



PLANNING COMMISSION AGENDA

October 26, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. 10:30 AM

Work Session -- Section 7.00 Revisions

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. READING OF MINUTES

a. Minutes from 10/12/23

b. Minutes from 9/14/23

5. ACTION ITEMS

a. 23-040 Plat Amendment and Easement Vacation - BH2

6. LGD UPDATES

7. NEW BUSINESS

8. DISCUSSIONS

9. UPCOMING MEETINGS

10. ADJOURNMENT



PLANNING COMMISSION MINUTES

October 12, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. WORK SESSION 10:00 AM

- a. Section 7 of the Land Use Code

2. ROLL CALL

PRESENT

Beaver Edmundson
Dale Lyons
Sandy White

ABSENT
Myrna Falk
Lonnie Brown

3. PLEDGE OF ALLEGIANCE

4. READING OF MINUTES

5. ACTION ITEMS

- a. 23-028 Vacate - Recommendation

Motion to recommend approval of application 23-028 made by Lyons, Seconded by Edmundson.

Voting Yea: Edmundson, Lyons, White

Motion to attach condition to recommendation that combined lots not be subject to re-subdivision made by Lyons, Seconded by Edmundson.

Voting Yea: Edmundson, Lyons, White

- b. 23-035 Vacate - Recommendation

Motion to approve application 23-035 with the condition that the combined lots not be subject to re-subdivision made by Lyons, Seconded by Edmundson.

Voting Yea: Edmundson, Lyons, White

- 6. LGD UPDATES**
- 7. OLD BUSINESS**
- 8. NEW BUSINESS**
- 9. DISCUSSIONS**
- 10. ADJOURNMENT**
- 11. UPCOMING MEETINGS**



PLANNING COMMISSION WORK SESSION AND REGULAR MEETING MINUTES

September 14, 2023 at 1:30 PM

Commissioners Meeting Room - 401 Main Street, Suite 309, Walsenburg, CO 81089

Office: 719-738-3000 ex 200 | Fax: 719-738-3996

Join via Zoom: <https://us02web.zoom.us/j/82550511219> | Meeting ID: 825-5051-1219

1. Work Session -- 10:30 AM

- a. 1041 Permitting Update

2. ROLL CALL

PRESENT

Beaver Edmundson

Dale Lyons

Myrna Falk

Sandy White

ABSENT

Lonnie Brown

3. PLEDGE OF ALLEGIANCE

4. READING OF MINUTES

- a. Minutes from 07/27/2023

Motion to approve minutes made by White, Seconded by Lyons.

Voting Yea: Edmundson, Lyons, Falk, White

5. ACTION ITEMS

- a. 23-035 Vacate Schwery

Motion to send to a joint public hearing on October 10 made by White, Seconded by Falk.

Voting Yea: Edmundson, Lyons, Falk, White

- b. Recommendation on Section 18

Motion made to add a line on the first page of Section 18 referencing the Marijuana Ordinance stating that after the effective date of the licensing ordinance, all marijuana applications shall be made according to the marijuana ordinance.

Keep section 18 in place for a year after the adoption of the Marijuana Ordinance.

Motion made by White, Seconded by Falk.

Voting Yea: Edmundson, Lyons, Falk, White

6. LGD UPDATES

7. OLD BUSINESS

a. Land Use Code Update

The update to the land use code was pulled from the September 12 BOCC agenda for the purpose of resolving the issue of what to do about the use table that states that marijuana-related uses are conditional uses in certain zones. Once the licensing is passed, should we make applicants go through a conditional use process and a licensing process. Both processes call for a public hearing, and both processes include provisions to consider the appropriateness of the location for the proposed use.

Suggestion to include an L instead of a C for those uses that require a license, indicating that both a CUP and license are not required.

Statement made by commissioners that the Planning Commission is not interested in regulating marijuana.

b. Marijuana Licensing Update

A second reading of and public hearing for the Marijuana Licensing ordinance to be held on October 10.

8. NEW BUSINESS

a. Cooperative Planning Projects Update

Next meeting on Friday, 9/15.

9. DISCUSSIONS

10. UPCOMING MEETINGS

a. Schedule Joint Public Hearing for 23-035

Schedule Joint public hearing for 23-035 Vacate Schwery and reschedule joint public hearing for 23-028 Vacate Mohr for October 10.

