



Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

**THIS IS STRICTLY A VIRTUAL MEETING. SEE ZOOM  
INFORMATION BELOW.**

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**AGENDA  
PLANNING & ZONING COMMISSION  
THURSDAY, August 26, 2021  
7:00 P.M. Virtual Meeting \***

1. CALL TO ORDER
2. ROLL CALL
3. 7:00 p.m. – 7:05 p.m.  
Minutes of the August 12, 2021 meeting.....Attachment A
4. 7:05 p.m. – 7:10 p.m.  
Public Comment for Persons not on the agenda (See instructions below)
5. 7:10 p.m. – 8:10 p.m.  
Suggestion to Initiate a Zone Text Amendment to the UDC..... Attachment B
6. 8:10 p.m. – 8:15 p.m.  
Staff Update
7. 8:15 p.m. – 8:20 p.m.  
Commissioner Comments
8. 8:20 p.m. – ADJOURN

Upcoming P & Z Meetings:

9-16-21 – Comp Plan Update/CT Meeting #4  
9-30-21 – 520 Mesa Verde Plat Amendment

**\*Please note all times are approx.**

**ATTENTION:** Due to the continuing threat of the spread of the COVID-19 Virus, this Carbondale P & Z Meetings will be conducted virtually. If you have a comment concerning one or more of the Agenda items please email [jleybourne@carbondaleco.net](mailto:jleybourne@carbondaleco.net) by 4:00 pm on August 26, 2021.

If you would like to comment during the meeting please email [jleybourne@carbondaleco.net](mailto:jleybourne@carbondaleco.net) with your full name and address by 4:00 pm on August 26, 2021. You will receive instructions on joining the meeting online prior to 7:00 p.m. Also, you may contact [jleybourne@carbondaleco.net](mailto:jleybourne@carbondaleco.net) to get a phone number to listen to the meeting, however, you will be unable to make comments.

Hi there,

**You are invited to a Zoom webinar.**

**When: Aug 26, 2021 07:00 PM Mountain Time (US and Canada)**

**Topic: Planning and Zoning Commission 8-26-2021**

**Please click the link below to join the webinar:**

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## **MINUTES**

### **CARBONDALE PLANNING AND ZONING COMMISSION**

Thursday August 12, 2021

#### **Commissioners Present:**

Jay Engstrom, Vice-Chair  
Nick Miscione  
Marina Skiles  
Kim Magee (1<sup>st</sup> Alternate)  
Jarrett Mork (2<sup>nd</sup> Alternate)

#### **Staff Present:**

Janet Buck, Planning Director  
John Leybourne, Planner  
Mary Sikes, Planning Assistant

#### **Commissioners Absent:**

Erica Stahl Golden  
Nicholas DiFrank  
Jeff Davlyn

#### **Other Persons Present Virtually & In Person**

Keith Walzak/Cushing Terrell  
Nora Bland/Cushing Terrell  
Dave Dixon/Cushing Terrell  
Carly Sieff/Fehr & Peers  
Ashleigh Powell/Cushing Terrell  
Katharine Rushton, Clean Energy Economy for the Region (CLEER)  
Nikki Delson, 1056 Village Road  
Ron Kokish, 1056 Village Road  
Sue Zislis, 648 Surrey Road  
Frosty Merriott, 818 Lakeside Drive  
Patrick Hunter, 1131 County Road 106

The meeting was called to order at 7:01 p.m. by Jay Engstrom

#### **July 15, 2021 Minutes:**

Jarrett made a motion to approve the July 15, 2021 minutes. Nick seconded the motion, and they were approved unanimously, with Marina abstaining.

#### **Public Comment – Persons Present Not on the Agenda**

Colin Quinn, **239 Crystal Road** and the Chair of the Environmental Board thanked Janet and the P&Z for working on the Comp Plan. He outlined some points;

- Document how the public input is considered.
- Different groups with equity in the Comp Plan and having a steering committee that is not just the P&Z.

Frosty said that he would engage later.

#### **Comprehensive Plan Update – Consultant Team Cushing Terrell (CT) Meeting #3**

The consultant team discussed Mobility, Aging in Community, Climate Action Plan

Keith stated that they would be producing an “Existing Conditions Memorandum” in the next few weeks, which will summarize all of the presentations and information gathered during the community engagement. He said that there will be a draft of a future land-use map, policy recommendations, implementation strategies and a preliminary draft update formatted as the RFP was requiring us to do so.

#### Community Engagement Update - Nora

- Engagement Events – Nora
  - Added an event to the engagement plan with a Spanish-speaking community meeting, August 16 and English-speaking community meeting, August 17, with the same information and format for both meetings.

Janet said that she sent out emails to all the Boards and Commissions as well as the last twenty years of former Planning Commissioners, stakeholders, and property owners in the downtown, inviting them to the design charrettes August 17th.

Nick asked if CT was meeting with the Historic Preservation Commission.

John Leybourne stated that it was scheduled for September 2, 2021.

- Focus Group Meetings
  - August 9<sup>th</sup>: Development/Infrastructure
    - Developers/Property Owners
    - Architects/Engineers
    - LatinX representative
  - August 10<sup>th</sup>: Affordable Housing
    - Affordable Housing Providers
    - Affordable Housing Management
    - Real Estate Representatives
    - LatinX representative
  - August 9<sup>th</sup>: Business Interests
    - Business Owners
    - Chamber/Economic Development
    - Downtown/Downtown North
    - Highway 133 Groups
    - LatinX representative
  - August 19<sup>th</sup>: Access + Mobility
    - Multi-modal
    - Aging in Community
    - Safe Routes to Schools
    - LatinX representative



- August 18th: Arts/Culture
  - Youth Groups/School District
  - Art/Events Groups
  - LatinX representative
- August 23<sup>rd</sup>: Agriculture/Resources
  - Ranching/Farming Community
  - Natural Resource/Environmental Groups
  - Recreation Groups
  - LatinX representative

#### Additional Engagement Meetings

- August 17<sup>th</sup>: Meeting with CAFCI + Downtown/North – Downtown Design Charrettes
- August 24<sup>th</sup>: Board of Trustees Update
- August 30<sup>th</sup>: Bike/Ped Meeting
- Follow up meeting with E-Board and/or CLEER

#### Highlights of Online Survey Results

Nora noted that the paper surveys were not included because they were still in the mail and that she would be giving a comprehensive report on all of the survey results by the next meeting.

Nora said that there were 524 surveys completed total between July 2<sup>nd</sup> and August 6<sup>th</sup>, which was phenomenal for a community of our size.

Nora said that when the survey asked about growth that most responders felt that residential growth has either been too much or adequate and that commercial growth has been adequate or too little.

Nora said that the top three uses that folks want to see were;

- Neighborhood Parks
- Mixed Use
- Civic Use

She said that medium density housing was preferred over low- or high-density housing.

Nora said that with housing in general that single family homes were the most popular followed by mixed-use buildings, ADU's and the least popular were apartments.

Most important goals for Carbondale's transportation system are:

- Equity
- Sustainability
- Safety

- Choice of Travel Mode

Biggest challenges with walking;

- Not enough sidewalks
- Lack of overall connectivity

Biggest challenges with biking:

- Other, there weren't any challenges or crossing Highway 133 or complaints about the awareness of motorists.
- Lack of overall connectivity
- Discomfort of biking on streets

If you could make one recommendation about the future of Carbondale, what would it be?

