

Huerfano County Land Use Department  
401 Main Street, Suite 340, Attn: Land Use  
Walsenburg, Colorado 81089  
719-738-1220 ext. 103



## GENERAL LAND USE APPLICATION

Application File No.: \_\_\_\_\_  
Date Received: \_\_\_\_\_  
Received by: \_\_\_\_\_  
Fees due: \_\_\_\_\_ Date Paid \_\_\_\_\_

### 1. ACTION(S) REQUESTED:

- ☒ Conditional Use Permit
  - ☐ Conditional Use Permit / Marijuana
  - ☐ Conditional Use Permit/ Oil, Gas or Uranium Exploration and/or Development
  - ☐ Rezoning
  - ☐ Variance
  - ☐ Subdivision Exemption
  - ☐ Plat Amendment
  - ☐ Lot Consolidation
  - ☐ Plat Correction
  - ☐ Right-of-Way or Easement Vacation
  - ☐ Other Actions (specify): \_\_\_\_\_
  - ☐ Sign Permit
  - ☐ Temporary Use Permit
  - ☐ H.B. 1041 Text Amendment
  - ☐ H.B. 1041 Development Permit
  - ☐ H.B. 1041 Flood Plain Exemption
- PUD and Subdivisions:
- ☐ Sketch Plan
  - ☐ Preliminary Plan
  - ☐ Final Plat / Subdivision Improvement Agreement
  - ☐ Appeal of Denied Application

### 2. APPLICANT AND OWNER INFORMATION:

Applicant Name: Ryan Harris  
Applicant's Mailing Address: 1562 Gold Hill Mesa Dr. Colorado Springs, CO 80905  
Applicant's Telephone: 719-432-4384 Email: ryanharris82@gmail.com  
Name of Land Owner: same  
Land Owner's Mailing Address: \_\_\_\_\_  
Land Owner's Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

### 3. PERMIT DETAILS:

Detailed project description/Scope of Work: We would like to put a second house on our property for our parents (in-laws) to live in.

Parcel Area: 35 Acres; Zoning District(s): \_\_\_\_\_  
Parcel/Schedule Number(s): 18280 (I think)  
Parcel Address (optional): 1015 CR 346, Walsenburg, CO 81089  
Current/Proposed Land use (see §1.05 of the Land Use Code): Current: Single family dwelling on a single undivided parcel of land (Agricultural)

Proposed: Additional dwelling, on any undivided parcel of land or lot (Agricultural)

## GENERAL LAND USE APPLICATION

If project is in an HOA, HOA name: N/A

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: Significant slope on parts of property but flat w/ adequate drainage where proposed 2nd house would be.

Value of proposed project: \$200,000

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

If YES, please list all permits or approvals required: State electrical and plumbing for home connection

Additional pertinent information: \_\_\_\_\_

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

#### 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: [Signature] Date: 11/15/22

Printed name: Ryan Harris

#### 5. ACTION (by the authorized permitting authority):

☐ Final Approval

☐ Conditional Approval

☐ Denial

Name \_\_\_\_\_ Signature \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_



## Huerfano County Planning Commission Staff Report – Permit #22-55 CUP Harris Meeting Type – Advisory

December 8, 2022

### **Request**

With this Application Ryan Harris (the Applicant) requests the following:

A Conditional Use Permit pursuant to LUR Section §1.06 to construct a second single-family home on a parcel. The site is addressed at 1015 CR 346 (A portion of Parcel Number 18280, which has recently been subdivided and is not yet updated on the County maps).

The applicant is in the process of building a modular cabin on the site, and proposes to build a second dwelling unit on the site; each unit will have its own septic and utility taps.

The subject property is zoned Agricultural. Zoning standards for this district are set forth in LUR Section §1.03.02 and in the use table in §1.05.

### **Site Map**

See Attached

### **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:

§ 1.03: The parcel is 35.05 acres and proposal meets other dimensional requirements for the zone.

§ 1.05.02: Additional dwellings; e.g., for rent, lease, or sale, on any undivided parcel of land or lot is a listed conditional use in the Agricultural zone.