11. ADJOURNMENT

Dos Sueños Properties, LLC

August 22nd, 2023

4517 Old Sherman Rd
Whitesboro, TX 76273

Dear Kaylee:

Good morning to you. Per our email correspondence, and the attached conceptual plat, we would like BH2 Land Surveying to represent Dos Sueños Properties, LLC in our quest for this map amendment in Huerfano County Colorado. We prefer the map amendment over the more extensive subdivision approval and would ask you to represent our interest accordingly. If the county rejects the proposed plat for a simple map amendment, please request feedback as to why and whether there is an alternative concept they will accept. Please also keep in mind that this property is NOT governed by the Panadero Property owner's association according to the communications you obtained from their president previously, nor is it governed by any other association. Also, it should be noted that this property is restricted to single family homes at least 2,000 sq. ft. in size by a previous agreement reordered in the Huerfano County. This fact should ease neighbor concerns regarding use. Please keep Kyle and me posted regarding your progress in this matter.

Thank you very much.

Sincerely,

DocuSigned by:



J. Mark Lancaster

Huerfano County Land Use Department
401 Main Street, Suite 340
Walsenburg, Colorado 81089
(719) 738-3000 ext. 108



GENERAL LAND USE APPLICATION

Application File No.: _____

1. ACTION(S) REQUESTED:

- Conditional Use Permit Application
 - Conditional Use Application / Marijuana
 - Conditional Use Application / Oil, Gas or Uranium Exploration and/or Development
 - Rezoning
 - Variance
 - Subdivision Exemption
 - Plat Amendment
 - Plat Correction
 - Road Right-of-Way or Easement Vacation
 - Lot Consolidation
 - Other Actions (specify): _____
- Sign Permit
 - Temporary Use Permit
 - H.B. 1041 Text Amendment
 - H.B. 1041 Development Permit
 - H.B. 1041 Flood Plain Exemption
 - Comprehensive Plan Text of Map Amendment
- PUD or non-PUD Subdivision Approval:
- Sketch Plan
 - Preliminary Plan
 - Final Plat / Subdivision Improvement Agreement
 - Re-hearing of Denied Application

2. APPLICATION STATUS (for County use only):

Date Application Received: _____ Application Fees Required: _____

Received By: _____ Date Application Fees Paid: _____

3. APPLICATION AND OWNER INFORMATION:

Name of Applicant: BH2 Land Surveying, LLC

Applicant's Mailing Address: PO Box 20399, Colorado City, CO 81019

Applicant's Telephone and/or FAX: 719-676-2072

Applicant's E-Mail Address: bh2@cnvalley.net

Name of Land Owner: Dos Sueños Properties, C/O Mark Lancaster

Land Owner's Mailing Address: 4517 Old Sherman Road, Whitesboro, TX 76273

Land Owner's Telephone and/or FAX: 940-390-1234

4. SUMMARY OF APPLICATION:

Land Area included within the scope of this Application: 11.4 Square Feet or Acres

Legal description of land on which action is proposed (please attach the legal description to this Application): _____

Existing Zoning District(s): UR

Proposed New District(s): UR

Number of Existing Lots: 2

Number of Proposed Lots: 8

Number of Proposed Dwelling Units: N/A

Huerfano County Land Use Department
401 Main Street, Suite 340
Walsenburg, Colorado 81089
(719) 738-3000 ext. 108



GENERAL LAND USE APPLICATION

Proposed Average Lot Size: 1 Acre up to 2.25 Acres

If a Variance Request, please state the reason for the Variance(s): _____

Is all or a portion of the subject land located in a potential flood plain area, or are there areas with slopes in excess of twenty percent (20%)? YES NO

If YES, which of these conditions exist? _____

Value of proposed new development: _____

Will the proposed project require any State or Federal permits? YES NO

If YES, please list all permits or approvals required: _____

If a H.B. 1041 permit is required, for what matters of local concern and state interest? _____

Please list any additional pertinent information: Clients wish to accomplish this project as a map-amendment and to not go through a subdivision.