- More affordable housing
- Traffic control
- Slow/no growth
- Develop slowly and intentionally
- Sustainable /green development

Keith pointed out that a comment that Colin made earlier in the meeting, how will public comments be linked to the revised draft recommendations. He said that the data that Nora was talking about was consistent with what we would expect to hear. He said that the preference for single family housing is interesting. He said that everyone wants home ownership and that it's the right thing to do. He said how do we reconcile low-density with the demand to provide things like more affordable housing. He said that we are going to have to work to do what Colin has asked us to do, take input from the community and understand it and develop that into policy recommendations. He said that there is a lot of interest in a lot of broad categories.

#### Mobility and Transportation - Carly

- Existing Conditions – Walking and Biking
  - Identification of multi-modal corridors (2019)
    - Need for sharrows and sidepaths
  - Barriers to crossing Highway 133
  - Rio Grande Trail
    - Improve access to trail
    - Enhance trail crossings
    - Implement wayfinding
  - Missing Sidewalks
    - Tradeoffs with on-street parking
- Existing Conditions – Transit
  - Frequent and free Carbondale Circulator to connect to RFTA

- Transit station amenities
- Paratransit service within  $\frac{3}{4}$  mile from Circulator
- Bike parking could be expanded
- Existing Conditions – Driving
  - Frequent and free Carbondale Circulator to connect to RFTA
  - Transit station amenities
  - Paratransit service within  $\frac{3}{4}$  mile from Circulator
  - Speeding is a major challenge
  - Congestion at the round-about during peak hours
  - West of Highway 133 access
  - Traffic calming
- Trends and Looking Forward – 8<sup>th</sup> Street Outcomes
  - Defined a multi-modal corridor
  - Documented community priorities and tradeoffs
  - Identified toolbox of supported traffic calming measures and bike facilities
  - Developed a vision for 8<sup>th</sup> Street
- Corridors
  - Sidepaths
  - Sharrows
- Intersections
  - Curb Extensions
  - Raised Pedestrian Crossing
- Trends and Looking Forward – Aging in Place
  - Regional transit access
  - Walkability
  - Access to key destinations and medical care
  - Design for e-bikes
  - Implement transportation infrastructure that is ADA-accessible
    - Sidewalk quality, curb ramps, crossing
- Findings and Needs and Next Steps – Expansion of Downtown

If the downtown were to expand north of the Rio Grande Trail, what would you like the transportation network to look like? This is an opportunity to envision streets without barriers of existing infrastructure.

  - Extending the transportation network
  - Consider freight implications
  - Creating a park-once community
  - TOD = Trail Oriented Development
- Findings and Needs and Next Steps – Identify High Priority Bike/Ped Investments
  - Re-evaluate the 2019 Bicycle and Pedestrian Corridors. Anything missing?
    - Sidepaths versus sharrows
  - Identify locations for sidewalk gap completion
  - Identify top five locations for enhanced bicycle/pedestrian crossings
- Findings and Needs and Next Steps – Transportation Programs

- What transportation-related programs do you think Carbondale should invest in?
  - Bike parking/repair stands
  - Marketing and education of transportation options
  - Priority parking for carpooling
  - Wayfinding
  - Work with employers on transportation benefits and flexibility
  - Parking pricing
- Findings and Needs and Next Steps – Parking
  - How do you feel like parking supply compares to parking demand?
  - Are there certain locations/land use types that have too much or not enough parking?

#### Commissioner Comments

- Sharrows along Highway 133 problematic for bikes
- City Market in and out lanes don't slow cars for pedestrians
- How to promote the use of the sharrows on Main Street
- Report is very informative and is CT aware of the proposal of a second round-about as it relates to traffic calming along Highway 133, which is important for multi-modal transportation. Is this being integrated into the Comp Plan?
- The Circulator could reach a broader aspect of this community.
- Community involvement in the gateways into the community with Carbondale Arts program.
- Parking conflicts

Further discussion ensued regarding parking.

#### Public Comments

Nikki Delson, **1056 Village Road** said regarding the Intra municipal transportation, the paratransit cannot be counted as a viable option. She said that very few people use it and you have to make an appointment to use it. She said that it is very inaccessible to many people. She said that you cannot refer to the circulator as a circulator, it's a shuttle that runs from the park-and-ride to downtown and back and excludes the majority of the town. She said when you refer to aging in community that she hopes you are not just referring to aging adults. She said that when we think of aging in community, we are thinking that everyone is aging in community from the time that you are born until the time you leave this earth. She said that when you plan for aging in a community that you have to look at where people are around that continuum. She said that it is true that older adults are a growing population and that it is important that we can get around even without a car. She said that she is on the Bike/pedestrian Commission, and we have a beautiful toolbox but for Eighth Street it became a corridor to not go on Highway 133. She said that it is pretty dense so trying to make it multi-modal when there are so many cars parked and so much traffic there should not be the blueprint for all of the other priority corridors. She said that they are not all exactly the same. She said that we were just looking at the best ways for people to get through towns safely. She said that another topic is the numbers of dangerous cracked and

falling apart sidewalks where we have had people with very serious injuries throughout town. She said there is so much that is not in this that is specific to Carbondale and that she hoped we could become more laser focused in terms of what the town needs moving ahead.

Ron Kokish, **1056 Village Road** said that he is mind-boggled by this report. He said that he worked as a consultant for twenty years and that his reports had to be accepted before he got paid. He said that the Commission may want to really consider whether to accept this report. He said that there was no paper survey available until we asked for one, our organization, KAFKE. He said that we submitted fifty paper surveys apparently that haven't been tallied. He said that no matter how many surveys you get that this is not a random survey, this is a survey of people who chose to fill it out and that there is bias. He said that his hunch is that it is the people that can afford to spend the time thinking about it and looking at it. He said that when you look at your housing responses and that you are puzzled by the preference for single-family housing that you probably have a bias for people that are in single-family housing and what to maintain their neighborhoods or people that are somewhere that have a shot at it. He said that there a lot of people out there looking for apartments and that he knows two people that have been pushed out of their apartments and are planning on living in a van. He said that the paratransit is close to worthless in Carbondale. He said that in 2019, where COVID wouldn't have been a factor, Carbondale used 829 rides. He said that Rifle has four times that number and they have twenty percent more seniors and they use four times as many. He said that Glenwood has about forty percent more seniors and that they use five times as many. He said could that be because the vans are stored and stationed in Rifle and Glenwood. He said that the people he talks to in Carbondale say that when they call for paratransit that the County makes it very difficult to be eligible. He said that in short that you really need to look at this survey as far as it has gone with a lot of skepticism because to base the next ten years on planning that has so little precise data behind it that it is not going to go well for Carbondale.

Sue Zislis, **648 Surrey Road** said that she is concerned about mobility and transportation building on what both Nikki and Ron have said. She said that we are all heading in the direction of getting older. She said that there are so many wonderful things to do in Carbondale and that it is such a common part of aging to not be able to see well and driving at night. She said that you are still a functional, active citizen and you still want to participate but driving at night becomes not a good idea. She said that you have no options other than to beg for a ride to go to an evening event. She said that the circulator is useless and that it doesn't go anywhere that people want to go.

Frosty Merriott, **818 Lakeside Drive** said that the Town of Carbondale dedicated quite a bit of sales tax to RFTA for the circulator bus, which is not a true circulator as people have pointed out. He said that could get people out of their cars to fewer cars. He asked what other subjects we are gong to cover so he knows when to weigh in.

