

MINUTES OF  
ANIMAS VALLEY REGISTERED DISTRICT ADVISORY COMMITTEE

January 29, 2014 @ 7:00 p.m.  
Animas Valley Grange

Notice of the January 29, 2024 meeting of the Animas Valley RDAC was emailed to all current RDAC Members and publicly posted at PJ's Market, Hermosa Liquor Store and the Hermosa Store more than 24 hours prior to said meeting.

A sign-in sheet for all current Members and any prospective new Members was completed prior to the meeting being called to order.

Anita Rancatti called the meeting to order and went over the Agenda for the meeting:

1. An update on RDAC activities:
  - b. Review of the letter prepared on process changes
  - c. RDAC response letter on Project PL20230036 (Roberts RV Campground)
2. Vote of Members to approve letters
3. How to submit individual comments regarding Project PL20230036 (Go to [laplata.co.us](http://laplata.co.us), select Planning Dept. on left select Current Projects: Roberts Resort)

Current RDAC Members had been emailed copies of the above letters for review prior to the meeting and the floor was opened for questions from the Members after which the Members were asked to vote to approve the sending of the letters to the appropriate County department.

A vote by show of hands was held. Fourteen (14) Members were present and fourteen (14) Members voted unanimously to approve sending the letters that had been reviewed.

There being no further business, the meeting was adjourned at 7:30 p.m.

# Animas Valley RDAC

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La Plata Planning Department, Planning Commissioners & BOCC  
Durango, Co

## Animas Valley RDAC Concerns on Planning Hearings and the Comment Processes

The Animas Valley RDAC has observed several areas of concern. Our concerns are shared by the Florida Mesa RDAC and are mainly centered around changes in process and also topics and wording which was previously in the La Plata Land Use Code prior to approximately 2020 but have now been removed with no evident justification or authorization. We would like to propose the items listed below are corrected in the very near future as each was originally an established and followed process and/or crucial to the meaning and interpretation of our former and present land use code.

### Process Changes:

1. The Comment submission process to Planning is a mess because of internal changes made in the past year. According to **LUC 66-12-II-i**,

Record of public meeting. The body conducting the public meeting shall record the public meeting by any appropriate means, including audiotape or videotape. The written or taped record of oral proceedings, including all testimony, the minutes of the body, all applications, exhibits, and papers submitted in any proceeding before the body, the staff report and project file, and the decision of the body shall constitute the record. Such materials, upon presentation to the county, shall become the public property of the county and shall not be removed without proper authorization. A copy of the public meeting record may be acquired upon reasonable notice by any person upon application to the CDD and payment of a fee to cover the costs of duplication of the record pursuant to the county's fee schedule.

Our proposed changes are:

- i. Clearly communicate the deadline for placement of comments for projects in the project portal or received by Planning included in the Planning Commission or BOCC hearing. There is no specified deadline in **66-12-II-i**. This deadline should be a few days in advance of the project hearing so that Planning Department has time to forward these comments to the PC or BOCC in time for them to actually read them **before** the hearing.
- ii. All comments submitted by the deadline should be included in the agenda packet for the PC or BOCC, and the General Public to read in the Agenda Packet prior to the Hearing.
- iii. All comments should be posted on the LP county web site project portal **with** the development submission details (by planning ID number). All of the comments received by the deadline should then be transferred over to the Hearing site. Any additional comments brought up in the Hearing should be added after-the-fact to the project portal by planning ID number. The process was changed recently so comments (especially verbal comments made during the Hearing) are no longer linked to the planning project ID and instead are buried in the Hearing

web site and minutes and sometimes not. This obscures comments and disagreements about the proposed development.

2. As described in **66-12-II-i** above, a record of PC meetings is to be maintained. There are several issues with the records kept by LPC;

i. There are no longer written transcripts of the planning meetings and Hearings which is a change from 12-18 months ago. A resident is forced to attend a meeting or listen/watch an audio/video of the meeting to find the relevant discussions and transcribe it on their own. This presents a lack of transparency to actions taken by the Planning Commission. It is also a possible ADA violation by providing the public with only audio, which is often of poor quality. We suggest the County return to the process of providing written transcripts of Planning Commission meetings and hearings.

ii. There is also a significant delay in updating the meeting web site with documents reviewed as well as final minutes. For example, documents from the September meeting were not loaded until December (even though they were part of the agenda) and no minutes are available.

