



Archuleta County  
Development Services  
1122 US Hwy 84 / P. O. Box 1507  
Pagosa Springs, Colorado 81147  
970-264-1390

## STAFF REPORT

TO: Archuleta County Board of County Commissioners

FROM: Pamela Flowers, Development Director

DATE: June 1, 2022

STAFF

REPORT: Candelaria Subdivision Amendment 2022-01, Consolidation and Vacation, Final Plat (PLN22-021)

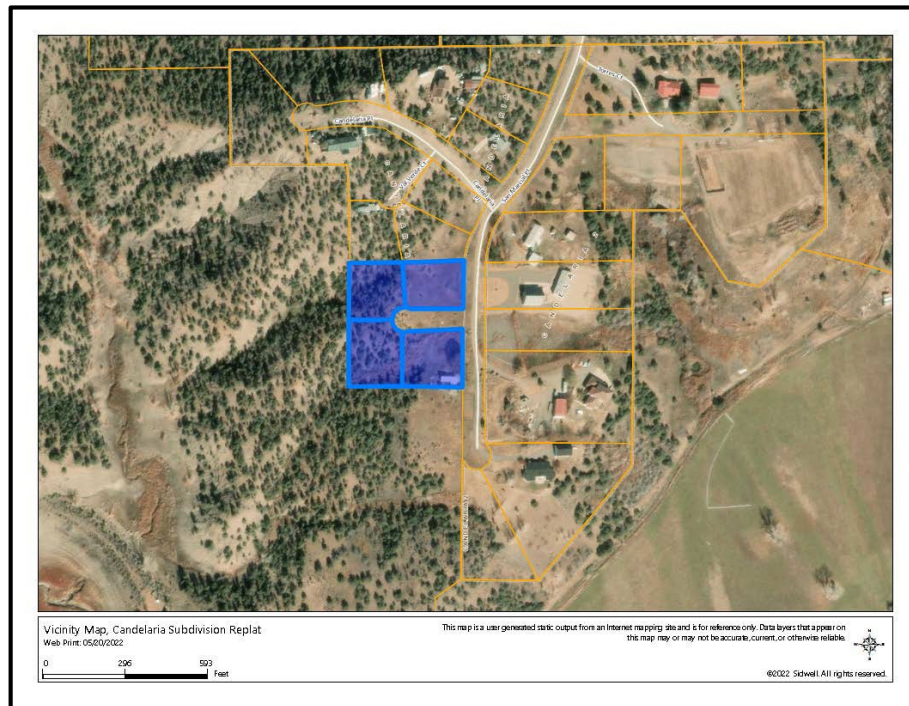
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### EXECUTIVE SUMMARY

Julie Candelaria has applied for Approval of **(PLN22-021) the Candelaria Subdivision Amendment 2022-01 Final Plat, Being a Replat of Lots 13, 14, 15, and 16, Vacating Rivas Court and Creating Lot 15Z and Lot 16Z.** The Applicant wishes to eliminate an unused and unbuilt right-of-way and consolidate four (4) lots into two (2) lots.

All files associated with this application and its review are available for closer examination on the Archuleta County Website on the Planning Department's Planning Proposals Page at this link:

<http://archuletacounty.org/467/Planning-Proposals>



## REVIEW PROCEDURE

Section 4.6 of the *Archuleta County Land Use Regulations* (“the Regulations”) provides for plat Amendments. Specifically, as this is an amendment of a previously approved subdivision plat, Section 4.6.4.3 indicates that it is in the discretion of the Development Director to determine that only a Final Plat Review is required. Therefore, no Sketch Plan or Preliminary Plat Review were conducted.

Table 1: Review Process and Table 2: Public Notice Requirements of the Regulations indicate that a Public Hearing is required for a Subdivision Final Plat approval with all the Public Notice requirements found in sec 2.2.3. All of these requirements have been met for this application.

## DISCUSSION

The Applicant is requesting this amendment which will vacate the right-of-way (ROW) for the unbuilt Rivas Court and consolidate four (4) lots into two (2). There are no lienholders on the property.