Keith explained the topics to be discussed today and in future meetings.

Ron Kokish, **1056 Village Road** said as a citizen that he is not clear how committed Carbondale is to what, when it comes to automobile use. He said that traffic congestion, convenience are all part of the same coin. He said that if there is a clear policy, he doesn't know what it is. He said that there seems to be a general expressed intent that he thinks is in the 2013 Plan to reduce automobile use. He said that if we really want to do that you will have a lot of people mad at you. He said that it is more of Carbondale setting a clear policy and setting a clear goal and that is not the consultant's job. He said that it is our job and that we can't really move forward unless we know what we are moving towards.

### Aging in Community – Key Observations - Dave

- Represents full demographic of ages and abilities, more than just senior citizens.
- Carbondale population over 60: 18.5%
- Registered voters over 60: 17.6%
- Needs expected to double within the next ten years.
  - Are existing housing/networks/facilities adequate?
  - Where are the opportunities to better engage, coordinate or formalize efforts?
  - What are mobility/access issues?
  - What is the unmet need – where should the solution go?
  - Where are the economic opportunities for caregivers?
- Six Guiding Policies for Planners:
  1. Actively engage the aging perspective in the planning process.
  2. Provide a range of affordable and accessible housing options.
  3. Ensure access to a variety of quality transportation options.
  4. Use land-use and zoning tools to create welcoming communities.
  5. Support the economic well-being of older adults and their caregivers.
  6. Strengthen the community assets of and supports for older adults.
- Key Observations: Housing
  - 78 new senior housing units (Sopris Lodge, North Downtown: continuity of care, partially independent, assisted living, and memory care)
  - Assisted Living: Heritage Park and Care Center
  - Affordable Senior: Crystal Meadows (HUS, 62+, 30% AGI)
  - Trends and Needs?
    - Rise in seniors, decline in kids
    - What's the largest demographic rise or housing need among all cohorts?
      - 60+: Downsizing households, active senior homes, assisted living.
- Key Observations: Access
  - RFTA Traveler: on-demand
  - RFTA free for 65+
  - Bench projects, paths projects
  - AARP Walk Audit: 8<sup>th</sup> Street in need
- Key Takeaways

- Carbondale Age-Friendly Community Initiative is currently an 'ad hoc' committee – are there ways to formalize?
- Is Carbondale 'pulling its weight' in supplying needed housing types or facilities? Compared to rest of the valley.
- Formalize the accessibility audit and other age-friendly projects through Capitol Planning.
  - Install benches along pathways by housing.
  - Install sidewalks connections where most needed.
- How can the Comp Plan set the community up for more success?

Nikki Delson, **1056 Village Road** said something to add to the mix of housing that a lot of people retire here when they are in their early part of retirement and as they get older...there is very little housing where bedrooms are on the first floor. She said that there are communities that have made that a standard for the universal design, making sure that there is a bedroom on the first floor. She said that she lives in a townhome that has three floors and that it's much harder to retrofit that so that she can age in her own home, rather than planning from the beginning for people to stay in their own home. She said that there are a lot of people in Carbondale who have been here a long time that have big houses, but they are house poor, and they would like to provide space for a caregiver. She said that don't necessarily have the finances to retrofit their house in a way that is in line with zoning and planning. She said that looking at those types of things are important when looking at aging in community when we move forward updating the Comprehensive Plan.

Nick said that what he is noticing around town again is sidewalks and promoting pedestrian scale and the links between pedestrian activity and aging in place. He said that with the conditions and constraints that we have currently and the streets that don't have sidewalks. He said he wondered if we could incentivize homeowners to improve the sidewalks in front of their homes along the right-of-way. He said what policies could we talk about or start to study, as a group in implementing a sidewalk installation.

Dave said that in communities that he has lived in it is not incentive it is required if there is an issue with accessibility.

Nora said that in some communities they do a cost share with the city and the city takes care of all the contracting. She said that there are usually programs for those that need financial assistance.

Further discussion ensued regarding sidewalks and disabilities.

Frosty Merriott, **818 Lakeside Drive** said that he gives kudos for forward thinking. He said that he'll be seventy-four next month and that he tried to downsize and couldn't make it happen that it made any sense. He said that he would have loved to build an ADU on top of their garage in River Valley Ranch but that he is unable to because you are limited to fifty. He said that we have five hundred homes and only fifty ADU's. He said that he has been pushing to expand that to one hundred or one hundred fifty ADU's. He said that we would have to redo the PUD but that it could be done and that

would provide senior housing as well as community housing. He said that this is an opportunity that we shouldn't miss. He said that the ratio of affordable to free market 20/80 should be flipped to 80/20 and tell the developer to bring it back to us. He said that we should be able to get fifty senior housing units out of the Overlook Development. He said that he was on P&Z for four years from 2004 to 2008, and Trustee from 2008 to 2018 and that he is on the Chamber and Environmental boards now. He said that he tries to stay involved and that he's anxious to put his input in. He said that the Circulator bus running out to RVR with another fifty ADU's out here with seniors in it would be a great deal for Carbondale.

Patrick Hunter, **1131 County Road 106** said in the west-end up in Aspen, which was a bunch of little mining houses back when and now are million-dollar homes. He said that there are no sidewalks or gutters. He said that they seem to get by and maybe that's not priority for Carbondale's situation right now.

Sue Zislis, **648 Surrey Road** said that she wants to bring everyone's attention to the fact that sidewalks and accommodations that we are talking about doing is not just for the old folks. She said that sidewalks keep children safe and parents push their kids in strollers and not down the middle of the street. She said that kids that are learning how to ride bikes need a sidewalk. She said that if you are talking about climate change and reducing the carbon footprint of this town if we make it safer and more welcoming for people to walk that may help, so you don't have to drive into town. She said that if we had better sidewalks and a better Circulator, we are going to make a dent towards our carbon footprint goals as well as our accommodations for folks that are not using the sharrrows. She said that she wants to get the focus away from old folks and that it benefits everybody.

#### Climate Action Plan and Sustainability – Ashleigh/Dave

- 2013 Comp Plan – Vision, Goals and Strategies Focus:
  - Review 2013 Comprehensive Plan Topic: Ecology and Renewable Energy
  - Evaluate the policies and programs in the Climate Action Plan and Preparing for Drought, VCAP's report
- Provide Recommendations
  - Are the goal TOPICS still relevant?
  - Are we missing any new Topics or goal statements?
  - Are there updated sustainability goals which should be established in the Comp Plan?
- 2013 Comp Plan, 2.6 Ecology and Renewable Energy

#### Vision for a Sustainable Future

- Community - Carbondale has a long established ethos of protecting local and regional natural assets, reducing impacts on climate, and aspiring to a sustainable lifestyle. This respect for the environment is a key part of what people love about living here.



