



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

Meeting Date: 6-8-23

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 receiving 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 in order to conform with the minimum lot size in Agricultural of 35 acres. The proposed use of the 21.89-acre parcel to be given to Huerfano County Economic Development is a truck driving school, which would entail an unpaved driving track and a structure to be used as a classroom.

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

Background and Context

On April 27, 2023, the Huerfano County Planning Commission reviewed this application. In this review, review agencies were selected, the Commission agreed that the plat amendment process was appropriate for this application, that a truck driving school would be considered a use by right in the Industrial zoning district, and that a public hearing would be scheduled with the Planning Commission for June 8, 2023.

There are two parcels subject to rezoning in this application and one parcel that will be affected by the plat amendment.

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 part of 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.

It is the County's understanding at this time that there is a private water line under this property connecting to the existing San Isabel structure, and that connecting to City water may not be an option at the moment. Likewise, it appears that connecting to City sewer is also not an option at the moment. Therefore, the truck driving school anticipates building a septic system or vault toilet and being supplied with hauled water.

Rezoning Process:

Section 1.18.02 of the Code permits the Planning Commission to hold a public hearing on rezoning applications.

Plat Amendment Process: A Plat Amendment requires a recommendation from the Planning Commission, but does not require a public hearing.

Noticing Requirements §1.18.02: Notice is required to be published in the paper 30-days in advance of a public hearing for a rezoning. Notice was published in the paper on May 4, 11 and 18. A sign was posted on the property 30-days prior to the hearing and adjacent property owners were sent letters at least 15-days prior to the public hearing.

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.

Similar 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

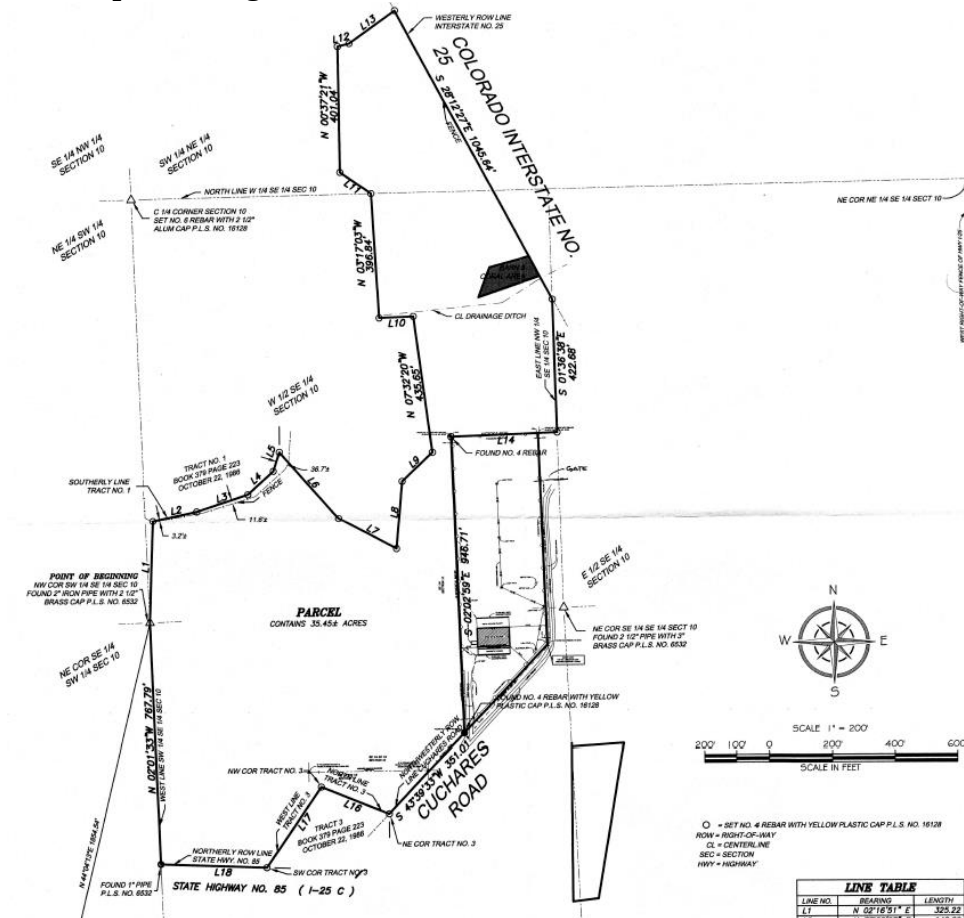
Use Table: Staff Analysis

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.

