



Huerfano County Planning Commission
Staff Report – Permit #23-05
Rezoning and Plat Amendment
Huerfano County Economic Development
Meeting Type – Assignment

Meeting Date: 4/27/23

Request

With this Application Huerfano County Economic Development (the Applicant) requests the following:

1. **Rezoning** pursuant to LUR Section §1.18 Re-Zonings to rezone a parcel of land from agricultural to industrial for the purpose of purchasing a portion of the parcel to use for a truck driving school. The site is addressed at CO RD 301 # 00520 (Parcel Number 10635). The rezoning will also include an adjacent, non-conforming 5-acre parcel owned by San Isabel Electric Association, the deed for which is recorded under Reception Number 333002.
Rezoning will permit the Plat Amendment to create a 13.56 and 21.89 acre parcel and will make an existing 5-acre non-conforming parcel conforming.
1. **Plat Amendment** pursuant to LUR Section 2.14 to divide the 35-acre parcel into one 21.89-acre parcel to be gifted to Huerfano County Economic Development while San Isabel Electric Association wishes to retain the remaining 13.56 acres. A 40'-wide strip will connect the 13.56-acre parcel to County Road 301.

The subject properties are zoned Agricultural. This proposal is to apply for both a rezoning and a plat amendment simultaneously because to amend the plat as proposed, it must be rezoned, as the minimum lot size in Agricultural is 35 acres. The proposed use of the parcel to be given to Huerfano County Economic Development is a truck driving school, and while schools are not permitted in Industrial, the nature of a truck driving school will involve a small classroom and a course for driving. In terms of impact, it will be most similar to uses permitted by right in industrial, particularly 1.05.52 Railroad facilities including repair sheds and switch yards and trucking terminals, excluding trucks, or 1.05.54 Batch plants and hot mix plants and all appurtenant and accessible uses thereto, 1.05.48 motor vehicle parking lots, and 1.05.44 Wholesale sales and/or distribution without open storage of goods.

San Isabel currently has no development plans for the 13.56-acre portion of the parcel they are retaining.

Rezoning Process: PC receives application, determines completeness, decides whether to add or waive requirements and verifies public noticing compliance → PC meeting: make recommendation → BOCC public hearing.

Section 1.18.02 of the Code does not specify that a joint public hearing is necessary and implies that public hearing can be held by either the Planning Commission or the Board of County Commissioners.

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

Noticing Requirements: Publish in a paper and post notice 30-days prior to public hearing on at least one sign posted on the property.

Registered mail, return receipt requested, to adjacent property owners 15-days prior to public hearing.

Key Questions to Consider:

2. Referral Agencies for Rezoning
3. Public Hearing process and scheduling
4. That this constitutes a Plat Amendment in accordance with 2.14
5. That the proposed use is permitted in the Industrial zoning district

Code References

The following Code Sections are applicable to this application and may be referenced by the Planning Commission in their evaluation of the request:

§ 1.05 Use Table: Similar or relevant uses allowed by right in Industrial

Truck Driving Schools are not a use that is specifically articulated in the Use Table in Section 1.05. To determine whether it would be a use by right, a conditional use or a prohibited use, similar uses are listed below.

Uses Allowed by Right

- 1.05.52 -- Railroad facilities including repair sheds and switch yards and trucking terminals, excluding trucks; 1.05.54 -- Batch plants and hot mix plants and all appurtenant and accessible uses thereto;
- 1.05.48 -- Motor vehicle parking lots, and
- 1.05.44 -- Wholesale sales and/or distribution without open storage of goods

Conditional Uses

- 1.05.46 -- Gasoline service stations

Prohibited Uses

- 1.05.15 -- Private schools, educational institutes and training centers

Use Table: Staff Analysis

The proposed truck driving school would involve trucks driving on a dirt track and students attending classes in a single-classroom building. The coming and going of trucks and the maneuvering of trucks on the property along with the presence of students and instructors on site might have a similar impact on the property and surrounding users similar to the by-right uses listed in the Use Table below. While the purpose of trucks being driven on this site will differ from that of trucks at a distribution site, a batch plant or a trucking terminal, the impact would be similar in nature, and therefore considered a use by right. While educational institutes and training centers are a prohibited use in the Industrial zone, this particular type of school requires and involves the driving and maneuvering of large trucks, which is not an impact typically associated with schools, and which could be a use incompatible with other types of schools; prohibiting this use in the Industrial zone is likely due to the assumption that the

nuisances created by industrial uses are not compatible with schools or educational institutes. Given the nature of this type of school, it should be considered most similar to those uses by right listed above.

§1.18.02 Rezoning Noticing Requirements: At least thirty (30) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners to consider a rezoning application, a notice of public hearing shall be published in a legal publication in Huerfano County.

In addition, the applicant shall also post notice on the property for which the rezoning is requested at least thirty (30) days prior to a public hearing scheduled before the Planning Commission or the Board of County Commissioners. Such notice shall follow a form prescribed by the County and shall consist of at least one sign facing each adjacent public right-of-way. Such signs shall measure at least three (3) feet by four (4) feet, the size of all letters shall be at least two (2) inches high and the signs shall be erected on posts no less than four (4) feet nor more than six (6) feet above ground level.

