of land uses*

The Settlers Ranch community consists of single family detached residential lots varying in size between 2.5 to 5.0 acres.

*Objective LU3-1: Development should be consistent with the allowable land uses set forth in the placetypes and second to their built form guidelines.*

Filing 3 is located within a Large-Lot Residential placetype which supports the proposed single family detached residential 2.5 acre and larger lots.

*Objective LU3-3: The Large-Lot Residential placetype should be characterized by predominately residential areas with mostly single family detached housing.*

Settlers Ranch Filing 3 proposes single family detached residential units.

**Housing and Communities – Core Principal:** Preserve and develop neighborhoods with a mix of housing types.

*Goal HC-1: Promote development of a mix of housing types in identified areas.*

*Objective HC1-5: Focus detached housing development in Large-Lot Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

The large lot single family detached residential housing proposed in Settlers Ranch Subdivision Filing No. 3 adds to and complements the mix of housing types offered within the Tri-Lakes Key Area Placetype.

**Water Master Plan Consistency:**

The entire Settlers Ranch subdivision which includes Filing 3, operates under a State approved Water Augmentation Plan utilizing a 300 year water commitment. The existing approved augmentation plan includes the proposed additional 6 lots. No change to the existing Water Augmentation Plan will be required to accommodate the proposed rezoning request.

**Supplemental Information:**

There are no slopes exceeding 30% within the proposed rezoning area.

No waivers to the El Paso County Land Development Code or Deviations to the El Paso County Engineering Criteria Manual are proposed with this application.

Trails were designed for and agreed to in the earlier Filing 2. Filing 3 continues the anticipated trail alignment adjoining the south and western portion of the property running south to the existing trail parcel along Hodgen Road.

The developer voluntarily participated in the paving of Stepler Road south of Silver Nell Drive at the time that Grandview Estates was constructed. This prior paving of Stepler Road satisfies the obligation to participate in the future paving of Stepler Road north of Silver Nell Drive.

Escrow was previously provided toward the possible creation of an acceleration lane along Hodgen Road westbound from Timber Meadow Drive. The current Traffic Impact Study submitted with the concurrent subdivision request addresses this possibility.



Jerome W.  
**HANNIGAN and ASSOCIATES, INC.**  
Land Planning • Land Surveying • Land Development Consulting  
19360 Spring Valley Road, Monument, CO 80132 • 719-481-8292 • Fax 719-481-9071

**Settlers Ranch Subdivision Filing No. 3**  
**Subdivision Letter of Intent**  
PCD File #SF249

March 23, 2024  
Rev: July 10, 2024; August 14, 2024.

**Owner and Developer:**

Mark Davis, Managing Member  
Hodgen Settlers Ranch, LLC  
P.O. Box 1488  
Monument, Colorado 80132  
719-338-3116  
markdavis.oaksbury@gmail.com

**Applicant and Land Planner**

Jerome W. Hannigan, PP, PLS  
Jerome W. Hannigan and Associates, Inc.  
19360 Spring Valley Road  
Monument, Colorado 80132  
719-481-8292  
Hannigan.and.assoc@gmail.com

**Primary Consultants:**

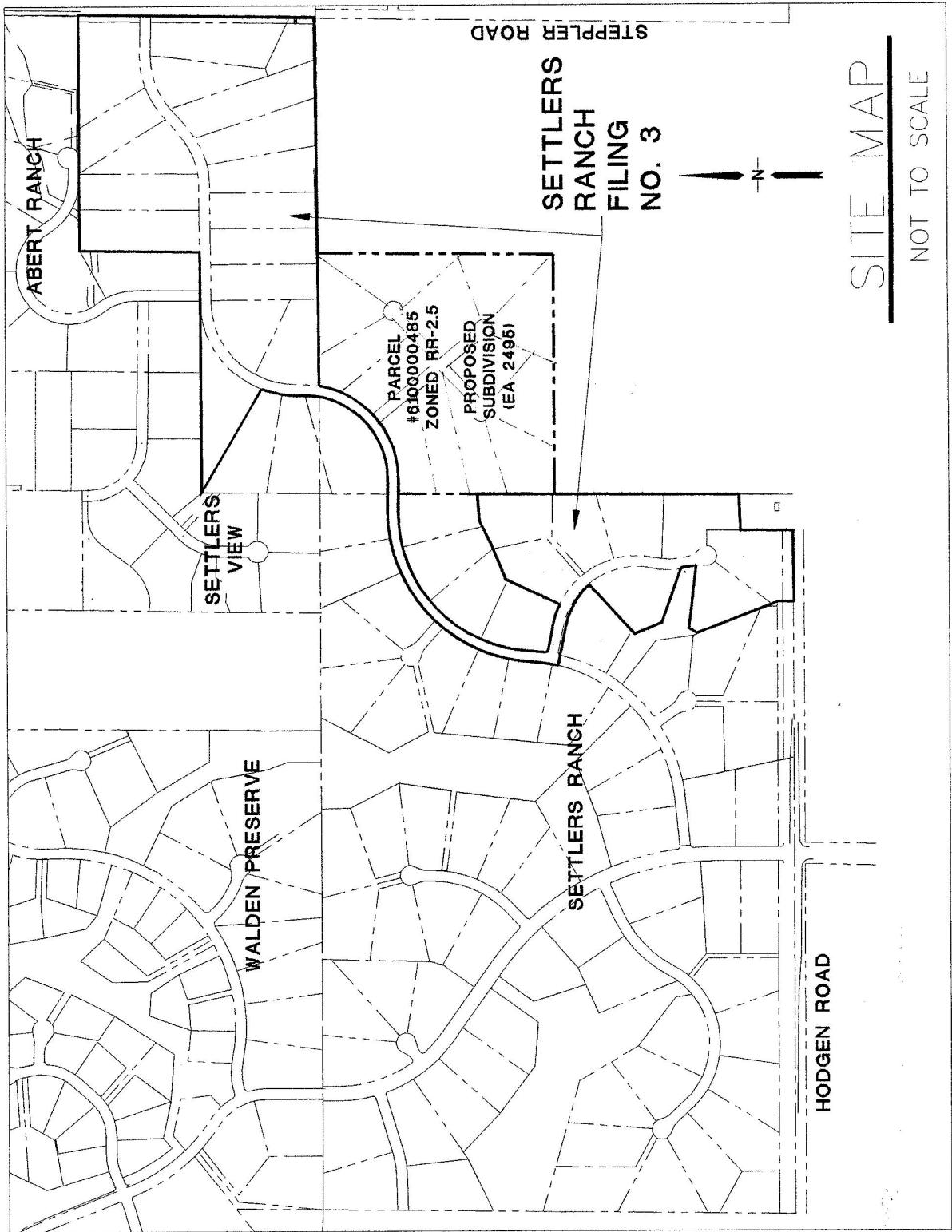
John Schwab, PE  
JPS Engineering, Inc.  
19 E. Willamette Avenue  
Colorado Springs, Colorado 80903  
719-477-9429  
[john@jpsengr.com](mailto:john@jpsengr.com)

Russ Wood, Managing Member  
Rampart Surveys, LLC  
P.O. Box 5101  
Woodland Park, Colorado 80866  
719-687-0920  
[Russ@RampartLS.com](mailto:Russ@RampartLS.com)

This Letter of Intent is for the proposed subdivision. A concurrent rezoning is also requested under file number P2223 which has its own Letter of Intent.

Parcel Information for areas proposed to be subdivided and platted:  
Parcel 61230-07-024; Tract A-1, Settlers Ranch Subdivision Filing No 2C; 3.26 Acres





Parcel 61240-04-003; Tract A-2, Settlers Ranch Subdivision Filing No 2C; 15.59 Acres  
Parcel 61240-05-001; Tract A-3, Settlers Ranch Subdivision Filing No 2C; 31.54 Acres  
Plus Tract C which is the 3.14 acre Settlers Ranch Road right of way.

Also

Parcel 61230-04-048: Tract B, Settlers Ranch Subdivision Filing No. 2C, 22.51 acres  
including the proposed Boundary Basin Court right of way which is 1.77 acres.

**Development Request:**

This request is for Settlers Ranch Subdivision Filing No. 3 final plat which includes all of the remaining Settlers Ranch property. A total of 24 residential lots, one detention pond Tract and 8.44 acres of public road right of way is included. A finding of sufficiency is requested with this final plat. In addition, a concurrent rezoning of part of the property from PUD to RR 2.5 is also requested under PCD File #P2223.

The property is located east of Highway 83; approximately one quarter mile north of Hodgen Road, west of Stepler Road and east of the currently developed Settlers Ranch. The property also adjoins Abert Ranch Subdivision and Settlers View Subdivision to the north. The property lies in the Northeast one quarter and the South one half of Section 23 and within portions of the Northwest one quarter of Section 24, Township 11 South, Range 66 West of the 6<sup>th</sup> Principal Meridian, El Paso County, Colorado.

This Filing No. 3 is in two separated areas that are joined and served by Settlers Ranch Road. The portion to the south and west is 22.51 acres. It will retain its current PUD zoning and be subdivided into 8 lots of from 2.50 to 2.74 acres as originally planned. These PUD lots were planned for with other Filing 2 lots and will therefore remain consistent with the existing adjoining Settlers Ranch lots. The average proposed lot size here is 2.60 acres, exclusive of road.

Tracts A-1, A-2 and A-3 Settlers Ranch Subdivision Filing No 2C is in the north and east portion of the property. It is 53.53 acres, currently zoned PUD and approved for a total of 10 single family lots ranging in size from 3.02 acres to 5.55 acres. These Tracts are proposed to be rezoned from PUD to RR-2.5. A total of 16 lots are now proposed ranging in area of from 2.50 to 4.24 acres, with an average lot size of 3.14 acres. Density is 1 Dwelling Unit per 3.35 acres. The character of this area has changed since the PUD zoning. Rezoning to RR2.5 will provide consistency with the now adjoining Abert Ranch Subdivision done in 2020, Settlers View Subdivision done in 2019 and the more recently zoned Stepler / Stewart project (EA2459) done in 2023, all of which are RR2.5.

Currently vacant, the property exhibits remnants of its past ranch grazing history including erosion control berms, fencing and two track trails. Vegetation consists primarily of grasses with few trees. Proposed improvements include the 24 residential lots served by the extended County dedicated Settlers Ranch Road, drainage channels and pond, landscaping along Settlers Ranch Road and Boundary Basin Court as well as utility services including natural gas, electricity, telephone and other communication services.

Water will be provided by individual on site wells operated under the existing State approved Augmentation Plan. Wastewater treatment will be provided by individual on site septic systems installed and operated per State and County Health Department rules and regulations.

The property is located within and is served by the Lewis-Palmer School District, the Tri Lakes Monument Fire Protection District, Mountain View Electric Association, Black Hills Energy Corporation and Century Link Telephone. All utilities currently exist in the developed portion of Settlers Ranch and will be extended as needed.

**Justification for the Subdivision Request:**

This application satisfies the Criteria for Approval outlined in Chapter 7 of the Land Development Code and the design standards in Chapter 8. Additionally, it is consistent with the goals and objectives of the El Paso County Master Plan as detailed below

In approving a subdivision, the Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7 of the El Paso County Land Development Code including:

*The application is in general conformance with the goals, objectives and policies of the El Paso County Master Plan:*

Please see the Master Plan Consistency discussion, later.

*The subdivision is consistent with the design standards and regulations and meets all planning, engineering and surveying requirements of the County for maps, data, surveys, analysis, studies, reports, plans, designs, documents and other supporting materials:*

Consistency is established through the submitted supporting materials.

*Either a sufficient water supply has been acquired in terms of quality, quantity and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the Water Supply Standards and the requirements of Chapter 8 of this Code, or, with respect to applications for administrative final plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval.*

All supporting materials for a finding of water sufficiency have been provided.

*A public sewage disposal system has been established or, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations:*

Individual Sewage Disposal Systems will be utilized and compliance is identified by the submitted supporting materials. On lot testing is required for all systems.

*All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions:*

The Soils and Geological Hazard Study establishes compatibility. Constraints identified and mitigation methods include: Artificial Fill on Lot 10, mitigate by avoidance. Expansive & collapsive soils, may affect any lot, mitigate by avoidance or soil replacement. Seasonally shallow groundwater, could occur in drainages which are no build areas. Potentially shallow groundwater, all lots except Lot 2. Avoid. Areas of erosion and gulying, Lots 1, 5 & 8. mitigate by avoidance. Areas of ponded water, Lots 4, 9 & 10. Mitigate by avoidance. Be aware that further detailed on site soils and engineering testing is required for each lot which will disclose specific constraints that would affect construction.

*Adequate drainage improvements are proposed that comply with State Statute and the requirements of this Code and the Engineering Criteria Manual:*

Significant drainage ways exist and are placed in drainage (no build) easements. A Tract is created containing a detention pond. All proposed lots are large enough to accommodate 2 suitable septic fields, one well site and the building site. Land within these easements is maintained by the individual property owner.

*Legal and physical access is provided to all parcels by public rights of way or recorded easement, acceptable to the County, in compliance with this Code and the ECM:*

Settlers Ranch Road is a dedicated 60' wide public right of way that accesses 16 of the 24 proposed lots directly. Boundary Basin Court is also a 60' wide dedicated public right of way which provides direct access to the remaining 8 proposed lots. Both rights of way meet the required criteria.

*Necessary services are available or will be extended to serve the proposed subdivision by the following entities:*

The El Paso County Sheriff's Office; Tri-Lakes Monument Fire Protection District; Mountain View Electric; Black Hills Energy and Century Link Communications will serve the proposed development.

*The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of this Code:*

Fire protection is provided by the Tri-Lakes Monument FPD which has the staff, facilities and equipment to provide coverage to all proposed lots. No cistern is required and water is available from nearby ponds as well as hydrants in Walden.

*Off site impacts were evaluated and related off site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8:*

Because of the subdivisions' previous contribution to improving and paving of Stepler Road, no additional escrow is being required for future Stepler Road improvements. Road Impact fees will be paid at building permit. No additional off site improvements are anticipated.

*Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated:*

Both are applicable here and are addressed in the SIA and included FAE.