### **Background and Summary**

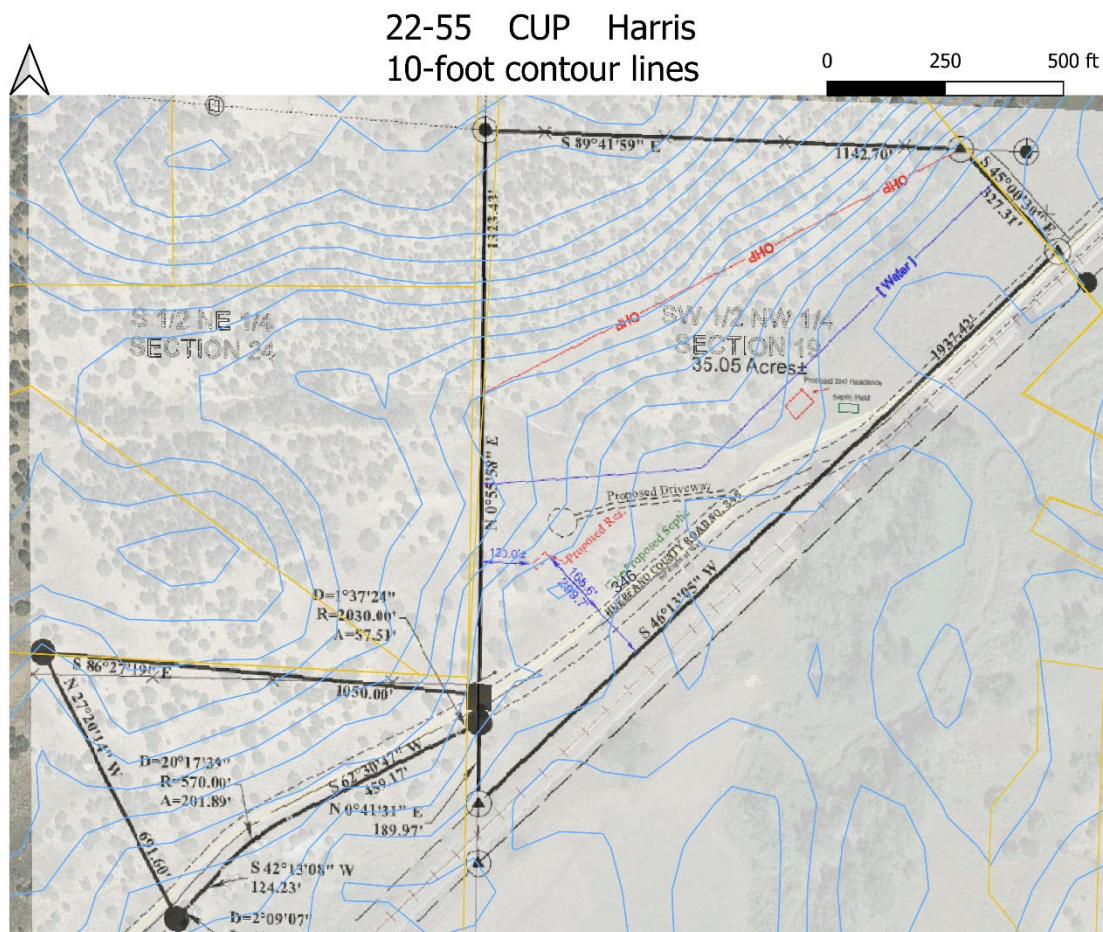
On November 15, 2022, an Application for a Conditional Use Permit, number 22-55, Application Fees, and attachments were received by the County.

Applicant purchased the property in 2021 and is in the process of developing the land with a modular cabin; Applicant wishes to develop a second dwelling unit, for parents/in-laws to live in as a full-time residence. The property is just to the south of the Spanish Peaks Regional Health Center along CR 346. The property has significant slopes on parts, but not in the areas of proposed development (see overlay of site plan with contour lines).

The property is served by Walsenburg City Water Department and San Isabel Electric Association. Utilities have already been secured for the primary residence.



Nearby uses include the Spanish Peaks Regional Health Center, a marijuana grow and PW CO Canre Walsenburg LLC. Across CR 346 are railroad tracks and the Cucharas River. The nearest residence is just over 2,000 ft southwest of the primary residence.



### Application Materials:

A CUP application requires a Letter of Intent, a Site Plan, a Vicinity Map showing area within 500 ft. of the boundaries of proposed property and a list of any existing plats and improvements on adjacent property, proof of ownership and payment of fees.

Staff finds the Applicant has submitted all required materials, however, the subdivision of the parcel appears not to have been recorded with the County Clerk and Recorder.

