

NARRATIVE – Re-Zoning:

The land in this application started as a 10.5 +/- acre parcel purchased from the Keyah Grande in 2003 with a long-standing history (since 1971) of six lot encroachments on one side of the parcel. It was once a part of the 4,000 acre Keyah Grande found to be bisected off the larger ranch eventually by County Road 146.

The intent of this Re-Zoning application is to provide interested buyers a with 5 acre lot, Parcel 2, in order for them to be able to apply for future residential water needs and a home site. This would result in a 3.82 acre balance, Parcel 1. The entire Site (both Parcels together) is pie-shaped having a total area of 9.2 acres. Residential properties with homes are on the north, east, and south and one entire side borders CR146 with a road front of approximately 900 feet. Across CR146 to the west is the Keyah Grande ranch property. Two of the three sides (north and east) of the Site and Parcels are Aspen Springs Subdivision Unit 2 zoned as AE.

These two parcels are/can be accessed and served by CR146. Parcel Number 1 already has an established driveway through an application, fee, and permit in April, 2004 and intersects CR146. All-weather access would be conducted, as is currently the case, by the Archuleta County Road and Bridge Department.

Rezoning these Parcels would not adversely in any way negatively affect any adjoining property and is not intended to conflict with any other provisions of any regulations. Nor would it create an isolated or spot zone district unrelated to adjacent or nearby areas. In fact, it would be the contrary and it would not be in the best interest to leave any pocket(s) of AR zoning for the five Lots that are involved in this action from the original encroachment and attempts previously to correct them. It will not adversely affect public health, safety or welfare by creating any excessive traffic congestion, create any drainage problems, or in any way reduce light and air to adjacent properties. There are adequate infrastructure/facilities available to serve the type of uses allowed by the proposed change of zoning.

The proposed change of zoning is compatible with the surrounding areas (AE residential) and there will be minimal adverse impacts considering the benefits to be derived. Economic benefits to the community would be derived by the change of the zoning resulting in correct taxation of properties involved. The Archuleta County Assessor has expressed verbally that having all of the historic issues of improper zoning, subdivision, and taxation for the 9.2 acre parcel and Lots 1-6 with their encroachments finally resolved correctly would be important to that agency. Therefore, the result would be consistent with the goals, objectives and policies contained within the Archuleta County Land Use Plan. Social, recreational, and physical impacts should not be a concern. The change of zoning would be in conformance, or will bring the property into conformance, with the Community Plan goals, objectives and policies, and other related policies or plans for the area. The existing zoning classification currently recorded on the official zoning maps of Archuleta County is in error, and double taxation has occurred in the past.

The proposed rezoning is needed due to adjacent land changes or is changing to a degree such that it is in the public interest and consistent with the intent, purpose and provisions of County Regulations and would provide an improvement to densities or uses within the land in question, being all residential in nature in smaller parcels.

There are no unique features, such as historical sites, unique land forms or scenic vistas contained within the land proposed for rezoning.

There are no natural or man-made water courses, retention areas, streams, lakes and known one-hundred (100) year flood plains on or adjacent to the property. A document (copy included) from InterFlood services states that the Parcel(s) are in Zone C and are not within in Flood Plain Areas. Any slope of twenty percent or greater in the proposed rezoning area is depicted on the map prepared by Davis Engineering and the majority of slope is 11%. There are no ponding areas or concentrated runoff areas, lakes or streams, wildlife hazard areas.

Lastly, it could be argued that when Resolution #2006-20 was placed into effect rezoning errant pockets in Aspen Springs and elsewhere in the County on August 22, 2006 that the parcel being discussed here should have been included in that decision since Resolution #2000-55, dated June 20, 2000, stipulates that the property in these parcels is residential in nature and allowed for a single-family dwelling.

The co-applicants are neighbors and are joining together in order to straighten out this issue and resolve other irregularities in an Amended Plat Application.

Cc: file

Phillip F. Culver Revocable Trust