*The subdivision meets other applicable sections of Chapters 6 and 8:*

This subdivision request is in compliance with both Chapters of the LDC including the roadway Landscape requirements, as depicted on the Landscape Plan and addressed in the Covenants.

*The extraction of any known commercial mining deposit shall not be impeded by this subdivision:*

There are no known commercially viable minerals under the site.

#### **Master Plan Consistency:**

The El Paso County Master Plan utilizes a system of "Key Area Place Types" aligning with approved "Land Uses" to evaluate Master Plan land use consistency. The Settlers Ranch Subdivision Filing No. 3 is located in the Tri Lakes Key Area. The filing's location within the Tri Lakes Key Area allows for or aligns with a Large Lot Residential Place Type and a single family detached residential land use. The primary Large Lot Residential Place Type allows for detached single family residential land uses having lot sizes of 2.5 acres or greater which is consistent with this rezoning request.

Filing 3 is located within a "Minimal Change: Developed" area of change. This filing is the completion of the long planned Settlers Ranch development and is consistent in land use and lot size with all previous Settlers Ranch filings.

Filing 3 is further located within a Large Lot Residential / Priority Development Area. This Priority Area encourages development which efficiently utilizes and extends existing infrastructure, conserves water resources and strengthens established neighborhoods. As mentioned, Filing 3 is a continuation of the Settlers Ranch development which efficiently utilizes previously developed infrastructure, conserves water and contributes to the several neighborhood subdivisions.

As discussed in Chapter 14 Implementation – Land Use Applications and Master Plan Consistency, previous Settlers Ranch subdivision approvals, including PUD Zoning, PUD Development Plan, Preliminary Plan and Final Plat Filings also establish Master Plan consistency relative to the land use goals and objectives as well as a significant portion of the Master Plan’s technical subdivision goals and objectives.

**Master Plan Goals and Objectives:**

**Land Use – Core Principal:** Manage growth to ensure a variety of land uses that preserve all character areas of the County.

*Goal LU-1: Ensure compatibility with established character and infrastructure capacity.*

The proposed single family residential land use and density is compatible with the adjoining communities. The existing infrastructure including electric, natural gas, telephone, drainage facilities, open space / trails and roadways have been designed and constructed to facilitate this filing.

*Goal LU-3: Encourage a range of development types to support a variety of land uses.*

The Settlers Ranch community consists of single family detached residential lots varying in size between 2.5 to 4.9 acres.

*Objective LU3-1: Development should be consistent with the allowable land uses set forth in the placetypes and second to their built form guidelines.*

Filing 3 is located within a Large-Lot Residential placetype which supports the proposed single family detached residential 2.5 acre and larger lots.

*Objective LU3-3: The Large-Lot Residential placetype should be characterized by predominately residential areas with mostly single family detached housing.*

Settlers Ranch Filing 3 proposes single family detached residential units.

**Housing and Communities – Core Principal:** Preserve and develop neighborhoods with a mix of housing types.

*Goal HC-1: Promote development of a mix of housing types in identified areas.*

*Objective HC1-5: Focus detached housing development in Large-Lot Residential areas given the increasing infrastructure and environmental constraints associated with such development to help maintain the established character of rural communities.*

The large lot single family detached residential housing proposed in Settlers Ranch Subdivision Filing No. 3 adds to and complements the mix of housing types offered within the Tri-Lakes Key Area Placetype.

**Water Master Plan Consistency:**

The entire Settlers Ranch subdivision which includes Filing 3, operates under a State approved Water Augmentation Plan utilizing a 300 year water commitment. The existing approved augmentation plan includes the proposed additional 6 lots. No change to the existing Water Augmentation Plan will be required to accommodate the proposed rezoning request.

**Supplemental Information:**

The developer will be responsible for constructing all required subdivision improvements at his sole expense. Installation of the required improvements will be guaranteed by a letter of credit acceptable to the El Paso County Board of County Commissioners.

The developer voluntarily participated in the paving of Stepler Road south of Silver Nell Drive at the time that Grandview Estates was constructed. This prior paving of Stepler Road satisfies the obligation to participate in any future paving of Stepler Road north of Silver Nell Drive.

All lots within this subdivision are subject to transportation impact fees in accordance with the El Paso County Road Impact Fee Program; as amended, at the time of building permit application. The road impact fees will be paid on a per lot basis by each individual residential building contractor at the time of building permit application.

Covenants for this and earlier filings require planting of trees and or shrubs by each lot owner prior to the time of home occupancy. Plantings now include street trees. A Landscape Plan is provided.



The developer proposes to pay fees in lieu of land for School dedication requirements.

The developer proposes to pay fees in lieu of land for parks requirements.

There are no slopes exceeding 30% within the proposed lot area.

No waivers to the El Paso County Land Development Code or Deviations to the El Paso County Engineering Criteria Manual are proposed with this application.







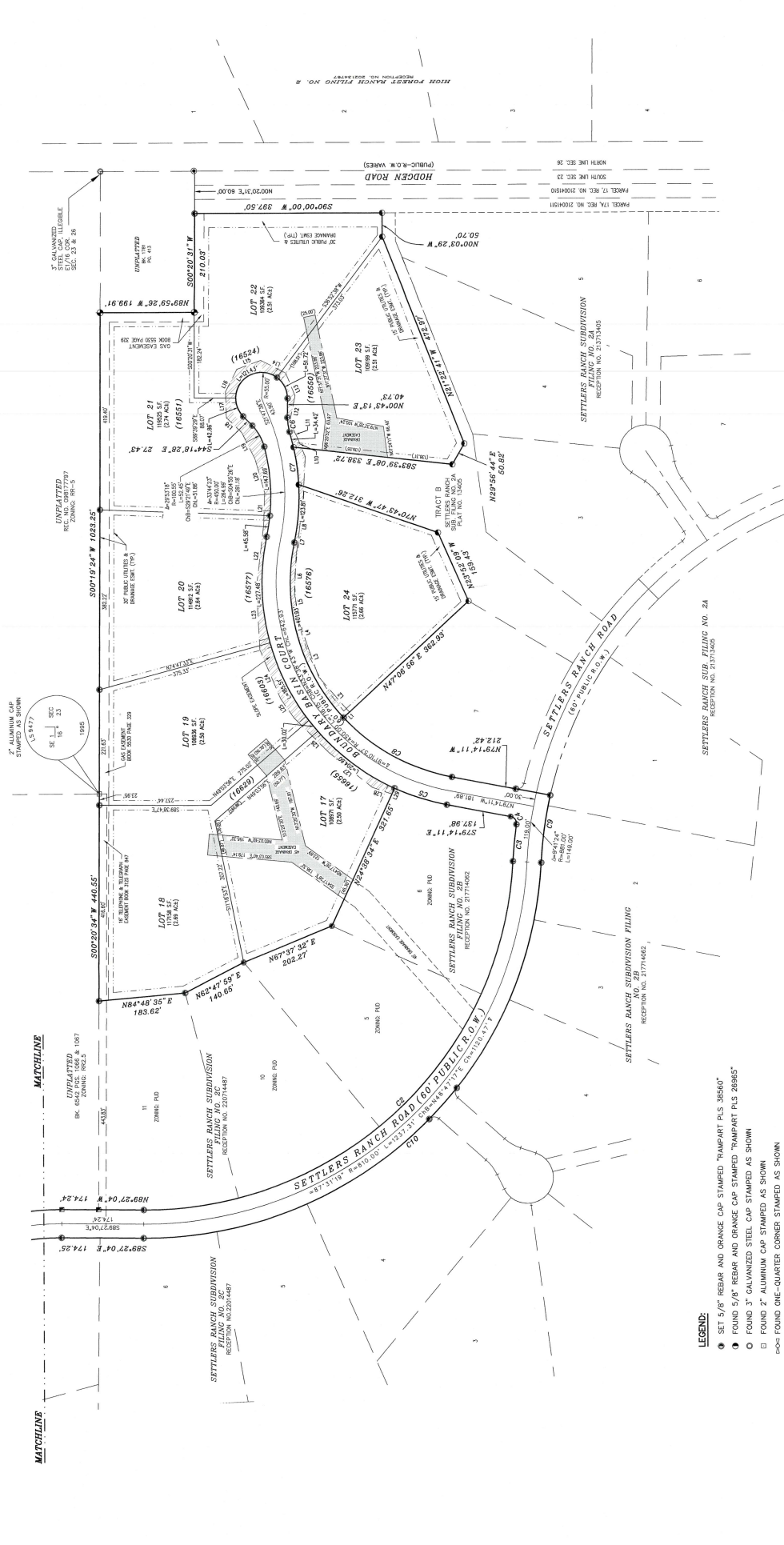






# SETTLERS RANCH SUBDIVISION FILING NO. 3

A REPLAT OF A PORTION OF SETTLERS RANCH SUBDIVISION FILING NO. 2C, AND A PORTION OF SETTLERS RANCH ROAD, FILING NO. 2B, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE1/4) AND A PORTION OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO.



**LEGEND:**

- SET 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560"
- FOUND 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26965"
- FOUND 3" GALVANIZED STEEL CAP STAMPED AS SHOWN
- FOUND 2" ALUMINUM CAP STAMPED AS SHOWN
- FOUND ONE-QUARTER CORNER STAMPED AS SHOWN
- FOUND 1/2" ALUMINUM CAP STAMPED "HANNIGAN PLS 25429"
- FOUND 5/8" REBAR (NO CAP)
- △ FOUND 1/2" REBAR (NO CAP)
- FOUND 3/8" REBAR (NO CAP)
- ▲ FOUND 2/8" REBAR AND BLUE CAP (LLEBBLE)
- ◆ FOUND REBAR AND YELLOW CAP STAMPED "MUE ALS 17865"
- 2:23 SLOPE EASEMENT AREA
- DRAINAGE EASEMENT AREA

**SCALE: 1" = 100'**  
**JOB NO.: 23106**  
**JULY 31, 2023**

**AS REPLATED**  
 NOTE: ONLY PLATTED BEARINGS AND DISTANCES SHOWN

**RAMPART SURVEYS, LLC**  
 P.O. Box 5101  
 Woodland Park, CO, 80866  
 (719) 887-0920  
 DRAWING: 23106SF.DWG PAGE: 4 OF 6

RECORD: AUGUST 23, 2024  
 DATE OF REVISION: JAN 31, 2023  
 SETTLERS RANCH SUBDIVISION FILING NO. 3  
 PT. SEC. 23 & 24, T11S, R66W, EL PASO CO., CO

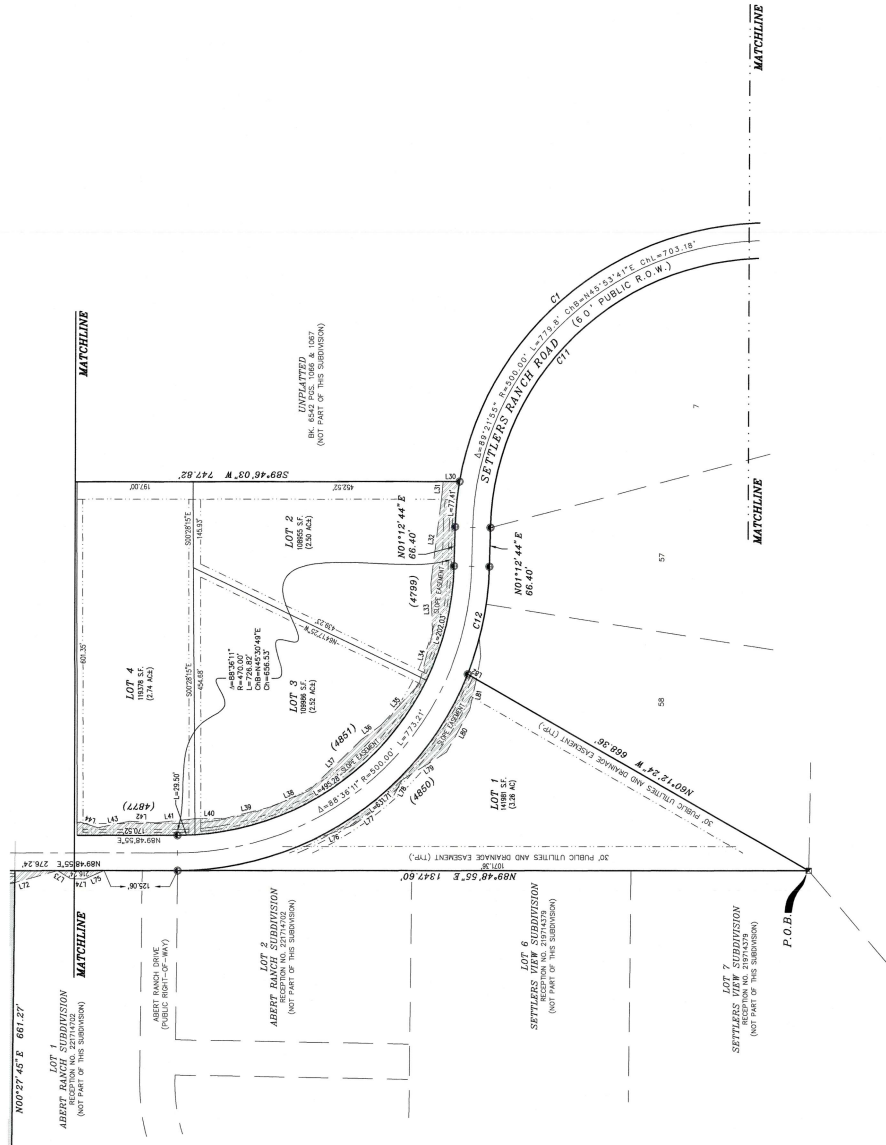


# SETTLERS RANCH SUBDIVISION FILING NO. 3

A REPLAT OF A PORTION OF SETTLERS RANCH SUBDIVISION FILING NO. 2C, AND A PORTION OF SETTLERS RANCH ROAD, FILING NO. 2B, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE1/4) AND A PORTION OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO.