### §1.06.03 Criteria for Action on a Conditional Use Application

All actions by the Planning Commission in reviewing and making recommendations on a conditional use application and by the Board of County Commissioners in approving or disapproving such application shall be based in general upon the provisions of these regulations and specifically on the following criteria:

1. That the proposed conditional use conforms to the requirements and provisions of this zoning regulation.
2. That the proposed conditional use is consistent with the goals, objectives and policies of Huerfano County, as contained in the County comprehensive plan.
3. That the proposed conditional use is consistent with and in harmony with neighboring land uses and future intended land uses in the area.



4. That the proposed conditional land use will not result in overly intensive use of the land relative to current use of the surrounding land.
5. That the proposed conditional use will not result in unmitigated traffic congestion or hazards to vehicular or pedestrian traffic and its roads will meet the requirements of Subdivision County Road Standards and Specifications.
6. That the proposed conditional use not unnecessarily scar the land on which such use would be located and that the proposed use provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views and existing cultural and historical resources.
7. That the proposed conditional use will not be likely to prove detrimental to the public health, safety or welfare of County residents nor cause hardship for neighboring persons.

### **Planning Commission 12/8/22**

On 12/8/22, the Planning Commission recommended to send this application to the Board of County Commissioners for a decision at a regular public meeting.

### **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.

### **Enclosures**

- Application Materials

To: Huerfano County Land Use Dept.

11/16/2022

From: Property Owner  
RADZ Retreat (Ryan and Debra Harris)  
1015 CR 346  
Walsenburg, CO 81089

#### Conditional Use Permit Letter of Intent

We are requesting a conditional use permit for a second residence on our 35-acre parcel at 1015 CR 346 outside of Walsenburg, CO. We purchased our property in 2021 and have been actively developing the land with a modular cabin, drive way, barn, etc... Debra's parents (Joe Wyatt and Jan Claussen) current live in Colorado Springs and would like to relocate to our property. This second residence would be their full-time home that we would purchase, and they would rent from us. They are elderly but active and believe this property would be a great location for their retirement.

There would be minimal impact on road traffic as they would just go into town for routine groceries, gas, dining, etc... We love the wildlife, vegetation, and trees on our property and have been very intentional developing the land to preserve as many natural features as possible and minimize impact on wildlife. We will continue this trend with this second home if approved. Even with our cabin and development, we still routinely capture pictures of elk, deer, turkey, bear, and other wildlife on our game cameras.

The 35 acres lies between CR 346 (Centro Ave) and the Spanish Peaks Hospital. The land has a 200+ ft elevation gain up to the hospital. The area near CR 346 is relatively flat with a natural draw and large trees between our current cabin and the proposed location of the second residence. This provides a natural visual barrier and privacy for each of the cabins while keeping Debra's parents nearby. There are no other residences within view of either our cabin or the proposed second residence. This will likely remain true based on the topography of the land.

The proposed second residence would likely be a modular home similar to the current cabin currently on the property. We plan on purchasing a Cottonwood model cabin from Dream Wood cabins. <https://dreamwoodcabins.com/>. The paint scheme and porch design would ensure a unique look for each property.

I believe the property is/will be zoned Agricultural. The county is still in the process of splitting the parcel after our purchase from Robert Maldonado in 2021. I have included the property survey with the proposed location of the second residence near the middle of the property with proper setbacks from the county road and other property lines.

There is a city water line that runs through our property near the proposed home site. We already have one city water tap approved and installed for our cabin and have a request in with the Walsenburg City Water Department for a second tap. We are also in the process of securing an agricultural well on the property for small orchard irrigation and could serve as a back-up water supply. There is San Isabel Electric Association (SIEA) electric lines running through our property and near the proposed home site. We have already secured and permitted power for our current cabin and see no problem with securing a second power drop.

We would put in a second septic system for wastewater. There is adequate cell signal and wireless internet connection for communication and safety.

If approved, we would start work right away and would plan to have the cabin completed and delivered in summer of 2023. We would expect all permitting and inspections completed with a certificate of occupancy and move in by fall of 2023.

