

Huerfano County Land Use Department

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Huerfano County Planning Commission Staff Report – Vacation 22-59 Joint Public Hearing

Hearing Date 02/28/2023

Request

With this Application, BH2, on behalf of James and Terri Wetsel, requests the following:

To vacate the property line that separates lot 10 and 12A pursuant to LUR Section §2.14 to take and remove the property line which separates lot 10 which is .65 acres and lot 12A which is 1.17 acres making the two lots into one lot becoming 1.82 acres. The site is located at 581 Ponderosa Rd. Parcel Number 42376

The subject property is zoned Urban Residential. Minimum lot size in this zone is .5 acres. Zoning standards for this district are set forth in LUR Section §1.03.02; the proposed lot will contain 1.82 acres.

Process for Vacation

(2.15.01): PC meeting → Referral Agencies → Joint Public Hearing → PC Recommendation → BOCC action County Clerk and Recorder within 5 days at applicant's expense.

Noticing: BOCC may require notification of review agencies or other interested parties. A Vacate requires noticing of property owners within 500 ft. at least 10-days prior to public hearing.

Code References

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

§ 2.15 – Vacating of Approved and Recorded Plats, Roads or Easements

Application Materials Required for a 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.

Application Materials: Land Use application, proof of ownership, and survey of current plat and amended plat along with a statement explaining why proposed changes should be approved by the Planning Commission and BOCC.

Background

This application, along with all required attachments were received on 12-22-22. Application Fees have been received by the County. Staff has determined the application to be complete.

Property History: The current owners purchased this property on November 3, 2021 from Joy Wyatt. Ms. Wyatt started the process to vacate the property, but never finished. Lots 11 and 12 were previously consolidated into Lot 12A.

Proposed Legal Description: LOT 12A, FORMERLY KNOWN AS LOTS 10 AND 12A, SPANISH PEAKS FILING NO. 4, RECORDED AT PLAT MAP NO. 109, JUNE 9, 1972 AT RECEPTION NO. 246553, MAP AMENDMENT RECORDED SEPTEMBER 22, 2009 AT MAP NO. 499, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

References: See survey of current plats then survey of proposed vacation.

Eligibility for a Vacation: (2.15) 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.

Analysis

Vacating this lot line creates one larger parcel. It has the effect of reducing the development rights on the parcel – as two parcels, there would be the right to develop two dwellings by right, as a single parcel, that is limited to one. The Planning Commission identified the HOA as a referral agency because of the potential of reducing the number of lots to impact its revenues.

The vacation of internal lot lines does not require a public hearing by state law, but the Huerfano County Land Use Code does not distinguish between types of vacation (right-of-way, easements, internal lot lines) so notification to neighbors within 500 ft. has been sent.

Referral Comments

No letters or communications have yet been received from referral agencies/surrounding land owners.

Staff Comment

Review the application for completeness.
Recommendations for Review Agencies
Recommend go to a Joint Public Hearing

Note: Vacations require a Joint Public Hearing. Planning Commission should make a recommendation to BOCC for a Public Hearing at an upcoming BOCC public meeting.

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

Planning Commission Action: The planning Commission reviewed this application on 1-12-23 and recommended approval if there are no issues brought up by review agencies.

BOCC 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.