5. CERTIFICATION BY THE APPLICANT:

I hereby certify that this Application is made with full knowledge of the design standards, all fees, procedures, public hearing and meeting requirements contained in the Huerfano County Land Use Regulations. Furthermore, I understand that all land use permits are non-transferrable, unless specifically approved by the Huerfano County Board of County Commissioners. The Board of County Commissioners may impose permit transfer fees as it deems appropriate. I also understand that issuance of a permit does not relieve me of the requirement to comply with all federal, state, and local laws as well as all relevant subdivision regulations, declarations, and covenants. All documents submitted may be subject to internet publishing.

Signature of Applicant: Kaylee Beverly Date: 10/19/23

Printed Name: Kaylee Beverly

6. ACTION (by the authorized permitting authority):

- Final Approval
- Conditional Approval
- Denial

Name _____ Signature _____

Title _____ Date _____

State Documentary Fee
\$20.70 03-20-2023

429575
Page 1 of 3
Erica Vigil, Clerk & Recorder
Huerfano County, CO
03-20-2023 02:03 PM Recording Fee \$23.00

WARRANTY DEED

THIS DEED, is dated the 17th day of MARCH, 2023, and is made between **TODD D HOUSEMAN and SANDRA R HOUSEMAN** (whether one, or more than one), the "Grantor" of the State of Colorado and **DOS SUENOS PROPERTIES, LLC** (whether one, or more than one), the "Grantee," whose legal address is: 4517 OLD SHERMAN ROAD, WHITESBORO, TX 76273 of the State of Texas

State Doc Fee:
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Two Hundred Seven Thousand Dollars and No Cents (\$207,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, all the real property, together with any improvements thereon, located in the County of Huerfano and State of Colorado described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

also known by street and number as: TBD PANADERO Avenue, CUCHARA, CO 81055

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, the reversions, remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the Grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances;

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the Grantee and the Grantee's heirs and assigns forever.

The Grantor, for the Grantor and the Grantor's heirs and assigns, does covenant, grant, bargain, and agree to and with the Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling and delivery of these presents, the Grantor is well seized of the premises above described; has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, and in fee simple; and has good right, full power and lawful authority to grant, bargain, sell and convey in the same manner and form as aforesaid; and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except and subject to:

SEE EXHIBIT "B" ATTACHED HERETO

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, but not any adjoining vacated street or alley, if any, in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee, against all and every person or persons lawfully claiming the whole or any part thereof.

IN WITNESS WHEREOF, the Grantor has executed this deed on the date set forth above.

[Signature]
TODD D HOUSEMAN

[Signature]
SANDRA R HOUSEMAN

State of Kansas
County of Ford

The foregoing instrument was acknowledged before me this 17th day of March, 2023 by TODD D HOUSEMAN and SANDRA R HOUSEMAN.

Witness my hand and official seal.

[Signature]
Notary Public Ashley Ledford
My Commission Expires: 8/23/2023

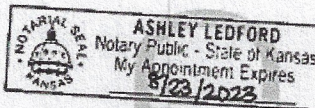


EXHIBIT "A" LEGAL DESCRIPTION

Parcel A: Tract M 1, Panadero Filing No.3, more particularly described as follows: Township 31 South, Range 69 West of the 6th P.M.;

A parcel of land located in Sections 16 and 17; Beginning at the Southerly most Corner of Tract M; the True Point of Beginning; Thence on the arc of a curve to the right, through a central angle of 09-41-15, whose radius is 180.00 feet, a distance of 30.43 feet; Thence N 78-19-45 E a distance of 219.65 feet; Thence on the arc of a curve to the right, through a central angle of 09-37-15, whose radius is 120.00 feet, a distance of 12.05 feet; Thence N 83-07-15 E a distance of 665.59 feet; Thence on the arc of a curve to the left, through a central angle of 21-30-30, whose radius is 120.00 feet, a distance of 45.05 feet; Thence N 61-36-45 E a distance of 430.45 feet; Thence on the arc of a curve to the left, through a central angle of 101-14-00, whose radius is 20 feet, a distance of 35.34 feet; Thence N 39-37-14 W, a distance of 77.59 feet; Thence S 61-36-45 W, a distance of 438.75 feet; Thence S 83-43-33 W, a distance of 527.20 feet; Thence N 02-37-17 E, a distance of 376.52 feet; Thence S 43-47-58 W a distance of 149.98 feet; Thence S 06-52-45 E, a distance of 157.58 feet; Thence S 83-07-15 W a distance of 97.16 feet; Thence on the arc of a curve to the left, through a central angle of 09-37-15, whose radius is 120.00 feet, a distance of 20.15 feet; Thence S 73-30-00 W a distance of 270.83 feet; Thence on the arc of a curve to the left, through a central angle of 12-52-59, whose radius is 120.76 feet, a distance of 26.22 feet; to the true point of beginning. County of Huerfano, State of Colorado