### *Future Land Use and Zoning Review*

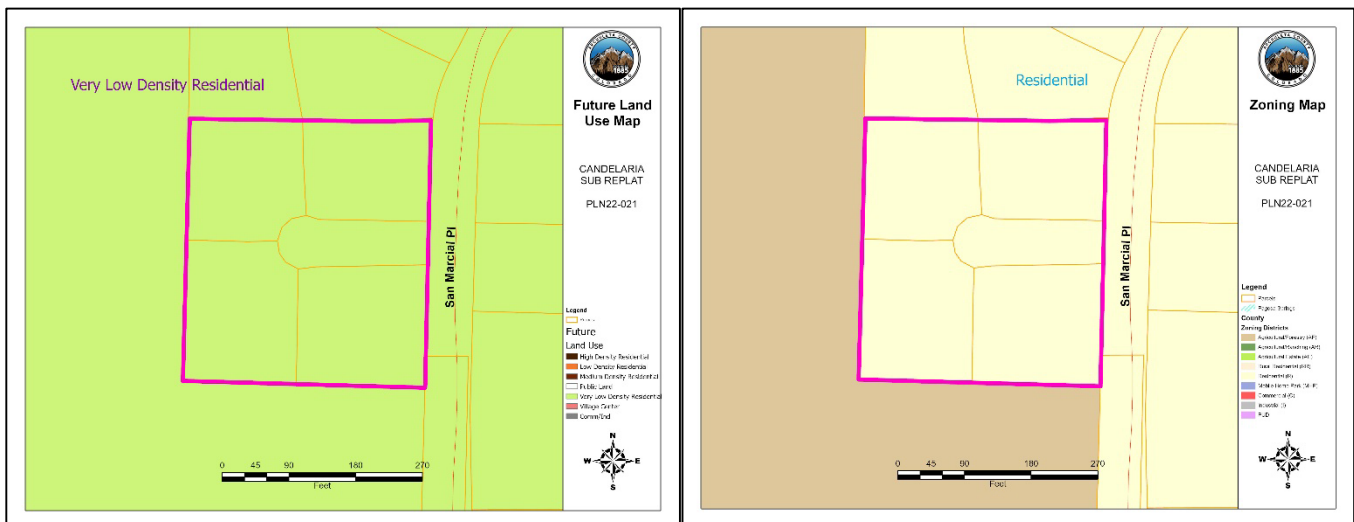
The parcel is zoned Residential (R) and the Future Land Use Map designates this area for Very Low Density Residential Development. The replat action will be consistent with both of these factors.

### *Referral Agency Review*

The project was staffed to all the required agencies as listed in Section 2.2.5 of the Regulations. The resulting review comments and conditions are summarized here:

- The Archuleta County Surveyor provided comments which have been reflected in the recommended conditions below.
- All other agencies had no comments or concerns.

The Planning Staff conducted a review and documented those results in the Standards and Review Matrix attached to this report. The resulting recommended conditions are listed below.



*Planning Commission Review*

The proposal was presented to the Planning Commission at their May 25, 2022 Regular Meeting. The results of their review are included in the recommendations and findings below.

RECOMMENDATION AND FINDINGS

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

- a. The application does meet the review criteria for an Amended Final Plat in Sections 4.4 and 4.6 of the *Archuleta County Land Use Regulations*, and

That the **Board of County Commissioners Approve PLN22-021, the Candelaria Subdivision Amendment 2022-01 Final Plat, Being a Replat of Lots 13, 14, 15, and 16, Vacating Rivas Court and Creating Lot 15Z and Lot 16Z**, with the following conditions;