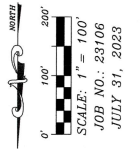
### LEGEND:

- SET 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 38560"
- FOUND 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26985"
- FOUND 3" GALVANIZED STEEL CAP STAMPED AS SHOWN
- FOUND 2" ALUMINUM CAP STAMPED AS SHOWN
- FOUND ONE-QUARTER CORNER STAMPED AS SHOWN
- FOUND 2 1/2" ALUMINUM CAP STAMPED "HANNIGAN PLS 25693"
- FOUND 5/8" REBAR (NO CAP)
- △ FOUND 1/2" REBAR (NO CAP)
- FOUND 3/8" REBAR (NO CAP)
- ◆ FOUND 3/8" REBAR AND BLUE CAP (ALLEGIBLE)
- ◆ FOUND REBAR AND YELLOW CAP STAMPED "AVE PLS 17665"
- SLOPE EASEMENT AREA
- DRAINAGE EASEMENT AREA



DATE OF PREPARATION: JULY 31, 2023  
 P.O. Box 5101  
 Woodland Park, CO, 80866  
 (719) 885-9880  
**RAMPART SURVEYS, LLC**  
 DRAWING: 23106FP.DWG  
 PAGE 5 OF 6

AS REPLATTED  
 NOTE: ONLY MEASURED BEARINGS AND DISTANCES SHOWN



# SETTLERS RANCH SUBDIVISION FILING NO. 3

A REPLAT OF A PORTION OF SETTLERS RANCH SUBDIVISION FILING NO. 2C, AND A PORTION OF SETTLERS RANCH ROAD, FILING NO. 2B, LOCATED IN A PORTION OF THE SOUTHEAST QUARTER (SE1/4) AND A PORTION OF THE NORTHWEST QUARTER (SW1/4 NE1/4) OF SECTION 23, AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO.

**CURVE TABLE**

CURVE #	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	149.83	500.00	80°58'48"	N05°04'48"E	698.58
C2	1191.48	780.00	87°51'11"	S44°47'11"W	1096.88
C3	78.75	911.00	4°59'11"	N05°30'09"E	78.75
C4	22.83	16.00	87°12'23"	S85°37'41"E	20.89
C5	116.27	480.00	19°24'45"	N72°17'49"W	116.89
C6	30.27	100.00	17°14'50"	N07°47'48"E	30.15
C7	88.32	480.00	3°02'13"	S07°47'48"E	88.23
C8	144.45	861.00	3°02'13"	S07°47'48"E	144.37
C9	144.45	861.00	87°11'50"	S44°47'11"W	144.37
C10	188.14	840.00	87°11'50"	S44°47'11"W	187.89
C11	733.08	470.00	87°11'50"	N45°58'45"E	660.89
C12	187.89	630.00	50°18'43"	S11°52'05"W	188.81

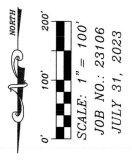
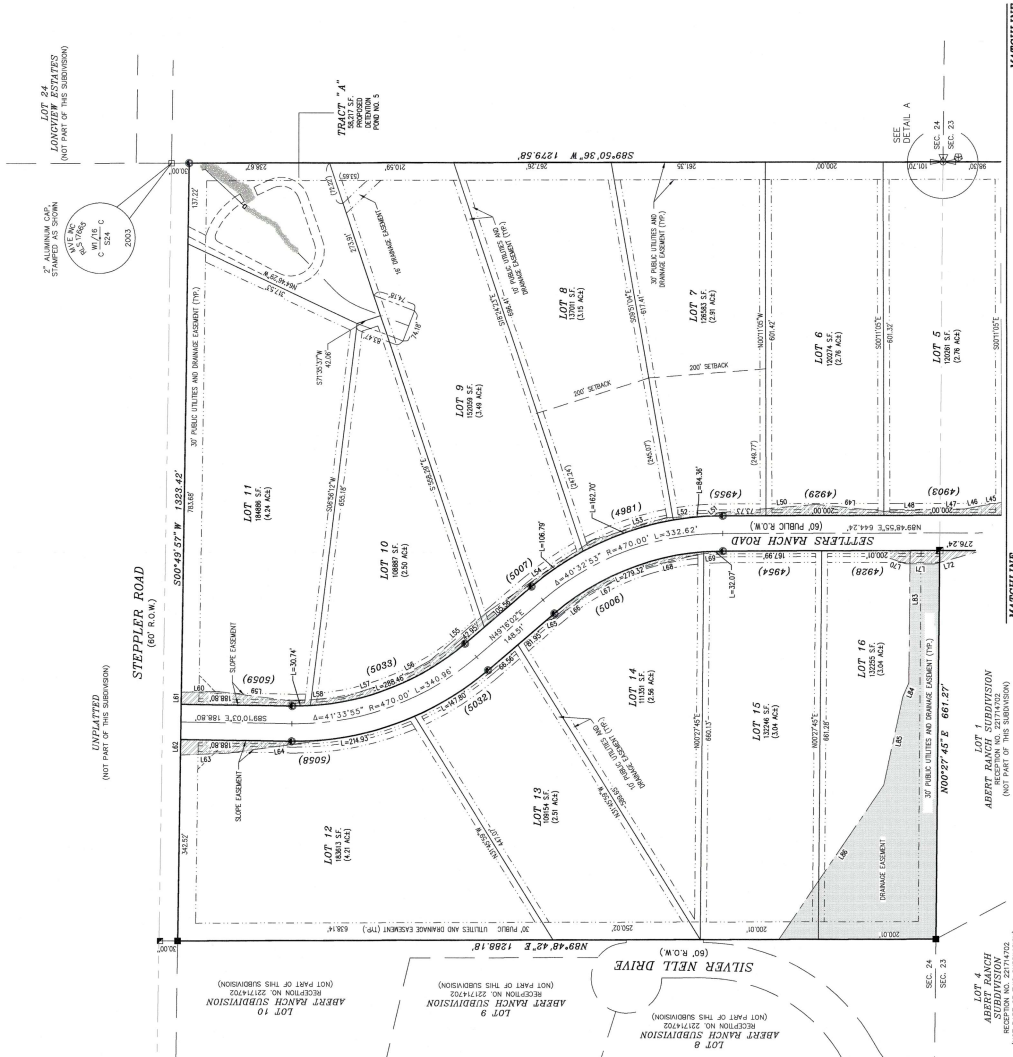
- LEGEND:**
- SET 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 35560"
  - ▲ FOUND 5/8" REBAR AND ORANGE CAP STAMPED "RAMPART PLS 26985"
  - ▲ FOUND 5/8" REBAR AND RED CAP STAMPED "RAMPART PLS 26985"
  - FOUND 2" GALVANIZED STEEL CAP STAMPED AS SHOWN
  - FOUND ONE-QUARTER CORNER STAMPED AS SHOWN
  - FOUND 1/2" ALUMINUM CAP STAMPED AS SHOWN
  - FOUND 3/4" ALUMINUM CAP STAMPED AS SHOWN
  - FOUND 1/2" ALUMINUM CAP (NO CAP)
  - FOUND 3-1/4" ALUMINUM CAP STAMPED AS SHOWN
  - FOUND 3/8" REBAR (NO CAP)
  - FOUND 3/8" REBAR AND BLUE CAP (LEGIBLE)
  - FOUND 3/8" REBAR AND YELLOW CAP STAMPED "VIE PLS 17655"
  - SLOPE REBAR AND YELLOW CAP STAMPED "VIE PLS 17655"
  - DRAINAGE EASEMENT AREA

**EASEMENT LINE TABLE**

LINE #	BEARING	DISTANCE
L1	S74°52'59"W	17.00
L2	S45°50'09"E	90.27
L3	S32°54'42"E	66.62
L4	S08°53'57"E	53.53
L5	S09°14'21"E	62.62
L6	S02°24'45"W	80.71
L7	S07°19'11"W	83.82
L8	S07°19'11"W	52.44
L9	S24°00'37"E	45.75
L10	S08°29'52"E	34.32
L11	S08°29'52"E	57.63
L12	S31°32'11"E	52.49
L13	S31°32'11"E	56.71
L14	N89°27'04"E	54.02
L15	N27°17'42"E	53.89
L16	N07°10'48"W	55.12
L17	N05°10'09"E	26.52
L18	S24°00'37"E	43.94
L19	N03°52'34"W	74.03
L20	N03°52'34"W	67.87
L21	N08°29'16"E	135.61
L22	N02°25'18"W	131.86
L23	N22°14'51"W	112.64
L24	N34°42'18"W	49.58
L25	N44°55'46"W	105.57
L26	N05°10'48"W	116.82
L27	N10°10'08"W	44.20
L28	N4°48'34"E	13.37
L29	N4°48'34"E	13.37
L30	N48°40'03"E	27.93
L31	N48°40'03"E	25.79
L32	N07°10'48"W	148.07
L33	N02°25'18"W	86.04
L34	N14°49'18"E	86.41
L35	S02°14'51"W	41.83
L36	S15°22'02"E	41.83
L37	N44°55'46"W	124.33
L38	N66°53'54"E	68.70
L39	N75°40'57"E	81.17
L40	N89°27'02"E	49.65
L41	N83°55'12"E	66.44
L42	S87°08'19"E	44.68
L43	N79°21'14"E	56.25
L44	S71°04'42"E	31.02

**EASEMENT LINE TABLE**

LINE #	BEARING	DISTANCE
L45	S60°57'02"E	43.71
L46	N70°54'37"E	28.90
L47	N87°13'34"E	41.28
L48	N87°52'24"E	95.45
L49	S84°27'24"E	115.45
L50	N85°41'7"E	187.93
L51	N65°47'21"E	87.74
L52	N87°14'48"E	67.73
L53	N72°58'13"E	168.51
L54	N05°20'29"E	218.60
L55	N49°31'11"E	125.41
L56	N07°14'40"E	89.54
L57	N85°28'32"E	86.68
L58	N85°28'32"E	86.68
L59	S02°13'37"E	124.89
L60	N89°27'02"E	63.30
L61	N05°10'09"E	26.52
L62	S24°00'37"E	43.94
L63	S09°40'57"E	81.17
L64	S07°10'7"W	105.24
L65	S73°40'53"W	17.75
L66	S83°28'40"W	72.17
L67	S83°28'40"W	89.05
L68	S75°58'08"W	105.80
L69	S83°00'09"W	51.14
L70	N71°18'55"W	68.89
L71	N89°20'03"W	47.98
L72	S74°12'34"W	65.22
L73	N57°14'35"W	25.75
L74	N85°40'00"W	23.89
L75	S68°57'02"W	33.89
L76	S69°15'57"W	81.60
L77	S42°42'36"W	82.34
L78	S29°18'39"W	106.18
L79	S09°40'57"E	81.17
L80	S03°24'54"W	81.88
L81	S14°23'37"W	52.83
L82	S67°22'42"E	16.77
L83	N00°27'45"E	224.69
L84	N23°02'42"E	25.52
L85	N12°08'13"E	153.96
L86	N34°02'27"E	317.72



NOTE: ONLY MEASURED BEARINGS AND DISTANCES SHOWN

**AS REPLATTED**

JOB NO.: 23106  
JULY 31, 2023

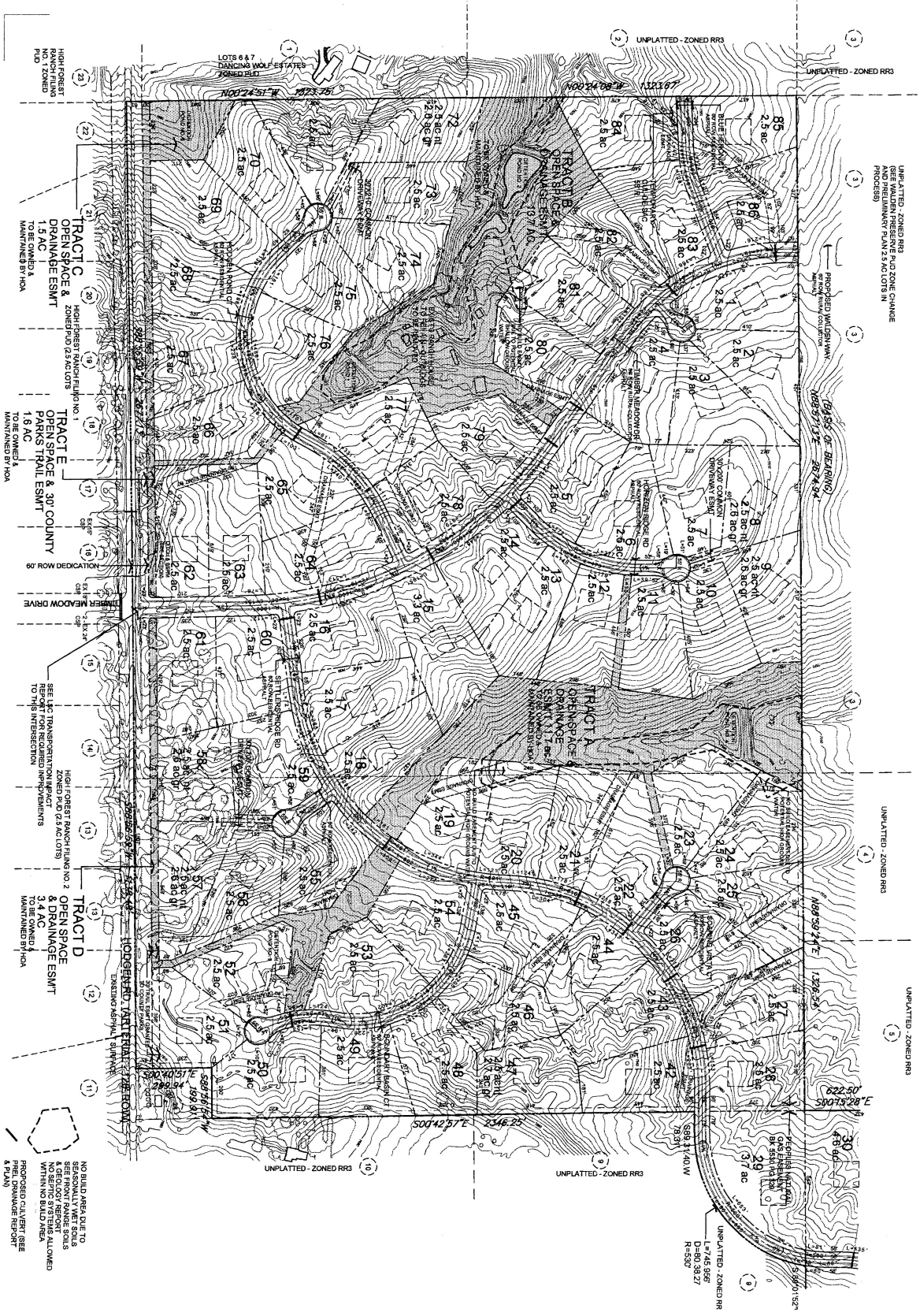
STATE OF COLORADO  
COUNTY OF EL PASO

**RAMPART SURVEYS, LLC**  
Woodland Park, CO 80866  
(719) 887-8920

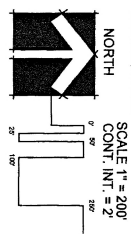
DRAWING: 23106FP.DWG  
PAGE 6 OF 6







APRIL 4, 2004  
 OCT 16, 2004  
 REVISION NOV 29, 2004  
 REVISION DEC 8, 2004  
 PARCEL NO. 610000049  
 HOODGEN SETTLERS RANCH  
 17583 COLONIAL PARK DR  
 MONUMENT, CO 80122