3. Per **LUC 66-14**, notifications do not appear to be consistently sent to the two Animas RDAC contacts and other RDACs. Since Amber Lamb left, notifications have been spotty.

Additionally, the 10 day standard for communicating neighborhood meetings to the impacted public is too short for most RDACs to comprehend and communicate the proposed development and issues to the RDAC members. We propose at least 15 days as the timeline. Since this communication is performed via email, not USPS, this should not be that much of an issue.

4. Until 2019, Planning maintained zoning maps for the Animas Valley which identified all allowed land uses. This map has not been updated since then to reflect zoning changes (many from single family to multi family) as approved by Planning. The Animas Valley RDAC requests these maps be updated and posted on the La Plata Planning web site.

5. The appeals deadline described in **66-13-C-2** process should last longer than 10 days (and the starting date clarified). It is unclear if the process ends after 10 calendar or business days, and on which day that period starts. There should also be clear communication via a slide before each Planning Hearing on a project and a readily-available pamphlet available in advance and at all project hearings to describe rights, process and deadline. This should be true for the Call-up Process too.

#### **Code Changes:**

1. LP Land Use Code is missing the call-up procedure for BOCC Review. There is currently only a call-up procedure for the JPC. This procedure should be added back to **66-13 II**. A moratorium on finality of PC rulings should be in place in the meantime if anyone wants to request a call-up. On the next page is the language previously included.

2. Currently the LUC does not include a definition of RV Units, Park Units or Pocket Park Units in **LUC 62.5**. Additionally **LUC 18-37** provides building codes for Tiny Homes and should be expanded to include the above types. We recommend definitions as spelled out by the revised **C.R.S. § 24-32-902** be added to the LUC (*sic*):

(4)(Deleted by amendment, L. 99, p. 443, § 12, effective August 4, 1999.)(5) "Camping trailer" means a vehicle that meets the definition of "camping trailer" set forth in the American national standards institute's (ANSI's) standard A119.2 or any amendment thereto.

(6) "Fifth wheel trailer" means a vehicle that meets the definition of "fifth wheel trailer" set forth in the American national standards institute's (ANSI's) standard A119.2 or any amendment thereto.

(7) "Motor home" means a motor vehicle designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

(8) "Recreational park trailer" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that is built on a single chassis mounted on wheels, and that has a gross trailer area of not more than four hundred square feet or thirty-seven and fifteen one-hundredths square meters in the set-up mode.

(9) "Recreational vehicle" means a vehicle designed to be used primarily as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motor power or is mounted on or towed by another vehicle. "Recreational vehicle" includes camping trailers, fifth wheel trailers, motor homes, travel trailers, multipurpose trailers, and truck campers.

(10) "Travel trailer" means a vehicle that meets the definition of "travel trailer" set forth in the American national standards institute's (ANSI's) standard A119.2 or any amendment thereto.

(11) "Truck camper" means a vehicle that meets the definition of "truck camper" set forth in the American national standards institute's (ANSI's) standard A119.2 or any amendment thereto

Respectfully submitted,

Animas Valley RDAC

**Formerly in 2017 LUC Sec. 82-91. Call up procedure.**

Administrative and Class I call up procedure. The planning director and the planning commission's decision for administrative or class I and II land use permits, respectively, shall be subject to a call-up hearing before the board. Within fifteen (15) calendar days following the date notice is mailed to surrounding landowners and agencies pursuant to section 82-85(IV), the applicant, a surrounding landowner or agency entitled to receive mailed notice of the application pursuant to section 82-85, or an individual county commissioner may request review of the planning director or the planning commission's decision by submitting a written request to the planning department.

Upon receipt of a request for a call-up hearing by the planning department, the planning director or planning commission's determination shall be reviewed no later than 20 calendar days from the date of the planning department's receipt of such request. Prior to the call-up hearing, planning department staff shall prepare and distribute a staff report and recommendation as well as distribute and publicize notice of the call-up hearing pursuant to sections 82-92(II)(D) through (F).

At the call-up hearing, the board shall conduct a de novo review of the administrative or Class I/II land use permit application and may either continue the project, approve the project, conditionally approve the project, deny the project, or remand the project to the planning director or the planning commission for further consideration pursuant to the requirements and standards adopted in this subpart B.