1. Applicant must change the Subtitle to read, "BEING A REPLAT OF LOTS 13, 14, 15, AND 16, VACATING RIVAS COURT AND CREATING LOT 15Z AND LOT 16Z" at the top of the plat and in the Title Block.
2. Applicant must add Owners Address blocks for Erin M. Candelaria and Karla K. Candelaria, or provide a Power-of-Attorney granting authority to Julie E. Candelaria exclusively.
3. Applicant must add the depiction of a Vicinity Map to the Plat.
4. Applicant must add Dedication and Waiver blocks for Erin M. Candelaria and Karla K. Candelaria, or provide a Power-of-Attorney granting authority to Julie E. Candelaria exclusively.
5. Applicant must change the Certificate of the Archuleta County Board of County Commissioners to read, "This plat including the vacation of a public right-of-way as marked, and the statements hereon were conditionally approved, pending the completion of special improvements, on the \_\_\_\_ day of \_\_\_\_\_, 2022 by the Board of County Commissioners of Archuleta County, Colorado."
6. Applicant must add General Dedication Block regarding new front and side utility easements depicted on the plat and remove the indication on the map that reads "Per Archuleta County Planning Department".
7. Applicant must depict ownership, acreage, and vesting, of vacated Rivas Court right-of-way.
8. Applicant must coordinate with the County Attorney to arrange for the purchase of the approximately .28 acres of newly vested land incorporated into the new lots by the filing of this plat, at an estimated cost of \$9,024.72.

PROPOSED MOTION

**I move to APPROVE PLN22-021, the Candelaria Subdivision Amendment 2022-01 Final Plat, Being a Replat of Lots 13, 14, 15, and 16, Vacating Rivas Court and Creating Lot 15Z and Lot 16Z, with finding A, and conditions 1-8 as presented.**

ATTACHMENTS

Attachment 1: Proposed Amended Plat

Attachment 2: Standards and Criteria Review Matrix

**CANDELARIA SUBDIVISION AMENDMENT 2022-01  
VACATING RIVAS COURT AND CREATING LOTS 15Z AND 16Z  
SECTIONS 19 & 20, TOWNSHIP 32 NORTH, RANGE 5 WEST, N.M.P.M.  
COUNTY OF ARCHULETA, STATE OF COLORADO**

**CERTIFICATE OF OWNER(S).**

KNOW ALL MEN BY THESE PRESENTS:  
THAT JULIE E. CANDELARIA, WHOSE LEGAL ADDRESS IS 335  
CRESTLAKE CIRCLE, PLACENTIA, CA 92870 BEING OWNER OF THE  
FOLLOWING DESCRIBED REAL PROPERTY, TO WIT:

LOTS THIRTEEN (13), FOURTEEN (14), FIFTEEN (15) AND SIXTEEN  
(16) OF CANDELARIA SUBDIVISION, ACCORDING TO THE PLAT  
NUMBER 67805 IN THE OFFICE OF THE CLERK AND RECORDER,  
ARCHULETA COUNTY, COLORADO.

LOT 13 CONTAINING 0.60 ACRES; MORE OR LESS.  
LOT 14 CONTAINING 0.69 ACRES; MORE OR LESS.  
LOT 15 CONTAINING 0.59 ACRES; MORE OR LESS.  
LOT 16 CONTAINING 0.51 ACRES; MORE OR LESS.

HAS CAUSED THE SAME TO BE SURVEYED, LAID OUT,  
SUBDIVIDED, AND DESIGNATED AS "CANDELARIA SUBDIVISION  
AMENDMENT 2022-01" AND HAS CAUSED THIS PLAT TO BE  
MADE, FILED, AND FURTHER DECLARES:

**GENERAL DEDICATIONS.**

ALL EASEMENTS OF RECORD ARE TO REMAIN.

IN CONSIDERATION OF THE APPROVAL OF THIS PLAT, THE ABOVE  
STATED OWNER HEREBY WAIVES ANY AND ALL CLAIMS OF  
DAMAGES AGAINST ARCHULETA COUNTY OCCASIONED BY THE  
ALTERATION OF LAND SURFACES TO CONFORM TO THIS PLAT.

IN WITNESS WHEREOF, THIS INSTRUMENT IS EXECUTED

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

JULIE E. CANDELARIA

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC: \_\_\_\_\_

**CERTIFICATE OF ARCHULETA COUNTY PLANNING**

COMMISSION.

THIS PLAT AND THE STATEMENTS HEREON REFLECT THE

RECOMMENDATION OF THE PLANNING COMMISSION.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

THIS APPROVAL DOES NOT EXTEND TO THE DESIGN OF UTILITIES,  
SEWAGE DISPOSAL, ROADS, OR ANY OTHER SERVICE FACILITY.

