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## MEMORANDUM

TO: Archuleta County Board of County Commissioners

FROM: John C. Shepard, AICP; Planning Manager

DATE: March 19, 2019

RE: Aspen Springs Subdivision No. 2 Amendment 2019-01 final plat, a replat of Lots 1-5, 25X and adding a tract of land, and vacating utility easements (PLN19-046)

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### EXECUTIVE SUMMARY

Ronald & Bernice Beckman, and Philip Culver on behalf of the Phillip F. Culver Revocable Trust, have applied for Final Plat review of the **Aspen Springs Subdivision No. 2 Amendment 2019-01** re-plat, located in the SW¼ of S2 & SE¼ of S3 T34N R3W, NMPM. This includes Lots 1, 2, 3, 4, 5, and 25X of Block 17, Amended Aspen Springs Subdivision No. 2, the tract created by Resolution 2000-55 and the remainder tract subject to Decree Quieting Title (Rec. No. 21702690). The proposal also vacates unused utility easements. The Amended Plat is intended to correct boundary issues and would result in no increase in permitted residential density. (PLN19-046)

Ronald Beckman and Philip Culver have also applied to **rezone** approx. 11.5 acres northeast of County Rd 146 (Turkey Springs Rd) from Agricultural/Ranching (AR) to Agricultural Estates (AE) to match adjacent property. (PLN19-045)

At their meeting on February 27, 2019, the Planning Commission voted (4-0) to recommend approval.

### REVIEW PROCEDURE

Section 4.6 of the *Archuleta County Land Use Regulations* provides for Plat Amendments, including re-platting, through the subdivision review process outlined in Section 4.1. While this proposal encompasses 7 lots and should be considered a Major Subdivision, Applicants are creating no new density and no changes are necessary to roads or access, so the Planning Manager waived Preliminary Plat review (as provided in Section 4.6.4). Consideration of Final Plat approval is dependent on passage of the Zone Map Amendment.

For a Major Subdivision, resulting in more than three parcels, Planning Commission makes a recommendation on the Final Plat, with final approval by the Board of County Commissioners in a public hearing. Section 4.6.5 provides for vacation of right-of-way and easements. Staff completed Sketch Plan Review in June 2018. Public notice was combined for the Zone Map Amendment and Major Subdivision Review.

## DISCUSSION

Aspen Springs Subdivision No. 2 was approved by the Board of County Commissioners in 1971 and subsequently amended the same year. The Board of County Commissioners approved Resolution 2000-055 on June 20, 2000, allowing Keyah Grande LLC to divide by exemption approximately 11.56 acres north and east of County Rd 146 (Turkey Springs Rd) from the larger 3,500 acre property, which Mr. Beckman purchased as it was adjacent to his home on Lot 25. There was a boundary overlap between the Aspens Springs 1971 plat and the actual border of Sections 2 and Section 3. Mr. Beckman has worked since the year 2000 to negotiate a solution to the overlap and has conveyed portions of proposed Lots 2Z, 3Z, 4Z, and 5Z so that those remain buildable lots (now all owned by Mr. Culver). This amended plat is intended in part to legalize those transactions and provide a smaller buildable lot on the remainder of the property originally belonging to Keyah Grande. Lot 1Z will be a very difficult building site, and Mr. Culver could consolidate it with Lot 2Z, but has not proposed to do so at this time. An overlap also remains with Lot 6 of Aspen Springs Subdivision No. 2, which this re-plat resolves along the found Section line.

The *Archuleta County Community Plan* of 2001, Future Land Use Map, designates this area for Medium Density Residential development. Aspen Springs 2 is zoned Agricultural Estates (AE) and Mr. Beckman and Mr. Culver have proposed to rezone the former Keyah Grande tract the same. That tract will become Lot 26Z of Block 17. Unused utility easements are vacated on the Beckman's consolidated home site, Lot 25X. No net increase in residential density is proposed—although there is a 5-acre minimum lot size in the AE zone, the existing lots less than 5-acres are becoming larger (less non-conforming) and the remaining tract is proposed at 5.0 acres.

Review comments were combined for the Zone Map Amendment and Amended Plat. Sketch Plan review was completed in June 2018. Comments received at this time include:

- The Deputy County Surveyor had technical comments on the plat (2/07/18).
- County Engineering had no issues.
- LPEA suggested having utility companies sign the plat when vacating unused utility easements.
- San Juan Basin Public Health noted that Lot 25XZ is served by a permitted OWTS. Future development of Lot 26Z will require an OWTS construction permit.
- The CO Division of Water Resources performed a “cursory review” pursuant to the State Engineer’s memo of March 4, 2005. Comments do not address adequacy of the water supply plan, nor can they guarantee a viable water supply, issuance of a well permit, or physical availability of water. The State Engineer’s Office considers this proposal a “non-subdivision referral” (amending the existing plat, rather than proposing a new subdivision). Each resulting lot would be eligible to apply for an exempt household-use only well permit for one (1) single-family dwelling with no outside water or other uses allowed.
- Pagosa Fire Protection District had no objection.
- The Amended Plat was referred to the County Clerk & Recorder, and County Assessor, for review as to form.

One neighbor called to inquire about the proposal.

The former County Clerk & Recorder had asked that final plats have separate blocks for Board Certification (final plat public hearing) and Approval to Record (date mylar is ready to record), as required by Section 4 Subdivision Regulations. See attached draft text (8/27/18).

The Archuleta County Planning Commission held a Public Meeting on February 27, 2019, and heard from the Applicant. No members of the public spoke. After consideration, the Planning Commission voted to recommend Approval to the Board of County Commissioners, of the Beckman-Culver request for the Aspen Springs Subdivision No. 2 Amendment 2019-01 Final Plat, with Findings A and B and Condition #1-2 of the staff report:

1. The plat be revised as required by the Deputy County Surveyor.
2. Revise Plat Certifications as noted by staff.

Applicant's surveyor subsequently revised the Final Plat to fulfill these conditions (3/06/19).

#### RECOMMENDATION AND FINDINGS

**Based on evidence provided, staff recommends the Board of County Commissioners find that:**

- a. Assuming rezoning from AR to AE of the entire plat area, the application does meet the review criteria for development in the Agricultural Estates (AE) district in Section 3.1 of the *Archuleta County Land Use Regulations*, and
- b. The application does meet the review criteria for an Amended Plat, in Section 4.6 of the *Archuleta County Land Use Regulations*, and

That the Board approve the **Beckman/Culver** request for final plat approval of the **Aspen Springs Subdivision No. 2 Amendment 2019-01** re-plat, creating Lots 1Z, 2Z, 3Z, 4Z, 5Z, 25XZ and 26Z of Block 17, with no conditions.

#### PROPOSED MOTION

**I move to approve the Aspen Springs Subdivision No. 2 Amendment 2019-01 Final Plat, with Findings A and B and no conditions.**

#### ATTACHMENTS.

Attachment 1: Area Maps

Attachment 2: Review Comments and Draft Plat Certifications (5/25/2018)

Attachment 3: Resolution 2000-54

Attachment 4: Applicant Narrative

Attachment 5: Proposed Amended Plat