- Ecology -The community wants to establish Carbondale as a leader and innovator in energy efficiency and local energy production. A healthy environment with clean air, water, plenty of trees and healthy river corridors is a necessary condition for Carbondale's success.
- Economy - Because Carbondale has a sustainability ethos, it is already a center for sustainability enterprises offering anything from local food advocacy to renewable energy research and design. There are many opportunities for sustainability enterprises that have yet to be tapped and Carbondale is poised to expand this sector.
- Ecology and Renewable Energy – Goals and Strategies
  - 1) Reduce the demand for energy and produce energy locally
    - A. Develop and adopt a green building program for new commercial development.
    - B. Establish Carbondale as a center of sustainable enterprises.
    - C. Update and revise the 2005 Town of Carbondale Energy and Climate Protection Plan and continue to implement the policies contained in this plan.
    - D. Maintain a compact small town form connected by an integrated and functional bike, pedestrian and transit system.
  - 2) Embrace the river corridors by preserving them and making them more accessible for recreation.
    - A. Identify key riparian areas for acquisition and conservation.
    - B. Maintain and enhance the riparian tree canopy.
    - C. Develop safe boating and shoreline access points using natural materials.
    - D. Develop river trails where terrain and access allow, that are carefully designed to support water quality through reductions in sedimentation and erosion.
  - 3) Improve watershed health and water quality.
    - A. Continue participating in regional watershed planning and projects.
    - B. Employ naturalized stormwater treatment techniques such as naturalized detention, bio-swales, rain gardens, trees, terracing and porous pavements.
- Carbondale Climate Action and Resiliency Developments From 2013 to 2021 Accomplished:
  - 2013: Adopted International Green Commercial Construction Code
  - 2015: Water Efficiency Plan
  - 2015: Source Water Protection Plan
  - 2017: Updated Climate Action Plan: Set a goal of Net Zero Community by 2050
  - 2018: Preparing for Drought – Vulnerability, Consequences and Adaptation Planning Scenarios (VCAPS)
  - 2019 Released Net Zero for New Construction report and Code roadmap To reach net zero in new construction by 2030.
  - 2019: Single Hauler Trash Program

- 2020: Revised Residential Efficient Building Program (REBP): Increased Energy efficiency and on site solar requirements

In Progress:

- 2021: Adopting 2018 IGCC with amendments and revised renewable Energy requirements for new commercial buildings
- 2021: Tracking progress on CAP action items and categorizing strategies As high/medium/low priority
- 2021: Researching potential to address energy use in existing buildings Through code mechanisms

➤ 2017 Carbondale Climate and Energy Action Plan

The plan seeks carbon neutrality, and imagines a community with a thriving economy in which:

- All buildings have a net-zero emissions
- All energy is powered by renewable sources
- The majority of trips are made by walking, biking or public transit, and all the vehicles we use run on low-carbon fuels
- All waste is recycled or reused
- An abundance of locally raised foods and products are available

The 2017 Carbondale Climate and Energy Action Plan is our community's Roadmap for the next decade.

We strive to become a net-zero community by 2050, with the systems, policies and practices in place that will allow our community to thrive without leaving a carbon footprint.

➤ 2018 VCAPS – Preparing for drought in Carbondale – Vulnerability, Consequences, and adaptation Planning Scenarios

- Facilitated discussions about building **resilience** towards weather and climate hazard and impacts.
- Carbondale's key concern for the workshop was **drought**.
- Systematically examined **local climate concerns**.
- Evaluated the experienced and **anticipated impacts of climate hazards**.
- Reviewed past, current, and **planned efforts to mitigate climate risks**.
- **Identified potential new solutions** to address risks across town operations.

➤ Trends and Trajectory For Climate Action and Resilience

United States, Colorado, Garfield, Eagle, Pitkin Counties were outlined.

➤ Global Trends and Trajectory For Climate Action and Resilience

Key Takeaways:

- It's unequivocal that human activity is warming the planet.

- We're now unlikely to keep the rise below 1.5 degrees C and we will breach 2 degrees C without immediate and deep cuts.
  - Heatwaves, floods, droughts, and wildfires are all becoming more frequent. This will continue under even a 1.5 degree C scenario.
  - To limit warming to 1.5 degrees C, we must emit no more than 400 billion more tonnes of CO2 but we're on course to emit that within a decade.
- We can avert the worst impacts of climate change if we can drastically cut greenhouse gas emissions in the next decade and reach net-zero emissions globally by 2050 we still have a chance to meet the 1.5 degree C target.
  - Framework for a Sustainable Future – 2013 Framework and Proposed Framework For the 2021 Comprehensive Plan:
    - Climate Protection
    - Resilience
    - Equity

Jay stated that he appreciated the addition of equity in the framework.

Jarrett said that he thought it would be a great addition to the Comp Plan if urban agriculture could be added. He said that Carbondale was founded on potato growers, which we celebrate every year.

Nick said that there seems to be some great frameworks in place that could be adopted, IECC, IGCC, HERS reports. Do we just need to adopt something that is already put in place in order to achieve the goals we set forth?

Frosty Merriott, **818 Lakeside Drive** said that this is his passion and he put solar on his house in 2008 and the first person in RVR to do it. He said that they made him promise to change his roof color if he put solar panels up. He gave kudos to Ashleigh for her presentation. He said that y'all should see my garden that is full of tomatoes and squash, it's really cool. He said that this is a real passion for him. He said that we have to figure out priorities. He said are going to spend millions of dollars on a swimming pool before we have monies committed to individuals who can't afford to do solar and storage. He said that he wouldn't and that it's a discussion that should be worked into this. He said another think he would throw back at Janet is that we wrote an E-Board, Environmental Bill of Rights, and that he wrote from the mission statement of Carbondale, and I bet most of you haven't even seen it. He said please go look at that thing because we wrote it off the mission statement with the Environmental Board, Heather Henry helped do it, we presented to all the Town Boards. He said that we had public meetings and it was unanimously passed by the Trustees and signed as a resolution in 2017. He said that he thinks it is more and more relevant over the last few years. He said that it is important to realize that Denver was the most polluted city in the world last week, with a 176 air quality index. He said that same day Carbondale was 154, unhealthy air to breath. He said that we are running out of time on this and we have to have a sense of urgency here. He said we were the first on the west slope to do commercial green building and residential green building and Carbondale needs to lead on these issues.

Katharine Rushton said that she is with CLEER and that she has been working with Ashleigh to review the 2013 Comp Plan and provide information on what has happened in Carbondale between 2013 and now, in terms of new actions and new plans. She said some of the points made in this discussion are really around not only the importance of climate action but also the strategies we could be including in a Comp Plan update. She said what we are really trying to figure out is do all of these new strategies, new ideas and new actions that we need to be taking fit within this narrow framework that we see in the 2000 Comp Plan of community, ecology, and economy. She said that the sustainability portion of the Comp Plan is extremely limited. She said we are only talking about let's produce more energy and that there is so much more we need to be doing. She said does this framework still service as a community when climate action is such an urgent response. She said someone else mentioned that there are other frameworks such as the IGCC etc., which are actually strategies, updating codes, which is what we have been working on as a community. She said that is a strategy that would fall under this proposed framework of climate protection.

Nick clarified that we he said that there are other frameworks in place, that in no way implies that those other frameworks that already exist that are international, are not stringent. He said that in his opinion now is not the time to be thinking creatively but rather to implement strategy that has already been put in place in order to achieve our goals, in this particular department, as it relates to aggressive climate action response.

Keith said that he understood his comment, do we need to re-invent the wheel and the short answer is we don't. He said that we have such good collateral out there at the global, national, state level. He said what we need to do is make sure that we are bringing you up to speed on the most current trends, even beyond on what you've been accomplishing over the last eight years, since the Comp Plan. He said we need to have a get together at Frosty's house with the garden to listen to Jarrett's dissertation on his thesis, that's what he just heard.

Further discussion ensued about strategies and tactics.