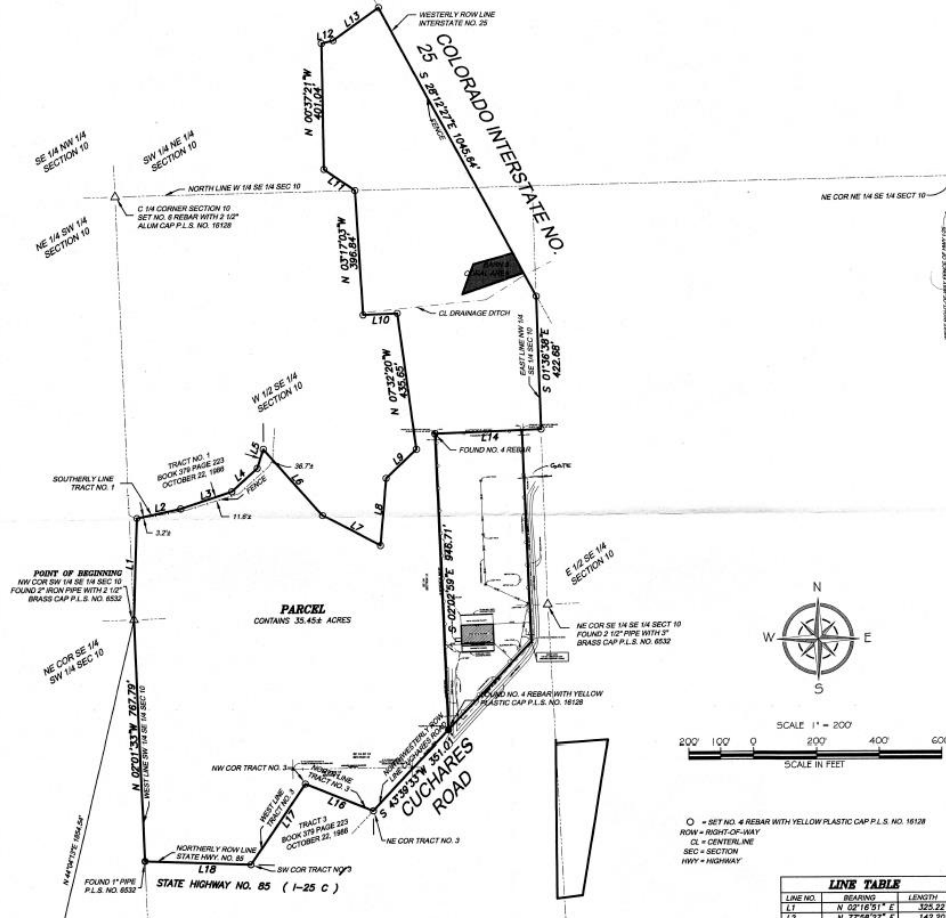
The applicant shall also mail a written notice of said hearing(s) by registered mail, return receipt requested, at least fifteen (15) days prior to a Planning Commission or Board of County Commissioners hearing date to owners of record of all property adjacent to the property proposed for rezoning. The notice shall include a vicinity map, a short narrative describing the current zoning, the proposed rezoning and the nature of the proposed land use change along with announcement of the date, time and location of the scheduled hearing.

§1.18.05 Criteria for Action on a Rezoning Application (See excerpt below)

§ 2.14 – Plat Amendment

Eligibility for a Plat Amendment: 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.

Site Map: Existing Conditions



Background and Context

On January 25, 2023, an Application for a Plat Amendment and Rezoning from Agricultural to Industrial. There are two parcels subject to the rezoning application and one that will be affected by the plat amendment.