PUD DEVELOPMENT PLAN  
 EL PASO COUNTY, COLORADO  
 SETTLERS RANCH  
 HOODGEN SETTLERS RANCH, LLC, 17583 COLONIAL PARK DR, MONUMENT, CO

FOR EXAMPLE PURPOSES ONLY  
 ENVIRONMENTAL BLOOD  
 ENVELOPE TO BE DETERMINED  
 PLOT PLAN SUBMITTAL REVIEW  
 & APPROVAL  
 DRAINAGE EASEMENT AND  
 NO BUILD AREA

NO BUILD AREA DUE TO  
 SENSITIVELY WET SOILS  
 & GEOLOGY REPORT  
 & SIGNIFICANT EROSION  
 & SEDIMENTATION  
 PROPOSED CULTURE REPORT  
 & PLAN

**LRA**  
 LAND RESOURCE ASSOCIATES  
 17583 COLONIAL PARK DR  
 MONUMENT, CO 80122  
 SHEET 2 OF 2









May 9, 2024

Kari Parsons  
EPC Development Services Department  
Transmitted via the EPC EDARP Portal: <https://epcdevplanreview.com>

**Re: Settlers Ranch Filing 3**  
**File No. SF-249**  
**Sec. 23 and 24, T11S, R66W, 6<sup>th</sup> P.M.**  
**Water Division 1, Water District 8**

Dear Kari Parsons:

We have reviewed your May 1, 2024 submittal concerning the above referenced proposal to subdivide 79.2 acres into twenty-four (24) single-family residential lots. Settlers Ranch Filing 3 is a replat of a portion of Settlers Ranch subdivision located in a portion of the SE $\frac{1}{4}$  and portion of the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of Section 23 and the SW $\frac{1}{4}$  and NW $\frac{1}{4}$  of Section 24 all in Township 11 South, Range 66 West of the 6th P.M. The minimum proposed lot size for this filing is 2.5 acres.

According to the information provided the Settlers Ranch Subdivision Final Plat (“Settlers Ranch”) was approved for 86 lots on 307.35 acres. Filing 1 of the Settler Ranch was approved for 43 lots on 142.2 acres and Filing 2 was approved for 43 lots on 138.94 acres. Filing 2 was proposed to be developed in 5 phases. Currently 3 out of the 5 phases (Filing 2A, 2B, and 2C) have been developed as follows:

- Phase 1 (Filing 2A) for 7 lots on 15.9 acres;
- Phase 2 (Filing 2B) for 7 lots on 19.5 acres; and
- Phase 3 (Filing 2C) for 11 lots on 30.70 acres

Phase 4 of Filing 2 was originally approved for 10 single family residential lots and Phase 5 of Filing 2 was approved for 8 single family residential lots. According to the submitted material Phase 4 and Phase 5 of Filing 2 are expired and required new final plat submittals. Therefore, Phases 4 and 5 of Filing 2 are being combined under this submittal to create Filing 3. Under Filing 3 the number of lots, specifically for the area previously identified as Filing 2 Phase 4 will increase from 10 to 16 single-family residential lots. Therefore Filing 3, will accommodate a total of 24 lots (16 lots from prior area described as Phase 4 of Filing 2 and 8 lots from prior area described as Phase 5 of Filing 2) to be located on 79.2 acres.

With the addition of the 6 new lots in Filing 3, the total number of lots within the Settlers Ranch Subdivision will increase from 86 to 92 lots.

### **Water Supply Demand**

According to the Water Supply Summary Sheet, the estimated water requirements for Filing 3 total 13.2 acre-feet annually. This amount breaks down to 7.2 acre-feet/year for household use inside the proposed 24 lots, 4.8 acre-feet/year for irrigation of 1.93 acres of home gardens and lawns, and 1.2 acre-feet/year for the watering of 96 head of domestic animals. Based on the above listed amounts the demand per lot will be 0.55 acre-feet/year, consisting of 0.30 acre-feet/year for in





house use, 0.20 acre-feet/year for irrigation of 3,500 square feet of home gardens and lawns, and 0.05 acre-feet/year for the watering of 4 large domestic animals.

### Source of Water Supply

The proposed source of water is individual on lot wells producing from the not-nontributary Dawson aquifer that will operate pursuant to the decree and plan for augmentation decreed in Division 1 Water Court case no. 2003CW241 and Division 2 Water Court case no. 2003CW050 (“Decrees”). The allowed average annual amount of withdrawal decreed from the Dawson aquifer is 273.7 acre-feet. The amount decreed is based on a total claimed land area of 298.6 acres.

The plan for augmentation provides for 92 residential wells, each with an allowed average annual diversion of 0.55 acre-feet (50.6 acre-feet total), for in-house use in one single-family dwelling (0.3 acre-feet), irrigation of 3,500 square-feet of home lawn and garden (0.2 acre-feet) and the watering of up to four large domestic animals (0.05 acre-feet). The proposed Dawson aquifer wells must be located on the land claimed in the Decrees, pursuant to paragraph 19 of the Decrees and rule 11.A of the Statewide Nontributary Ground Water Rules (2 CCR 402-7). All twenty-four lots proposed in Filing 3 are located within the area described in case nos. 2023CW241 and 2003CW050.

The proposed source of water for this subdivision is a bedrock aquifer in the Denver Basin. The State Engineer’s Office does not have evidence regarding the length of time for which this source will be a physically and economically viable source of water. According to 37-90-137(4)(b)(I), C.R.S., “Permits issued pursuant to this subsection (4) shall allow withdrawals on the basis of an aquifer life of one hundred years.” Based on this allocation approach, the annual amounts of water decreed in case nos. 2003CW241 and 2003CW050 are equal to one percent of the total amount, as determined by rules 8.A and 8.B of the Statewide Nontributary Ground Water Rules, 2 CCR 402-7. Therefore, the water may be withdrawn in those annual amounts for a maximum of 100 years.

The *El Paso County Land Development Code*, Section 8.4.7.(B)(7)(b) states:

“(7) Finding of Sufficient Quantity

(b) Required Water Supply. The water supply shall be of sufficient quantity to meet the average annual demand of the proposed subdivision for a period of 300 years.”

The State Engineer’s Office does not have evidence regarding the length of time for which this source will “meet the average annual demand of the proposed subdivision.” However, treating El Paso County’s requirement as an allocation approach based on three hundred years, the allowed average annual amount of withdrawal of 273.7 acre-feet/year would be reduced to one third of that amount, or 91.2 acre-feet/year, which is greater than the annual demand for this subdivision. In addition, the augmentation plan decreed in case nos. 2003CW241 and 2003CW050 is also based on the county’s allocation approach. As a result, this water may be withdrawn in the amount of 91.2 acre-feet annually for a maximum of 300-years.

Pursuant to Paragraph 11 of the case nos. 2003CW241 and 2003CW050, the Decrees shall be recorded in the real property records of El Paso County. The Decrees calls for the creation of a Property Owners Association, in which all lot purchasers are required to join. The water rights and the plan for augmentation will be assigned to the Property Owners Association, therefore, if lot owners apply for on lot well permits they will not be required to provide evidence that the applicant has acquired the right to the portion of the water being requested on the application.

### Additional Comments

The Applicant should be aware that any proposed detention pond for this filing must meet the requirements of a “storm water detention and infiltration facility” as defined in section 37-92-602(8), C.R.S., otherwise the structure may be subject to administration by this office. The Applicant should review DWR’s *Administrative Statement Regarding the Management of Storm Water Detention Facilities and Post-Wildland Fire Facilities in Colorado*, attached, to ensure that the notification, construction and operation of the proposed structure meets statutory and administrative requirements. The Applicant is encouraged to use *Colorado Stormwater Detention and Infiltration Facility Notification Portal* to meet the notification requirements, located at <https://maperture.digitaldataservices.com/gvh/?viewer=cswdif>.

### State Engineer’s Office Opinion

Based upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.

Our opinion that the water supply is **adequate** is based on our determination that the amount of water required annually to serve the subdivision is currently physically available, based on current estimated aquifer conditions.

Our opinion that the water supply can be **provided without causing injury** is based on our determination that the amount of water that is legally available on an annual basis, according to the statutory **allocation** approach, for the proposed uses is greater than the annual amount of water required to supply existing water commitments and the demands of the proposed subdivision.

Our opinion is qualified by the following:

The Division 1 Water Court has retained jurisdiction over the final amount of water available pursuant to the above-referenced decree, pending actual geophysical data from the aquifer.

The amounts of water in the Denver Basin aquifer, and identified in this letter, are calculated based on estimated current aquifer conditions. The source of water is from a non-renewable aquifer, the allocations of which are based on a 100 year aquifer life. The county should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than the 100 years (or 300 years) used for allocation due to anticipated water level declines. We recommend that the county determine whether it is appropriate to require development of renewable water resources for this subdivision to provide for a long-term water supply.

Should you or the Applicant have any questions, please contact me at this office at 303-866-3581 x8246 or [ioana.comanicu@state.co.us](mailto:ioana.comanicu@state.co.us)

Sincerely,

  
Ioana Comanicu, P.E.  
Water Resource Engineer

Ec: Subdivision No. 31320

**County Attorney**

**Kenneth R. Hodges, County Attorney**  
719-520-6485  
Centennial Hall  
200 S. Cascade, Suite 150  
Colorado Springs, CO 80903  
www.ELPasoCo.com

**Board of County Commissioners**  
Holly Williams, District 1  
Carrie Geitner, District 2  
Stan VanderWerf, District 3  
Longinos Gonzalez, Jr., District 4  
Cami Bremer, District 5

June 13, 2024

SF-24-9                      Settlers Ranch Subdivision Filing No. 3

Reviewed by:              Lori L. Seago, Senior Assistant County Attorney  
April Willie, Paralegal

**WATER SUPPLY REVIEW AND RECOMMENDATIONS**

Project Description

1.        This is a proposal by Hodgen Settlers Ranch LLC (“Applicant”) for subdivision of 24 residential lots on an existing 79.2-acre parcel of land (the “property”). The property is zoned RR-5 (Rural Residential).

Estimated Water Demand

2.        Pursuant to the Water Supply Information Summary (“WSIS”), the water demand for the subdivision is 13.2 acre-feet/year, comprised of 0.30 acre-feet/year for household use for each of the residential lots totaling 7.2 acre-feet/year, 0.20 acre-feet/year per lot for 3,500 square feet of irrigation for a total of 4.8 acre-feet/year, and 0.05 acre-feet/year per head for stock watering of up to 96 head for a total of 1.2 acre feet/year. Based on this total demand, Applicant must be able to provide a supply of 3,960 acre-feet of water (13.2 acre-feet per year x 300 years) to meet the County’s 300-year water supply requirement.

Proposed Water Supply

3.        The Applicant has provided for the source of water to derive from the not-nontributary Dawson aquifer as provided in Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case

**ASSISTANT COUNTY ATTORNEYS**

NATHAN J. WHITNEY  
CHRISTOPHER M. STRIDER

STEVEN A. KLAFFKY  
TERRY A. SAMPLE

LORI L. SEAGO  
ERIKA KEECH

BRYAN E. SCHMID  
STEVEN W. MARTYN

MERI GERINGER  
DOREY L. SPOTTS

No. 03CW241 and Division 2 Case No. 03CW50 (“Decree and Augmentation Plan”). The Decree and Augmentation Plan allocates 27,920 acre-feet or 279.2 acre-feet annually of water in the Dawson aquifer to the entire Settlers Ranch development, of which the property is a part, and under the augmentation provisions the allowed average annual amount of groundwater to be withdrawn from the aquifer is limited to 15,180 acre-feet per year. In previous filings of Settlers Ranch (Filings 1, 2A, 2B, and 2C), a total of 11,220 acre-feet in the Dawson aquifer have been reserved for 68 lots, leaving 3,960 acre-feet available for this property. The Decree and Augmentation Plan allows the withdrawal of Dawson aquifer water in the amount of 50.6 acre-feet annually (0.55 acre-feet per lot) for up to 300 years for all of Settlers Ranch.

The allowed annual amount of groundwater to be withdrawn from the aquifer by all wells operating under the Decree and Augmentation Plan shall not exceed 50.6 acre-feet. The allowed annual amount to be withdrawn per well is 0.55 acre-feet for the following beneficial uses: domestic, industrial, commercial, irrigation, livestock watering, recreational, fish and wildlife, fire protection, and for exchange and augmentation purposes.

The approved Decree and Augmentation Plan has a term of 300 years and requires that return flows from in-house use of groundwater shall occur through individual on-lot non-evaporative septic systems to augment depletions to affected stream systems during pumping. Post-pumping depletions shall be augmented by the direct discharge of nontributary groundwater from the Arapahoe and Laramie-Fox Hills aquifer into the affected stream system. The Applicant must thus reserve 6,260 acre-feet in the Arapahoe aquifer and 8,960 acre-feet of the Larmie-Fox Hills aquifer for this purpose. The Applicant is responsible for ensuring that replacement water is provided to the alluvial aquifer as required by the Augmentation Plan. The annual amount of replacement water provided must be no less than the annual replacement requirement on a yearly basis.

