

# Status Report: Animas Valley LUP Changes

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Good Morning. My name is Anita Rancatti and I am a member of the Animas Valley Registered District Committee or RDAC.

## Topics

- Introduce RDAC & Purpose
- History of Animas Land Use Plan (AVLUP)
- Reasons for Updates
- Key AVLUP Changes Submitted in October
- County Response
- Next Steps

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Today, I am going to briefly review the history of the of the Animas Valley Land Use Plan, what and why the RDAC has submitted changes to the LUP, the County's response and proposed next steps.

Before I proceed, I want clarify a few terms so we are all on the same page. When I use the term AVLUP, I am referring to the Land Use Plan for the Animas Valley or zoning. When I refer to the District Plan, I am referring to the document written back in 2019 which covers the vision, key issues, and goals for the Valley. So if you see AVLUP, it basically means zoning. If you see LPLUC or just LUC, it means La Plata County Land Use Code.

The Animas Valley Registered District Committee or RDAC was formed in 2020 after the La Plata County LUC was updated. The 12 RDACs were established in LUC 63-6 which established requirements like annual meetings, maintaining meeting notes and tracking votes on actions.

Shirley Dills (Shirley, please stand up). Shirley and I are the primary contacts for all proposed projects and land use changes in the Animas Valley District. We distribute that information to the RDAC membership because the County only sends communications to property owners within 1000 feet of the property with activity. So, if you want to make sure you know about proposed development in the valley that may impact you, please join our mailing list.

## History

- 1992 - Animas Valley residents requested zoning after construction began on Dalton Ranch
- 1992 - Residents requested a project and building moratorium until a plan could be developed and approved
- 1993 - AVLUP was approved & added to LPLUC
- 2016-17 - Administrative Amendment was quietly prepared and presented to Planning Comm. and Board of County Commissioners (BoCC) for review and approval

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Roughly, in 1992, the Valley residents became very concerned the entire valley would be paved over due to the construction of Dalton Ranch. They rallied to force the County to create a moratorium on all proposed projects until zoning could be developed and finalized. In 1993, the Animas Land Use Plan was approved and incorporated into the La Plata County LUC. As far as we can tell, no material changes were made in our LUP until 2017.

In 2016, the Planning Department initiated an Administrative Amendment that impacted the entire County land use code. The document presented to the BoCC on 2/17/17 was 604 pages and included several projects for the BoCC to approve as well as the Administrative Amendment.

The slide show presented by Planning at that meeting also did not mention any changes to the Animas LUP. I want to remind everyone that none of the county or planning commissioners or even planning department employees from that time are still around. There has been a 100% turnover. A review of the meeting minutes from 2/17 made two things clear:

1. First, there were no Animas Valley residents in attendance because the communication was limited and did not discuss the contents of the amendment. In fact it appeared 2 developers were the only citizens who attended and made comments.
2. Secondly, the BoCC did not read the full document especially the end where the changes to the Animas Valley LUP were made. Their questions were about impacts and the Planning Department assured them these changes were minor and would have limited impact on residents. Well, they were wrong.

## History

- 2020 - Valley residents questioned the change of special uses to a Minor land use category but were not able to resolve it before the new 2020 LPLUC was finalized
- 2023 - RDAC discovered the 2017 Administrative Amendment where the changes were made
- 2024 - RDAC worked on changes to restore Major land uses and address other issues. Meetings were held with BoCC to test ability to change
- 10/24 - RDAC submitted changes

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When the County began the process of updating the entire LUC in 2019-2020, some of the Valley residents questioned what was shown in the 2020 version of the Animas Valley LUP. Specifically, they asked what happened to the Major land use designation for Special Uses. We were unable to resolve or correct this removal and were told we could always update our District Plan and LUP in the future.

In 2023, after the first Roberts Resort submission, a small group of residents formed to understand when our LUP was changed and how to address it with an update. Dot Wehrly reviewed both BoCC and Planning Commission agenda packages and minutes for multiple years before 2020. Dot is the one who found the smoking gun that was the 2017 Administrative Amendment. I cannot begin to say how laborious this work effort was for her and we all greatly appreciate her efforts.

Once we understood what and when changes happened, we began to craft proposed changes to the Animas Valley LUP. In mid 2024, I personally discussed these proposed changes with both Marsha Porter Norton and Matt Salka. They both assured me this was a good project to complete and they would support us.

## History

- 11/19/24 - RDAC met with County Community Dev Director and Sr Planner to discuss changes and update process. At that time, Lynn said an update process was still TBD and our project would need to be added to the 2025 Work Priorities
- 12/10/2024 - RDAC members attended BoCC meeting to request project be added to the 2025 Priorities
- 12/12/2024 - RDAC members attended Planning Commission meeting to request project be added to the 2025 Priorities. 40+ residents appeared to show support. Thanks to each of you!

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After we submitted the proposed changes and a summary letter in October to the BoCC, Planning Commission and the Planning Department, Shirley and I met with County Development Director, Lynn Hyde and her senior planner, Dan Armentano to discuss the changes. This is when Lynn explained our project would need to be added to the 2025 Work Priorities. Dan also mentioned he thought our District Plan should be updated first and we thought we could do that quickly in early 2025.

The reason we had asked all of you to attend both BoCC and Planning Commission meetings in December was to insure our LUP was added to the 2025 Work Priorities. I want to thank all of you who showed up to those two meetings on such short notice.

## History

- 3/15/25 - After several emails, Lynn Hyde shared her presentation to the BoCC for 2025 Work Priorities. In this presentation, the Animas Updates were **not even considered and no date for consideration was provided**

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Finally, on March 15th, of this year, I received an email from Lynn explaining that Planning had too many other projects to do in 2025. The Animas Valley was not even scheduled for a district plan update, instead the Southeast was selected. There was no indication when the County would look at our updates and no proposed mitigation to protect us during this hold period.

