

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 Wrigglesworth (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.V.A.:

“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/bike trail along County Road 203, U.S. Highway 550 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.