

October 31, 2018

Board of County Commissioners  
Archuleta County, Colorado  
449 San Juan Dr.  
Pagosa Springs, CO 81147

Re: **Improperly Subdivided Parcels**  
**Archuleta County, Colorado**

Dear Commissioners:

After considering the proposed Resolution (as amended at the BOCC meeting on 10/16/2018) concerning improperly subdivided parcels, and based upon that discussion, there are several issues that I would like to bring to your attention for consideration.

It appears that many of the requirements called for in the application process have more to do with obtaining a building permit than the true focus of this Resolution and have become a distraction, spurring discussions about water availability, septic systems, surveys, traffic studies, approval by various other County departments, etc. We should remember that the ultimate objective of this Resolution is not to guarantee or even to consider the possibility of issuing a building permit, but rather simply to exempt qualifying properties from the subdivision regulations, thus removing the date a qualified property was created (divided) as an obstacle to obtaining a building permit. There may indeed be other obstacles (slopes, perk tests, buildable area, turn arounds, etc.), but they need only be addressed at the building permit application stage.

Discussion should be held as to the minimum factors to be considered in qualifying a property to receive a Certificate (i.e. cut-off date for recording of deed of origin, legal access, taxes paid...). Due to the great number of parcels to be considered, the simpler and less burdensome the application, the faster each parcel will be processed. Our County Assessor has found approximately 900 properties that may fall into the category of an "improperly subdivided parcel". Consider the time that 900 applications would take to process under the current requirements. In order to complete them in a year, the Planning Office would have to process nearly four applications each and every working day for that year. While I would defer to Mr. Shepard to better give an estimate of the time frame involved in processing even one parcel, under the current requirements even one application per week is unrealistic.

My suggestion is to weed out each and every requirement that does not specifically have to do with Senate Bill 35 and its effect in blocking the issuance of a building permit. Leave the rest to subsequent stages of development. If we keep it simple enough, the application may be able to be approved within minutes of submission. Provide a copy of the original deed creating the parcel, the current vesting deed, evidence of legal access and a receipt from the County Treasurer showing taxes paid. Whether or not one obtains a building permit in the future is an entirely different question, but they will not be prohibited from obtaining it due to the date the parcel was created.

While this may be somewhat oversimplified, my point is to re-focus our efforts without the distraction of unnecessary requirements, simplifying the process to realistically accomplish the goal at hand in a timely manner.

Thank you for the time and effort you have given this important issue. I hope you will consider my comments as this process proceeds.

Sincerely,

Stephen P. Van Horn