

**Huerfano County Land Use Department**  
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**Huerfano County Planning Commission**  
**Staff Report – Permit #23-01 Plat Amendment BH2**  
**Meeting Type – Recommendation**  
**Plat Amendment on Tract 6, Panadero Filing #3 (1218703)**

Meeting Date: January 10, 2023

**Request**

With this Application BH2 Land Surveying LLC., on behalf of Todd D. and Sandra R. Houseman, (the Applicant) requests the following:

Plat Amendment pursuant to LUR Section §2.14 to split Tract 6 in Panadero Filing #3 into two parcels. Tract 6 is currently 9.17 acres, and the proposed amendment would create one 6.5 acre parcel and one 2.67 acre parcel. The site is located on Tract 6, Panadero Filing #3 (Parcel Number 1218703).

The subject property is zoned Urbanizing Residential (UR). Minimum lot size in this zone is ½ - acre. Zoning standards for this district are set forth in LUR Section §1.03.

**Site Map**

See attached.

**Code References**

The following Code Sections are pertinent to this request:

§ 2.14 – Plat Amendment

**Application Materials Required for a Plat Amendment:** 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:** Staff finds materials provided to be complete.

**Background**

This application, along with all required attachments were received on January 3, 2023. Application Fees have been received by the County. Staff has determined the application to be complete.

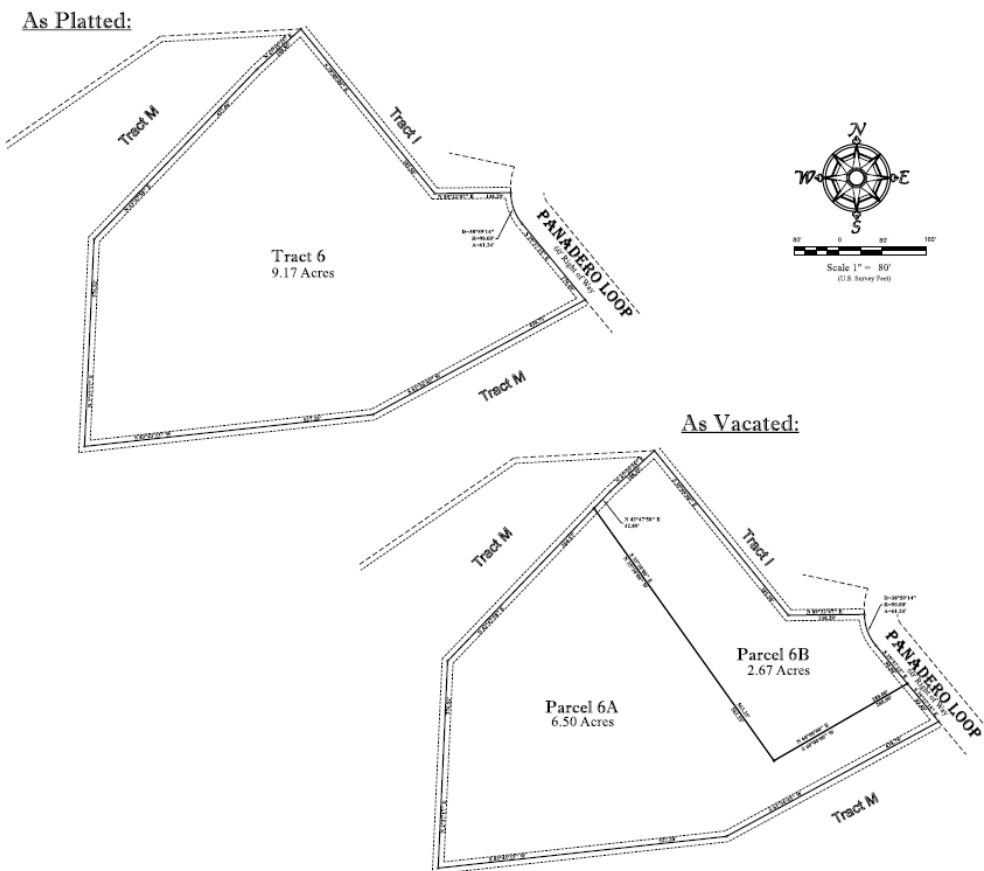
**Property History:** The property is currently vacant. Tract 6 was part of the 1983 Panadero #3 filing. In the 1996 Master Plan for Panadero, Tract 6 was platted as lots 139 – 164. In 1996, the there was a settlement agreement reached between the property owner and the Panadero POA which restricted Tract 6 to single family lots not less

than 1/3 acre with a minimum house size of 2,000 sf and a rear yard setback of 60 ft (Reception #336085: Case no. 96 CV 46, Patricia J. Concannon vs. Panadero Property Owners Association, Ski Cuchara L.P., and Cuchara, L.C., filed December 2, 1996). The Settlement Agreement was amended in 2005 (Reception #368026) with regard to water the reconveyance of water storage tank property and water line easement.

**Legal Description:** TRACT 6 PANADERO DEV FIL #3

**References:** 371-619 379-778-TO-783, 394-288-TO-313 394-703-713 398-429-432 406-679-TO-683, 406-713-714-715-716-717 329792 388699 389279 389280, 399668 405145 405153

**Proposal:** Applicant proposes to split off a portion of Tract 6 to form a parcel approximately 2.67 acres, more or less, to create two parcels, one for owners to keep and the other to be sold.



**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.

**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).

The applicant did not discuss intended future development plans for the two proposed lots. Commissioners should consider how the terms for Tract 6 set out in the settlement agreement transfer to newly created parcels.

Survey states As Platted and As Vacated. This is a typo, and should read As Amended.

**Referral Comments**

Referral Agencies have not yet been contacted. Potential agencies to contact: Panadero POA, Cuchara Sanitation and Water, La Veta Fire Protection District, La Veta RE2 School District.San Isabel Electric,

**Staff Comment**

Staff sees no potential problems or conflicts arising from this proposal. It may be helpful if survey were to include notes that reference any restrictions or permissions that run with these parcels.

The Planning Commission reviewed this case on Jan. 12, 2023 and recommended that it be sent to referral agencies prior to making a recommendation. Referral agencies were contacted on Jan. 12. On February 23, 2023, no comments had been received from referral agencies and the Planning Commission reviewed the application and recommended approval with no conditions other than those imposed by Settlement Agreement in Case No. 96 CV 46, Reception No. 326860.

**Note: Plat Amendments do not require a public hearing. The Commission should make a recommendation to send to the BOCC.**

**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
- Settlement Agreement