#### State Engineer’s Office Opinion

5. In a letter dated May 9, 2024, the State Engineer reviewed the proposal to subdivide the 79.2 acres into 24 single-family residential lots. The State Engineer stated that “[t]he proposed water source of water is individual on lot wells producing from the nontributary Dawson aquifer that will operate pursuant to the decree and plan for augmentation decreed in Division 1 Water Court case no. 2003CW241 and Division 2 Water Court case no. 2003CW050”. The State Engineer identified the total estimated water requirement at 13.2 acre-feet/year (0.55 acre-feet/year/lot).

The State Engineer stated that “[b]ased upon the above and pursuant to Section 30-28-136(1)(h)(I), C.R.S., it is our opinion that the proposed water supply is adequate and can be provided without causing injury to decreed water rights.”

#### Recommended Findings

6. Quantity and Dependability. Applicant’s water demand for Settlers Ranch Subdivision Filing No. 3 is 13.2 acre-feet per year from the Dawson aquifer for a total demand of 3,960 acre-feet for the subdivision for 300 years. The Augmentation Plan allows for up to 92

wells (24 wells for this filing; Filing No. 3) limited to an annual withdrawal of 0.55 acre-feet per well.

**Based on the water demand of 13.2 acre-feet/year for Settlers Ranch Subdivision Filing No. 3 and the Augmentation Plan permitting withdrawals in that amount, the County Attorney’s Office recommends a finding of sufficient water quantity and dependability for Settlers Ranch Subdivision Filing No. 3.**

7. Quality. The water quality requirements of Section 8.4.7.B.10 of the Land Development Code must be satisfied. **El Paso County Public Health shall provide a recommendation as to the sufficiency of water quality.**

8. Basis. The County Attorney’s Office reviewed the following documents in preparing this review: a Water Resources Report dated January 2, 2024, the Water Supply Information Summary, the State Engineer Office’s Opinion dated May 9, 2024, and Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50. The recommendations herein are based on the information contained in such documents and on compliance with the requirements set forth below. ***Should the information relied upon be found to be incorrect, or should the below requirements not be met, the County Attorney’s Office reserves the right to amend or withdraw its recommendations.***

**REQUIREMENTS:**

A. Applicant and its successors and assigns shall comply with all requirements of the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50, specifically, that water withdrawn from the Dawson aquifer by each of the proposed 24 wells permitted shall not exceed 0.55 annual acre-feet, based on a total combined annual withdrawal of 13.2 acre-feet for this Filing No. 3. Depletions during pumping shall be replaced by individual on-lot non-evaporative septic systems.

B. Applicant must create a homeowners’ association (“HOA”) for the purpose of enforcing covenants and assessing any necessary fees related to compliance with the water determinations and replacement plans for the property.

C. Applicants shall create restrictive covenants upon and running with the property which shall advise and obligate future lot owners of this subdivision, their successors and assigns, and the HOA regarding all applicable requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50, including the limitations on diversions and use of water for each well and lot, the requirement to meter and record all well pumping, and information on how records are to be recorded.

Covenants shall specifically address the following:

- 1) Identify the water rights associated with the property. The Covenants shall reserve 3,960 acre-feet of Dawson aquifer water, 6,260 acre-feet of Arapahoe aquifer water, and 8,960 acre-feet of Laramie-Fox Hills aquifer water to satisfy El Paso County's 300-year water supply requirement for the 24 lots of Settlers Ranch Subdivision Filing No. 3. The Covenants shall further identify that 164.5 acre-feet (0.55 acre-feet/year) of Dawson aquifer water is allocated to each of the 24 lots. Said reservations shall not be separated from transfer of title to the property and shall be used exclusively for primary water supply.
- 2) Advise of responsibility for costs. The Covenants shall advise the HOA, lot owners and their successors and assigns of their obligations regarding the costs of operating the plans for augmentation, which include pumping of the Dawson wells in a manner to replace depletions during pumping and the cost of drilling Arapahoe and Laramie Fox-Hills aquifers in the future to replace post-pumping depletions.
- 3) Require non-evaporative septic systems and reserve return flows from the same. The Covenants shall require each lot owner to use a non-evaporative septic system to ensure that return flows from such systems are made to the stream system to replace actual depletions during pumping and shall state that said return flows shall not be separately sold, traded, assigned, or used for any other purpose. The Covenants shall also include the following or similar language to ensure that such return flows shall only be used for replacement purposes: "Return flows shall only be used for replacement purposes, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned, or encumbered in whole or in part for any other purpose."
- 4) Address future lot conveyances. The following or similar language shall be included in the Covenants to address future conveyances of the lots subsequent to the initial conveyance made by Applicant/Declarant:

"The water rights referenced herein shall be explicitly conveyed; however, if a successor lot owner fails to so explicitly convey the water rights, such water rights shall be intended to be conveyed pursuant to the appurtenance clause in any deed conveying said lot, whether or not the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50 and the water rights therein are specifically referenced in such deed. The water rights so conveyed shall be appurtenant to the lot with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

5) Advise of monitoring requirements. The Covenants shall advise the HOA, future lot owners of this subdivision and their successors and assigns of their responsibility for any metering and data collecting that may be required regarding water withdrawals from Dawson, Arapahoe and/or Laramie Fox-Hills aquifers.

6) Address amendments to the covenants. The Covenants shall address amendments using the following or similar language:

“Notwithstanding any provisions herein to the contrary, no changes, amendments, alterations, or deletions to these Covenants may be made which would alter, impair, or in any manner compromise the water supply for Settlers Ranch Subdivision Filing No. 3 pursuant to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50. Further, written approval of the proposed amendments must first be obtained from the El Paso County Planning and Community Development Department, and as may be appropriate, by the Board of County Commissioners, after review by the County Attorney’s Office. Any amendments must be pursuant to the District Court, Water Divisions 1 and 2, approving such amendment, with prior notice to the El Paso County Planning and Community Development Department for an opportunity for the County to participate in any such adjudication.”

7) Address termination of the Covenants. The Covenants shall address termination using the following or similar language:

“These Covenants shall not terminate unless the requirements of Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50 are also terminated by the Division 1 and 2 Water Court and a change of water supply is approved in advance of termination by the Board of County Commissioners of El Paso County.”

D. Applicant and its successors and assigns shall reserve in any deeds of the property Dawson aquifer water in the decreed amount of 3,960 acre-feet (0.55 acre-feet per year per lot), 6,260 acre-feet of Arapahoe aquifer water and 8,960 acre-feet of Laramie Fox-Hills aquifer water. Said reservation shall recite that this water shall not be separated from transfer of title to the Property and shall be used exclusively for primary and replacement supply.

E. Applicants and their successors and assigns shall convey by recorded warranty deed the reserved Dawson aquifer water rights at the time of lot sales. Specifically, Applicant and future lot owners shall convey sufficient water rights in the Dawson aquifer underlying the



respective lots to satisfy El Paso County's 300-year water supply requirement, which amount is 165 acre-feet (0.55 acre-feet per year) per lot.

Any and all conveyance instruments shall recite as follows:

For the water rights and return flows conveyed for the primary supply (Dawson aquifer): "These water rights conveyed, and the return flows therefrom, are intended to provide a 300-year supply, replacement during pumping, and replacement of post-pumping depletions for each lot of Settlers Ranch Subdivision Filing No. 3. The water rights so conveyed, and the return flows therefrom, shall be appurtenant to each of the respective lots with which they are conveyed, shall not be separated from the transfer of title to the land, and shall not be separately conveyed, sold, traded, bartered, assigned or encumbered in whole or in part for any other purpose. Such conveyance shall be by special warranty deed, but there shall be no warranty as to the quantity or quality of water conveyed, only as to the title."

F. Applicant shall convey, or provide proof of previous conveyance of, 6,260 acre-feet of Arapahoe aquifer water and 8,960 acre-feet of Laramie-Fox Hills aquifer water to the HOA for use in the augmentation plan to replace post-pumping depletions.

G. Applicant and its successors and assigns shall submit a Declaration of Covenants, Conditions, and Restrictions, form deeds, and any plat notes required herein to the Planning and Community Development Department and the County Attorney's Office for review, and the same shall be approved by the Planning and Community Development Department and the County Attorney's Office prior to recording the final plat. Said Declaration shall cross-reference the Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50 and shall identify the obligations of the individual lot owners thereunder.

H. Applicants and their successors and assigns shall record all applicable documents, including but not limited to Findings of Fact, Conclusions of Law, Ruling of Referee and Decree: Adjudicating Denver Basin Groundwater and Approving Plan for Augmentation in Division 1 Case No. 03CW241 and Division 2 Case No. 03CW50, agreements, assignments, and warranty deeds regarding the water rights, and Declaration of Covenants in the land records of the Office of the Clerk and Recorder of El Paso County, Colorado.

I. Applications for well permits submitted by persons other than the Applicant must include evidence that the permittee has acquired the right to the portion of the water being requested.

J. The following plat note shall be added that addresses the State Engineer's admonition to advise landowners of potential limited water supplies in the Denver Basin:

“Water in the Denver Basin aquifers is allocated based on a 100-year aquifer life; however, for El Paso County planning purposes, water in the Denver Basin aquifers is evaluated based on a 300-year aquifer life. Applicant and all future owners in the subdivision should be aware that the economic life of a water supply based on wells in a given Denver Basin aquifer may be less than either the 100 years or 300 years used for allocation indicated due to anticipated water level declines. Furthermore, the water supply plan should not rely solely upon non-renewable aquifers. Alternative renewable water resources should be acquired and incorporated in a permanent water supply plan that provides future generations with a water supply.”

cc: Kari Parsons, Project Manager, Planner

### **Settlers Ranch, Filing No.3, SF-24-9, Final Plat**

Please accept the following comments from El Paso County Public Health regarding the 24-lot, 50.4-acre project referenced above:

- **There was a finding for sufficiency in terms of well water quality for drinking water based on the El Paso County Public Health original review and approval of the July 24, 2000, Aspen Analytical water quality tests results. The finding for sufficiency at that time was for all phases of the Settlers Ranch development project. The water quality parameters required for sufficiency in terms of water quality in 2000 were satisfied. Not all the water quality parameters listed in the El Paso County Public Health letter dated February 2008, included in the review packet were required to be sampled in 2000.**
  - **This issue was resolved with the submittal of water quality test results found in the June 5, 2023, Colorado Analytical Laboratories, Inc., Analytical Results Report and the Hazen Research Inc., Revised Analytical Report dated July 21, 2023. No enforceable water quality test results were observed in either report. A finding for sufficiency in terms of water quality is made and the finding complies with the current testing requirements.**
- **Earthmoving activities greater than 25 acres require a Construction Activity Permit from the Colorado Department of Public Health and Environment, Air Pollution Control Division. Go to: <https://www.colorado.gov/pacific/cdphe/general-air-permits>**
- **On-site wastewater treatment systems (OWTS) are planned for wastewater service for the development of the 24 residential lots. The Entech Engineering, Inc., Soils and Geology Study and the Entech Engineering, Inc., Wastewater Study both dated June 28, 2023, were reviewed. The soils in the area support the use of OWTS's with proper installation and/or engineering. The Dawson Arkose formation (weathered sandstone) was encountered and in some cases professional engineered, and higher-level treatment OWTS's may be necessary. As a reminder, each individual lot owner is required to comply with all El Paso County Public Health OWTS Regulations and OWTS permit requirements prior to commencement of lot development. The regulations require soil test pit excavations to be performed in the proposed OWTS soil treatment area on each individual lot.**

- Radon resistant building techniques/practices are encouraged to be used in this area. The EPA has determined that Colorado, and the El Paso County area have potentially higher radon levels than other areas of the country.
- El Paso County Public Health encourages planned walkability of residential communities. Please consider appropriate connections to surrounding areas using sidewalks, and bike trails. Walkability features help in the effort to reduce obesity and associated heart diseases.
- The water quality basins must have mosquito control responsibilities included as a part of the construction design and maintenance plan to help control mosquito breeding habitat and minimize the potential for West Nile Virus.

**Mike McCarthy**  
El Paso County Public Health  
719-332-5771  
[mikemccarthy@elpasoco.com](mailto:mikemccarthy@elpasoco.com)  
14August2024

Miranda Benson

---

**From:** Carla and Jim Greenhalgh <cjckgreenhalgh@msn.com>  
**Sent:** Tuesday, May 28, 2024 11:22 AM  
**To:** Kari Parsons  
**Subject:** Concerns about PCD File P2223/SF249  
**Importance:** High

**CAUTION: This email originated from outside the El Paso County technology network. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please call IT Customer Support at 520-6355 if you are unsure of the integrity of this message.**

---

Dear Ms. Parsons,

Per your recent letter to our neighborhood, I am responding with some concerns about rezoning Settlers Ranch Filing 3 per PCD File P2223 and SF249. If I'm understanding this correctly, the rezoning would result in doubling the number of lots and therefore families. I do not believe the practice of subdividing parcels into smaller and smaller lots is sustainable.

I feel the zoning should NOT change. Doubling the amount of residences impacts well water availability and traffic flow in this small area. I do NOT agree with the rezoning request.

Thank you for sending out the letter in order to obtain feedback from the current residents. I appreciate that. I hope you take my concerns into consideration. Thank you for your time.

v/r,  
Roger Greenhalgh  
4258 Silver Nell Drive  
Colorado Springs, CO 80908

October 6, 2024

TO: Planner: [KariParsons@elpasoco.com](mailto:KariParsons@elpasoco.com) (SF249 and P2223)  
[PCDhearings@elpasoco.com](mailto:PCDhearings@elpasoco.com)

RE: 1. Final Plat, Settles Ranch Fil No. 3  
File Number: SF249  
Parcels 6123007024, 6124004003, 6124005001. 6123004048  
Planner: [KariParsons@elpasoco.com](mailto:KariParsons@elpasoco.com)  
El Paso County Planning Commission Hearing October 17, 2024 and  
El Paso County Board of County Commissioners Hearing November 14, 2024

2. Map Amendment (Rezoning) Settlers Ranch RR-2.5  
File Number: P2223  
Planner: [KariParsons@elpasoco.com](mailto:KariParsons@elpasoco.com)  
El Paso County Planning Commission Hearing October 17, 2024 and  
El Paso County Board of County Commissioners Hearing November 14, 2024

FROM: 1. Nolan and Susan Koch, 4650 Hodgen Road

2. Susan Koch, President, Cross Bar P Land and Cattle, Inc., 4650 Hodgen Road

3. Amy (Koch) and John Robinson, 17245 Stepler Road

Contact Information for all: [suenolankoch@yahoo.com](mailto:suenolankoch@yahoo.com)  
719-510-2908

We, Nolan and Susan Koch, own 40 acres adjoining Settlers Ranch to the west. In addition, we own the Cross Bar P Land and Cattle, Inc., 80 acres adjoining the parcels proposed for rezoning from PUD to RR-2.5. We are also commenting on behalf of Amy and John Robinson property on the east side of Stepler Road (80 acres).

