

Meeting of Animas Valley Registered Advisory Committee
To: Animas Valley RADAC Members
<animas_valley_advisory@googlegroups.com>

Dear RDAC Members,

In response to the outcry of many of the Animas Valley residents, our more active working group has found need to address some issues which have come about regarding the proposed application for Project PL2023-0036 for the Roberts Resort Village Camp - Phase I located at 876 County Road 252 on a 36 acre parcel - formerly the old gravel pit on the South side of Trimble Lane.

Please **read thoroughly** the attached letter to you the Members along with the other attachments to this email and **join the Zoom meeting on March 3, 2024 at 1:00 p.m. to discuss and vote on these matters or in the alternative, send your reply to this email stating whether you approve or disapprove of the proposed action** by the Registered District Advisory Committee. A record of the voting will determine whether or not this action will be taken.

Thank you again for being concerned residents and property owners in the Animas Valley.

Sincerely,

Shirley Dills

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You received this message because you are subscribed to the Google Groups "Animas_Valley_Advisory" group.

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Official Posting

2/29/24

Notice of upcoming Animas Valley Registered District
Advisory Committee (RDAC) meeting

The **Animas Valley Registered District Advisory Committee** is a volunteer group of property owners and/or residents of The Animas Valley Planning District who have formed pursuant to section 63-6 of our La Plata County Land Use Code (LUC). Our purpose is to collectively address issues and interests related to our specific District Plan and to comment on land use permits within our district.

The Animas Valley RDAC will be holding a meeting via Zoom this coming Sunday, March 3, 2024 from 1:00 to 1:30 p.m. for all RDAC members in order to vote on whether our RDAC should send a request for a Director Determination to our Community Development Director on the proposed "RV Park" minor-use planning application (PL2023-0036) proposed for the old gravel pit area on the south side of Trimble Lane (CR 252) next to the Animas River. The status of this application is still 'pending'.

All current Animas Valley RDAC members have been sent notice of this meeting via email, which includes an option to vote on this matter via email in advance.

Anyone not currently a member of our RDAC who wishes to become a member may do so by attending this Zoom meeting and requesting to be added to our member list. You must be a current resident or owner of real property in the Animas Valley District in order to be a member.

Zoom information	Dial by your location
Topic: RDAC Meeting Time: Mar 3, 2024 01:00 PM Mountain Time (US and Canada) Join Zoom Meeting https://us02web.zoom.us/j/8035729452? omn=89692819656 Meeting ID: 803 572 9452 One tap mobile +17193594580,,8035729452# US +16694449171,,8035729452# US	+1 719 359 4580 US +1 669 444 9171 US +1 669 900 9128 US (San Jose) +1 253 205 0468 US +1 253 215 8782 US (Tacoma) +1 346 248 7799 US (Houston) +1 646 558 8656 US (New York) +1 646 931 3860 US +1 689 278 1000 US +1 301 715 8592 US (Washington DC) +1 305 224 1968 US +1 309 205 3325 US +1 312 626 6799 US (Chicago) +1 360 209 5623 US +1 386 347 5053 US +1 507 473 4847 US +1 564 217 2000 US Find your local number: https://us02web.zoom.us/j/kuFwMd5uJ

From: Brenda K. Fernandez bkwildflwr@gmail.com
Subject: RDAC - 3.3.24 CDD Meeting Vote Attendance
Date: March 3, 2024 at 2:37 PM
To: Shirley Dills durangodills@charter.net
Cc: Anita Rancatti anita.rancatti@gmail.com

BF

Shirley,

Today's Zoom meeting attendance:

Shirley Dills
Dot Wehryl
Sheila Frank
Brenda Fernandez
Maria Spero
Deb Paulson
Connie & Albert Durand

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Brenda

Perhaps **the most egregious issue regarding lack of compliance with our LUC issue** that has happened during this Roberts application was the allowance of the **misinterpretation of the verbiage "low-intensity, tourist oriented recreational use"**. This misinterpretation was allowed by the original County Planner & other County employees on this proposal. (That Planner, incidentally, now works for the Engineering firm (SEH) that was been contracted by Roberts for this project). This misinterpretation was apparently done to allow this huge Glamping Manufactured Home Park in under the lessor "RV Park" Special Permit application since Manufactured Home Parks are NOT allowed on Commercial properties in the Animas Valley.