# Animas Valley RDAC

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Animas Valley RDAC Response  
Robert Resorts PL20230036

Roberts Resort Development (RR) has been allowed to proceed even though code interpretation has been vague. The Animas Valley Registered District Advisory Committee (RDAC) would like to focus on the primary areas of concern in this response.

- The RDAC is concerned and confused about which development rules would apply in this case.
- The RDAC considers RR to be a Mixed Use Development
  - The number of permanent non-RV units now at 140, is greater than number of RV slots.
  - RR would allow stays past the 60 day RV Park limit.
  - Roberts has a proposed goal of converting some of the 137 RV slots in the future into additional modular units.

This response will address each category as well as infrastructure issues.

## **RV Park Issues**

RV Parks as defined in **LUC 73-5**, limit usage to Recreational Vehicles and Tiny Homes On Wheels, limits the maximum stay to 60 days and does not allow short or long term RV storage.

RR proposes to provide 12 slots at 40' length, 10 at 35'W x45'D, 9 at 35' length, and the remaining 115 at 30' in length. Most "luxury" RVs and trailers are 38' to 46' in length and 8.5' wide before slides are extended which can increase width an additional 2-5'. Additionally, these smaller slots do not allow for the vehicles usually towed behind large RVs.

For a "luxury" RV park, the number of smaller slots implies the target market is not so much "luxury" RVs as small trailers. A car or truck pulling a 15' trailer would fill the normal slot. Roberts has a stated desire to convert RV slots in the future into additionally modular units. Additionally, only Manufactured (modular) Home Parks, per AVLUP, are allowed to have individual ownership of modular homes located thereon **The RDAC does not support the conversion of these RV slots to modular units in the future. RDAC further demands NO permanent modular units be allowed in an RV Park per LUC 73-5**

RR used the traffic report from West Dalton which does not include the expanded traffic impact from both developments and also **assumes a standard 30' RV length**. West Dalton is planning on installing sidewalks.

- RR does not plan sufficient improvement to CR 252 including:
  - Sidewalks
  - Bike lanes
  - Accommodations for a big rig right turn lane into the park
  - Left turn merge lane for rigs exiting the park. Additionally, the left turn lane from CR 252 onto south bound Hwy 550 is inadequate for more than 2 rigs at a time which will cause traffic backups at RR check out times.

- South entrance/exit appears to be located too close to the Animas River bridge with an upward grade; RR acknowledges the sight distance is questionable in their own paperwork.

#### **Fire Hazards:**

- The RV sites and modular units are very close together and could cause fires to spread rapidly creating a hazard.
- RR plans depict only 2 exits both onto CR 252 with one being very steep and close to the Animas Bridge. This is potentially dangerous in the event of a fire evacuation.
- The two entrances are approximately 650' apart while **NFPA 1194 5.1.1** standards state this distance should be at least 850' based on site dimensions.
- CR 252 serves as the primary exit for South Dalton, West Dalton and a large portion of North Dalton. When combined with RR, the number of travelers attempting to leave in the event of a fire is a great hazard.
- **LUC 70-5-II-D-5** requires "The proposed development shall not create or result in hazards, to an extent greater than other uses in the surrounding area to which it would be added."

#### **RV Cabins/Park Units/Pocket Park Issues**

There are **no** definitions in the LUC for RV Cabins, Park Units or Park Model Cabins or Pocket Park Units. Based on the descriptions provided by Roberts, the units appear to be either fixed Tiny Homes or Manufactured Homes. With no code in either the La Plata LUC or the Animas LUC to regulate RR in this area, the RDAC is concerned about which regulations will be used. This is an area that must be clarified by Planning.

Because RR plans on leaving the modular units in place full time and selling some of them, the RDAC believes RR is actually a manufactured home park and **LUC 73.15** applies. The RDAC believes **Colorado Mobile Home Park Act C.R.S 38-12-200** applies to RR because the modular units are planned to be in place over 5 months a year. The CO Attorney General's interpretation was further validated to be in effect in La Plata County by recent rulings by La Plata Judge Fairchild Carlson regarding Junction West Vallecito Resort.

