



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.

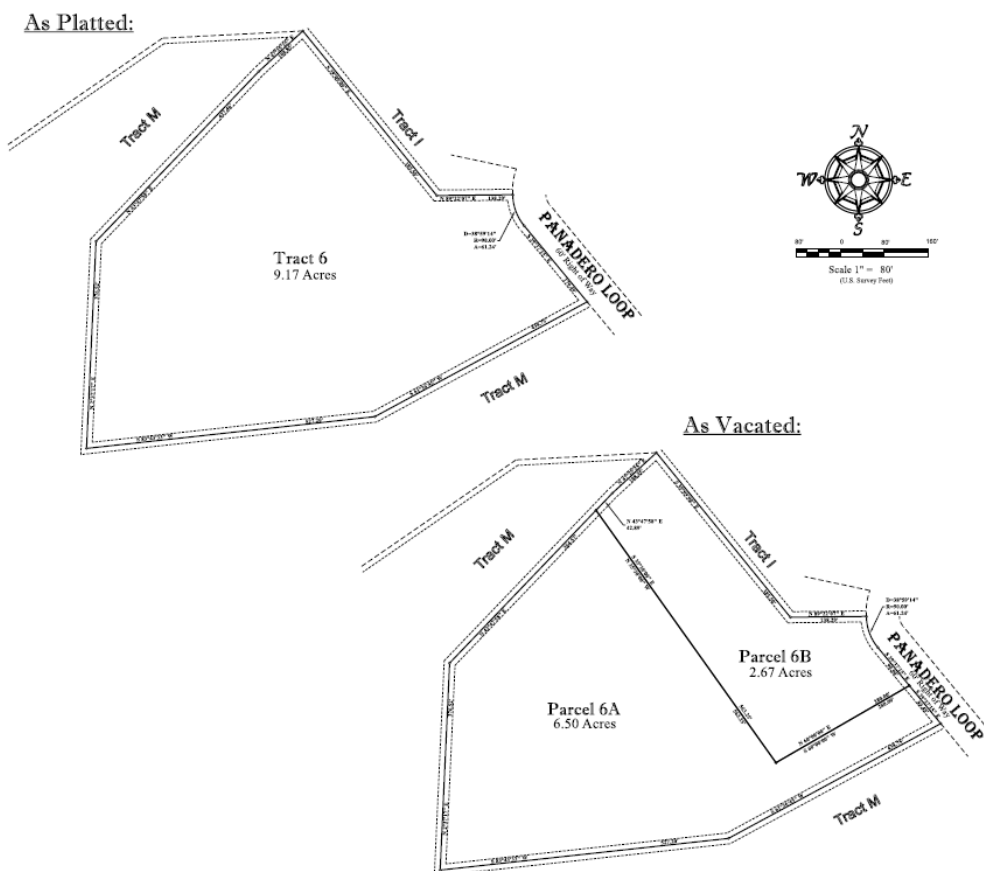
Property History: The property is currently vacant. Tract 6 was part of the 1983 Panadero #3 filing. In the 1996 Master Plan for Panadero, Tract 6 was platted as lots 139 – 164. In 1996, there was a settlement agreement reached between the property owner and the Panadero POA which restricted Tract 6 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.

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

719-738-1220 ext. 103

Fees due: \$159 Date Paid _____

☐ Other Actions (specify):

- ## □ Appeal of Denied Application

Land Owner's Telephone: _____ Email: toddh@unitedtelcom.com

Current/Proposed Land use (see §1.05 of the Land Use Code):_____

GENERAL LAND USE APPLICATION

If project is in an HOA, HOA name: Panadero Development, Filing No. 3

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

Is all or a portion of the subject land located in a 100-year flood plain area (see FEMA floodplain map), or are there areas with slopes in excess of twenty percent (20%)? ☐ YES ☒ NO ☐ NOT SURE

If YES, describe existing conditions: _____

Value of proposed project: _____

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

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

Additional pertinent information: _____

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

4. 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 conditional 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. All documents submitted may be subject to internet publishing.