BY THE ARCHULETA COUNTY PLANNING COMMISSION, ARCHULETA  
COUNTY, COLORADO.

BY CHAIRPERSON: \_\_\_\_\_

**CERTIFICATE OF ARCHULETA COUNTY BOARD OF**

COUNTY COMMISSIONERS.

THIS PLAT AND THE STATEMENTS HEREON ARE CONDITIONALLY

APPROVED, PENDING COMPLETION OF ANY SPECIFIED

IMPROVEMENTS.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

BY THE ARCHULETA COUNTY BOARD OF COUNTY COMMISSIONERS,  
ARCHULETA COUNTY, COLORADO.

BY CHAIRPERSON: \_\_\_\_\_

**CERTIFICATE OF APPROVAL TO RECORD.**

HAVING ASCERTAINED THAT THE CONDITIONS OF APPROVAL HAVE  
BEEN SATISFACTORILY COMPLETED ON

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

THE ARCHULETA BOARD OF COUNTY COMMISSIONERS APPROVES  
AND RECORDER THIS APPROVAL DOES NOT EXTEND TO THE  
DESIGN OF UTILITIES, SEWAGE DISPOSAL, ROADS, OR ANY OTHER  
SERVICE FACILITY. THE ARCHULETA COUNTY BOARD OF COUNTY  
COMMISSIONERS' APPROVAL OF THIS PLAT CONSTITUTES THE  
ACCEPTANCE, ON THE PUBLIC'S BEHALF, OF THE OFFER OF  
DEDICATIONS OF RIGHTS-OF-WAY, BUT DOES NOT CONSTITUTE  
ACCEPTANCE OF ROADS, UTILITIES, OR SERVICES BY THE  
COUNTY FOR MAINTENANCE OR OPERATION.

BY CHAIRPERSON: \_\_\_\_\_

**CERTIFICATE OF COUNTY SURVEYOR.**

THIS PLAT HAS BEEN REVIEWED AND APPROVED FOR STATUTORY  
COMPLIANCE WITH THE ARCHULETA COUNTY PLANNING AND THESE  
ITEMS HAVE BEEN DETERMINED TO MEET THE MINIMUM  
STANDARDS FOR LAND SURVEYING IN THE STATE OF COLORADO.  
THIS CERTIFICATE DOES NOT REPRESENT A THOROUGH REVIEW  
OF CALCULATIONS, METHODOLOGY, OR THE CORRECTNESS OF  
THE BOUNDARY DEPICTED HEREON.