Patrick Hunter, **1131 County Road 106** said here is the minority report, maybe some of you guys saw that movie with Tom Cruise. He said what it really boils down to is that we are producing too much green house gas on this planet and does anybody disagree with that. He said the idea behind the Climate Action Plan was to find a way, set a target for the Town of Carbondale. He said a lot of other places have set these goals. He said that the problem is that there is no accountability about getting to those goals. There's a lot of discussion and there's a lot of people working on the strategies and some work is being done. He said some good things are being done but we're not actually getting there. He said we haven't turned that trend around yet, nor has Carbondale. He said in the years that we've had Comp Plans and Climate Plans we've been flat. He said the reason we've been flat is because the energy companies that give us electricity have been improving the quality of their electricity, they have been greening it up. He said that even though we've been using more BTU's, we've been able to hold our greenhouse gas component fairly level. Unfortunately, recently we are in a development spurt along with most of the State he would guess and that we are continuing to put up

buildings that continue to burn greenhouse gas, which is illogical. He said that we have the technology today, not to do that and that we can put up buildings that are electrified. He said that there's some that have gone up here and up the valley, yet we are not mandating that the new construction be that way. He said that we are working on it, the Board of Trustees just agreed to go forward with some more advance codes and to put more emphasis on attempting to remove natural gas lines from new buildings. He said that his concern, going back a couple of decades now, is that we haven't really set up a plan whereby we have specific targets, how much greenhouse gas will we cut by year what. He said we don't have an interim plan that says by what year. He said that we haven't identified the things we are going to do to get ourselves there. He said that we don't really have a working plan. He said that when reviewing some of the documents we have for the Town of Carbondale with our 2030 goal, which is a fifty percent reduction in greenhouse gas. He said that sidewalks and curbs are not going to get us there. He said that he says these things but that he doesn't hear a response, is what he just said dumb, is it wrong, is it not appropriate in this discussion.

Marina said that she hears him and that she really appreciates both you and Frosty's comments. She said that we are all listening and that she's sorry that there's not direct feedback.

Jay said that he agrees with Marina and that he does appreciate everything that he has brought up. He said that the process that we are going through and that we have a lot to cover in a very short amount of time. He said that we are trying to absorb as much as we can.

Nick said Patrick responding to you directly, he is a huge fan of whole house electrification and push it in every project we do. He said that this isn't about him and that he doesn't think there's anyone in this room right now who doesn't agree with climate action plan but that it is not the only topic.

Jarrett said that he appreciates Patrick's sense of urgency.

- Next Steps – Keith
  - Small Group Stakeholder Sessions – Ongoing
  - Community Engagement Events - August 16-17
  - Project Steering Committee #4 - September 16, 7:00 – 9:00 p.m.
    - Policy Recommendations (Draft), in categories

Further discussion ensued regarding the community survey and the CT process.

### **Election of Chair and Vice-Chair**

The Commission decided to wait for other members of the Commission to be present, so the election was postponed to September 16, 2021.

**Staff Update**

Janet asked if the Commission would prefer a Zoom meeting for the next meeting? The Commission decided that Zoom would be best for them.

Further discussion ensued regarding the next meeting and the Comp Plan update.

**Commissioner Comments**

There were no further comments.

**Motion to Adjourn**

A motion was made by Jarrett to adjourn, and the meeting was adjourned at 10:00 p.m.

DRAFT



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## Planning Commission Agenda Memorandum

Meeting Date: August 26, 2021

**TITLE:** Suggestion to the Planning Commission to Initiate a  
Zone Text Amendment

**SUBMITTING DEPARTMENT:** Planning Department

**ATTACHMENTS:** PUD Policy – July 13, 2017  
Redline–2019 UDC Amendments–Sec. 2.4.3.D PUD Amendments  
Letter from Janet Buck dated 8-9-2018 – Code Interpretation  
Letter from The Myler Law Firm (Crystal) – 8-12-2021  
Letter from Karp Neu Hanlon – Attorneys (RVR HOA) – 8-10-2021  
Letters from the Public

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### BACKGROUND

Section 2.4.1. of the Unified Development Code (UDC) outlines the procedures for amending the UDC. Section 2.4.1.B. states that an amendment to the text of the UDC shall be initiated by the Planning and Zoning Commission or the Board of Trustees. Any person may suggest to the Planning and Zoning Commission that an amendment be considered. No person or entity can submit an application to amend the UDC. That authority remains strictly under the purview of the Planning and Zoning Commission or the Board of Trustees.

On August 12, 2021, David Myler submitted a letter on behalf of Crystal Outdoors, LLC (Crystal) suggesting that the Planning and Zoning Commission (Commission) consider an amendment to the UDC. The suggestion is to change the existing process for PUD amendments and General Rezoning.

Crystal is the owner of the Golf Course Parcels at River Valley Ranch (RVR).

### PROCESS

The Planning Commission, Planning Staff and the Town Attorney will be participating in the meeting via Zoom. People interested in attending the meeting will be able to participate via Zoom. The link to the Zoom meeting is on the Planning Commission

agenda. It will also be streamed on You Tube. That information is on the agenda as well.

Because this is a suggestion to the Planning Commission to initiate a zone text amendment and not a land use application, this is not a public hearing. But in anticipation of the number of people wanting to comment on the request, Staff would suggest the following process:

- Staff Presentation
- Town Attorney Comments
- Questions of Staff and the Town Attorney
- Presentation from Crystal Outdoors, LLC
- Presentation from the River Valley Ranch Master Association, Inc. (Association)
- Public Comment
- Planning Commission Discussion

However, it is up to the Planning Commission whether or not to accept comments from Crystal, the Association, or the public. Approximately 100 letters from the public have been received. Staff would suggest that only comments which are not already included in the written testimony be allowed.

The Planning Commission is under no obligation to initiate a zone text amendment. Staff's recommendation is that the Planning Commission deny the request from Crystal.

It should be noted that while many of the letters from the public discuss rezoning Golf Course Parcel #6 (the Driving Range), there is no rezoning application on the table.

## **DISCUSSION**

### **River Valley Ranch Planned Unit Development**

River Valley Ranch (RVR) is a Planned Unit Development (PUD). A PUD is a standalone, customized zone district which includes allowed land uses, zoning parameters and development standards. Each PUD is designed specifically for a tract of land and is a unique zone district. Some PUDs do incorporate components of straight zone district parameters or have provisions that say that the zoning code governs in the event that a PUD is silent on a particular parameter.

Because each PUD is unique, when a PUD is amended, it is important to assess the structure of the PUD, including prior exactions, any existing phasing plans, to avoid unintended consequences, including overlooking prior commitments or entitlements. Because each PUD is uniquely conceived at the outset, the amendment or revocation of each PUD, or portions of a PUD, likewise requires a unique, case-by-case and thoughtful process.



Like many PUDs, the RVR PUD has a complex set of “development agreements” that are binding agreements between a developer and the Town concerning development of a PUD. The development agreements address ancillary issues such as parks, the golf course and driving range, affordable housing, fees, water rights, and other matters. The RVR Development agreements run with title to the land, meaning that subsequent landowners are bound by their terms.

A PUD is not a covenant. A covenant is a private agreement between property owners within a development. While covenants can restrict certain land uses, such as ADUs, the Town generally does not enforce covenants as they are private agreements, and the Town is not a party to those agreements.

Also, a PUD is not an overlay zone district. During the land use approval process when a PUD is approved, the developer must identify what the most similar zoning classification is in the Town Code. However, the new PUD stands alone and does not rely on the existing straight zone which is identified as similar.

