

Huerfano County Land Use Department

401 Main Street, Suite 304
Walsenburg, Colorado 81089
719-738-1220, Ext. 506



Huerfano County Planning Commission Staff Report – Permit #23-042 Faris Meeting Type – Advisory Plat Amendment to swap two parcels of land

Meeting Date: April 11, 2024

Request:

With this Application, Sam Faris of Snowy River Ranches (the Applicant) requests the following:

A plat amendment to reflect the exchange of land in which the City of Walsenburg will give an 8-acre portion of a parcel to the applicant in exchange for a 1.25-acre portion of another parcel owned by Mr. Faris, which will give the city improved access to their water plant. The piece of land being given to the City will be combined with the parcel containing the water plant. Pursuant to LUR Section §2.14 this is a plat amendment, as it changes the arrangement of lot lines, and ultimately creates only one new parcel; as each parcel is adjacent to land already owned by the receiving party. Upon completion of the plat amendment, ownership will be transferred.

The piece of land being given to the City is located adjacent to the water plant in the SE ¼ of the NE ¼ of the SE ¼ of Section 23, Township 28S, Range 67W. (a portion of parcel number 20448).

The piece of land being given to Snowy River Ranches in return consists of eight acres along the river south of CR 346 (Centro Ave) in the NE ¼ of the NW ¼ of Section 18, Township 28S, Range 66W.

The 1.25-acre property adjacent the water plant is zoned Commercial; the 8-acre property along the river is zoned Agricultural. Minimum lot size in the Commercial zone is 0.5 acres; minimum lot size in the Agricultural zone is 35-acres. Zoning standards for this district are set forth in LUR Section §1.03.

The applicant has provided a contract for the exchange of land, which will be effective upon approval of this plat amendment.

Process for Plat Amendment:

- **(2.14.01):** PC meeting: recommendation → BOCC public meeting → Record amended plat with County Clerk and Recorder within 5 days at applicant's expense.

Noticing:

BOCC may require notification of review agencies or other interested parties.

Code References:

The following Code Sections are pertinent to the evaluation of 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:

- Ask the Planning Commission to wave the narrative/letter of intent.
- ALTA Commitment to issue Title Insurance to Snowy River Ranches LLC
- Quitclaim Deed showing ownership of Snowy River Ranches Property
- Bargain and Sale Deed showing City of Walsenburg ownership of their parcel
- Contract to buy and sell real estate
- Plat of re-done survey parcel is missing the signature block for the Planning Commission.

Background:

This application, along with all required attachments were received on October 27, 2023. Application Fees were assessed by the County. Staff has determined the application to be complete.

Maps:

See attached maps.

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, re-platting 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 the County.

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).

Referral Comments:

Letters were sent to the following referral agencies on March 1, 2024:

- San Isabel Electric
- Huerfano County Fire Protection District
- City Clerk of Walsenburg

There were no comments/conditions received from any of the above referral agencies.

Note:

Plat Amendments do not require a public hearing. Planning Commission should make a recommendation to BOCC for an upcoming BOCC public meeting. BOCC may require notification of review agencies or other interested parties.

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