We believe that the proposed conditional use request conforms to the requirements and provisions of Huerfano County zoning. It is also consistent with the goals, objectives, and policies outlines in the County comprehensive plan. The second home is in harmony with neighboring land use and future intended use of lands in the area. It will not result in overly intensive use of the land, unmitigated traffic or hazards, and will meet the requirements of the Subdivision of County Road Standards and Specifications. As noted earlier the proposed conditional use will not unnecessarily scar the land on which such use would be located and that the proposed use will provide all measures necessary to mitigate negative impacts upon agricultural lands, critical wildlife habitat, seasonal wildlife migration corridors, scenic views, and existing cultural and historical resources. The proposed conditional use will also not be likely to prove detrimental impacts to the public health, safety, or welfare of County residents nor cause hardship for neighbors.

If you have any questions, you can reach me (Ryan Harris) at 719-439-4384 or by mail at 1562 Gold Hill Mesa Dr. Colorado Springs, CO 80905.

Very Respectfully,

Ryan and Debra Harris  
Partners, RADZ Retreat LLC



A PORTION OF SECTION 19, TOWNSHIP 28 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND A PORTION OF SECTION 24, TOWNSHIP 28 SOUTH, RANGE 67 WEST OF THE 6TH P.M. COUNTY OF HUERFANO, STATE OF COLORADO

SW 12 NW 13  
SECTION 19  
35.05 Acres±



0 300' 600'

Scale 1" = 300'

Prepared By: William S. Bichaver 38163-3504  
Professional Land Surveyor No. 38416

**BH<sup>2</sup> LAND SURVEYING, LLC**

Box 203199, Colorado City, CO 81019  
Phone: 719-676-2072  
Email: [bh2@ghvalley.net](mailto:bh2@ghvalley.net)

Scale 1" = 300'	Date: 4-13-2022	Drawn By: WSB
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Job No. 2022-098

State Documentary Fee  
\$9.50 07-21-2021

423202  
Page 1 of 4  
Nancy C. Cruz, Clerk & Recorder  
Huerfano County, CO  
07-21-2021 12:01 PM Recording Fee \$28.00

### WARRANTY DEED

THIS DEED, is dated the 19 day of July, 2021, and  
is made between  
ROBERT MALDONADO  
(whether one, or more than one), the "Grantor" of the State of Colorado and  
RADZ RETREAT LLC  
(whether one, or more than one), the "Grantee," whose legal address is: 1562  
GOLD HILL MESA DRIVE, COLORADO SPRINGS, CO 80905 of the State of  
Colorado

State Doc Fee:  
Recording Fee:

WITNESS, that the Grantor, for and in consideration of the sum of Ninety Five Thousand Dollars and No Cents (\$95,000.00), the receipt and sufficiency of which is hereby acknowledged, hereby grants, bargains, sells, conveys and confirms unto the Grantee and the Grantee's heirs and assigns forever, 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 COUNTY ROAD 346, WALSENBURG, CO 81089

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 Grantee and the Grantee's 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 Grantee, and the Grantee's heirs and assigns: that at the time of the enrolling 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:

SEE EXHIBIT "B" ATTACHED HERETO

And the Grantor shall and will WARRANT AND FOREVER DEFEND the above described premises, *but not any adjoining vacated street or alley, if any*, in the quiet and peaceable possession of the Grantee, and the heirs and assigns of the Grantee, 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.

Robert W. Maldonado  
ROBERT MALDONADO

State of Colorado  
County of Huerfano

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2021 by  
ROBERT MALDONADO.

Witness my hand and official seal.

Desiree R. Perrino  
Notary Public Colorado  
My Commission Expires: 07/31/2022

DESIREA R. PERRINO  
Notary Public  
State of Colorado  
Notary ID # 20184030684  
My Commission Expires 07-31-2022



## RECORDED ELECTRONICALLY

ID 423202 County Huerfano  
Date 7-21-2021 12:04 pm  
simplifile www.simplifile.com 800.460.5657

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RADZ RETREAT LLC  
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GOLD HILL MESA DRIVE, COLORADO SPRINGS, CO 80905 of the State of  
Colorado

State Doc Fee:  
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Robert W. Maldonado  
ROBERT MALDONADO

State of Colorado  
County of Huerfano

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ROBERT MALDONADO.

Witness my hand and official seal.