Manufactured and tiny home rules in **LUC 73.15** require:

- Units have all towing ability removed,
- The lot space be at least 4000 SF for manufactured homes,
- Rear and side set backs of at least 5' with a road set back of at least 10',
- At least 2 parking spaces per unit
- 10% of the property set aside as contiguous open space (or split into no less than 2 areas).
- Additionally, tiny homes are not to exceed 400sf. Based on Roberts presentation, 3 of the 4 types of units exceed 400 SF.

**RR does not comply with these restrictions.** The River Front units do not appear to contain adequate parking as described in **LUC 73-5 G**. The same goes for the 47 Pocket Units which also appear to be mostly in the revised FEMA AE hazard zone. RR plans do not show any details how building requirements required in **LUC 78-72** will be met. Also, the development does not appear to be compliant with the 10% open space requirement.

#### **Infrastructure/Safety Issues**

The RDAC has concerns in the following areas concerning RR. These are the most salient points. There are many more issues identified in the comments submitted by local residents on the Planning Portal.

**Sewer Capacity** - Hermosa Sanitation (HSD) was designed and built for residential use, not major commercial. RR parcel is NOT currently within HSD boundaries. Existing HSD customers are very concerned the current capacity of the plant will exceed 80% upon the completion of

West Dalton and RR. At 80%, HSD will, by Colorado State Law, need to replace the lagoon system/plant. **An upgrade would represent a significant expense for the current residents who should not be responsible for this cost. This expense is estimated at upwards of \$17M and HSD does not have monies in reserve. RR should be required to set aside monies for this eventual expansion.**

**Fire Danger and Evacuation** - The closest fire station is on Hwy 550 north of Trimble and is staffed by volunteers. The next fire station is located at 32nd Street in Durango proper. CR 252 serves as the only exit from the interior of the valley in the event of a fire evacuation. Given the estimated population of the all Dalton housing developments of around 700 and the potential population of RR at 1000, the potential for chaos and harm is greatly increased by RR. Because RR residents will be transient, they will have little knowledge of fire restrictions and safe evacuation. RR does not provide an evacuation plan.

**Transportation** -

- Traffic on CR 252 will suffer an increase in traffic volumes of over 20% per Dan Roussa of CDOT.
- There are no plans to expand CR252.
- No plans to provide left turn merge lanes for vehicles exiting RR.
- There are no plans to construct sidewalks or bike lanes.
- Finally, the current left turn lane from CR 252 turning south on to Hwy 550 can only contain 2-3 RVs towing vehicles. Any emergency evacuation from the area will be negatively impacted. **The result of increased traffic, no dedicated sidewalks or bike lanes or merge/turn lanes increases the potential for hazard.**

**Law Enforcement** - La Plata County has only 5 Sheriff deputies to cover the entire county. RR brings in potentially 1000 out-of-state people who are unaware of restrictions on fires, burn restrictions, fireworks, and noise. RR would need to clearly communicate these restrictions and enforce them since law enforcement is spread so thin.

**Water** - The RDAC is concerned about long term viability of Animas Water sources given the length of the current drought and climate change. Currently Animas Water is seeking additional well locations in the area so long-term viability could become a serious issue.

**Moratorium on Development Request**

As documented in a September 19, 1993, Durango Herald Newspaper article written by Valerie Wigglesworth (attachment A), when the Animas Valley Land Use Plan (AVLUP) was first adopted, it was meant to be very forceful and put in place strict protections from development in the Animas Valley. The AVLUP has been degraded by the County over the last few years to where The Animas Valley District now has less protection than any of the other 11 districts in the County.

As noted in the above-referenced article, then Planning Director Bob Bright stated "the whole process is aimed at a vision of the Valley and where it should be in the future." The article further stated that under this new AVLUP "No new multi-family residential, general commercial or industrial uses will be allowed under the plan without a special exception, which would require extensive review by the planning commission and the county commissioners to make sure a proposal 'will not be a detriment to the character of the Animas Valley'".

Special Exceptions (now Special Uses) as identified above were intended to be rare events and require scrutiny by the Planning Commission and Board of County Commissioners (BOCC) to insure no harm was inflicted on the Animas Valley.

The most recent degradation was via an Administrative Code Amendment which was approved by the BOCC and attached as Exhibit A in Resolution R-2017-11, dated February 21, 2016. This changed **all requirements** for Special Uses, (then under Chapter 106 AVLUP). Special Uses which previously required a Class II permit (now Major) were administratively changed to Class I permit (now Minor).