There are about 25 existing PUDs in the Town. The bulk of them are located in larger developments such as RVR, Crystal Village and Roaring Fork Village. There are also a number of small PUDs sprinkled throughout Town. The Zoning District Map shows all of the areas zoned PUD. Any amendment to the UDC would affect all PUDs in Town.

PUDs were used in Carbondale in the 1980’s and 1990’s to provide flexibility in allowing mixed uses and higher densities which weren’t allowed by the development code at the time. PUDs were negotiated on a case-by-case basis and each PUD is unique with different development agreements. Since that time, PUDs have been discouraged.

### PUDs and the UDC

While each PUD has its own unique zoning districts, Section 2.4.3. of the UDC regulates PUDs. This section includes the process to create a new PUD, including application submittal requirements, approval criteria, process for public hearings before the Planning Commission and the Board.

Section 2.4.3.D. includes regulations on how a PUD can be amended. This code section states that all PUD amendment applications submitted by a property owner must be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD, or their designees. It also allows the Planning Commission to initiate an amendment to a PUD.

### Recent History of Activity on the Driving Range Zoning in RVR

In 2018, the prior owner of the Driving Range (RVR Golf, LLC) began to pursue a rezoning of the Driving Range to remove it from the RVR PUD zone district and rezone it to the Residential/High Density (R/HD) zone district. As part of the rezoning

application, RVR Golf, LLC requested an interpretation of the UDC regarding the application requirements to amend the RVR PUD.

At that time, the language in the UDC was as follows:

“All PUD amendment applications submitted by a property shall be signed by at least 50 percent of the owners of the areas of real property in within the area that is directly subject to the proposed amendment to the PUD, or their designees.”

Staff’s interpretation at that time was that since the Driving Range was an integral part of the overall River Valley Ranch development, that at least 50 percent of the owners of property in RVR were required to sign the application to rezone the Driving Range.

While RVR Golf, LLC wrote a letter of intent to appeal Staff’s interpretation, a formal appeal was never filed.

#### PUD Policy and Subsequent Amendments to the 2016 UDC

As noted, the Town has 25+ PUDs. When the UDC was developed in 2016, it was written to encourage property owners to develop under the zoning and development standards in the UDC rather than creating new PUDs.

In 2017, the Town adopted a policy and goals for managing and administering PUDs. This policy is attached. One of the goals was to amend the UDC to add language that if a PUD is being amended, that the Town may add conditions to require that the development be compatible with new community policies or regulations which have been implemented since the original PUD was created.

In 2019, wide-ranging amendments were made to the UDC. One of those amendments established a specific section in the UDC for PUD Amendments (Section 2.4.3.D.) The amendments included the language from the PUD Policy that when PUDs are amended that development be compatible with current community policies or regulations. The 2019 amendments also created approval criteria specific to PUD amendments.

#### Request from Crystal Outdoors, LLC (Crystal)

In April of 2021, Crystal had tried to submit a land use application for a zone text amendment to the UDC. Staff informed Crystal that according to Section 2.4.1.B. of the UDC, only the Planning and Zoning Commission or the Board of Trustees have the authority to initiate a zone text amendment to the UDC.

Staff informed Crystal that Section 2.4.1.B. does allow any person to suggest to the Planning and Zoning Commission that an amendment be given consideration. This is what is before the Commission tonight.

In their letter dated August 12, 2021, Crystal suggests that Section 2.4.3.D. of the UDC be amended. This is the code section that requires that all PUD amendment applications submitted by a property owner be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD, or their designees.

Crystal suggests that the language be changed so that all PUD amendment applications submitted by a property shall be signed by one hundred percent of the owners of the real property within the PUD that is directly subject to the proposed amendment to the PUD, or their designees. Language would be added that the real property that is directly subject to the proposed amendment is the real property that is described in the application to amend the PUD and for which a change in use or other amendment is being requested.

The result would be that a land use application could be submitted to rezone the Driving Range with only the consent of Crystal Outdoors, LLC. No other signatures or consent from property owners in RVR would be required.

Crystal also proposes a similar change to Section 2.4.2.B. which governs General Rezonings. Currently, this language states that a request for an amendment to the zoning map may be initiated by person(s) owning at least 50 percent of the real property within the area affected by a proposed amendment.

The proposed language is that a request for amendment to the zoning map may be initiated by person(s) one hundred percent of the real property that is directly subject to a proposed amendment. The area that is directly subject to a proposed amendment is the real property that is described in the rezoning application and for which a change in use or other zoning amendment is being requested.

It should be noted that any amendments to the UDC would be Town-wide, including the 25+ PUDs within the Town.

## **FISCAL IMPACTS**

Initiating a Zone Text Amendment to the PUD would result in the need for a significant amount of Staff time.

## **RECOMMENDATION**

Staff recommends denial of the request from Crystal Outdoors, LLC that the Planning Commission initiate a Zone Text Amendment and recommends that the Planning Commission take no further action on this item.

Recommended Motion: **Move to deny the request from Crystal Outdoors, LLC, to initiate a Zone Text Amendment to the UDC and the Planning Commission will take no further action on this item.**

Prepared By: Janet Buck, Planning Director



**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

## **PUD POLICY – JULY 13, 2017**

### **BACKGROUND**

On February 21, 2017, there was a work session between the Planning Commission and the Board of Trustees. At the work session, the Planning Commission had indicated that it would work on a PUD policy for the Board's consideration.

At its June 15, 2017 meeting, the Planning Commission reviewed a draft framework for PUD policies. Mark Hamilton, the Town Attorney, was present at the meeting. On July 13, 2017, the Planning Commission reviewed the framework, and made a few revisions. At the end of the meeting, the Commission unanimously recommended that the Board accept the PUD policy as outlined below:

- 1. Development of a new map which overlays the Future Land Use Map from the 2013 Comprehensive Plan onto the Town's Zoning District Map. The purpose of this is to achieve the following goals:**
  - Assist developing a long-term strategy to bring the two maps into harmony.
  - Identify the most appropriate zone districts for properties.
  - Provide a stepping stone to approach property owners of the smaller PUDs to discuss pros and cons of potential rezonings to base (UDC) zone districts.
  - Long term – make sure the Future Land Use Map is correct in land use designations.
- 2. If an application comes in for a zone text amendment or redevelopment of a PUD, Town Staff works with the property owner(s) on a case-by-case basis to determine if the PUD can be converted to a straight zone district.**
- 3. Create inventory of PUDs**
  - Sort and list PUDs by number of lots (i.e., 1 lot, 2-5 lots, 6-15 lots, 16 lots and over)

- Do a visual assessment and determine what has been constructed on the property.

#### **4. Organization of PUD Book**

- Re-organize and streamline the PUD zone district book. Print a section of the Zoning District Map for each PUD as a cover sheet for reference.
- Place the PUD maps and zone district text on the Town's website for easy public access.
- The organization will assist in determining an appropriate zone district for any conversion of a PUD to a straight zone district.