Note that the definition for what is allowed by a Special Permit in the Animas Valley provided in LUC 62-5 reads: **Low intensity, tourist-related recreational uses:**

As applied to the AVLUP only, **this use classification** includes golf courses, driving ranges, RV parks, riding stables, fishing ponds, campgrounds, glider ports of no more than six (6) planes (maximum of two (2) fixed wings, four (4) gliders). This use classification shall not include amusement parks, shooting ranges, miniature golf courses, bowling alleys, video arcade amusements, or drive-in theaters

Note that this **6-word phrase** being defined is grouped all as one phrase under the Definition portion of LUC 62.5 – it is this whole phrase that should be defined and applied. This whole 6-word phrase is **clearly spelled out to be a "use classification"** in our LUC. The definition of "**classification**", according to the Cambridge Dictionary, is "**a group that something is divided into**". Therefore, the use classification is a group that includes ALL of the words, and it all applies to each and every example which follows. **They must each be both a 'low intensity' activity and a 'tourist-oriented recreational activity'**. Just as a low intensity locksmith shop is not normally considered a 'tourist-oriented recreational activity' even if it is 'low intensity', it would not be allowed. Similarly, you cannot have a high intensity (such as this one), RV Park, which is a tourist-oriented recreational activity, because it absolutely is **NOT** low density. You cannot just throw part of the use classification definition out because a developer has a plan to make money and the plain definitions of our Code do not allow that. This is further supported by the fact

that the excluded activities listed in this definition (i.e. amusement parks and drive-in theaters) are all high-density activities.

This is especially true given the origin of this code language came as part of the original 1993 Animas Valley Land Use Plan (AVLUP). As mentioned previously herein, LUC 65-4.V. Hermosa/Animas Valley Zoning District states:

...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.

The whole original 1993 AVLUP was formed by the residents of the Animas Valley, working together with the Planning Department, specifically to keep developments low-intensity so they could try to retain (as much as possible) the open rural atmosphere our Valley was known for. This application by Roberts is exactly what the creators of the AVLUP (now incorporated into our LUC) were trying to keep out of the Animas Valley! **Why would these Code writers put the term "low-intensity" in definition of the classification if it wasn't intended to mean something?** The use classification, which comes from the verbiage in the 1993 AVLUP, *could* have just said which "tourist-related, recreational uses" were allowed, without putting the qualifier of "low intensity" in front of it. I believe the writers MEANT for **all** Special Uses to be low intensity.

While I could find **no official definition of the term "low intensity" anywhere in the LUC**, common sense tells anyone that this proposed high-density mega-plan does not fit that definition. Its high-density and very packed-together layout along with all its amenities are indications of the magnitude of this proposal, and high magnitude correlates with high intensity. Since there is no definition of "low intensity" in our LUC, we must then look to how it's applied elsewhere in our LUC to determine its intended meaning. In the Animas Valley River Corridor at LUC Sec 65-4.II.C.1:

Special uses permitted by a minor land use permit in the river corridor district include: bed and breakfasts of no more than ten (10) guestrooms, plant nurseries, greenhouses, public and quasi-public facilities, professional offices and low-intensity, tourist-oriented

recreational uses. Such uses shall be designed to reflect the rural and scenic quality of the Animas Valley.

I already spelled out the clear preservationist intent of the River Corridors' code language (p.9 above). By limiting bed and breakfasts to a maximum of ten guestrooms in the same description where "low-intensity, tourist-oriented recreational uses" was named, it is clear that facilities which house people overnight in the River Corridor were meant indeed to be very small in size and density.

Anywhere else in La Plata County, proposals for this type of development, regardless of size and scope, must be made under a Major Land Use Permit (LUC 66-7.1 B,G&O). Our AVLUP language, which was developed to give us more protection and restrictions, has been twisted and degraded so that now The Animas Valley District is the ONLY of the 12 County Districts which has no option to go under a Major Land Use Permit for anything, regardless of whether a proposal's definition otherwise fits the requirements for a Major Land Use Permit everywhere in our county. This is blatantly unfair and unacceptable and needs to be remedied prior to any development continuing under these altered and degraded Codes.

Finally, LUC Sec. 65-4 (Animas Valley Overlay and Special Zoning Districts) dictates:

All standards set forth in this code, not in conflict with the Animas Valley River Corridor District or the neighborhood zoning district standards, shall apply within these districts, it being the intent of this code that the most restrictive standards shall apply.

Therefore, if there was any question as to how to interpret the use-classification of "low intensity, tourist-oriented recreational uses", the "low intensity" portion must be included as it restricts the examples mentioned after it. (I believe a common-sense, plain reading of the code already DOES this. As an Animas Valley Resident District Advisory Committee (RDAC) member, this plain reading is how I interpreted our Code back when I saw that the zoning change to Commercial was being proposed for this parcel – special uses had to ALL be "low intensity". Thus, I did not fight that Zoning change; I WOULD HAVE DONE SO had I known this convoluted interpretation was going to

apply! If our definitions in our Codes are so unclear that such a misinterpretation arises, then all development proposals which use that definition need to be immediately halted until that definition can be clarified. (There is precedent for this type of moratorium's use in the past in La Plata County during the Estancia case.)