Archuleta County Development Services Department
REPORT TO THE
BOARD OF COUNTY COMMISSIONERS

REQUEST: Review an Exemption Plat request for the **Adams Exemption Plat** pursuant to the Exemption Plat Criteria in Section 4.7 of the Archuleta County Land Use Regulations

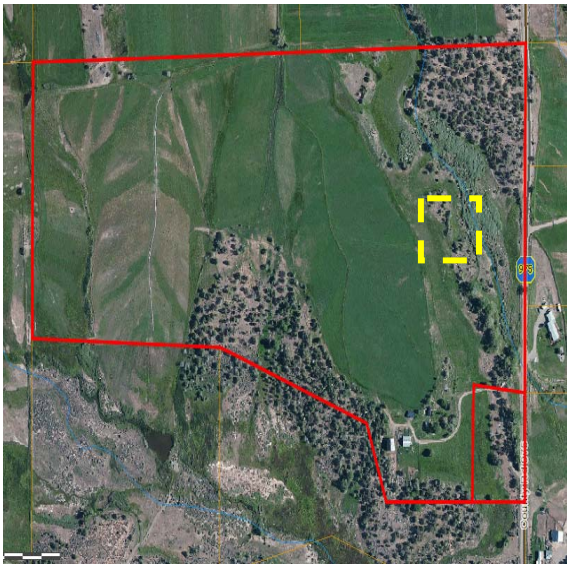
APPLICANT: Wendy and Bruce Adams

LANDOWNER: Wendy and Bruce Adams

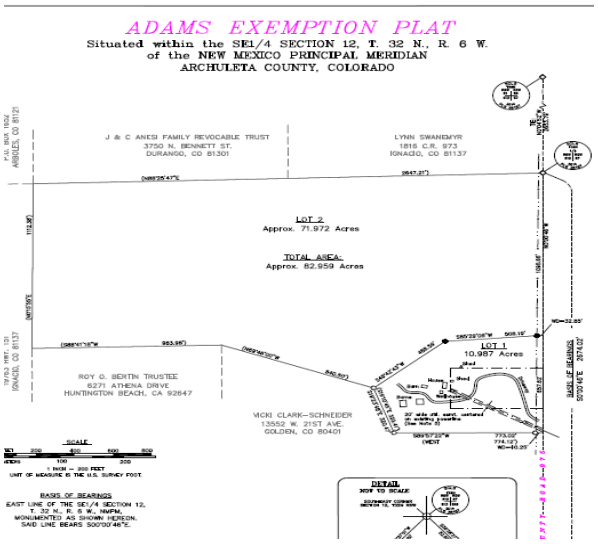
HEARING DATE: August 19, 2014

PLANNER:

Zoning District: Agricultural Ranching- 35-acre minimum lot size
Legal Description: SE 1/4 Section 12, Township 32N, Range 6W; N.M.P.M.
Address: 1918 County Road 975
Parcel size: 82.959+- acres
Short Description: To exempt 1- 10.987 acre parcel from the subdivision regulations under Section 4.7 of the Land Use Code.



Map a.



Map b.

Map a. shows the current configuration which was done before our current regulation.
Map b. shows the proposed reconfiguration which makes the smaller piece of the property complaint and enlarges it to include the homestead.

PROPOSAL DESCRIPTION:

The proposal is to exempt one (1) 10.987 acre parcel from the subdivision regulations as legally exempted parcel. The parent parcel shown in **Map b.** is approximately 82.959 acres. According to the application narrative, the property owners wish to increase the smaller parcel to include the

existing home, buildings, and infrastructure so that they may construct a new waste water system.

COMPLIANCE TO APPLICABLE LAND USE REGULATIONS

This request is reviewed under Section 4.7 of the Land Use Regulations. The following enumerated Sections outline the Land Use Regulation requirements and Staff's evaluation of this application's compliance:

Section 4.7 Subdivision Exemption Plat for Agricultural/Ranching Land Divisions. Colorado Revised Statutes 30-28-101 may be applied for the landowner to the Board and the if granted allow the landowner to create an additional lot within the AR district; each application shall be considered on a case by case basis where the following conditions may apply:

Section 4.7.1: Prior to the allowing of the division of tracts the landowner shall provide proof of water availability and approved septic capability; ***The applicant provided: a letter from San Juan Basin Health Department indicating that both proposed properties would support individual septic systems; and Colorado Division of Water Resources has permitted 1 existing wells on the existing property.***

Section 4.7.2: The intent of the exception is to benefit the traditional ranching/farming family; whereas, to allow more than one family to remain living on the property to assist with the operation of the ranch/farm. However, the State Law does allow the Board of County Commissioners the option to consider exceptions for other extraneous circumstances unrelated to the traditional ranching family conditions. ***This parcel has historically been used for agricultural purposes.***

Section 4.7.3: No more than one home on the divided tract and two homes on the original tract. ***Currently, the landowner is allowed two homes on the existing tract; allowing the Exemption plat would grant ability to construct two home on Lot 2 and one on Lots 1.***

Section 4.7.4: Access from public roads shall remain the same. ***The proposed parcel Lot 1 has access to County Road 975 and Lot 2 will access County Road 975 the location would depending on preference and Right-of-Way Technician recommendations.***

Section 4.7.5: Additional deed restrictions may apply. ***Other restrictions may be required at the Board's discretion.***

Section 4.7.6: Exemption plat to be drafted by a certified Colorado surveyor. ***The preliminary plat was prepared by a licensed surveyor; in addition, the plat was reviewed by County staff, Clerk, Assessor, Utility companies and the County Surveyor and signed off by all***.

Section 4.7.7: Lienholders must sign exemption plat therefore either and Owners and Encumbrances or Title Report will be required. ***This was submitted with the application.***

REQUIRED NOTIFICATIONS:

The public notification of the initial hearing on this project was in accordance with Section 4.7 of the Regulations:

- Mailed via U.S. mail, certified mail –return receipt at least 21 days prior to public hearings to owners of property within 300 feet of the boundary of the subject property.

PUBLIC COMMENTS
No neighbor comments have been received as of July 30, 2014.

STAFF RECOMMENDATION:
Planning Staff has reviewed this Adams Exemption Plat proposal with respect to the Archuleta County Land Use Regulations adopted in 2006. The project meets the criteria for Section 4.7 and the mylar has been prepared and ready to be signed prior to scheduling the Board hearing, all in conformance with the Plat Processing Procedure adopted July 16, 2013.

Alternatives:

A. Recommend approval of the Adams Exemption Plat with the following condition the unrecorded mylar will be valid for 12 months from approval date.
B. Continue consideration of the request with direction to staff and/or applicant
C. Recommend denial of the Adams Exemption Plat with reasons stated in the motion.

Staff recommends Alternative A – approval of this request

End report