Desiree R. Perrino  
Notary Public Colorado  
My Commission Expires: 07/31/2022

DESIREA R. PERRINO  
Notary Public  
State of Colorado  
Notary ID # 20184030684  
My Commission Expires 07-31-2022



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE SW1/4 OF THE NW1/4 AND THE NW1/4 OF THE SW1/4, SECTION 19, TOWNSHIP 28 SOUTH, RANGE 66 WEST OF THE 6TH P.M., AND THE NE1/4 OF THE SE1/4, SECTION 24, TOWNSHIP 28 SOUTH, RANGE 67 WEST OF THE 6TH P.M., COUNTY OF HUERFANO, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST 1/4 CORNER OF SAID SECTION 19; THENCE N 00°55'58" E, ALONG THE WEST LINE OF SAID SECTION 19, A DISTANCE OF 1323.43 FEET TO THE NORTH LINE OF SAID SW1/4 OF THE NW1/4; THENCE S 89° 41' 59" E, ALONG SAID NORTH LINE A DISTANCE OF 1142.70 FEET; THENCE S 45°00'30" E, A DISTANCE OF 327.31 FEET, TO THE NORTHERLY RIGHT OF WAY OF DENVER AND RIO GRANDE WESTERN RAILROAD; THENCE S 46°13' 05" W, ALONG SAID NORTHERLY RIGHT OF WAY, A DISTANCE OF 1937.42 FEET, TO THE WEST LINE OF SAID SECTION 19, THENCE N 00°41'31"E, ALONG SAID WEST LINE A DISTANCE OF 189.97 FEET, TO THE SOUTHERLY RIGHT OF WAY LINE OF HUERFANO COUNTY ROAD NO. 346; THENCE ALONG SAID SOUTHERLY RIGHT OF WAY THE FOLLOWING FIVE (5) COURSES:

- 1) ON THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 01°37'24", WHOSE RADIUS IS 203.00 FEET, AN ARC LENGTH OF 37.51 FEET, SAID CURVE HAVING A CHORD BEARING OF S 61°42'05" W, A DISTANCE OF 57.51 FEET;
- 2) S 62°30'47" W, A DISTANCE OF 459.17 FEET;
- 3) ON THE ARC OF A CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 20°17'39", WHOSE RADIUS IS 570.00 FEET, AN ARC LENGTH OF 201.89 FEET;
- 4) S 42°13'08" W, A DISTANCE OF 124.23 FEET;
- 5) ON THE ARC OF A CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 02°09'07", WHOSE RADIUS IS 1130.00 FEET, AN ARC LENGTH OF 42.44 FEET; THENCE N 27°20'14" W, A DISTANCE OF 691.60 FEET, TO THE EAST-WEST CENTERLINE OF SAID SECTION 24; THENCE S 86°27'19" E, ALONG SAID NORTH LINE A DISTANCE OF 1050.00 FEET, TO THE POINT OF BEGINNING, ACCORDING TO THE RECORDS OF THE CLERK AND RECORDER FOR HUERFANO COUNTY, COLORADO.

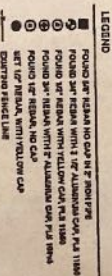
**EXHIBIT "B"**  
**EXCEPTIONS TO TITLE**

1. Taxes for the year 2021, a lien not yet due and payable.
2. Distribution of Utility Easements (including cable tv)
3. Those specifically described rights of third parties not shown by the public records of which Buyer has actual Knowledge and which were accepted by Buyer in accordance with § 8.3 (off record Title ) and § 9 (New ILC or New Survey)
4. Inclusion of the Property within any special taxing district
5. Any special Assessment if the improvements were not installed as the date of Buyers' Signature hereon, whether assessed prior to or after closing.
6. All roads, railroads, highways, alleys, rights of way, utilities and easements for ingress and egress therefore as shown on Huerfano County Road Map filed August 15, 1979.
7. Land Survey Plat for Robert Maldonado recorded December 26, 2018 at Reception No. 414300 and Plat no. 991



FOR ROBERT MALDONADO

COUNTY OF HUERFANO, STATE OF COLORADO



**LEGAL DESCRIPTION:**

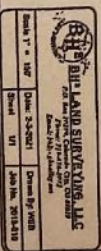
[illegible]

## SURVEILLANCE CERTIFICATIONS

L. Williams N. Fildes, formerly a fellow in Robert Schick's office, that this plot was made for a survey by one or another top-level or regional-level, non-military and clerical and that the plot's theme known to management as obvious is the best of any to undergo and benefit.