**CERTIFICATE OF CLERK AND RECORDER.**

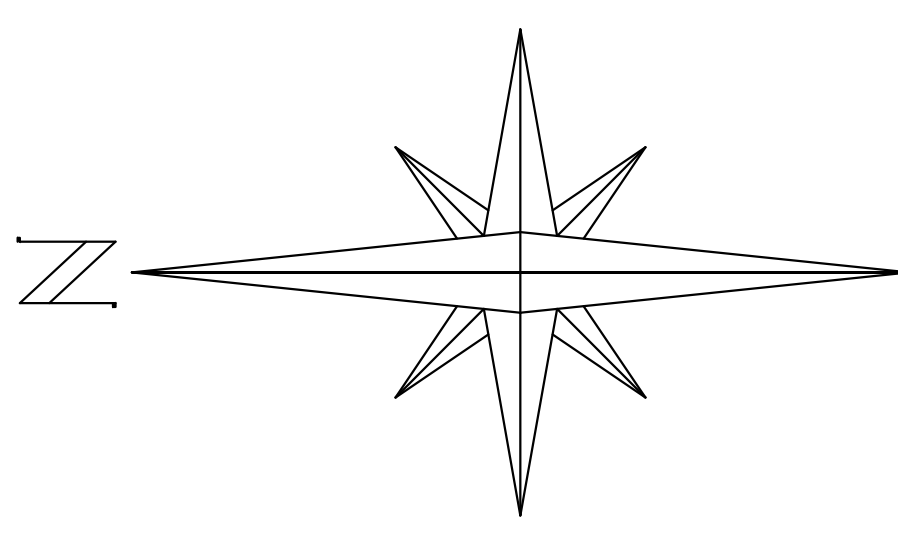
I CERTIFY THAT THIS INSTRUMENT WAS FILED IN MY OFFICE

AT \_\_\_\_\_ O'CLOCK, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022

RECEPTION NUMBER: \_\_\_\_\_

PLAT FILE NUMBER: \_\_\_\_\_

BY CLERK AND RECORDER: \_\_\_\_\_



GRAPHIC SCALE

1 INCH = 30 FEET  
THE LINEAR UNIT OF MEASUREMENT IS  
THE U.S. SURVEY FOOT

BASIS OF BEARINGS: THE MONUMENTED WESTERLY  
LINE OF LOT 14, AS SHOWN  
HEREON AND ASSUMED AS N00°18'40"W.

**LEGEND**

**SLANT LETTERING = MEASURED DIMENSION**  
BLOCK LETTERING = RECORD DIMENSION  
RECEPTION NUMBER 67805  
LIGHT LETTERING = SUPERSEDED INFORMATION

- FOUND A 1/2" REBAR WITH A ILLEGIBLE 1" RED PLASTIC CAP
- FOUND A 5/8" REBAR WITH A 2" ALUMINUM CAP STAMPED "B SMITH LS 37939"
- FOUND A 5/8" REBAR WITH A 2" BRASS CAP STAMPED AS SHOWN
- SET 2" ALUMINUM CAP ON A 5/8" REBAR STAMPED "PINNACLE SURVEYING INC PLS 34996"

**SURVEYOR'S STATEMENT.**

I, THOMAS E. AU, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THIS PLAT OF "CANDELARIA SUBDIVISION AMENDMENT 2022-01" WAS PREPARED UNDER MY DIRECTION, MEETS THE STATE OF COLORADO MINIMUM STANDARDS FOR LAND SURVEY PLATS AND TRULY AND CORRECTLY REPRESENTS A FIELD SURVEY. THE SURVEY AND WAS MONUMENTED IN ACCORDANCE WITH C.R.S. 2011-101, ET SEQ.