#### **5. Amend the UDC to add language that if a PUD is being amended, the Town may add conditions to require that the development be compatible with new community policies or regulations which have been implemented since the original PUD approval.**

Draft language for UDC:

- a. During the review of a proposed PUD amendment, the Planning Director, the Planning and Zoning Commission, or the Board of Trustees may require such conditions of approval as are necessary to ensure that the development will be compatible with current community circumstances. Conditions may be applied to portions or aspects of the project which are the subject of the amendment request or other portions or aspects of the project. Conditions may include adherence to any new community policies or regulations which have been implemented since the original PUD approval or that reflect changed or changing community circumstances as they affect the project's entitled allowances and limitations including material representations and commitments. The applicant may withdraw the proposed amendment at any time during the review process.
- 6. Let property owners know that the Planning Commission can initiate a rezoning (UDC Section 2.4.1.B) so there would be no fees associated with the rezoning of a PUD. It would be a Town application so the Town would handle the public noticing, including the costs.**

- b. All provisions of the PUD plan shall run in favor of the residents, occupants, and owners of the PUD, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.
- c. Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.
- e. **Concurrent PUD and Subdivision Application**

An applicant shall submit separate applications for PUD zoning and any required subdivision. The Town may process and review such applications concurrently, including holding simultaneous hearings, if practicable and upon the approval of the Director. In this event, notice of such hearings shall be published as required by Section 2.3.5. Each application shall be reviewed and acted upon separately, based on the applicable standards and criteria of this Code. Unless otherwise approved by the Director, the applicant shall be required to obtain approval through the subdivision conceptual plan procedure, per Section 2.6.3, prior to submitting the application for preliminary plat approval and PUD rezoning. Unless otherwise approved by the Director, the sequence of hearings shall generally be: 1) Planning and Zoning Commission (recommendation on PUD approval and decision on preliminary plat); and 2) Board of Trustees (decision on PUD approval and decision on final plat).

#### **D. PUD Amendment**

##### **Step 8—Modification or Amendment of Approval**

Applications to amend a PUD that has received final approval and been adopted by the Board of Trustees shall be filed with the Planning Department. All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the ~~area of~~ real property within the ~~PUD area~~ that ~~is~~ directly subject to ~~or affected by~~ the proposed amendment to the PUD, or their designees. The Planning Commission may ~~also~~ initiate an amendment to a PUD at a regular meeting.

##### **1. Major Amendments**

Major amendments to PUDs shall be reviewed, processed, and approved in the same manner as required for ~~General Rezoning in Section 2.4.2. the~~ original PUD to which amendment is sought, including all notice and citizen participation requirements.

During the review of a proposed PUD amendment, the Town may require such conditions of approval to portions or aspects of a project as are necessary to ensure that the development will be compatible with current community policies and plans. Conditions may also subject property owners within the PUD to include adherence to any new community policies or regulations which have been implemented since the original PUD approval or that reflect changed or changing community circumstances as they affect the project's entitlements.

Amendments to a PUD may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

- a. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
- b. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
- c. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.
- d. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- e. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- f. The amendment will promote the public health, safety, and general welfare; and
- g. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development Code.

Any major amendment shall be recorded at the Garfield County Clerk and Recorder's Office, in accordance with the procedures established for the filing and recording of approved PUDs.

#### 2. Minor Amendments

All PUD amendment applications not meeting the criteria set forth in this section for major amendments shall be deemed applications for minor amendments. Minor amendments to an approved PUD are administrative requests and may be approved, approved with conditions, or denied by the Director without a public hearing. A minor amendment may be approved by the Director as long as the amendment does not constitute, as determined by



the Director, a substantial alteration of the fundamental nature and character of the PUD proposed to be amended. Minor amendments may not alter the terms of applicable development agreements or be contrary to any applicable ordinance.

**a.b. Classification of Major and Minor PUD Amendments**

The following table classifies potential PUD amendments as either major or minor.

**Table 2.4-2:  
Major and Minor PUD Amendments**

| Type of PUD Amendment  | Scale of Amendment                                      | Major | Minor | Comments   |
|--|---|-------|-------|--|
| <b>Land Uses</b>   |   |       |       |  |
| Addition of new principal land use currently not allowed in PUD  | All   | •     |       |  |
| Change to permitted land uses in any location  | Change affects overall PUD density or intensity         | •     |       |  |
|  | Change does not affect overall PUD density or intensity |       | •     |  |
| Change to use-specific standards for permitted uses  | All   | •     |       |  |
| Shift of residential dwelling units from one phase, parcel, or development unit of the PUD to another phase, parcel, or development unit, based on total number of residential dwelling units permitted under the approved PUD | >20% shift in dwelling units                            | •     |       |  |
|  | 10% - 20% shift in dwelling units                       | •     | •     | Considered a major amendment unless the Director finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units. |
| Change to the types of residential dwelling units and/or floor plans within an approved PUD  | All   | •     | •     | Considered a major amendment unless the Director finds, in writing, that the change will not substantially reduce the housing options available to future residents of the PUD.  |
| <b>Density</b>   |   |       |       |  |
| Increase in the number of total residential dwelling units   | ≥5%   | •     |       |  |
|  | <5%   |       | •     |  |
| <b>Development Standards</b>   |   |       |       |  |
| Any change to the streets and transportation circulation patterns  | All   | •     |       |  |
| Any change that results in a decrease of planned or identified public parks and/or improved open space   | ≥5%   | •     |       |  |
|  | <5%   |       | •     |  |
| Any change that results in a decrease of the total amount of natural areas or preserved or undisturbed open space  | ≥2%   | •     |       |  |
|  | <2%   |       | •     |  |
| Any change to parking, landscape buffer, or building design standards  | All   |       | •     |  |

## 2.5. Procedures and Approval Criteria: Development Permits

### 2.5.1. Conditional Use Permit

#### 2.5.1.C. Procedure

## CHAPTER 17.02: ADMINISTRATION

**Table 2.4-2:**

**Major and Minor PUD Amendments**

| Type of PUD Amendment  | Scale of Amendment | Major | Minor | Comments |
|--|--------------------|-------|-------|----------|
| <b>General</b>   |                    |       |       |          |
| Any amendment that is deemed by the Director to make such a significant or fundamental change to the PUD that in the Director's judgment, it should be deemed to be a major amendment. | All                | •     |       |          |

## 2.5 PROCEDURES AND APPROVAL CRITERIA: DEVELOPMENT PERMITS

### 2.5.1. CONDITIONAL USE PERMIT

#### A. Purpose

This section provides an approval process for conditional uses, which have unique or widely varying operating characteristics or unusual site development features. This procedure is intended to ensure that proposed conditional uses will not have a significant adverse impact on surrounding uses or on the Town.

#### B. Applicability

Land uses requiring a conditional use permit for each zone district are listed in Table 4.2-1, Table of Allowed Uses.

#### C. Procedure

Figure 2.5.1-A shows the steps of the common review procedures that apply in the review of applications for conditional use permits. The common review procedures are described in Section 2.3. Specific additions and modifications to the common review procedures are identified below.



TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623

August 9, 2018

David J. Myler  
The Myler Law Firm, P.C.  
211 Midland Avenue, Suite 201  
Basalt, CO 81621

Via email at dmyler@mylerlawpc.com

Re: Request for Code Interpretation

Dear David:

This is a code interpretation as provided for in UDC Section 1.7.1. in response to your letter as attorney for RVR Golf, LLC (RVR Golf) dated July 19, 2018. RVR Golf is the owner of the Golf Course Parcel 6 (the driving range) at River Valley Ranch (RVR) as well as the remainder of the RVR golf course. The driving range is a part of the RVR Planned Unit Development (PUD). RVR Golf would like to remove the driving range from the PUD and rezone it to Residential/High Density(R/HD).

The letter requests an Interpretation of UDC Section 2.4.3.C.4. This code section states:

"All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD, or their designees."

The question is who needs to be a party in signing a land use application for an amendment to the PUD to remove the driving range from the PUD and rezone it for high density development.