Signature of Applicant: _____ Date: _____

Printed name: _____

5. ACTION (by the authorized permitting authority):

☐ Final Approval

☐ Conditional Approval

☐ Denial

Name _____ Signature _____

Title _____ Date _____

Comments _____



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

Tract 6, Panadero Development Filing No. 3

January 2, 2023

Owner/Owners: Todd D. Houseman and Sandra R. Houseman

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

Current Zoning: Urban Residential

Proposed Zoning: No Change.

Request and reason for the Plat Amendment: 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.

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

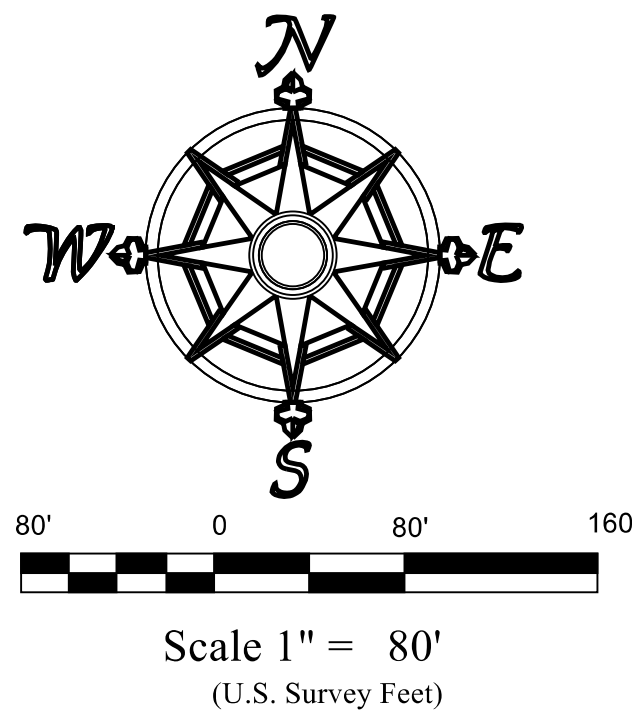
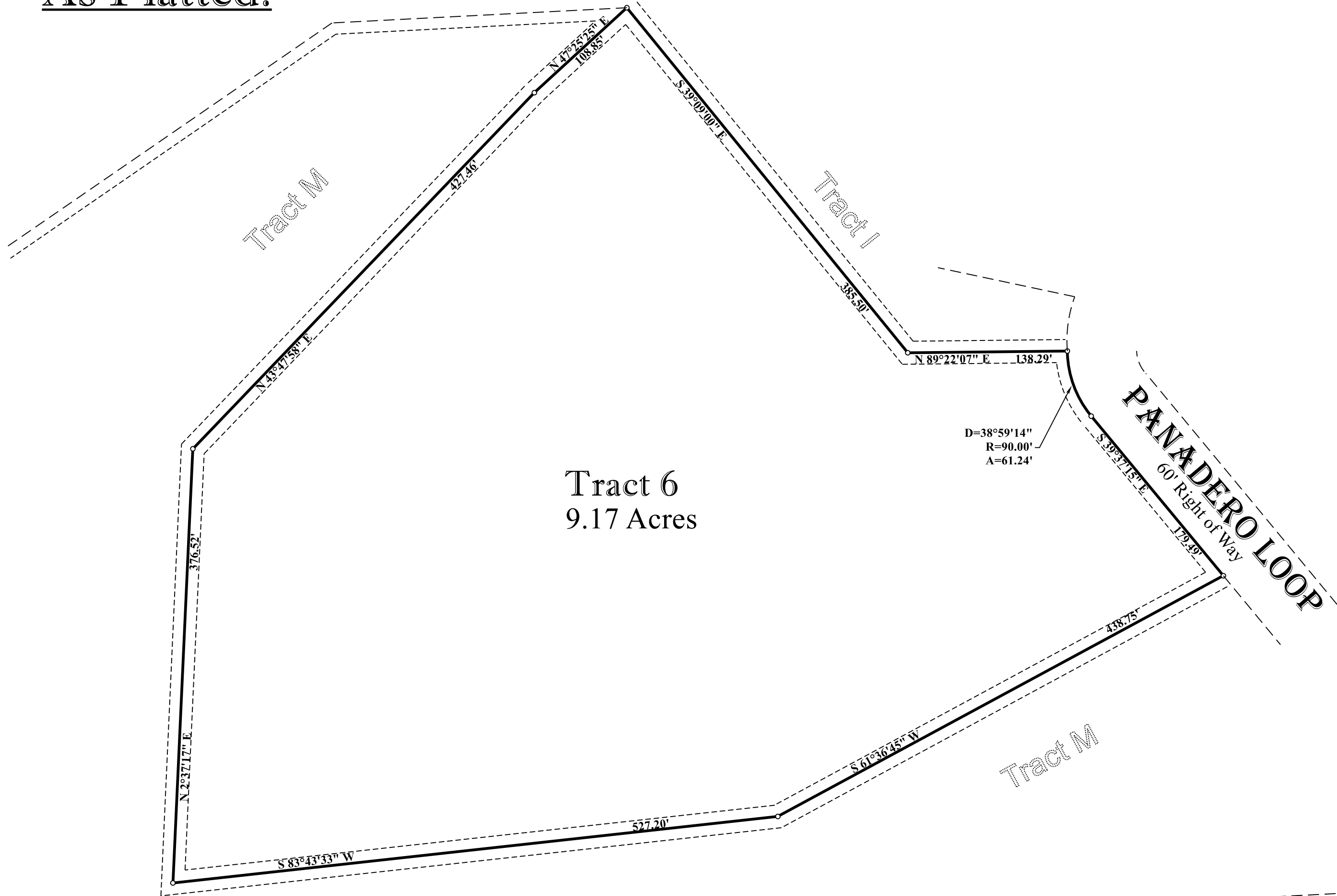
Existing Facilities: Cuchara Sanitation and Water District, and San Isabel Electric