FOR REVIEW AND REVISION

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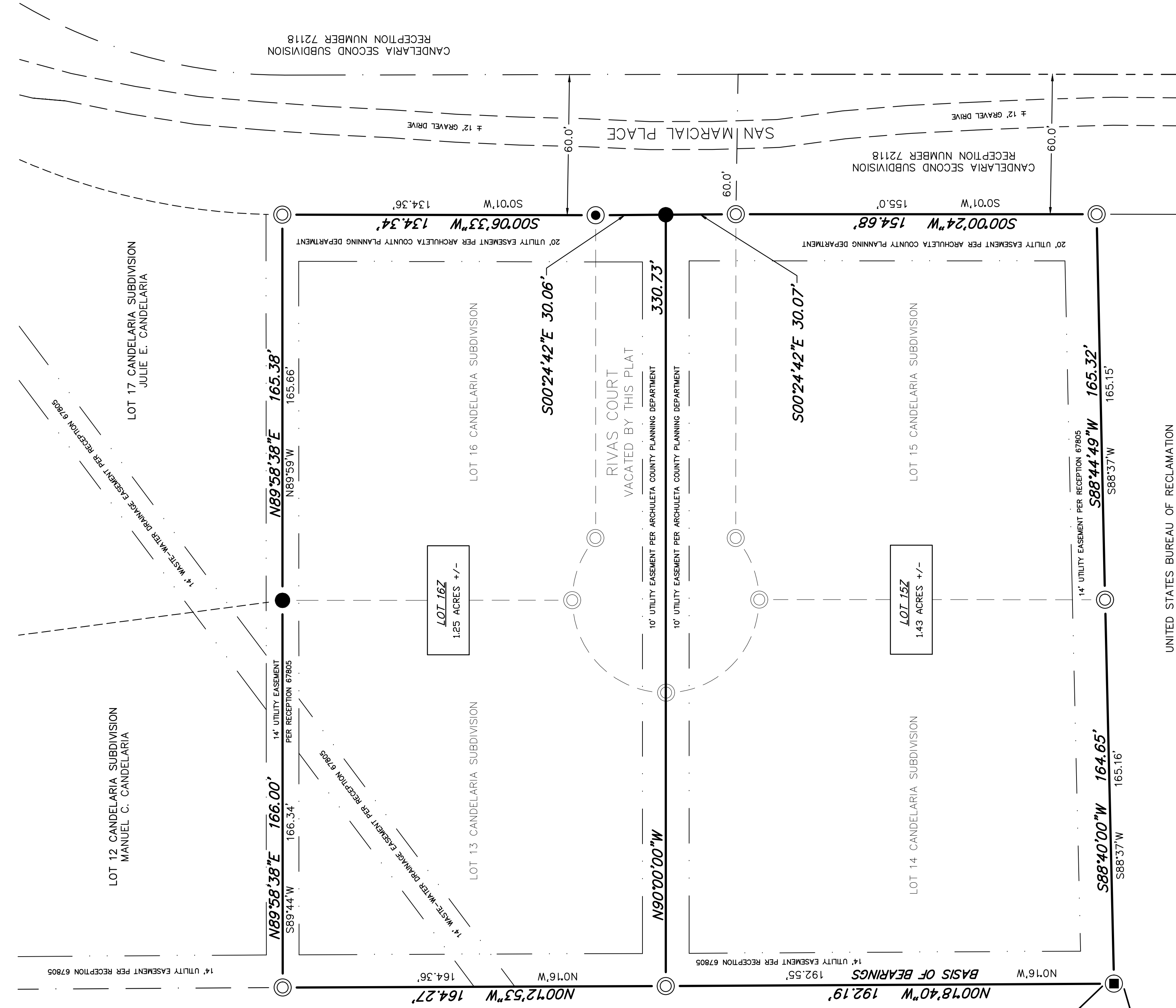
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**CANDELARIA SUBDIVISION  
AMENDMENT 2022-01  
VACATING RIVAS COURT AND  
CREATING LOTS 15Z AND 16Z  
COUNTY OF ARCHULETA, STATE OF COLORADO**

**PINNACLE  
SURVEYING, INC.**  
P.O. BOX 1093  
BAYFIELD, CO 81122  
(970) 749-6106

DATE: 12/15/2021 DRAWN BY: DF  
REV: 2/4/2022 CHECKED BY: TEA  
REV: SCALE: 1" = 30'  
PROJECT NO: 20-093 | SHT. 1 OF 1  
CLIENTS: JULIE CANDELARIA

NOTICE: Information shown on neighboring parcels was taken from the Archuleta County GIS map on 2/4/2022.  
NOTICE: This survey does not constitute a title search by Pinnacle Surveying, Inc. to determine ownership or  
easements of record. As requested by the client, easements of record were not researched and therefore are  
not shown hereon.  
NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey  
within three (3) years after you first discovered such defect. In no event, may any action based upon any  
defect in this survey be commenced more than ten years from the date of the statement shown hereon.