Parcel B: Parcel 6A

A parcel of land located in a portion of Tract 6, Panadero Development Filing No.3, County of Huerfano, State of Colorado, being more particularly described as follows: Beginning at the Southeast corner of Tract 6, Thence S 61-36-45 W along the South line of said Tract 6, a distance of 438.75 feet; Thence S 83-43-33 W along South line of said Tract 6, for a distance of 527.20 feet; Thence N 2-37-17 E along the East line of said Tract 6, for a distance of 376.52 feet; Thence N 43-47-58 E along the Northerly line of said Tract 6, for a distance of 384.57 feet; Thence S 35-30-00 E, for a distance of 563.25 feet; Thence N 60-00-00 E, for a distance of 280.00 feet to the Westerly right of way line of Panadero Loop; Thence S 39-37-15 E along the Westerly right of way line of Panadero Loop, for a distance of 89.49 feet to the Point of Beginning. Being 6.50 Acres more or less.

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**EXHIBIT "B"
EXCEPTIONS TO TITLE**

1. Taxes for the year 2022, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. Underground Line Map for San Isabel Electric Association, recorded at Map No. 264, February 13, 1985 at Reception No. 298846
7. Declaration of Covenants for Panadero Subdivision Filing No. 1, recorded October 3, 1973 at Book 333, Page 842, and recorded November 2, 1981 at Book 367, Page 1111, and Amended and Restated January 28, 2008 at Reception No. 379076, and Amendment recorded April 22, 2010 at Reception No. 368092, Amendment recorded January 5, 2015 at Reception No. 402111
8. Declaration for Sun Mountain Condominiums, recorded August 6, 1982 at Book 364, Page 380
9. Service Plan for Cuchara Valley Recreational Metropolitan District, recorded September 10, 2010 at Reception No. 389209
10. By-laws for Panadero Property Owners Association recorded October 9, 2013 at Reception No. 398757
11. Easements as recorded on Quit Claim Deed recorded February 14, 1985 at Book 373, Page 316 and at Book 373, Page 318
12. Right of Way for Ditches and Canals, recorded November 7, 1986 at Book 379, Page 465
13. Master Land Plan for Panadero Subdivision, recorded December 17, 1997 at Reception No. 331940
14. Settlement Agreement between Patricia Concannon and Panadero Property Owners Association, recorded October 5, 1998 at Reception No. 336085
15. Line Extension Contract between San Isabel Electric and Rio Costilla Development recorded February 16, 1999 at Reception No. 337888
16. Limited Use Agreement between Dick E. Davis and JNC Properties, recorded June 9, 1998 at Reception No. 334227
17. Amendment to Settlement Agreement recorded June 6, 2005 at Reception No. 368026

Huerfano County Land Use Department

401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 506



Item 5a.

Huerfano County Planning Commission Staff Report – Permit #23-040 Plat Amendment and Easement Vacation BH2 Meeting Type –Advisory, Tracts M1 and 6A Panadero Filing No. 3

Meeting Date: October 26, 2023

Request

With this Application BH2 (the Applicant), on behalf of Dos Suenos Properties, LLC requests the following:

Plat Amendment pursuant to LUR Section §2.14 to create a total of eight parcels out of tracts M1 and Parcel 6A in Panadero Filing #3. The site is located on the north side of Panadero Ave and west of Panadero Loop. Tract M1 contains approximately 4.94 acres and Parcel A contains 6.5 acres. Applicant intends to develop or sell parcels. (Parcel Numbers 1218703 and 347050).

Vacation of utility easement along property line between M1 and 6A.

The subject property is zoned Urbanizing Residential. Minimum lot size in this zone is 1/2 acre. Zoning standards for this district are set forth in LUR Section §1.03.