Existing Structures: None.

Sincerely,

William S. Bechaver
BH2 Land Surveying, LLC

As Platted:



MAP AMENDMENT

TRACT 6, PANADERO DEVELOPMENT NO. 3
COUNTY OF HUERFANO, STATE OF COLORADO

LEGAL DESCRIPTION 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:

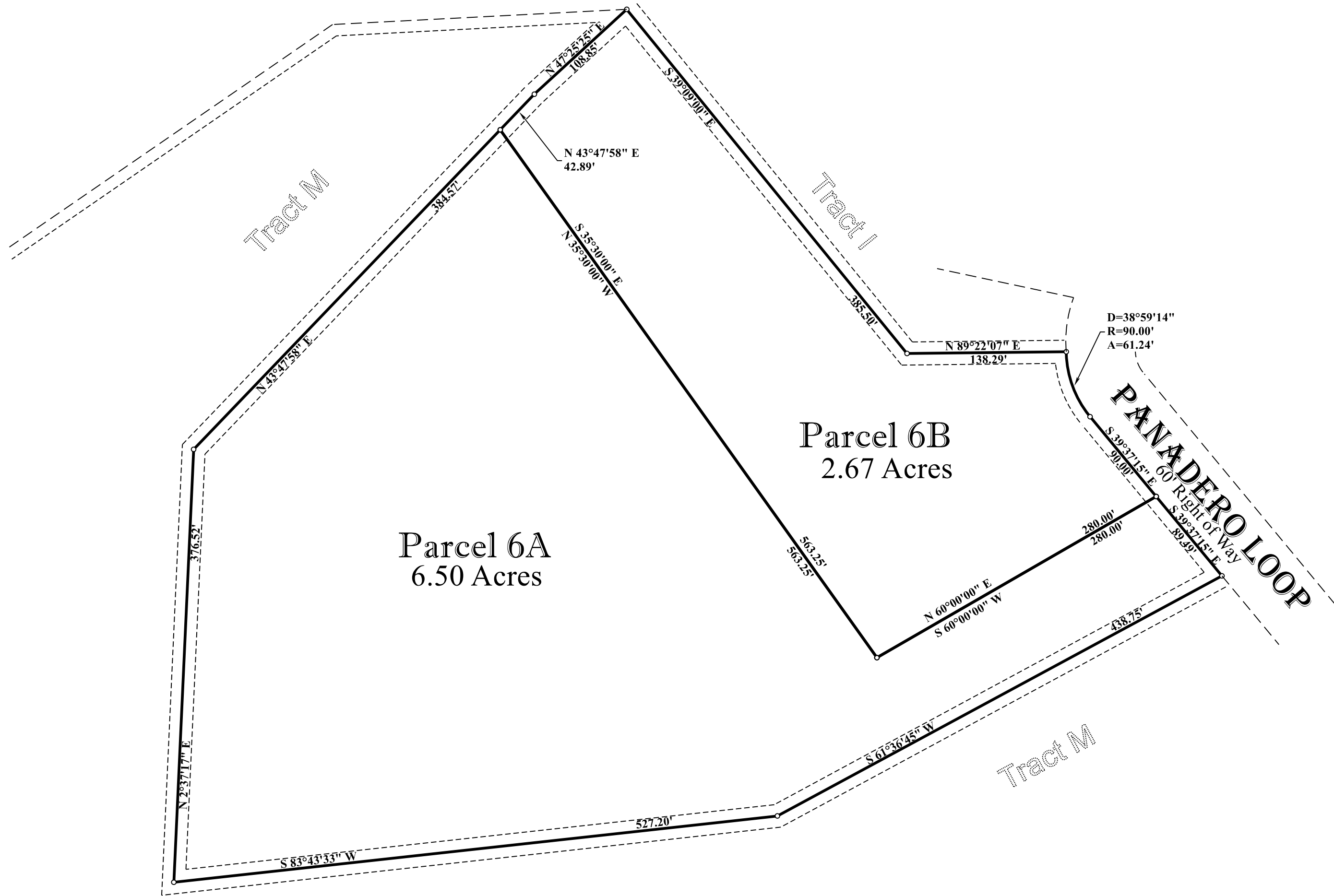
Beginning at the Southeast corner of Tract 6, Thence S 61° 36' 45" W along the South line of said Tract 6, a distance of 438.75 feet; Thence S 83° 43' 33" W along the South line of said Tract 6, for a distance of 527.20 feet; Thence N 2° 37' 17" E along the East line of said Tract 6, for a distance of 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 Pandero 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.