**STANDARDS AND CRITERIA REVIEW**  
**PLN22-021 Candelaria Subdivision Amendment 2022-01, Final Plat Review**

Item #	Reference	Standard/Criteria	Comparison	Meet / Not Meet	Condition #
<b>General</b>					
1	Title	Plat title correctly reflects the subdivision name and amendment number at the top and in the title block of plat.		Meet	
2	Subtitle	Plat subtitle correctly reflects type of Replat, new lot designation(s), and addressing, at the top and in the title block of plat.	Change the Subtitle to read, "Being a Replat of Lots 13, 14, 15, and 16, Vacating Rivas Court and Creating Lot 15Z and Lot 16Z" at the top and in the Title Block of the map.	NOT	1
3	Legibility	All aspects of the plat are clear and easily understood.		Meet	
4	Easements	Existing easements must remain unless properly vacated.		Meet	
5	Notes	Notes are clear, complete, and accurate.		Meet	
<b>LUR 4.4.2.2</b>					
6	Subsection (1)	Subdivision name, scale, true north arrow, date of preparation and basis of bearings.		Meet	
7	Subsection (2)	The property owner's name and mailing address.	Must add Owners address for Erin M. Candelaria and Karla K. Candelaria, unless a Power of Attorney granting authority to Julie E. Candelaria is provided.	NOT	2
8	Subsection (3)	Legal description of property and the total acreage, as part of the dedication statement {and in the title if appropriate}.		Meet	
9	Subsection (4)	Complete survey data which shall include all information necessary to establish the boundaries in the field; a description of all monuments, both found and set, which mark the boundaries of the property; and a description of all control monuments used in conducting the survey. All monumentation shall be in place prior to final plat submittal to the County Surveyor.	County Surveyor Review	Meet	
10	Subsection (5)	Subdivision boundary lines; street and other right-of-way lines; easements; property lines of lots, parcels and tracts; showing in all cases accurate distances, bearings, curve radii, central angles, and arc lengths.		Meet	
11	Subsection (6)	Street names or easement descriptions and widths of each right-of-way or easement.		Meet	
12	Subsection (7)	A number or other means to identify each lot, parcel, or tract, and the area (square feet or acres) of each.		Meet	
13	Subsection (8)	The type of use permitted (other than single family residential) for each lot, parcel, or tract.		NA	
14	Subsection (9)	A vicinity map, drawn at an appropriate scale showing the perimeter outline of the platted area, accesses, abutting subdivisions or ownerships, surrounding section lines, and	Add the depiction of a Vicinity Map to the Plat.	NOT	3

**STANDARDS AND CRITERIA REVIEW**  
**PLN22-021 Candelaria Subdivision Amendment 2022-01, Final Plat Review**

		other relevant information so the subdivision location may be ascertained by persons unfamiliar with the area.			
<b>15</b>	Subsection (10)	All appropriate plat notes and appropriate shading, such as floodplain information, geological hazard, mineral resources, access information, etc.		Meet	
	<b>Subsection (11)</b>	<b>The following certifications and dedications shall appear {correctly} on the Final Plat</b>			
<b>16</b>	Sub-subsection a.	Dedication and waiver by the applicant.	Must add Dedication and Waiver for Erin M. Candelaria and Karla K. Candelaria, unless a Power of Attorney granting authority to Julie E. Candelaria is provided.	NOT	4
<b>17</b>	Sub-subsection b.	Surveyor's Certification.		Meet	
<b>18</b>	Sub-subsection c.	County Surveyor's Certification.	County Surveyor Review	Meet	
<b>19</b>	Sub-subsection d.	Planning Commission Certification.		Meet	
<b>20</b>	Sub-subsection e.	County Commissioners' Conditional Certification.	Change the Certificate of the Archuleta County Board of County Commissioners to read, "This plat, including the vacation of a public right-of-way as marked, and the statements hereon were conditionally approved, pending completion of special improvements, on the ___ day of ____, 2022 by the Board of County Commissioners of Archuleta County, Colorado."	Not	5
<b>21</b>	Sub-subsection f.	County Commissioners' Approval to Record Certification.		Meet	
<b>22</b>	Sub-subsection g.	Clerk and Recorders Certification.		Meet	
<b>23</b>	Sub-subsection h.	Lien Holder Certification. (if applicable)		NA	
<b>24</b>	5.1.1	Access: All lots or parcels created by any new subdivision shall have legal access to county or state roads or highways.		Meet	
<b>25</b>	5.1.3.1	A parcel shall not be platted for residential or other uses which would be hazardous to health and safety of the public.		Meet	
<b>26</b>	5.1.3.2	No multi-family, commercial, or industrial lots, tracts, or parcels shall be approved unless suitable water supply.		Meet	