## What is in the Update?

- Change all Special Uses back to Major land use category. Since ALL uses were coded as Minor in 2017, Roberts Resort was able to capitalize on the lower review and approval requirements. Additionally, the Valley is the only District with NO Major land use requirements (benefits) as defined in LUC 66-7

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So that's the timeline.

What were the proposed changes in the Animas Valley LUP?

We changed all Special Uses back to Major and also require the application of LUC 66-7 Major Uses to all Animas Valley projects.

We feel the 2017 reversal is the primary reason Roberts Resort was able to propose such a large project. It kind of like when you invite a vampire in to your home.

Additionally, the 2020 LUC for the county provided Major Land use requirements in LUC 66-7 but the Valley was specifically excluded. We are the only District without this protection and quite frankly, it is a form of discrimination.

## What is in the Update?

- Establish a process for Sketch Plans and Land Use Use changes to require projects to more closely represent the original approved submission.
  - Example: if the proposal sited a 10 unit density, the actual submission could not be a significantly different land use or density
  - Land Use changes would require neighborhood meetings (to apprise nearby residents) and be done on a very limited basis.

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In general, there are no County requirements for the final project submission to match the original sketch plan in type or density. So if a townhouse project with 10 units was proposed and the final submission was for as 20 units or a beer garden, nothing could be done. So, deviations between the original proposal/sketch plan and the final submission were limited.

We added a provision requiring at least a simple sketch plan for any submission for land use changes and also that the proposed project must demonstrate it would meet the requirements of the AVLUP.

We also defined the process for amending the AV land use plan to require a neighborhood meeting, a public hearing before the planning commission or joint planning commission, and a subsequent hearing before the board of county commissioners. In the past, these land use changes happened with only Planning Commission review with no appeal process.



## What is in the Update?

- Reiterate the need for projects to support the Animas View Corridor, limit high density projects, and protect the existing rural character and wildlife corridors
- Increase the setback from the Animas river for all new structures from 50' to 75'
- Require Growth Hubs to require a neighborhood meeting prior to establishment and delineate them with fixed boundaries

We added back language to require River Corridor protections and asked for a wider river set back. We also requested the process of creating growth hubs to require neighborhood meetings BEFORE they are established along with clear mapping. The boundaries of Hermosa and Trimble growth hubs has never been clearly delineated.

## What is in the Update?

- Re-establish treatment of non-conforming uses once the current use is discontinued or changed - i.e. reverts to single family land use
- Removed all housing references from Neighborhood Commercial and placed them in Multi-family or Single Family land uses
- Defined low intensity tourist activities and excluded specific activities

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The existing mobile home parks, RV Parks and gravel yards were identified in the 1993 AVLUP as non-conforming uses which would revert to single family in the event the use was abandoned for more than a year or a new use was proposed. We added that back to the LUP. We also moved all housing uses from Neighborhood Commercial to Multi Family or Single Family which makes obvious sense.

We provided a definition of Low Intensity Tourist Activities and specifically excluded high volume, intensity or density RV parks, as well as Camping, Glamping, Adventure, Climbing or similar types of parks, outdoor music venues, outdoor racing or terrain parks for motorized or non-motorized vehicles, tiny home parks or manufactured home parks.

This is a very high level review of the proposed changes. Other changes refer to dark sky and ridge line protections.

## Next Steps?

- RDAC is working on a response expressing dismay at the decision as well as asking for a moratorium until the LUP can be addressed
- The RDAC recommends Valley residents attend Planning and BoCC meetings to complain about this action and show unity.
  - Meeting attendance dates will most likely be in May-Jun
  - The RDAC and AVAC will help develop discussions via public comments. Similar to what was done back on 12/12/24 at Planning Commission

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So where are we now?

Obviously we are very disappointed with the County's refusal to address the AVLUP changes. We submitted a response last last week and once again, asked for a moratorium on any new land use changes and special use projects until our LUP can be amended. Since we have no idea when they will address the LUP, we think a moratorium is a reasonable request.

Finally, there is a timing issue that I want to address. We think our first priority should be to focus on Roberts Resort 2nd submission until that is handled. We think addressing both issues at the same time could dilute response and actions.

## Next Steps?

- RDAC recommends we start a Letters to Editor program for submission to the Herald and Telegraph papers. The RDAC will help write letters but we need volunteers to submit them since have restrictions.
- RDAC will also submit longer Guest Editorials to provide general information about what has happened to the Animas LUP

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So, attending County meetings to complain about inaction and writing letters to the Herald or Telegraph are a TBD. We are asking for people to sign up for submitting letters so we have a list of people ready to do so once it is time. There are 2 sign-ups sheets for you to consider today:

1. First, please join the RDAC so we can communicate actions and request volunteers. We also need to show that we really represent the Valley residents so we need more than 40 people on our list! I promise that I will only send emails providing updates from Planning, upcoming meetings or items that need a vote. So, you will not get a lot of email from me.
2. Secondly, please sign up to submit letters. The RDAC will help draft them,2 so you only need to personalize them. This will help insure we have a consistent message on this complex matter.

I look forward to the Valley residents making the County understand we are not happy about the changes made in 2017.

As the former civil rights activist and Representative John Lewis famously said “WHEN YOU SEE SOMETHING THAT IS NOT THE WAY IT SHOULD BE, DON'T BE AFRAID. SPEAK UP, SPEAK OUT, BE COURAGEOUS.” He also said "Get in good trouble, necessary trouble, and help redeem the soul of America."

We need you to speak up, speak out and get into good trouble to protect the lifestyle we all chose when we decided to live in the Valley. Thank you for your time and I will now take a questions.

Questions?