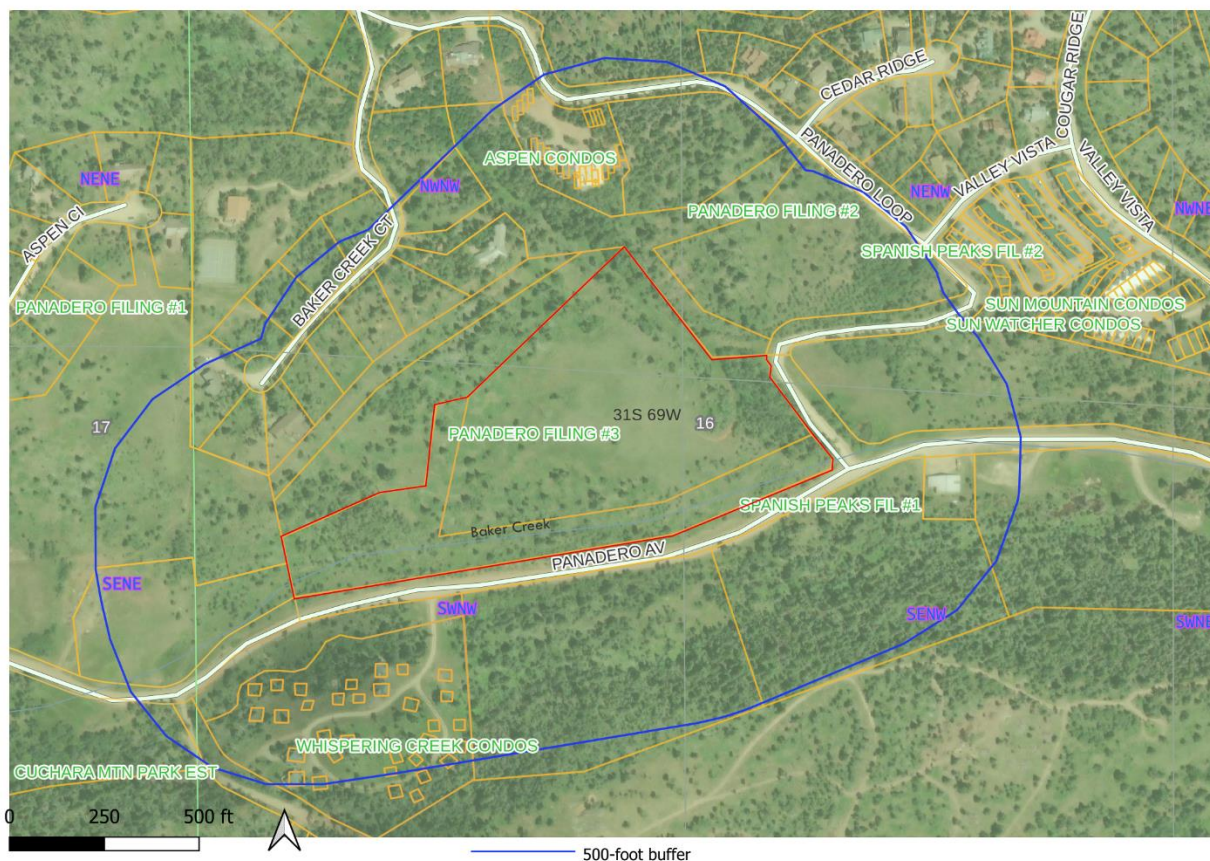
The subject property contains numerous exceptions to title in exhibit B of the deed. Outline of significance of select items:

- Map 264 [states a reception # of 298846, which is not indexed]. Depicts underground cables along Panadero Avenue adjacent to M1.
- 389209 Service Plan for the Cuchara Valley Recreational Metropolitan District. The preliminary engineer survey map in Exhibit C shows sewer and water lines along Panadero Ave and on the northeast boundary of Tract A.
- 373-318 declares an easement in Filing no 3, the plat of which was filed with the clerk and recorder on March 16, 1983 under Reception # 289993 [no such reception number in records].
 - a) all streets and easements for public utilities as shown on said plat;
 - b) strips of land in Tract A extending ten feet on either side of water distribution and sewage-collection pipelines in said tracts, as such pipelines exist on the date of this deed;
- Easement quitclaimed to Cucharas Sanitation and Water District
- 379-485 references a land patent pertaining to part of Cuchara Mountain Park Estates, and does not affect these properties.
- 336085 (also filed under 362860) Settlement Agreement
 - 2. Tract M and Tract 6 shall be restricted to single family lots as configured in exhibit A, which are not less than 1/3 acre in size and all houses constructed thereon shall contain at least 2000 square feet with a rear yard setback of at least 60 ft.

