

Land Use and Building Department
401 Main Street, Suite 304
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HUERFANO COUNTY GOVERNMENT STAFF REPORT

Date: April 11, 2024
To: Huerfano County Planning Commission
From: Carl Young, County Administrator
Re: Permit #20-027 Vacate County Road 565

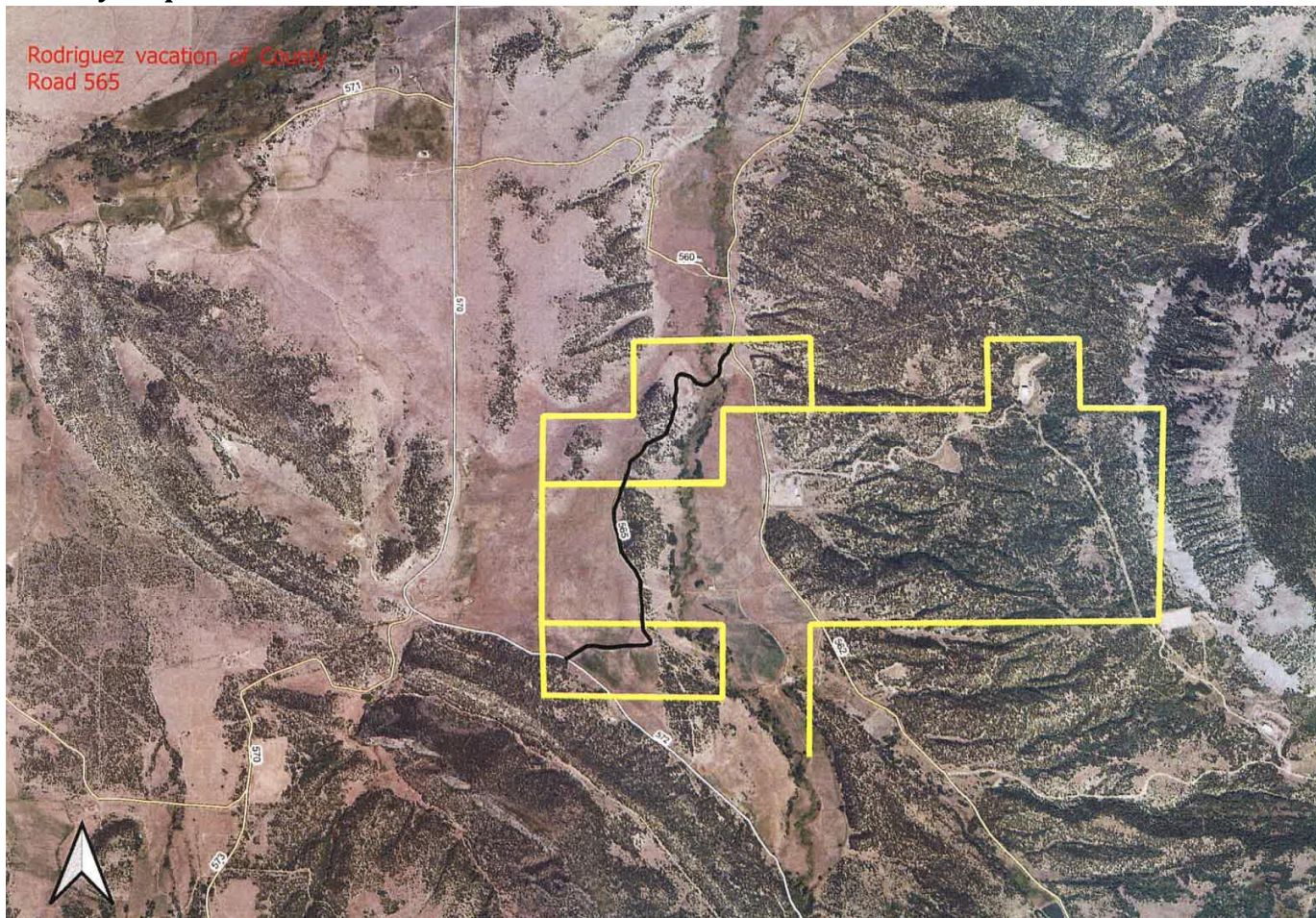
Request:

With this application Fred Rodriquez (the Applicant), on behalf of the Rodriquez Family Trust, requests the following:

Vacation of County Road 565, which runs from County Road 572 to County Road 562, in the north west quarter of the County.

The road runs through three parcels, owned by the Rodriquez Family Trust, Kostgove Ranch LLC, and Soledad3LLC.

Vicinity Map:



Process Summary:

1. Staff determines completeness, routes to relevant referral agencies and schedules & posts notices for public meeting /public hearing with PC and prepares staff report
2. Public notices and notices to referral agencies
3. PC public hearing and recommendation
4. BOCC public meeting and decision

Code References:

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

Applicants may apply for the vacating of any plat, road, easement or portion thereof so long as the plat, road, easement or portion thereof has been filed and recorded in the office of the Huerfano County Clerk and Recorder.