We are not able to attend the hearings; therefore, we are submitting these comments for consideration.

**We collectively hereby express our opposition to the proposed rezoning of the above-stated parcels from PUD to RR2.5 and therefore oppose the proposed map amendment.**

In the past, we have been successful in maintaining that the land east of the ridge between Tri-Lakes and the Black Forest Preservation Plans be held to a 5 acres lot size. We feel that the El Paso Planning Commission and BOCC should maintain that 5 acre size if for no other reason than to be consistent with your previous rulings but also to provide a 5-acre transition buffer between this requested rezone and our adjoining 40-acre property, and the Cross Bar P Land & Cattle, Inc. and Robinson properties which are both conservation easement parcels and will never be developed (80 acres east of Stepler Road and 80 acres west of Stepler Road).

We are not going to leave or develop our land. This land has been in my family (Stepler) since the early 1900's. That is why it has been placed in a conservation easement. It will remain agricultural. This is historic family land and we request its heritage be respected.

At least give us this concession: maintain the 5 acres lot size for the east side of the ridge that was previously defined as the boundary between the old Tri-Lakes and Black Forest Preservation Plans. We understand that you no longer acknowledge those plans, but it is worth restating: That Black Forest Preservation Plan stated that development should focus on the

forested rather than the open areas and recognized the Northern Grasslands (Unit #6) as an area that should be developed only minimally in order to protect agricultural areas in Black Forest. It stated “development which does take place should be strictly limited to an overall density of one dwelling unit per five acres.” **The Plan called for compatibility between subdivisions and adjacent agricultural uses and protection of existing ranches.** There is a market for 5-acre lots, so it would not be a detriment to the developers, yet allowing 2.5 acre lots would be a detriment to raising livestock.

We want to remind the BOCC that the Cross Bar P Land & Cattle property and the Robinson property are both **conservation easements** with strict stipulations as to use, prohibited use, and reserved rights. The conservation values (scenic, open space, development buffer, wildlife, ecology, environmental) are not to be comprised. The conservation easement documents are to be honored in perpetuity. We feel there should be a 5-acre lot size buffer between this open space and any 2.5 acre subdivision thereby providing a better transition and some compatibility between subdivisions and our adjacent agricultural properties.

**Water Run-Off:** We (all parties listed above) are extremely concerned about the amount of drainage onto our properties that will be created by doubling the amount of homes. Run-off would impact the drainage system which leads to one of the headwaters of East Cherry Creek flowing north to the Cherry Creek/Platte River. Additional run-off created by paved/concrete roads and driveways will cause erosion damage to our properties and could lead to flooding downstream. This would affect the Cross Bar P hay meadow and pasture. Run-off needs to be controlled before it hits our property. **Engineering needs to be performed to evaluate this issue.**

In all cases, we are extremely concerned about the adequacy of the **water supply**. Aquifers are being depleted faster than earlier thought. And we have a concern about the environmental impacts that more individual **septic systems** will have. This not only affects our drinking supply but also our ranching needs.

We urge that the El Paso County Planning Commission and the Board of County Commissioners both hold to past rulings and **deny the 2.5 acre densities.**

Sincerely,

Susan and Nolan Koch  
4650 Hodgen Road  
Colorado Springs, CO 80908  
Representing 40 acres and mineral rights 99001-02-476

Susan Koch, President  
Cross Bar P Land & Cattle, Inc.  
4650 Hodgen Road  
Colorado Springs, CO 80908  
Representing 80 acres (conservation easement)

Amy and John Robinson  
17245 Stepler Road  
Colorado Springs, CO 80908  
Representing 80 acres (conservation easement)





Jerome W.

HANNIGAN and ASSOCIATES, INC.

Land Planning • Land Surveying • Land Development Consulting

19360 Spring Valley Road, Monument, CO 80132 • 719-481-8292 • Fax 719-481-9071

To: Kari Parsons, Project Manager  
EPCPCD

Re: Response to Comments from Susan Koch  
Dated 10-06-24

From: Jerry Hannigan, Applicant / Planner  
Hannigan and Associates, Inc. *JWH*

October 16, 2024

Dear Kari,

I submit the following comments as well as an annotated vicinity map in response to the above referenced letter:

**Comment:** In the past we have been successful in maintaining that the land east of the ridge between Tri-Lakes and the Black Forest Preservation Plans be held to 5 acre lot size.

**Response:** Not correct. The ridge in question passes southerly through Grandview Estates, Settlers View, Abert Ranch Estates and the west end of the portion of Settlers Ranch proposed for rezoning before passing through the recently rezoned parcel adjoining the Koch residence. None of those subdivisions have a 5 acre zoning or density, as developed. These Master Plans have been superceded by the current County Master Plan and the ridge in question is no longer a zone or land use boundary.

**Comment:** The Black Forest Plan stated that development should focus on the forested, rather than the open areas and recognize the Northern Grasslands as an area that should be developed only minimally in order to protect agricultural areas in Black Forest.

**Response:** The Northern Grasslands area lay east of the previously discussed ridge and is generally not forested. The area of Settlers Ranch proposed for rezoning is in that area and is not currently forested, however, the Settlers Ranch Covenants require each lot owner to plant and maintain 10 trees on each lot in addition to the required street trees along Settlers Ranch Drive. This area will no longer be grassland.

Comment: We want to remind the BoCC that the Cross Bar P Land & Cattle property and the Robinson property are both conservation easements with strict stipulations as to use, prohibited use and reserved rights.....continuing.....We feel there should be a 5 acre lot size buffer between this open space and any 2.5 acre subdivision thereby providing a better transition and some compatibility between subdivisions and our adjacent agricultural properties.

Response: Both the Cross Bar P and the Robinson parcels are zoned RR-5. Creating a conservation easement was not accompanied with a request to rezone those parcels to Agriculture zoning. The Robinson parcel adjoins 2 lots (across Steppler Rd.) in the current Settlers Ranch PUD. If rezoned to RR-2.5 the Robinson parcel will still adjoin 2 lots. These are 4.24 acres and 4.21 acres respectively. After rezoning, the Cross Bar P parcel adjoins 4.5 lots with an average area of 3.35 acres as well as a tract of 1.34 acres.

Comment: Water Run-Off

Response: Please see comments by JPS Engineering.

Comment: In all cases, we are extremely concerned about the adequacy of the water supply. And we have a concern about the environmental impacts that more individual septic systems will have. This not only affects our drinking supply but also our ranching needs.

Response: The water supply for Settlers Ranch Filing No. 3 has been adjudicated and an augmentation plan was approved by the Water Court. The water supply is sufficient for the proposed 24 lots without injury to the water rights of any adjoining property. All proposed individual sewage disposal systems will meet all requirements of the State and the County Department of Health.

In summary, this proposed rezoning from the currently approved 10 lots to 16 lots and the subdivision and plat for all 24 lots is in compliance with the current El Paso County Master Plan and is directly compatible with the adjoining subdivisions and properties.



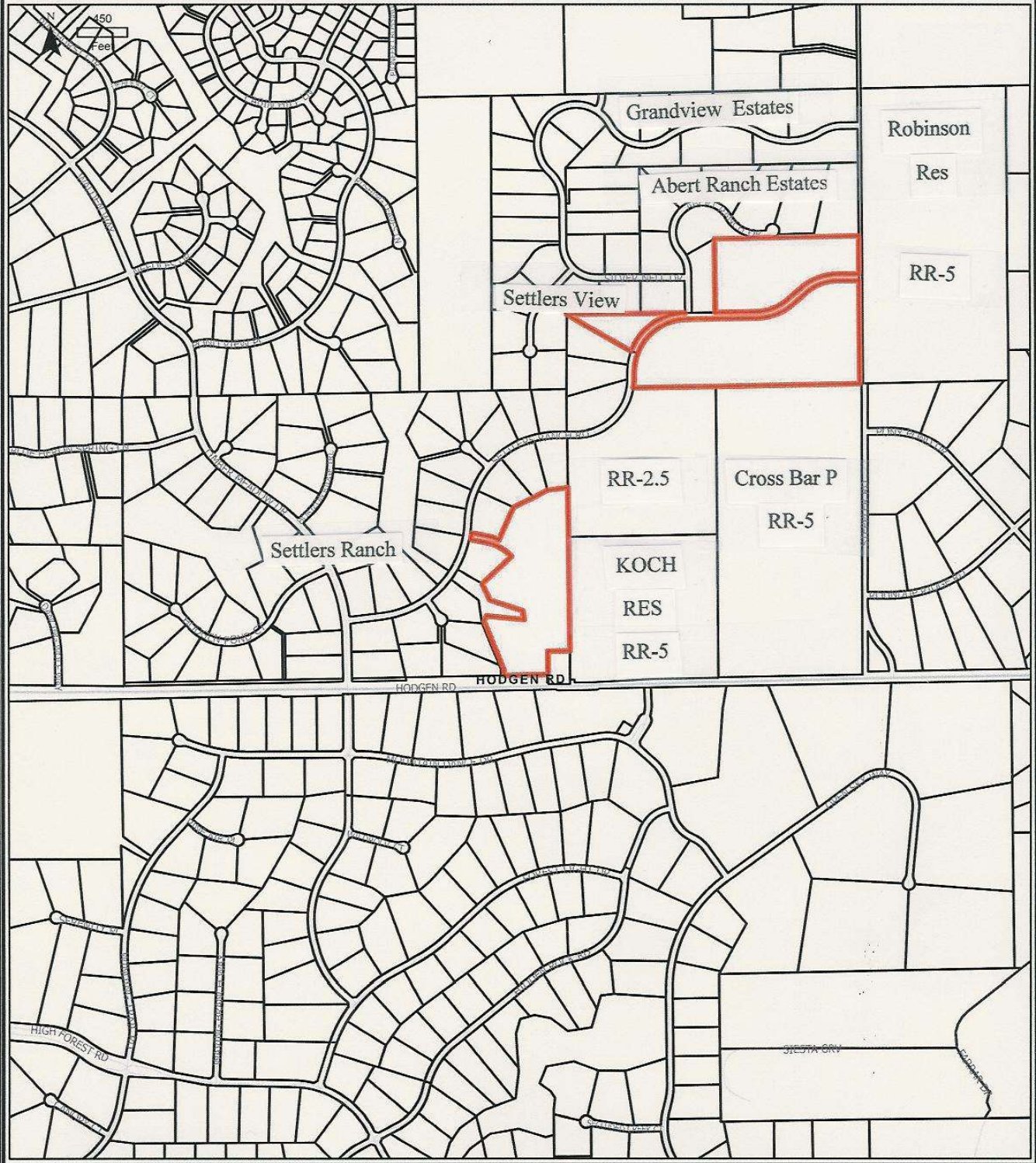
# El Paso County Assessor's Office

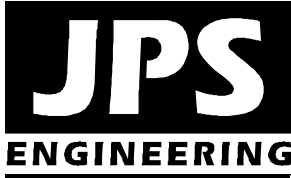
## Parcel Numbers

6123004048 | 6123007024

6124005001 | 6124004003

COPYRIGHT 2023 by the Board of County Commissioners, El Paso County, Colorado. All rights reserved. No part of this document or data contained hereon may be reproduced; used to prepare derivative products; or distributed without the specific written approval of the Board of County Commissioners, El Paso County, Colorado. This document was prepared from the best data available at the time of plotting and is for internal use only. El Paso County, Colorado, makes no claim as to the completeness or accuracy of the data contained hereon.





19 E. Willamette Avenue  
Colorado Springs, CO 80903  
(719)-477-9429  
www.jpsegr.com

October 15, 2024

El Paso County Planning & Community Development  
Attn: Kari Parsons, Senior Planner  
2880 International Circle  
Colorado Springs, CO 80910

**SUBJECT: Settlers Ranch Filing No. 3 (P2223 / SF249)  
Response to Drainage Comment from Neighboring Property Owners**

Dear Kari:

We have reviewed the letter dated October 6, 2024 from Nolan and Susan Koch, Amy (Koch) and John Robinson. In response to the paragraph regarding “Water Runoff,” we have taken the downstream property owners’ concerns into account throughout preparation of the drainage report for this subdivision. As detailed in our “Final Drainage Report for Settlers Ranch Subdivision Filing No. 3” dated August 26, 2024, the subdivision drainage plan includes a proposed Stormwater Detention Pond at the southeast corner of the site (Tract A, Filing No. 3).

The proposed full-spectrum detention pond has been designed to provide stormwater detention and water quality control, mitigating the impacts of developed drainage from the southeast area of the subdivision (upstream of these neighbors’ properties). The design of “Detention Pond #5” has fully accounted for the increased impervious areas associated with the currently proposed rural residential lots ranging in size from 2.5-acres to 5-acres, providing for appropriate control of runoff in accordance with County Drainage Criteria Manual requirements.

The paragraph in the neighbors’ letter regarding drainage concludes with the underlined statement that “Engineering needs to be performed to evaluate this issue.” Having provided drainage planning for the Settlers Ranch Subdivision since the initial filing in 2005, as well as the majority of the adjoining subdivisions (Walden Preserve, Grandview, Settlers View, and Abert Ranch), we have performed substantial engineering analysis to ensure that subdivision drainage impacts are properly mitigated in full conformance with County standards.

In summary, we acknowledge the reasonable concerns expressed by the downstream property owners, and the proposed subdivision drainage plan has incorporated an on-site detention pond to address these concerns.

The subdivision drainage report has addressed County review comments through multiple rounds of technical review, and all County Engineering comments have been adequately addressed as noted on EDARP. Please contact me if you have any questions or need any additional information.