This alteration to the AVLUP was non-transparent and was not communicated to Animas Valley residents. It was not discovered by the RDAC until work on the new LUC had begun. Objections were made to the Planning staff but requests for correction were denied. Under the new LUC, Class I permits are now Minor Permits and Class II are Major Permits.

As a result of the 2017 Administrative Code Amendment, **all** special uses in the Animas Valley District now **only** require a Minor Land Use Permit. This does not allow any Major land use developments, which were previously categorized as Class II (a/k/a Major) under the AVLUP, to be considered and processed by the BOCC on an equal basis with other Districts of the County that maintain Major Use Permits. See **LUC 66-7**.

**As a result of this change, the Animas Valley District is effectively denied the benefit of the permitting requirements of any of the Major Land Use development types defined under LUC 66-7 and the right to have the BOCC to render a decision on that development.**

**The Animas Valley RDAC members are seeking a Moratorium on all Special Use development or requests for zoning changes within the Animas Valley District to allow for these LUC rules and regulations to be clarified and reviewed. We further request all Special Uses identified under LUC 65 be restored to Major Permit status as is the case in the remaining Districts of the County.**

Projects classified as Major land use permits, available to the rest of the County, which would normally apply to the current Roberts Resort application, specifically **LUC 66-7 I A, B, C, G, and O** are now considered under a Minor land use permitting process in the Animas Valley District. The RDAC demands to be treated on an equal basis as the rest of the County.

Permitting requirements, regulations and definitions for RV cabins, Park units or Pocket park units need to be developed. Planning needs to determine which regulations for RV Parks, Manufactured Homes, Modular Homes, Tiny Homes or Residential would apply to this type of mixed use development.

**This proposed development does not fit the purpose of the Hermosa/Animas Valley Zoning District, as codified in the LUC 65-4.VA.:**

**"Pursuant to the authority conferred by C.R.S. § 30-28-119, this district was enacted for the purpose of promoting the welfare and independence of the present and future inhabitants of the Hermosa/Animas Valley Zoning District by preventing high density housing development and maintaining the traditional rural quality of the area as it existed. This previously created Hermosa/Animas Valley Zoning District is hereby adopted by the board pursuant to C.R.S. § 30-28-102 and incorporated into this code."**



## Animas Valley plan goes before planning commissioners Monday

9/19/93  
By Valerie Wigglesworth  
Herald Staff Writer

The proposed plan to control densities and land uses in the Animas Valley goes before the La Plata County Planning Commission Monday night for review and public comment.

County planners have taken the original two alternatives and revised them into one plan that calls for low density housing, few commercial opportunities and no new mobile home parks. The plan is

used in conjunction with a detailed map that delineates allowable uses for each property located from the city limits north just past Whispering Pines and from canyon wall to canyon wall on the east and west sides.

"This whole process is aimed at a vision of the valley and where it should be in the future," said County Planning Director Bob Bright.

Categories under the plan range from 15-acre minimum single-family residential for areas with no

central water or sewer service to 1-acre minimum family residential for areas with these services. All existing uses in the valley will be allowed to remain under the plan, but if they are destroyed in a flood or a fire, for example, some uses may be restricted during rebuilding.

No new multi-family residential, general commercial or industrial uses will be allowed under the plan without a special exception, which would require extensive review by the planning commission and

county commissioners to make sure a proposal "will not be a detriment to the character of the Animas Valley." Neighborhood businesses such as gas stations and small grocery stores are allowed in certain areas.

The plan also sets aside road right-of-way for a potential hike/hike trail along County Road 303, U.S. Highway 650 and a portion of County Road 250, and it encourages public access to the Animas River for any commercial projects approved under special exception.

The planning commission will

meet at 6 p.m. at the La Plata County Fairgrounds extension building for a study session. The public hearing begins at 7 p.m. Comments will be taken on the plan as will suggestions for revisions. The commission will hold another meeting Sept. 27 to sort through the public comments, make revisions to the proposed plan and make a final recommendation.

The plan is then forwarded to county commissioners for a public hearing on Oct. 2 and an all-or-nothing vote on Oct. 18. County planners hope to have the land-use plan in place when the moratorium on development in the valley expires Oct. 27.