**STANDARDS AND CRITERIA REVIEW**  
**PLN22-021 Candelaria Subdivision Amendment 2022-01, Final Plat Review**

		sewage treatment facilities, and adequate off-street parking are assured.			
<b>27</b>	5.1.3.3	Lot dimensions and sizes shall conform to applicable zoning requirements.		Meet	
<b>28</b>	5.1.3.4	Side lot lines shall be substantially at right angles or radial to road right-of-way lines.		Meet	
<b>29</b>	5.1.3.5	Wedge-shaped lots or lots fronting on cul-de-sacs shall not be less than thirty (30) feet in width at the front property line.		Meet	
<b>30</b>	5.1.3.6	Lots with double frontage shall be avoided, except where essential to provide separation from major arterials, incompatible land uses, or topographic considerations.		Meet	
<b>31</b>	5.1.3.7	Lot area requirements for various types of water and sewer systems shall be as set forth in the Zoning District Standards, Section 3.1.4		Meet	
<b>32</b>	6.6.1	Easements for the installation and maintenance of utilities shall not be less than twenty (20) feet in total width, and shall be provided along the perimeter of the project and along lot lines where there is a minimum of ten (10) feet on each side of the lot line. A twenty (20) foot easement for utilities shall be provided along all lot or parcel boundaries adjoining a street. Advice of the various utility suppliers shall be obtained and given full consideration by the developer in this matter.	Add General Dedication Block regarding new front and side utility easements depicted on the plat and remove the indication on the map that reads "Per Archuleta County Planning Department".  Per County Surveyor	Not	6
<b>33</b>	6.6.2	Easements for existing utilities shall be provided in appropriate locations.		Meet	
<b>34</b>	6.6.3	Easements for runoff or storm drainage or flood control may be required as deemed necessary and appropriate.		Meet	
<b>35</b>	6.6.4	If the proposed project lies within the Airport Influence Area, as identified on a map in the planning Department, an Avigation Easement shall be required. It shall be the responsibility of the applicant to determine if any portion of the lot(s) may be unbuildable, due to the required compliance with F.A.R. Part 77.		NA	
<b>LUR 6.6.5</b>					
<b>Development on land with irrigation ditches, canals, or under legal water rights shall:</b>					
<b>36</b>	6.6.5.1	Irrigation ditches and canals shall be protected through the provision of adequate right-of-way easements to provide access for equipment to clean and maintain the ditch.		NA	
<b>37</b>	6.6.5.2	No structures shall be placed within these rights-of-way or easements without written permission from the appropriate ditch company or ditch owners.		NA	

**STANDARDS AND CRITERIA REVIEW**  
**PLN22-021 Candelaria Subdivision Amendment 2022-01, Final Plat Review**

<b>38</b>	6.6.5.3	Ditch or canal rights-of-way or easements shall not be used as access to projects (parcels). Gates of adequate width shall be provided for the maintenance of ditches by ditch right holders.		NA	
<b>39</b>	6.6.5.4	Fences shall be designed and placed in such a manner as to not interfere with the ditch easement(s).		NA	
<b>40</b>	6.6.5.5	The number of ditch crossings, locations, and sizes shall be approved by the ditch company or ditch owners.		NA	
<b>41</b>	6.10.2	Owner(s) of property served by new subdivision roads shall be responsible for their maintenance. (Notes should address this).		NA	
<b>42</b>	4.6.5.1	Vacation plat map must show ownership, acreage, and vesting of vacated property in compliance with C.R.S §43-2-302.		NOT	7
<b>LUR 4.6.5.3</b>					
<b>A public right-of-way or easement of record, or any portion thereof, which the County has jurisdiction over, shall be eligible for vacation if the following criteria are met:</b>					
<b>43</b>	Subsection (1)	Approval of the vacation request will not leave any land adjoining the right-of-way without an established public road or private access easement connecting the land with another established public road, or without utility or drainage services.		Meet	
<b>44</b>	Subsection (2)	That the vacation will provide a public benefit, and/or will be for a public purpose. When necessary, the County may reserve an easement in the right-of-way for existing or planned utilities, or for drainage. Any easement shall be recorded with the County Clerk at the expense of the petitioner.	County Attorney Review	NOT	8
<b>45</b>	Subsection (3)	The recommendations of referral agencies have been considered.		Meet	
<b>43</b>	4.6.5.4	Any right-of-way that is vacated will be divided proportionally among the affected lots, unless it can be demonstrated the entirety of the right-of-way was originally taken from one parcel.		Meet	