

BOCC



RESOLUTION NO. 24-441

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.

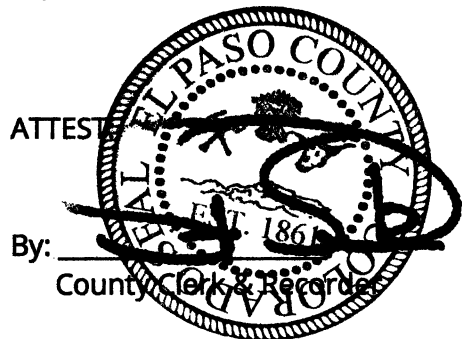
7. Driveway permits will be required for each access to an El Paso County owned and maintained roadway. Driveway permits are obtained from the appropriate El Paso County staff.
8. The Subdivision Improvements Agreement, including the Financial Assurance Estimate, as approved by the El Paso County Planning 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

By: Carin J. Ste  
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.