§ 2.15.03 Criteria for Action on a Vacating Application

All actions by the Planning Commission in reviewing and making recommendations on an application to vacate an approved and recorded plat or easement 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 upon the following criteria:

1. That the proposed vacating would not interfere with development of nor deny access via a public thoroughfare to existing structures within the recorded plat, adjoining properties, utility services or other improvements, nor deny access to structures, facilities or sites located beyond the plat or easement to be vacated.
2. That the proposed vacating would not cause undue hardship or inconvenience for any utility company, special district, neighboring landowner or tenant.
3. That the proposed vacating would not be likely to prove detrimental to the public health, safety or welfare of County residents.
4. That the proposed vacating would be consistent with all other provisions in these regulations.
5. That the proposed vacating would not cause undue financial hardship to Huerfano County nor deprive it of needed tax base.

§ 2.15.04 Vacating of Roads, Streets and Highways:

Any conflicting provisions contained within these regulations, notwithstanding the procedures for vacating roads, streets and highways shall conform to the provisions contained in Section 43-2-301, et seq. Colorado Revised Statutes.

Application Materials Required:

§ 2.15.02 Submittal Requirements

Submittal requirements for an application to vacate an approved and recorded plat or easement shall include a completed application, submittal requirements listed in Section 8.03, the appropriate filing fees and the following items:

1. A copy of the approved and recorded plat or easement and a vacated plat. Said plat shall be prepared as a final plat and shall be prepared by and have the seal of a registered land surveyor, duly registered to practice in the state of Colorado.
2. A legal description of the land to be vacated and the area, in acreage or square feet.
3. The Planning Commission may, at its discretion and upon written request by an applicant, waive any but not all of the submittal requirements listed above and the Planning Commission may also, at its discretion, add such submittal items as it deems necessary and appropriate to evaluate and recommend upon any application for the vacating of a plat, right-of-way or easement.

§ 8.03 Submittal Requirements:

In addition to those requirements specific to each land use application type, the following are required with all land use applications:

1. Letter of Intent providing a detailed description of the project. Letter should provide an explanation of why the application should be approved by addressing how the project meets criteria for approval and is in alignment with the Comprehensive Plan and/or other adopted planning documents.
2. Proof of Ownership of all affected lots. If applicant is not the owner, provide written evidence of authority to act on behalf of the lawfully demonstrated owner of the property.
3. Legal description of property.
4. Site plan drawn to scale. Plan to include existing and proposed location of all structures, uses, zoning district boundaries, and setbacks on the land involved in request.
5. If a public hearing is required, a list of names and mailing addresses of owners of record within the radius required for each permit type.
6. If a public hearing is required, pursuant to C.R.S. § 24-65.5-103 (2) (a) The applicant shall identify the mineral estate owners and lessees and easement holders entitled to notice pursuant to this section as shown in the records in the office of the County Tax Assessor and Clerk and Recorder. Provide with application a list of the owners of subsurface mineral interests and their lessees within the required radius for each permit type and on the proposed site, if any, as shown on the records of the Huerfano County Assessor, and their complete mailing addresses.
7. If a public hearing is required, applicant must pay for the cost of publication of the mailed and published public hearing notices.

Application Materials Received:

1. Application
2. Authorization for Fred Rodriquez to Speak on behalf of Soledad3LLC
3. Warranty Deed with Legal Description [Proof of Ownership]
4. Power of Attorney for Virginia Rodriguez Trujillo [Evidence of Authority]
5. Management Agreement of the Rodriquez Family Trust [Evidence of Authority]
6. Request to Waive Plat Amendment Requirement
7. Letter of Intent
8. Area Maps

8.07 Referral Agencies:

The Planning Commission shall determine which, if any, of the following referral agencies shall review the initial and /or preliminary submission:

- a) Huerfano RE-1 School District [School district(s) in which the land encompassed by the proposed subdivision is located.]
- ~~b) Each county, other than Huerfano County, and municipality within a three (3) mile radius of any portion of the proposed land use.~~
- c) San Isabel Electric Association [All applicable local and state improvement and special districts, ditch companies and utilities.]
- ~~d) Colorado State Forest Service, when applicable.~~
- e) Huerfano-Las Animas Area Council of Governments.
- f) Upper Huerfano Soil Conservation District.

- g) CDPHE and Las Animas Huerfano Counties District Health Department [Colorado Department of Public Health and the Environment and/or such county, district or regional health departments as may exist.]
- h) State Engineer/Colorado Division of Water Resources.
- i) Other referral agencies and potentially affected parties that the Planning Commission determines to be appropriate.**
- j) Huerfano County Water Conservancy District [Water Conservation Agency.]
- k) Upper Huerfano Fire Protection District [Fire Protection District.]
- l) Huerfano County Economic Development.
- m) Parks and Wildlife.
- n) Tourism Board.
- ~~o) HOA or POA if property is within its jurisdiction.~~
- p) The property owners within 500 feet of County Road 565.

Received four responses from three agencies:

1. Two from Colorado Parks and Wildlife who had no problems with the vacation.
2. One from the Las Animas-Huerfano Counties Health Department with no problems with the vacation.
3. One from Upper Huerfano Fire Protection District that does have concerns with the vacation. (Please see attached correspondence).

Commission Action:

Recommendation:

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 with reference to the criteria set forth in the Land Use Code.
4. **Continuation** until a future date to gather more information or obtain clarification or for any other relevant cause.

Enclosures:

- Application Materials