- 3. No subsequent changes will be made to the configuration of Exhibit A as it pertains to Tract M and Tract 6 without the written approval of Concannon.
- 368026 Amendment to Settlement Agreement (not same settlement agreement as 336085) Pertains to reconveyance of water storage tank and water line easement which was moved in order not to interfere with buried electrical lines. Exhibits A and B were not recorded with the agreement.
- 337888 – agreement with SIEA pertains to Tract 8
- 334227 Grants limited use to mining claims south of Panadero. Does not directly impact these properties.

Vicinity Map

Plat Amendment and Vacation of Easement
Vicinity Map



Process for Plat Amendment

(2.14.01): PC meeting: recommendation → BOCC public meeting → Record amended plat with County Clerk and Recorder within 5 days at applicant's expense.

Noticing: BOCC may require notification of review agencies or other interested parties.

Process for vacation of easements

PC review → Notify school districts, utility companies and municipalities and other referral agencies identified by Planning Commission (21 day review) → Joint PC/BOCC public hearing → PC recommendation → BOCC decision

Code References

The following Code Sections are pertinent to the evaluation of this request:

§ 2.14 – Plat Amendment

The re-subdivision of land or substantial changes to a recorded plat shall be considered a subdivision or the subdivision of land and shall be subject to the subdivision and other applicable provisions of these regulations. Minor changes to an approved and recorded plat shall not be considered a subdivision of land within the intent and definitions of these regulations, so long as the minor changes are not undertaken for the purposes of circumventing these subdivision regulations and so long as the minor changes do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, dedicated land or encompass more than twenty-five (25) percent of the land included within an overall site within an approved and recorded subdivision. Specifically included within the scope of minor changes are the following actions: the adjustment and revision of lot lines, the re-platting of lots, the reconfiguration of dedicated streets and easements and reserved sites, along with similar minor changes to an approved and recorded plat, so long as the minor changes create no nonconforming lots, nor significantly alter street and road locations, drainage easements or violate the subdivision design standards contained herein.

§2.03 Waivers

Following a recommendation from the Planning Commission, the Board of County Commissioners may authorize waivers or modifications of the provisions contained within these subdivision regulations in cases where an applicant clearly demonstrates in writing that on the basis of the conditions peculiar to a site, an unnecessary and undue hardship would be placed upon that applicant by the literal enforcement of one or more provisions of these subdivision regulations. Such waivers or modifications shall not be granted if, in the opinion of the board of County Commissioners, they would prove detrimental to the public health, safety or welfare, or impair or be contrary to the purpose, intent or specific provisions of these regulations. Such waivers and modifications may specifically be granted to facilitate the design characteristics of a Planned Unit Development (PUD). The conditions of any waiver or modification authorized by the Board of County Commissioners shall be stated in writing in the minutes of the Board along with the justification for the granting or the denial of such waiver or modification.

CRS 30-28-136 requires review by the following agencies for subdivision applications:

- Colorado Geological Survey required for all proposed subdivisions creating lots under 35-acres
- Conservation District Board (if all or part of subdivision is in conservation district) – re: soil suitability, floodwater problems, watershed protection.
- Counties or municipalities within a 2-mile radius
- State Engineer
- School districts
- State Forest Service (when applicable)

§2.15 Vacation of Easements

Application Materials Required for a Plat Amendment and vacation: Proof of ownership; approved and recorded final plat along with proposed amendments; narrative statement explaining why proposed changes should be approved by the Planning Commission and BOCC, and a list of land owners and their addresses within 500 ft. of the property.

Application Materials:

Applicant letter states that existing facilities include Cuchara Sanitation and Water District and San Isabel Electric. It is not clear what is meant by this.

For vacation, description of area of land to be vacated is required, but not mentioned.

Background

This application, along with all required attachments were received on October 20, 2023. Staff has determined the application to be complete.