Sincerely,

**JPS Engineering, Inc.**

*John P Schwab*

John P. Schwab, P.E.

cc: Jerry Hannigan  
Mark Davis





RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF A MAP AMENDMENT (REZONING)  
SETTLERS RANCH RR-2.5 REZONE (P2223)

WHEREAS, Hodgen Settlers Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for an amendment to the El Paso County Zoning Map to rezone for a property located within the unincorporated area of the County, more particularly described in Exhibit A, which is attached hereto and incorporated by reference from the PUD (Planned Unit Development) zoning district to the RR-2.5 (Residential Rural) zoning district; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 17, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the subject map amendment application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 14, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. That the application was properly submitted for consideration by the Board of County Commissioners.
2. That the proper posting, publication, and public notice were provided as required by law for the hearings before the Planning Commission and the Board of County Commissioners.
3. That the hearings before the Planning Commission and the Board of County Commissioners were extensive and complete, that all pertinent facts, matters and issues were submitted and reviewed, and that all interested persons were heard at those hearings.
4. That all exhibits were received into evidence.
5. That the proposed zoning is in compliance with the recommendations set forth in the Master Plan for the unincorporated area of the county.
6. That the proposed land use will be compatible with existing and permitted land uses in the area.



7. That the proposed land use does not permit the use of any area containing a commercial mineral deposit in a manner, which would interfere with the present or future extraction of such deposit by an extractor.
8. That changing conditions clearly require amendment to the Zoning Resolutions.
9. That for the above-stated and other reasons, the proposed amendment to the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, pursuant to Section 5.3.5 of the El Paso County Land Development Code, as amended, in approving this amendment to the El Paso County Zoning Map, the Board of County Commissioners considered one or more of the following criteria:

1. The application is in general conformance with the El Paso County Master Plan including applicable Small Area Plans or there has been a substantial change in the character of the neighborhood since the land was last zoned;
2. The rezoning is in compliance with all applicable statutory provisions, including but not limited to C.R.S. § 30-28-111, § 30-28-113, and § 30-28-116;
3. The proposed land use or zone district is compatible with the existing and permitted land uses and zone districts in all directions; and
4. The site is suitable for the intended use, including the ability to meet the standards as described in Chapter 5 of the Land Development Code, for the intended zone district.

NOW, THEREFORE, BE IT RESOLVED the El Paso County Board of County Commissioners hereby approves the petition of Hodgen Settlers Ranch, LLC to amend the El Paso County Zoning Map to rezone property located in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated by reference, from the PUD (Planned Unit Development) zoning district to the RR-2.5 (Residential Rural) zoning district;

BE IT FURTHER RESOLVED the following condition and notations shall be placed upon this approval:

CONDITION

1. The developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements. Applicable agencies include but are not limited to: the Colorado Parks and Wildlife, Colorado Department of Transportation, U.S. Army Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed threatened species.

NOTATIONS

1. If a zone or rezone petition has been disapproved by the Board of County Commissioners, resubmittal of the previously denied petition will not be accepted for a period of one (1) year if it pertains to the same parcel of land and is a petition for a change to the same zone that was previously denied. However, if evidence is presented showing that there has been a substantial change in physical conditions or circumstances, the Planning Commission may reconsider said petition. The time limitation of one (1) year shall be computed from the date of final determination by the Board of County Commissioners or, in the event of court litigation, from the date of the entry of final judgment of any court of record.
  
2. Rezoning requests not forwarded to the Board of County Commissioners for consideration within 180 days of Planning Commission action will be deemed withdrawn and will have to be resubmitted in their entirety.

AND BE IT FURTHER RESOLVED the record and recommendations of the El Paso County Planning Commission be adopted, except as modified herein.

DONE THIS 14<sup>th</sup> day of November 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

Legal Description

TRACTS A-1, A-2 A-3 AND TRACT C, SETTLERS RANCH SUBDIVISION FILING NO. 2C, AS RECORDED UNDER RECEPTION NO. 22014487 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, LOCATED IN A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER (S1/2 SE1/4 NE1/4) OF SECTION 23, TOGETHER WITH THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

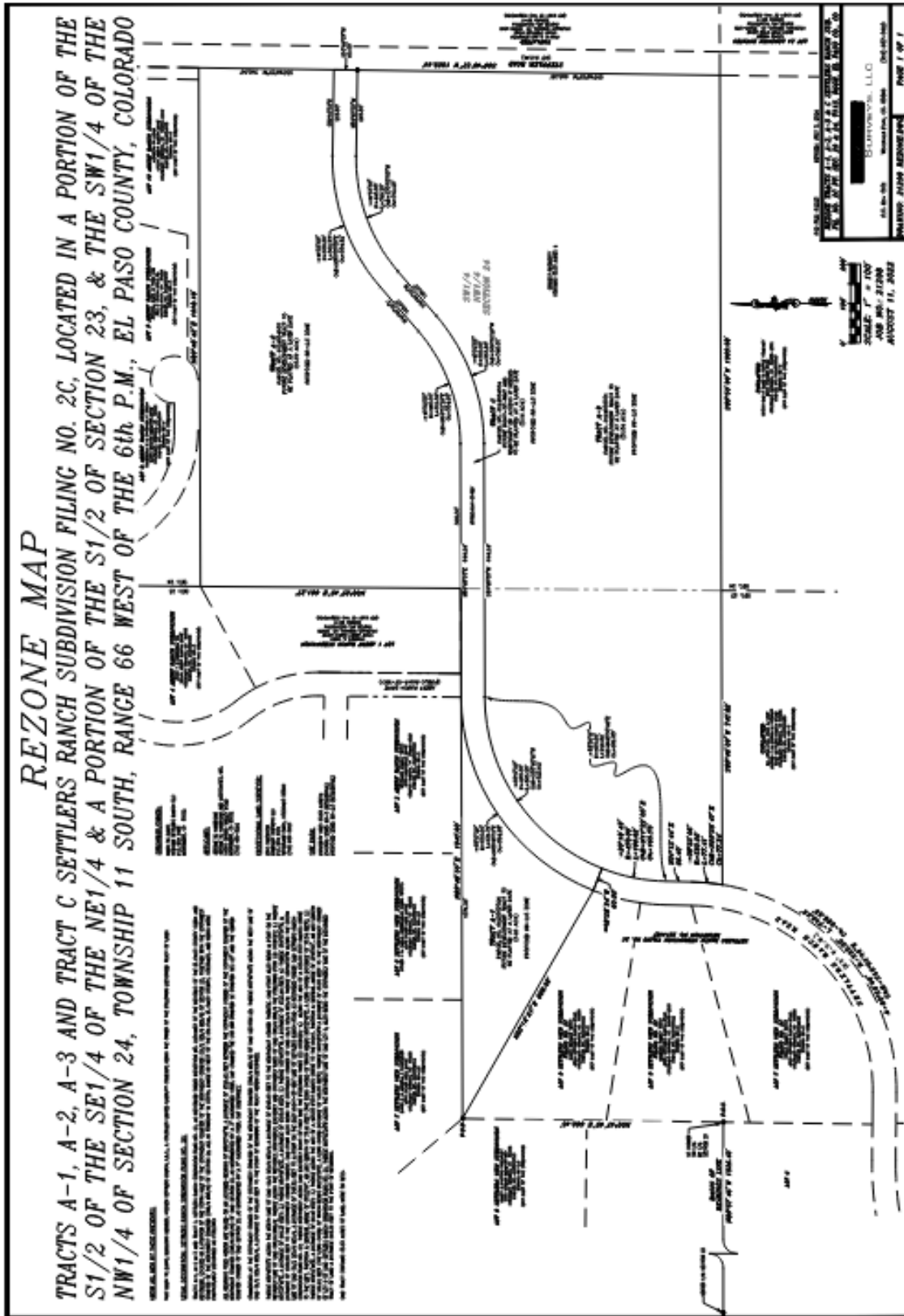
ALL BEARINGS USED HEREIN ARE BASED ON AN ASSUMED BEARING OF N89°57'46"W, A DISTANCE OF 1326.42 FEET BETWEEN THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP STAMPED "NE COR NW QUARTER SE QUARTER SEC 23" AND THE CENTER QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP (ILLEGIBLE);

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER (SW1/4 NE1/4) OF SAID SECTION 23; THENCE N00°47'45"E ALONG THE WEST LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 662.45 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE N89°48'55"E ALONG THE NORTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 1347.60 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT ALSO BEING A POINT ON THE WESTERLY LINE OF SAID SW1/4 NW1/4; THENCE ALONG THE WESTERLY, NORTHERLY, EASTERLY AND SOUTHERLY LINES OF SAID SW1/4 NW1/4 THE FOLLOWING FOUR (4) COURSES; 1.) THENCE N00°27'45"E, A DISTANCE OF 661.27 FEET; 2.) THENCE N89°48'42"E, A DISTANCE OF 1318.18 FEET; 3.) THENCE S00°49'57"W, A DISTANCE OF 1323.44 FEET; 4.) THENCE S89°50'36"W, A DISTANCE OF 1309.58 FEET TO THE SOUTHWEST CORNER THEREOF, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID S1/2 SE1/4 NE1/4; THENCE S89°46'03"W ALONG THE SOUTH LINE OF SAID S1/2 SE1/4 NE1/4, A DISTANCE OF 747.82 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SETTLERS RANCH ROAD AS RECORDED UNDER SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; 1.) ALONG THE ARC OF A 530.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°22'06", AN ARC LENGTH OF 77.41 FEET (THE LONG CHORD OF WHICH BEARS N05°23'47"E, A LONG CHORD DISTANCE OF 77.34 FEET); 2.) THENCE N01°12'44"E, A DISTANCE OF 66.40 FEET; 3.) THENCE ALONG THE ARC OF A 470.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°18'43", AN ARC LENGTH OF 166.62 FEET (THE LONG CHORD OF WHICH BEARS N11°22'05"E, A LONG CHORD DISTANCE OF 165.75 FEET); THENCE N68°28'34"W A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 9 OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C, THENCE N60°12'24"W ALONG THE NORTHERLY LINE OF SAID LOT 9, ALSO BEING THE SOUTHERLY LINE OF THE DESCRIBED TRACT OF LAND A DISTANCE 668.36 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 53.53 ACRES OF LAND, MORE OR LESS.

EXHIBIT B



RESOLUTION NO. 24-

BOARD OF COUNTY COMMISSIONERS  
COUNTY OF EL PASO, STATE OF COLORADO

APPROVAL OF A FINAL PLAT  
SETTLERS RANCH FIL. NO. 3 (SF249)

WHEREAS, Hodgen Settlers Ranch, LLC did file an application with the El Paso County Planning and Community Development Department for the approval of a Final Plat for the Settlers Ranch Fil No. 3 Subdivision for property in the unincorporated area of El Paso County as described in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, a public hearing was held by the El Paso County Planning Commission on October 17, 2024, upon which date the Planning Commission did by formal resolution recommend approval of the Final Plat application; and

WHEREAS, a public hearing was held by the El Paso County Board of County Commissioners on November 14, 2024; and

WHEREAS, based on the evidence, testimony, exhibits, consideration of the Master Plan for the unincorporated area of the County, presentation and comments of the El Paso County Planning and Community Development Department and other County representatives, comments of public officials and agencies, comments from all interested persons, comments by the general public, comments by the El Paso County Planning Commission Members, and comments by the Board of County Commissioners during the hearing, this Board finds as follows:

1. The application was properly submitted for consideration by the Planning Commission;
2. Proper posting, publication, and public notice were provided as required by law for the hearing before the Planning Commission;
3. The hearing before the Planning Commission was extensive and complete, that all pertinent facts, matters, and issues were submitted and that all interested persons and the general public were heard at that hearing;
4. All exhibits were received into evidence;
5. The proposed land use does not permit the use of an area containing a commercial mineral deposit in a manner which would interfere with the present or future extraction of such deposit by an extractor;
6. All data, surveys, analyses, studies, plans, and designs as are required by the State of Colorado and El Paso County have been submitted, reviewed, and found to meet all sound planning and engineering requirements of the El Paso County Subdivision Regulations.

7. For the above-stated and other reasons, the proposed amendment of the El Paso County Zoning Map is in the best interest of the health, safety, morals, convenience, order, prosperity, and welfare of the citizens of El Paso County.

WHEREAS, when approving a Final Plat, the Planning Commission and Board of County Commissioners shall find that the request meets the criteria for approval outlined in Section 7.2.1.D.3.f of the Land Development Code (as amended):

1. The subdivision is in conformance with the goals, objectives, and policies of the Master Plan;
2. The subdivision is in substantial conformance with the approved Preliminary Plan;
3. The subdivision is consistent with the subdivision design standards and regulations and meets all planning, engineering, and surveying requirements of the County for maps, data, surveys, analyses, studies, reports, plans, designs, documents, and other supporting materials;
4. Either a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code, or, with respect to applications for administrative Final Plat approval, such finding was previously made by the BoCC at the time of Preliminary Plan approval;
5. A public sewage disposal system has been established and, if other methods of sewage disposal are proposed, the system complies with State and local laws and regulations, [C.R.S. § 30-28-133(6)(b)] and the requirements of Chapter 8 of the Code;
6. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified and that the proposed subdivision is compatible with such conditions [C.R.S. § 30-28-133(6)(c)];
7. Adequate drainage improvements are proposed that comply with State Statute [C.R.S. § 30-28-133(3)(c)(VIII)] and the requirements of the Code and the ECM;
8. Legal and physical access is provided to all parcels by public rights-of-way or recorded easement, acceptable to the County in compliance with the Code and the ECM;
9. Necessary services, including police and fire protection, recreation, utilities, and transportation systems, are or will be made available to serve the proposed subdivision;
10. The final plans provide evidence to show that the proposed methods for fire protection comply with Chapter 6 of the Code;
11. Off-site impacts were evaluated and related off-site improvements are roughly proportional and will mitigate the impacts of the subdivision in accordance with applicable requirements of Chapter 8 of the Code;

12. Adequate public facilities or infrastructure, or cash-in-lieu, for impacts reasonably related to the proposed subdivision have been constructed or are financially guaranteed through the SIA so the impacts of the subdivision will be adequately mitigated;
13. The subdivision meets other applicable sections of Chapter 6 and 8 of the Code; and
14. The extraction of any known commercial mining deposit shall not be impeded by this subdivision [C.R.S. §§ 34-1-302(1), et seq.].