LEGAL DESCRIPTION PARCEL 6B:

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 furthest North corner of Tract 6; Thence S 39° 09' 00" E along the East line of said Tract 6, a distance of 385.50 feet; Thence N 89° 22' 07" E, for a distance of 138.29 feet to the Westerly right of way of Panadero Loop, Thence on an arc of the curve to the left through a central angle of 38° 59' 14", whose radius is 90.00 feet and an arc length of 61.24 feet; Thence S 39° 37' 15" W along said right of way line, a distance of 90.00 feet; Thence S 60° 00' 00" W, a distance of 280.00 feet; Thence N 35° 30' 00" W, a distance of 132.77 feet to the North line of said Tract 6; Thence N 43° 47' 58" E along said North line, a distance of 42.89 feet, Thence N 47° 25' 25" E along said North line, for a distance of 108.85 feet to the Point of Beginning. Being 2.67 Acres more or less.

As Vacated:



This is to Certify that this Map Amendment Plat, is hereby approved this _____ day of _____, 2023, by the Board of County Commissioners, County of Huerfano, State of Colorado.

By: _____ Date: _____
Chairperson of the Board

By: _____ Date: _____
Attest: Clerk of the Board

SURVEYORS CERTIFICATION: I, William S. Bechaver, a Professional Land Surveyor registered in the State of Colorado, hereby certify to Todd D. Houseman and Sandra R. Houseman , that this Map Amendment is not based upon an actual field survey conducted by me or under my responsible charge, but was prepared using information shown on the Plat of Panadero Development Filing No. 3, filed for record at the Huerfano County Clerk and Recorder. The property within this Map Amendment may or may not be presently monumented and if it is monumented I have not confirmed that the property pins are accurately located.

By: William S. Bechaver, PLS. 38103
BH² Land Surveying, LLC
Colorado City, Colorado

Date: _____

Note: All Lot Line 10 feet each side to serve as Utility and Drainage Easement, except as noted.