Property History:

The Settlement Agreement mentioned in the exceptions to title attached to the deed states that no subsequent changes will be made in the configuration of Exhibit A as it pertains to Tract M and Tract 6, without the written approval of [Patricia J.] Concannon. Exhibit A, shown below, depicts a configuration of parcels different from that proposed in this application.

In the Cuchara Mountain Resort Panadero Subdivision Land Use Plan from 1997 Tract 6 adjacent this tract was platted for 12 home sites with another 17 platted on Tract M1 that runs along Panadero Ave (See Map 405)

These two properties do not appear to be part of the Panadero POA, which describes its membership in Exhibit A of the declaration of covenants (Book 365 Page 152) as Lots 75 through 114 inclusive of Panadero Development Filing No. 2.

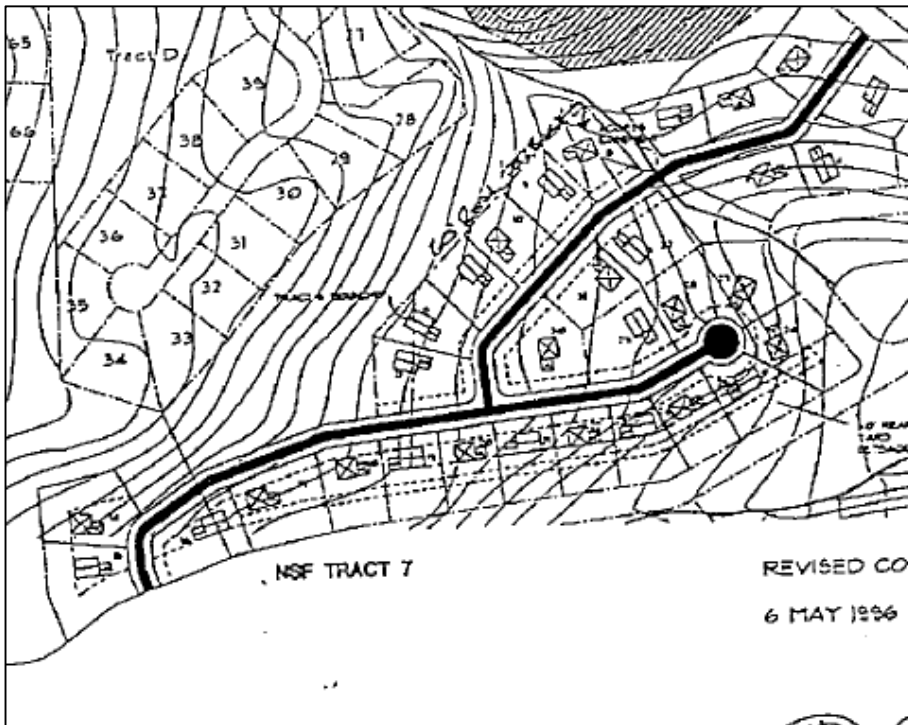


Figure 1 Exhibit A of the Settlement Agreement

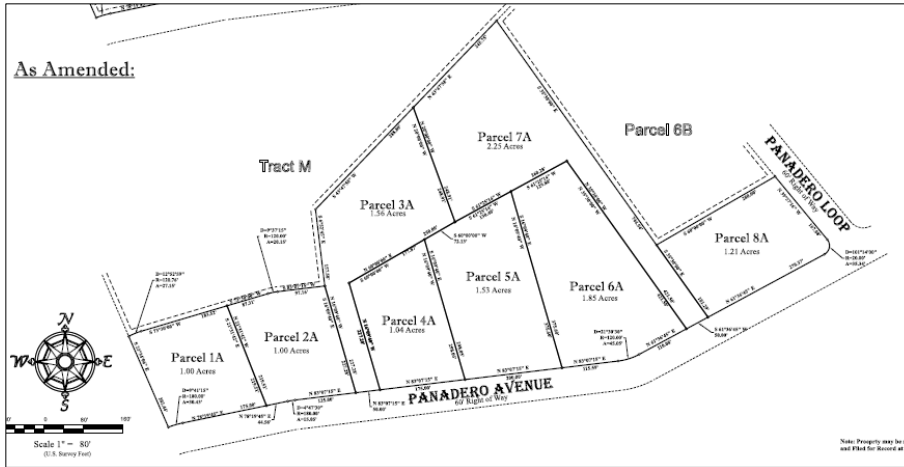


Figure 2 Proposed new configuration of lots.