WHEREAS, a sufficient water supply has been acquired in terms of quantity, quality, and dependability for the type of subdivision proposed, as determined in accordance with the standards set forth in the water supply standards [C.R.S. § 30-28-133(6)(a)] and the requirements of Chapter 8 of the Code; and

NOW, THEREFORE, BE IT RESOLVED the Board of County Commissioners of El Paso County, Colorado, hereby approves the Final Plat application for the Settlers Ranch Fil No. 3 Subdivision;

BE IT FURTHER RESOLVED that the following conditions and notations shall be placed upon this approval:

#### CONDITIONS

1. Applicant shall comply with all requirements contained in the Water Supply Review and Recommendations, dated June 13, 2024, as provided by the County Attorney's Office.
2. All Deed of Trust holders shall ratify the plat. The applicant shall provide a current title commitment at the time of submittal of the Mylar for recording.
3. Colorado statute requires that at the time of the approval of platting, the subdivider provides the certification of the County Treasurer's Office that all ad valorem taxes applicable to such subdivided land, or years prior to that year in which approval is granted, have been paid. Therefore, this plat is approved by the Board of County Commissioners on the condition that the subdivider or developer must provide to the Planning and Community Development Department, at the time of recording the plat, a certification from the County Treasurer's Office that all prior years' taxes have been paid in full.
4. The subdivider or developer must pay, for each parcel of property, the fee for tax certification in effect at the time of recording the plat.
5. The Applicant shall submit the Mylar to Enumerations for addressing.
6. Developer shall comply with federal and state laws, regulations, ordinances, review and permit requirements, and other agency requirements, if any, of applicable agencies including, but not limited to, the Colorado Division of Wildlife, Colorado Department of Transportation, U.S. Army



Corps of Engineers and the U.S. Fish and Wildlife Service regarding the Endangered Species Act, particularly as it relates to the Preble's Meadow Jumping Mouse as a listed species.

7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning and Community Development Department, shall be filed at the time of recording the Final Plat.
9. Collateral sufficient to ensure that the public improvements as listed in the approved Financial Assurance Estimate shall be provided when the Final Plat is recorded.

#### NOTATIONS

1. The following fees are required to be paid to El Paso County at the time of plat recordation:
  - a. The subject property is in the West Cherry Creek Drainage Basin, and East Cherry Creek Drainage Basin currently there are no fees required.
  - b. Park fees in lieu of land dedication for regional park (Area 2) purposes in the amount of \$12,120.00 are due at plat recordation.
  - c. School fees in lieu of land dedication for the benefit of Lewis-Plamer School District No. 38 in the amount of \$7,392.00 are due at plat recordation.
2. Final Plats not recorded within 24 months of Board of County Commissioner approval shall be deemed expired unless an extension is approved.
3. Site grading or construction, other than installation or initial temporary control measures, may not commence until a Preconstruction Conference is held with Planning and Community Development Inspections and a Construction Permit is issued by the Planning and Community Development Department.
4. The El Paso County Road Impact Fee Program Resolution (Resolution Subdivider(s) agrees on behalf of him/herself and any developer or builder successors and assignees that Subdivider and/or said successors and assigns shall be required to pay traffic impact fees in accordance with the No. 19-471), or any amendments thereto, at or prior to the time of building permit submittals. The fee obligation, if not paid at Final Plat recording, shall be documented on all sales documents and on plat notes to ensure that a title search would find the fee obligation before sale of the property.

AND BE IT FURTHER RESOLVED that the record and recommendations of the El Paso County Planning Commission be adopted.

DONE THIS 14<sup>th</sup> day of November 2024 at Colorado Springs, Colorado.

BOARD OF COUNTY COMMISSIONERS  
OF EL PASO COUNTY, COLORADO

ATTEST:

By: \_\_\_\_\_  
Chair

By: \_\_\_\_\_  
County Clerk & Recorder

EXHIBIT A

TRACTS A-1, A-2, A-3, TRACT B, TRACT C AND A PORTION OF SETTLERS RANCH ROAD, SETTLERS RANCH SUBDIVISION FILING NO. 2C, AS RECORDED UNDER RECEPTION NO. 220714487 OF THE RECORDS OF THE EL PASO COUNTY CLERK AND RECORDER, AND A PORTION OF SETTLERS RANCH ROAD, SETTLERS RANCH SUBDIVISION FILING NO. 2B, AS RECORDED UNDER RECEPTION NO. 217714062, LOCATED IN A PORTION OF THE SOUTHEAST ONE-QUARTER, AND IN THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (SE1/4 NE1/4) OF SECTION 23, AND THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (SW1/4 NW1/4) OF SECTION 24, ALL IN TOWNSHIP 11 SOUTH, RANGE 66 WEST OF THE 6th P.M., EL PASO COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL BEARINGS USED HEREIN ARE BASED ON A BEARING OF N89°57'46"W (AS DEPICTED ON SAID PLAT OF SETTLERS RANCH SUBDIVISION FILING NO. 2C), A DISTANCE OF 1326.42 FEET (OF RECORD), BETWEEN THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER (NW1/4 SE1/4) OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP STAMPED "NE COR NW QTR SE QTR SEC 23" AND THE CENTER ONE-QUARTER CORNER OF SAID SECTION 23, AS MONUMENTED BY A 3" GALVANIZED STEEL CAP (ILLEGIBLE);

BEGINNING AT THE NORTHWEST CORNER OF SAID TRACT A-1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 9, OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE N89°48'55"E ALONG THE NORTHERLY LINE OF SAID TRACT A-1 AND THE EASTERLY EXTENSION THEREOF, A DISTANCE OF 1347.60 FEET TO A POINT ON THE LINE COMMON TO SAID SECTION 23 AND SAID SECTION 24, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF SAID TRACT A-2 AND A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE N00°27'45"E ALONG SAID COMMON LINE AND ALONG THE WESTERLY LINE OF SAID TRACT A-2, A DISTANCE OF 661.27 FEET TO THE NORTHWEST CORNER OF SAID TRACT A-2; THENCE N89°48'42"E, ALONG THE NORTHERLY LINE OF SAID TRACT A-2, A DISTANCE OF 1288.18 FEET TO THE NORTHEAST CORNER OF SAID TRACT A-2, SAID POINT ALSO BEING A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF STEPLER ROAD, AS DEPICTED ON SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C; THENCE S00°49'57"W ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID TRACT A-2, SAID TRACT C AND SAID TRACT A-3, A DISTANCE OF 1323.42 FEET TO THE SOUTHEAST CORNER OF SAID TRACT A-3; THENCE S89°50'36"W ALONG THE SOUTH LINE OF SAID TRACT A-3, A DISTANCE OF 1279.58 FEET TO THE QUARTER CORNER COMMON TO SAID SECTION 23 AND SAID SECTION 24, AS MONUMENTED BY A 3-1/4" ALUMINUM CAP STAMPED "LS 9477 1995"; THENCE S89°46'03"W CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 747.82 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE ALONG THE EASTERLY AND SOUTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD, THE FOLLOWING FOUR (4) COURSES: 1.) THENCE ALONG THE ARC OF A 530.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 80°59'46", AN ARC LENGTH OF 749.23 FEET (THE LONG CHORD OF WHICH BEARS S50°04'43"W, A LONG CHORD DISTANCE OF 688.39 FEET) TO A POINT OF TANGENCY; 2.) THENCE N89°27'04"W, A DISTANCE OF 174.24 FEET TO A POINT OF CURVATURE; 3.) THENCE ALONG THE ARC OF A 780.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 87°31'19", AN ARC LENGTH OF 1191.48 FEET (THE LONG CHORD OF WHICH BEARS S46°47'17"W, A LONG CHORD DISTANCE OF 1078.98 FEET) TO A POINT OF REVERSE CURVATURE; 4.) THENCE ALONG THE ARC OF A 911.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 04°57'11", AN ARC LENGTH OF 78.75 FEET (THE LONG CHORD OF WHICH BEARS S05°30'13"W, A LONG CHORD DISTANCE OF 78.73 FEET) TO A POINT OF REVERSE CURVATURE; THENCE ALONG THE ARC OF A 15.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 86°49'52", AN ARC LENGTH OF 22.73 FEET (THE LONG CHORD OF WHICH BEARS S35°26'11"E, A LONG CHORD DISTANCE OF 20.62 FEET) TO A POINT OF TANGENCY, SAID POINT ALSO BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT B; THENCE ALONG THE EXTERIOR BOUNDARY OF SAID TRACT B, THE FOLLOWING TWENTY-ONE (21) COURSES: 1.) THENCE

S79°14'11"E, A DISTANCE OF 137.98 FEET TO A POINT OF CURVATURE; 2.) THENCE ALONG THE ARC OF A 480.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 13°52'45", AN ARC LENGTH OF 116.27 FEET (THE LONG CHORD OF WHICH BEARS S72°17'49"E, A LONG CHORD DISTANCE OF 115.99 FEET); 3.) THENCE N24°38'34"E, A DISTANCE OF 321.65 FEET; 4.) THENCE N67°37'32"E, A DISTANCE OF 202.27 FEET; 5.) THENCE N62°47'59"E, A DISTANCE OF 140.65 FEET; 6.) THENCE N84°48'35"E, A DISTANCE OF 183.62 FEET TO THE NORTHEAST CORNER OF SAID TRACT B; 7.) THENCE S00°20'34"W, A DISTANCE OF 440.55 FEET TO THE SOUTHEAST ONE-SIXTEENTH CORNER OF SAID SECTION 23, AS MONUMENTED BY A 2" ALUMINUM CAP STAMPED LS 9477 1995; 8.) THENCE S00°19'24"W, A DISTANCE OF 1023.25 FEET TO THE NORTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 1781 AT PAGE 413 OF SAID COUNTY RECORDS; 9.) THENCE N89°59'26"W ALONG THE NORTHERLY LINE OF SAID TRACT, A DISTANCE OF 199.91 FEET; 10.) THENCE S00°20'31"W ALONG THE WESTERLY LINE OF SAID TRACT, A DISTANCE OF 210.03 FEET TO THE NORTHEAST CORNER OF PARCEL 17A, AS RECORDED UNDER RECEPTION NO. 210041511 OF SAID COUNTY RECORDS; 11.) THENCE N90°00'00"W ALONG THE NORTHERLY LINE OF SAID PARCEL 17A,, A DISTANCE OF 397.50 FEET TO THE SOUTHEAST CORNER OF SETTLERS RANCH SUBDIVISION FILING NO. 2A, AS RECORDED UNDER RECEPTION NO. 213713405 OF SAID COUNTY RECORDS; 12.) THENCE N00°03'29"W, A DISTANCE OF 50.70 FEET; 13.) THENCE N21°22'41"W, A DISTANCE OF 472.97 FEET; 14.) THENCE N29°56'44"E, A DISTANCE OF 50.82 FEET; 15.) THENCE S83°39'08"E, A DISTANCE OF 338.72 FEET; 16.) THENCE ALONG THE ARC OF A 480.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 09°35'13", AN ARC LENGTH OF 80.32 FEET (THE LONG CHORD OF WHICH BEARS N07°37'32"W, A LONG CHORD DISTANCE OF 80.22 FEET); 17.) THENCE N70°43'47"W, A DISTANCE OF 312.26 FEET; 18.) THENCE N23°52'09"W, A DISTANCE OF 159.43 FEET; 19.) THENCE N47°06'56"E, A DISTANCE OF 362.93 FEET; 20.) THENCE ALONG THE ARC OF A 420.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 36°21'07", AN ARC LENGTH OF 266.47 FEET (THE LONG CHORD OF WHICH BEARS N61°03'37"W, A LONG CHORD DISTANCE OF 262.03 FEET); 21.) THENCE N79°14'11"W, A DISTANCE OF 137.98 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT B; THENCE N79°14'11"W CONTINUING ALONG THE WESTERLY EXTENSION OF THE AFOREMENTIONED LINE, A DISTANCE OF 74.44 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD; THENCE ALONG THE WESTERLY AND NORTHERLY RIGHT-OF-WAY LINE OF SAID SETTLERS RANCH ROAD THE FOLLOWING SIX (6) COURSES: 1.) THENCE ALONG THE ARC OF A 851.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 09°45'32", AN ARC LENGTH OF 144.95 FEET (THE LONG CHORD OF WHICH BEARS N07°54'23"E, A LONG CHORD DISTANCE OF 144.77 FEET) TO A POINT OF REVERSE CURVATURE; 2.) THENCE ALONG THE ARC OF A 840.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 87°31'19", AN ARC LENGTH OF 1283.14 FEET (THE LONG CHORD OF WHICH BEARS N46°47'17"E, A LONG CHORD DISTANCE OF 1161.97 FEET) TO A POINT OF TANGENCY; 3.) THENCE S89°27'04"E, A DISTANCE OF 174.25 FEET TO A POINT OF CURVATURE; 4.) THENCE ALONG THE ARC OF A 470.00 RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 89°21'58", AN ARC LENGTH OF 733.08 FEET (THE LONG CHORD OF WHICH BEARS N45°53'43"E, A LONG CHORD DISTANCE OF 660.99 FEET) TO A POINT OF TANGENCY; 5.) THENCE N01°12'44"E, A DISTANCE OF 66.40 FEET TO A POINT OF CURVATURE; 6.) THENCE ALONG THE ARC OF A 530.00 RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 20°18'43", AN ARC LENGTH OF 187.89 FEET (THE LONG CHORD OF WHICH BEARS N11°22'05"E, A LONG CHORD DISTANCE OF 186.91 FEET) TO THE NORTHEAST CORNER OF LOT 9, OF SAID SETTLERS RANCH SUBDIVISION FILING NO. 2C, SAID POINT ALSO BEING THE MOST SOUTHERLY CORNER OF SAID TRACT A-1; THENCE N60°12'24"W ALONG THAT LINE COMMON TO SAID LOT 9 AND SAID TRACT A-1, A DISTANCE OF 668.36 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 78.71 ACRES OF LAND, MORE OR LESS.