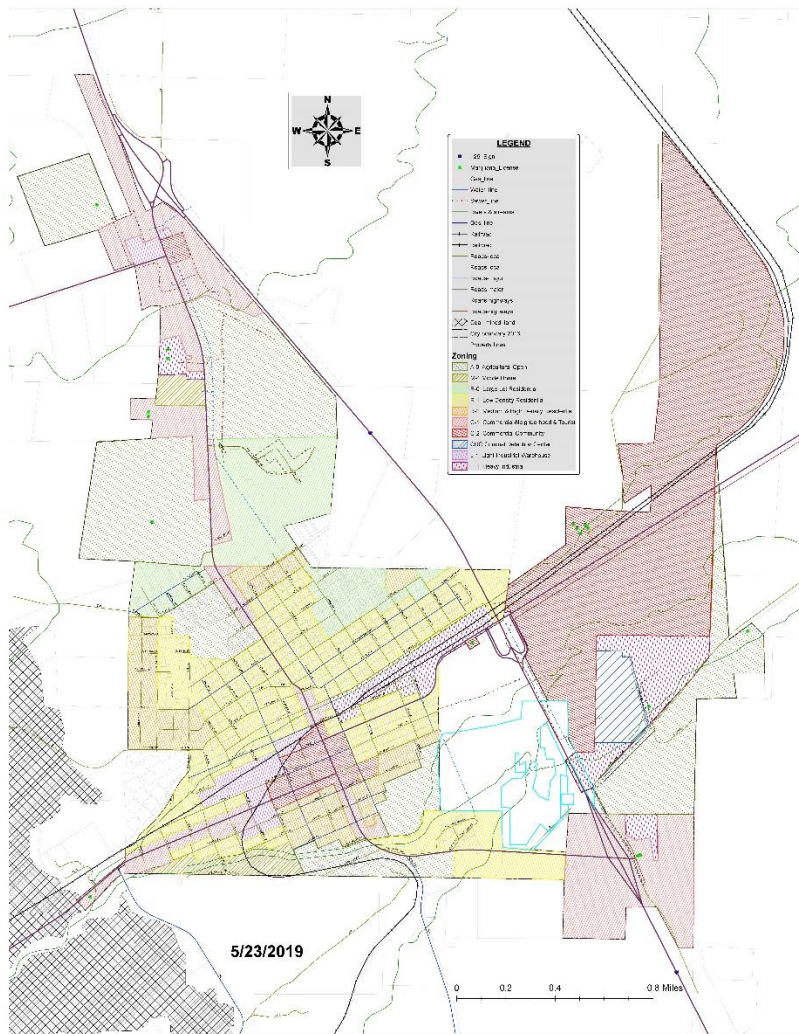
§ 2.14 – Plat Amendment

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



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 appropriate area to allow industrial uses; the only immediate plan 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 Contacted:

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: cityadmin@walsenburg.org
3. All applicable local and state improvement and special districts, ditch companies and utilities
Gomez Ditch #1: JesseScottDavis@gmail.com
4. Huerfano-Las Animas Area Council of Governments: lking@sccog.net
5. Upper Huerfano Soil Conservation District: upperhuerfanocd@gmail.com
6. Colorado Department of Public Health and the Environment and/or such county, district or regional health departments as may exist: cdphe.information@state.co.us, jerry.henderson@state.co.us, rsykes@la-h-health.org
7. State Engineer/Colorado Division of Water Resources: dnr_dnr.edoassist@state.co.us, Rachel.Zancanella@state.co.us, ivan.valles@state.co.us
8. Water Conservation Agency: hcwcdistrict@gmail.com
9. Fire Protection District. smorningstar.huerfanofire@gmail.com
10. Huerfano County Economic Development ccroft@huerfano.us

11. Parks and Wildlife: Cody.purcell@state.co.us
12. Tourism Board: ccroft@huerfano.us

Referral Agency Comments:

A response was received from the Division of Water Resources expressing no objection and no significant concerns.

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: There is no conflict between the proposed rezoning and the criteria for rezoning stated above.

Plat Amendment: There is no conflict between the criteria for action on a plat amendment and the proposed plat amendment.

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