The proposed easement vacation contains plans for a road and water and sewer lines depicted in Map 405.

Eligibility for a Plat Amendment: (2.14) Minor changes that do not include modifications which significantly alter the intended land uses, density, number of lots, circulation system, drainage easements, dedicated land or encompass more than 25% of land included within a recorded subdivision. Scope can include adjustment of lot lines, replatting of lots, reconfiguration of dedicated streets and easements and reserved sites.

2.14.03 Criteria for Action on a Plat Amendment Application

All actions by the Planning Commission in reviewing and making recommendations on an application to amend an approved and recorded plat and by the Board of County Commissioners in approving or disapproving such applications shall be based in general upon the provisions of these regulations and specifically on the following criteria:

- 1 That the proposed amendment meets the qualifications stated herein for a minor change to the approved and recorded plat.
- 2 That the proposed amendment would be consistent with all other provisions of these regulations and would not cause significant hardship or inconvenience for adjacent or neighboring land owners or tenants.
- 3 That the proposed amendment would be beneficial to the public health, safety or welfare of County residents.

2.15.03 Criteria for Action on a Vacating Application

All actions by the Planning Commission in reviewing and making recommendations on an application to vacate an approved and recorded plat or easement and by the Board of County Commissioners in approving or disapproving such applications, shall be based in general upon the provisions of these regulations and specifically upon the following criteria:

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.

5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

Analysis

The Planning Commission shall decide whether the proposed changes qualify for a Plat Amendment or if the Applicant should be required to apply for a Subdivision (see eligibility above).

One of the provisions of the settlement agreement was that “no subsequent changes will be made in the configuration of Exhibit A as it pertains to Tract M and Tract 6, without the written approval of [Patricia J.] Concannon. Exhibit A, shown below, depicts a configuration of parcels different from that proposed in this application.” The configuration of Exhibit A depicts a road bisecting Tracts M1 and 6A and the creation of 25 parcels (the Panadero master land use plan – Map 405 -- depicts 29 parcels on these two tracts), compared with the current proposal of eight parcels with no additional right of way. Concannon was the previous owner of these tracts – would her approval to create new lots not according to the configuration referenced be required per the settlement agreement?

Because the easement on the plat amendment application is depicted as simply a utility easement, but as an access easement on other maps, it may be worth asking BH2 to verify the nature of the easement to be vacated.

Referral Comments

LIST ANY ISSUES FROM REFERRALS HERE.

Staff Comment

Note: If the Planning Commission chooses to consider this a plat amendment, plat amendments do not require a public hearing. Planning Commission should make a recommendation to BOCC for an upcoming BOCC public meeting.

The vacation of easements, however, does require a joint public hearing.

BOCC may require notification of review agencies or other interested parties.

Commission Action: Recommend one of the following to the BOCC:

1. **Approval** without any special conditions.
2. **Conditional** Approval with a description of the special conditions.
3. **Denial**, indicating for the record the reason(s) for such action with reference to the criteria set forth in the Land Use Code.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials



BH² LAND SURVEYING, LLC

P.O. Box 20399
Colorado City, CO 81019
Phone: 719-676-2072
Email: bh2@ghvalley.net

LETTER OF REQUEST

Map Amendment and Easement Vacation

Tract 6A and Tract M1, Panadero Development Filing No. 3

October 20, 2023

Owner/Owners: Dos Suenos Properties, LLC

Owners Representative: BH2 Land Surveying, LLC.,
P.O. Box 20399, Colorado City, CO,
719-676-2072
Bh2@ghvalley.net

Current Zoning: Urban Residential

Proposed Zoning: No Change.

Request and reason for the Plat Amendment: The owners want to split to total acreage of 11.4 of both Tract 6A and Tract M1 in eight (8) separate parcels. Which they plan to sell or develop, keeping in mind that these parcels are subject to single family homes only and over 2000 sqft per Reception No. 326860

Legal Description: Tract 6A and Tract M1, Panadero Development Filing No. 3, County of Huerfano, State of Colorado
Parcel No. 347050 and 1218703

Existing Facilities: Cuchara Sanitation and Water District, and San Isabel Electric

Existing Structures: None.

Sincerely,

Kaylee Byerly
BH2 Land Surveying, LLC