BH² LAND SURVEYING
P.O. Box 20399, Colorado City, CO 81019
Phone: 719-676-2072
Email: bh2@ghvalley.net

Scale 1" = 80'	Date: 1-2-2023	Drawn By: WSB
	Sheet 1/1	Job No. 2022-299

Re-Record to Add legal

WARRANTY DEED

THIS DEED is dated the 19 day of Jan 2016
and is made between

CALVIN W. SANDBECK and KAREN M. SANDBECK
(whether one, or more than one), the "Grantor" of the County of
HUERFANO and State of CO and

TODD D. HOUSEMAN and SANDY R. HOUSEMAN

the "Grantees", whose legal address is 518 BRECKENRIDGE RD,
DODGE CITY, KS 67801 of the County of _____ and State of KS

405153
Page 1 of 2
Nancy C. Cruz, Clerk & Recorder
Huerfano County, CO RP \$0.00
01-22-2016 08:50 AM Recording Fee \$16.00

WITNESS, that the Grantor, for and in consideration of the sum of (\$158,000.00) One Hundred Fifty Eight Thousand Dollars and No Cents, the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantees and the Grantees' heirs and assigns forever, not in tenancy in common but in joint tenancy, 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 Grantees, and the Grantees' 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 Grantees, and the Grantees' heirs and assigns; that at the time of the ensembling 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 the same in 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:

RESERVATIONS, RESTRICTIONS AND EASEMENTS RECORDED AT MAP 264, BOOK 333, PAGE 842, BOOK 362, PAGE 1111, RECEPTION NO. 379076, 388092, 402111, BOOK 364, PAGE 380, RECEPTION 389209, 398757, BOOK 373, PAGE 319, BOOK 373, PAGE 318, BOOK 379, PAGE 485, RECEPTION NO. 331940, 336085, 337888, 334227 AND 368026

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, in the quiet and peaceable possession of the Grantees, and the heirs and assigns of the Grantees, 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.

Calvin W. Sandbeck
CALVIN W. SANDBECK

Karen M. Sandbeck
KAREN M. SANDBECK

State of Colorado
County of Huerfano

The foregoing instrument was acknowledged before me this 19 day of Jan 2016 by
CALVIN W. SANDBECK and KAREN M. SANDBECK

Witness my hand and official seal.

Sandra J. Dotter

Notary Public:

My commission expires: _____

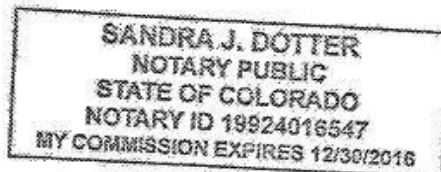


EXHIBIT "A"

FILE NO. 32821

Parcel A: Tract M 1, Panadero Filing No. 3, more particularly described as follows: Township 31 South, Range 68 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 81-36-45 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 20.00 feet, a distance of 35.34 feet; Thence N 39-37-14 W, a distance of 77.58 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 08-52-45 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 270.63 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: Tract 6, Panadero Filing No. 3, County of Huerfano, State of Colorado

ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

UNOFFICIAL DOCUMENT

To whom it may concern:

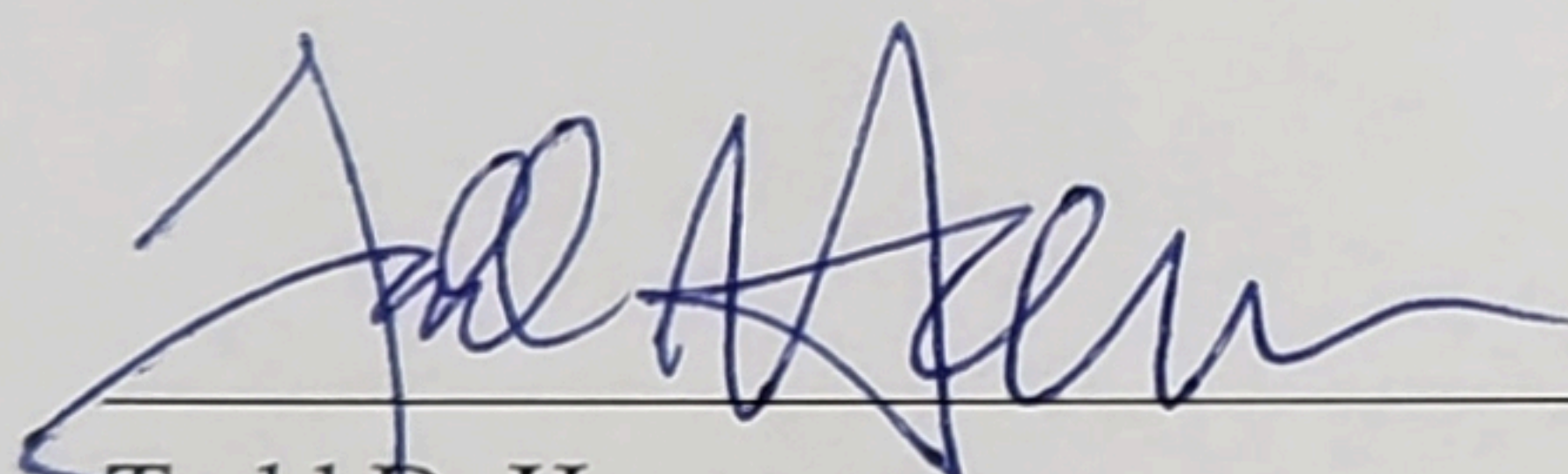
I/We, Todd D. Houseman and Sandra R. Houseman, hereby authorize BH² Land Surveying, LLC to act on our behalf in the process of a Map Amendment, in the County of Huerfano, State of Colorado. If you have any questions related to this matter, please use the information below to contact us.

Todd D. Houseman and Sandra R. Houseman

2000 Burr Parkway, Dodge City, KS 67801

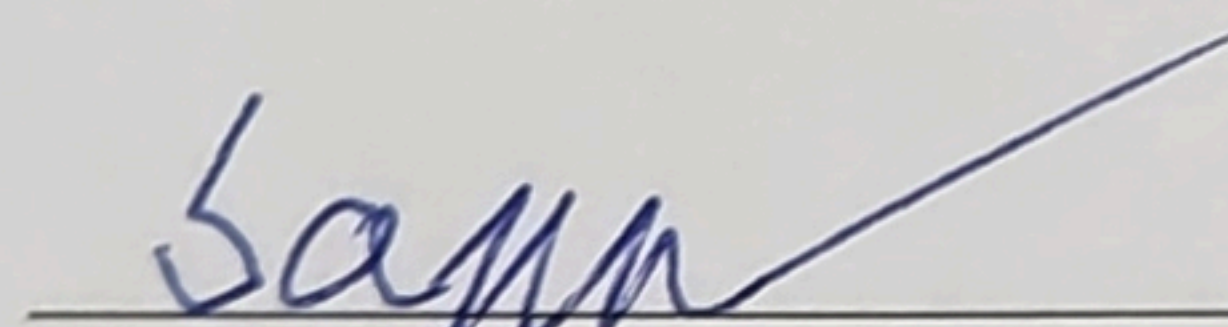
toddh@unitedtelcom.net

Thank you for your cooperation.



Todd D. Houseman

Date: 11/10/22



Sandra R. Houseman

Date: 10 nov 22



P.O. BOX 1097
LA VETA, CO. 81055

BH2 Land Surveying
4301 Valverde Way #2
Colorado City, CO 81019

To Whom It May Concern;

I would like to apologize for the delayed response to your request on December 5, 2022. The Panadero Property Owners Association (PPOA) was involved in research to determine the original intent of Panadero Development No. 3.

After review of all documents and maps available of Panadero Development No. 3 we are reasonable certain that Tract 6 within Panadero Development No.3 (Parcel No. 1218703) currently owned by Todd Houseman, is not and was never intended to be part of the Panadero Property Owners Association.

It was determined and confirmed that Tract 6 (Parcel No. 1218703) is surrounded on three sides with PPOA common property. On the west side Parcel No. 347054, on the north side Parcel No. 121876, and on the east side Parcel No. 347053.

I want to thank you for your patience, as the PPOA research into your request.

Thank You,

Gerald J Palomino

Gerald J. Palomino
President,
Panadero Property Owners Association
geraldpalomino@icloud.com
719-313-6783