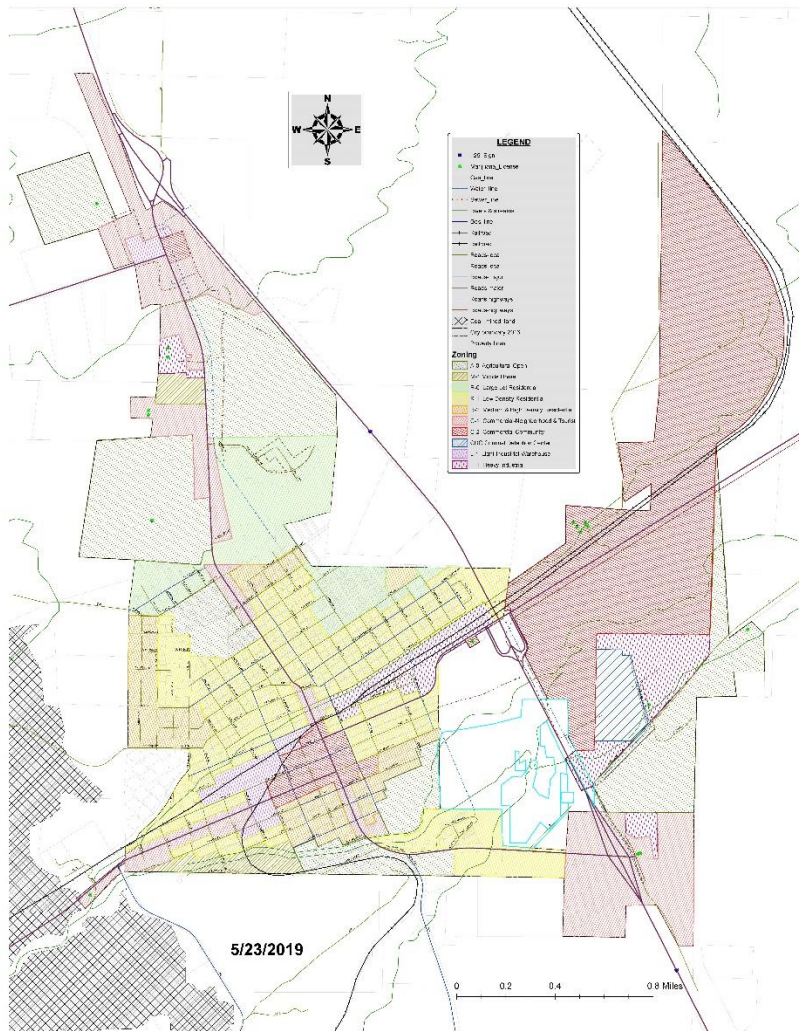
The Rezoning will accomplish two things; it will allow for a proposed new use of a truck driving school on a portion of the property to be gifted to Huerfano County Economic Development, and it will make a roughly 5-acre parcel which has been used by San Isabel Electric Association as a warehouse and storage facility into a conforming lot. The lot was acquired in 1998 and the existing use would be 1.05.21 – Essential public and government utility uses, facilities, services and building -- which is a conditional use in the

Agricultural District, and a use by right in the Industrial District.

San Isabel will continue this use and wishes to give the western portion of the parcel to Huerfano County Economic Development. The parcel is in an area surrounded by City of Walsenburg. City land nearest the property to the south and west, there is an area zoned R-1, to the east, an area zoned C-1, and abutting the property near I-25 in the north, there is an area zoned H-1 heavy industrial (See Walsenburg Zoning Map below).

Across Bear Creek is a steep bank which will buffer most residents of Walsenburg from noise on this property. On top of the bank there are several homes that may be impacted by noise.

Walsenburg Zoning Map



Rezoning Analysis

It is the position of County staff that rezoning this parcel to industrial would allow for uses appropriate for this area. Its proximity to the city, the highway, and relative separation from any neighborhood uses make it an ideal area to develop industrial uses; the only immediate plan for the county is to use the parcel to host a truck driving school.

Application materials required for Rezoning

1. Letter of intent (addresses water, wastewater requirements)
2. Plat map
3. Deed and legal description
4. Vicinity map – 2-mile area
5. Topographic map of a portion of property

Application materials required for a plat amendment:

1. Letter of intent
2. Proof of Ownership
3. Approved and Recorded Plat along with proposed amended plat drawn to same scale.

Referral Agencies

Potential Referral Agencies listed in Section 8 of the Land Use Code:

1. School district(s) in which the land encompassed by the proposed subdivision is located
2. Each county, other than Huerfano County, and municipality within a three (3) mile radius of any portion of the proposed land-use.
3. All applicable local and state improvement and special districts, ditch companies and utilities
4. Colorado State Forest Service, when applicable
5. Huerfano-Las Animas Area Council of Governments.
6. Upper Huerfano Soil Conservation District.
7. Colorado Department of Public Health and the Environment and/or such county, district or regional health departments as may exist.
8. State Engineer/Colorado Division of Water Resources
9. Other referral agencies and potentially affected parties that the Planning Commission determines to be appropriate.
10. Water Conservation Agency.

11. Fire Protection District.
12. Huerfano County Economic Development
13. Parks and Wildlife
14. Tourism Board

Criteria/Findings for a Rezoning 1.18.05

1. That the existing zoning district is consistent with the goals, objectives and policies of Huerfano County, as contained in the County Comprehensive Plan.
 2. That the land proposed for rezoning or adjacent land has changed or is changing to a degree such that it is in the public interest to encourage different densities or uses within the land in question.
 3. That the proposed rezoning is needed to provide land for a demonstrated community need or service.
- In any petition for rezoning, the petitioner shall carry the burden of demonstrating that the land in question should be rezoned and that the advantages resulting from rezoning would outweigh any disadvantages that would result. Nothing contained herein shall, however, be construed as limiting in any way the authority of the Board of County Commissioners to rezone any land within unincorporated Huerfano County or otherwise amend this zoning regulation for any reason consistent with the health, welfare or safety of the residents of Huerfano County.

Criteria for Action on a Plat Amendment Application 2.14.03

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.

Staff Recommendation:

Rezoning: Establish process and schedule a Public Hearing in accordance with noticing requirements and identify relevant referral agencies to be contacted.

Plat Amendment: A Plat Amendment does not require a public hearing. Planning Commission should review the criteria for action and make a recommendation for BOCC action.

Commission Action Options:

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.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures

- Application Materials
 - Application Details

- Proof of ownership
- Plat map
- 2-mile vicinity map