

NARRATIVE – Amended Plat:

Background and History –

The land in this application started 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 as a result of faulty surveying whereby surveyors did not properly recognize a Section line that is one side of the property.

The intent of this Amended Plat application is to provide interested buyers with a 5 acre lot, Parcel 2, in order 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 three-sided and 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 County Road 146 with a road front of approximately 900 feet. The homes are in Aspen Springs Subdivision Unit 2. Across CR146 on the entire west side is the Keyah Grande. In 2007, as a result of a meeting with Cindy Schultz of the County Planning Department, it was determined that in beginning to sort out the original 10.5 acre parcel (the balance of which is the 9.2 being discussed here) an illegal subdivision has occurred by one of the co-applicants. This was done during an attempt to correct 4 out of the 6 lot encroachments on the eastern side of the parcels that existed at the time the property was purchased from Alan Sackman/Keyah Grande in 2003, and from 1971. Over time, costs for legal representation, survey services and fees have exceeded \$25,000 burdened by one of the co-applicants for the lot correction attempts (Lots 1, 2, 3, 4 & 5) and preparation for this Amended Plat application. Lot 6's boundary lines would be corrected with this action and is the final lot encroachment of the six in total.

Natalie Woodruff, a County Assessor, had also expressed her support for correcting the lot boundaries for the affected properties. That office would like to see that resulting proper taxation is based on correct information, apparently important to that agency and its mission, when this effort is completed. Additionally, the Parcel has a physical address of 13211x W US Highway 160 which is not at all accurate and was assigned when this area was originally part of the Keyah Grande. The Parcel is a full half-mile north of Highway 160. The residential lot immediately adjacent north has the address of 687 Badger Road. Having a correct numerical and street address for the residential properties would be an improvement to GIS information and data retention in Archuleta County records.

These two parcels can be accessed and served by CR146. Parcel 1 already has an established driveway through an application, fee and a permit in April, 2004 and

intersects CR146 serving the Badger Road and Parcel 1 property. All-weather access would be conducted, as is currently the case, by the Archuleta County Road and Bridge Department. Utilities for these parcels would mirror dwelling sites all around them by residential sized LPG storage tanks supplied by local providers. Electricity could be obtained via LPEA power co-op underground distribution lines running across the encroachment lots and has full and current LPEA easements. Water could be provided on the larger parcel by a well, if a future owner opted to apply for such an improvement and permit. A permitted and producing well has been drilled on the 687 Badger Road property approximately 600 feet away from Parcel 2. A copy of the Colorado Well Permit is attached for the 687 Badger Road property.

Any sewage disposal would need to be conducted by an engineered septic system, as is typical for building in this area. A letter from the Pagosa Area Water & Sewer District, dated August 22, 2008 states the land is not within their service area. Weekly refuse pick up services would need to be contracted with a collector agency, as are typical to other residences in the neighborhood.

Fire protection is achieved by the Pagosa Fire Protection District. Fire Station Number 5 is .5 mile away from the parcels. Telephone provider services, both landline and cellular, can be accessed for the parcels. Recreational opportunities exist in the immediate area with the SJNF Turkey Springs gate being located .75 miles north. Local schools and shopping are approximately 8 miles away, with the exception of the Turkey Springs Trading Post .5 mile south also.

The topography of the two parcels is a short series of four rolling hills with large flat, forested areas on the hill tops. Vegetation is scrub oak, mature and young ponderosa and jack pine, juniper, spruce, common grasses and yucca. The area is not in a low area and there is no concern for flooding. An assessment was done in 2014 by InterFlood services and there is no Flood Zone Hazard Area concerns for the Parcels and they are in Zone C. There are no ponding or concentrated runoff areas, lakes or streams, nor wildlife hazard areas or steep slopes. The plat map shows any areas within it that have a slope of or greater than 20 percent but most have a slope of only 11%.

The soil is made up of approximately 18" of top soil over deeper shale deposits typical of the soils in the area.

These factors and approval of the Amended Plat would not adversely in any way negatively affect any adjoining property and are not intended to conflict with any other provisions of any regulations.

Applicability –

An Amendment to Aspen Springs Unit 2 Subdivision through the Amended Plat, Lot Size Variance, and new lot re-plat would provide for “minor corrections or any other changes to a recorded plat and a single transaction large lot subdivision” as described in Section 4 of the Subdivision Regulations for the total 9.2 acre Parcel. All platted utility easements would remain and no changes in any covenants or restrictions would be evident in allowing the Amended Plat.

As a result of an approval, Parcel 1 would be consolidated into the physical address of one of the co-applicants living full time since 2009 at 687 Badger Road making that parcel in total 6.82 acres +/- in size. A survey has been conducted by Davis Engineering as shown on the Amended Plat drawing and all monuments are ready for inspection in the field by the County Surveyor (who also set them, ironically). The arduous process just with Davis Engineering alone has taken nine years to reach this final phase. All other items necessary for the Application are completed. A narrative is not being submitted at this time for the Lot Size Variance, as it is understood to be inclusive in the process of the Amended Plat.

The second co-applicant on the Amended Plat Application is Mr. Phillip F. Culver (Revocable Trust) and is joining this effort in order to straighten out and correct the aforementioned conveyed illegal lots that he has, through time, found himself now in possession of (Lots 2, 3, 4, & 5).

An application to Re-Zone this property from AR to AE is being submitted concurrently by the co-applicants (direct neighbors) in this process in order to correct other inherited irregularities and the co-applicants, together, are following the recommendations of the Planning Department with comments made by the County Attorney after a first review and response in a letter dated June 12, 2018 resulting from the submittal of a Minor Subdivision Application in May.

The Amended Plat, when approved, and all other remedies aforementioned intend to ensure that the amended plat conforms and would be in accordance with the development objectives of the County (per the Archuleta County Community Plan) and would not be detrimental to any other uses or properties.

Cc: File

Phillip F. Culver Revocable Trust