**William A. Parkhurst & Co., Inc.**  
3112 Laurelbury, LLC

2





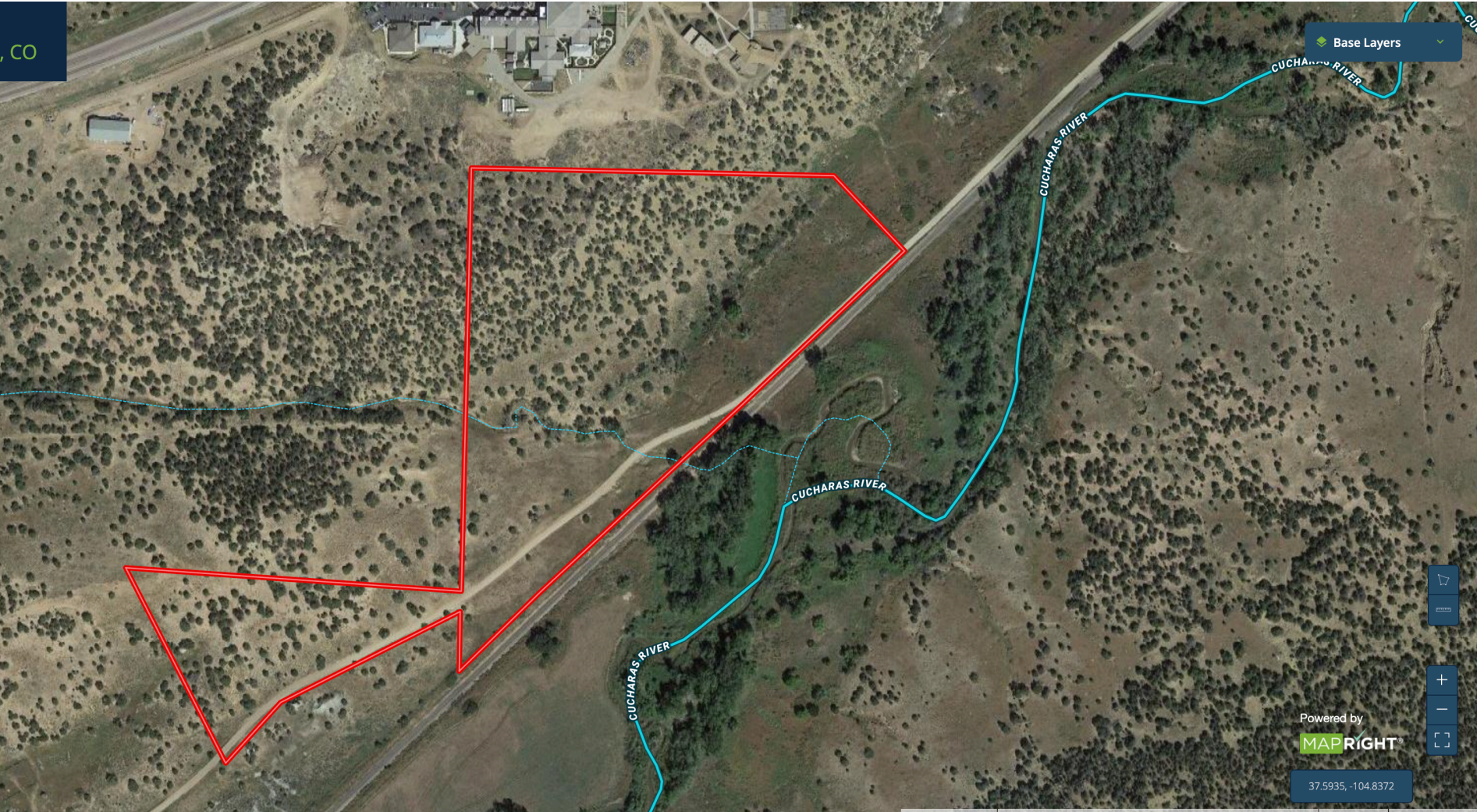
TBD CR 346  
Huerfano County, CO

MAP LEGEND

VIEW TUTORIAL

CONTACT  
Bachman & Associates  
P: 719-742-5551  
[www.DiscoverBachman.com](http://www.DiscoverBachman.com)

BACHMAN  
& ASSOCIATES



Base Layers



Powered by  
MAPRIGHT

37.5935, -104.8372



S 1/2 NE 1/4  
SECTION 24

SW 1/2 NW 1/4  
SECTION 19  
35.05 Acres±