The following documents are discussed in this interpretation:

1. River Valley Ranch – *Preliminary Plat Submission* October 30, 1995
2. Agreement Relating to the Annexation of the Gray Ranch Property and Sopris Ranch Property to the Town of Carbondale (Recorded January 15, 1995 at Reception No. 473424)

3. Ordinance No. 20, Series of 1994 (Recorded January 16, 1995 at Reception No. 473426)
4. Resolution No. 1, Series of 1996 (Planning and Zoning Commission Resolution passed and signed April 4, 1996)
5. Final Plat – Phase 1 (Recorded September 27, 1996 at Reception No. 498928)

At the outset, I would note that each PUD in the Town of Carbondale is unique and that any UDC interpretation concerning a PUD amendment needs to be determined on a case-by-case basis in light of the unique set of entitlement documentation and history pertaining to the specific PUD at issue. The RVR PUD is the largest PUD in Carbondale and was the result of lengthy and complex land use review processes, including approval by the registered electorate of the Town of Carbondale after a referendum petition.

### **MAJOR AMENDMENT TO THE PUD**

In my opinion, a rezoning application cannot proceed in this instance absent the prior or contemporaneous approval of a Major Amendment to the PUD (Section 2.4.3.C.4.a.). Table 2.4-2 identifies the thresholds for Major and Minor PUD Amendments. Specifically, the following three items apply to this matter:

1. Any amendment that is deemed by the Director to make such a significant or fundamental change to the PUD that in the Director's judgement is deemed to be a major amendment.
2. Any change that results in a decrease of planned or identified public parks and/or improved open space (i.e. loss of driving range).
3. Any change to the streets and transportation circulation patterns (i.e. due to increased traffic).

Below is a detailed discussion of each of the three items.

### **Significant Change to the PUD**

The Project Statement on page 1 of the River Valley Ranch Preliminary Plat Submission states:

"The strengths of the property are the river, the running irrigation courses, the bluffs, the openness, and the views to Mount Sopris, Red Hill and the eastern valley. The sense of open space linkages to water, the river and on out to the surrounding landforms and mountains will be pervasive. Every view throughout the community – from a window, down a street, along a golf hole – will connect with the dramatic surrounding landscape

and reinforce the "Colorado" feeling. Each feature of the plan – the golf, the architecture, the bridges, all the streets, the neighborhood setting, the landscape, the community design elements – will reinforce the essence of the Crystal River Valley setting.

The plan for River Valley Ranch is for a series of interconnected neighborhoods within a spectacular Colorado landscape that offer a wide range of housing choices. East of the river are high density neighborhoods organized around the principal recreational and community facilities of the Project. Various housing products are combined with the layout, landscape and style of a traditional town, with easy pedestrian and bicycle access throughout. Homes are laid out along traditional streets, landscape with trees and sidewalks with views to Mt. Sopris." (East side description only included.)

The Preliminary Plat Submission also states that, as required in condition #20 of Ordinance 20-1994, the applicant is developing an eighteen (18) hole championship caliber golf course, driving range, pro-shop, and related maintenance facilities. The language goes on to say the golf course, driving range, and pro-shop will be open to the public on a pay-for-play basis.

All of the information above was included in the Preliminary Plat application. Paragraph 1.a. of Resolution 1-1996 states all representations of the Developer made in the application shall be considered conditions of approval (page 2).

Paragraph 20 of Ordinance 20-1994 states the golf course, driving range, club house, and related facilities shall be privately owned but open to the public at all times (page 5).

Paragraph 8 of Resolution 1-1996 states prior to final plat approval, there shall be an agreement between the Town and the Developer setting forth the obligation that the golf course, driving range, clubhouse, and related facilities shall be owned and operated as provided in paragraph 20 of the PUD Ordinance as a public golf course (page 11).

#### Finding on Significant Change to the PUD

The golf course is an integral part of the RVR community. My position is that the loss of the driving range would be a significant and fundamental change to the PUD. Another point is that it would set a precedent with other portions of the golf course potentially being eliminated in the future. This would even more radically change the character of the PUD.

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to replacement of the driving range with high density housing due to the integrated nature

of the PUD as described in the Project Summary and memorialized in ensuing ordinances and resolutions.

### **Open Space**

The Preliminary Plat Submission (Page 6) includes the following table related to land use:

“Land Use Summary. The Project contemplates 685 units on 595 lots located on roughly 196 acres of the total 520 acres. The following Land Use Summary Table details the Project acreage and associated uses.

Land Use Summary Table

| Use                                    | Acres        | Totals      |
|--|--------------|-------------|
| Open Space                             |              |             |
| Parks                                  |              |             |
| Triangle Park                          | 6.9          |             |
| Community Park                         | 1.1          |             |
| Neighborhood Parks                     | <u>3.3</u>   |             |
| Total Parks                            | 11.3         |             |
| River Front Parks                      | 26.5         |             |
| Open Space/Uplands Conservation Area   | 30           |             |
| Golf Course                            | <u>186.7</u> |             |
| Total Open Space                       |              | 254.5       |
| Resident Village Area                  |              | 7.5         |
| Golf and Preview Centers               |              | 3.3         |
| Residential by Zone Districts:         |              |             |
| Residential Low Density/10,000         | 144.3        |             |
| Residential /Low Density/10,000/Duplex | 8.5          |             |
| Residential/Low Density/6,000          | 15.5         |             |
| Residential/Medium Density             | <u>28.3</u>  |             |
| Total Residential                      |              | 196.6       |
| Rights of Ways and “Pocket Parks”      |              | <u>58.7</u> |
| Total Acres                            |              | 520.6       |

The Land Use Summary Table shows that of the Project’s total 520 acres approximately 254 acres are dedicated to open space and recreation use.”

The driving range is 13.252 acres. Replacement of this area with high density housing would reduce open space by 5.2%. Table 2.4-2 states that any change that results in a decrease of improved open space by 5% or more is considered a Major Amendment to a PUD. Any change that decreases improved open space by 5% or less is considered a Minor Amendment to the PUD.

According to UDC Section 2.4.3.C.4.b, Minor Amendments to an approved PUD are administrative and may be approved or denied by the Planning Director without a public hearing. However, this section goes on to state Minor Amendments can be approved so long as the amendment does not constitute, as determined by the Director, a substantial alteration of the fundamental nature and character of the PUD proposed to be amended. This section adds that Minor Amendments may not alter the terms of the applicable development agreements or be contrary to any applicable ordinance.

#### Finding on Open Space

The Land Use Summary Table is included in the Preliminary Plat Submittal application. Paragraph 1.a. of Resolution 1-1996 states all representations of the Developer made in the application shall be considered conditions of approval (page 2). Therefore, the provision of 245.5 acres of open space was made a condition of approval of the RVR PUD.

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to the proposal due to the reduction of the open space within the PUD.

#### Street and Transportation Circulation Patterns

The rezoning of the driving range to R/HD would result in an increase of vehicle trips. This would affect the street and transportation patterns within the PUD. Table 2.4-2 classifies this as a Major Amendment to the PUD.

#### Finding on Street and Transportation Circulation Patterns

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to the changed street and transportation circulation patterns which would result from the amendment to the PUD and subsequent rezoning to R/HD.

## **REZONING APPLICATION**

If the Major Amendment to the RVR PUD is approved, a rezoning application would need to be submitted to rezone the driving range from Golf Recreation District (GRD) to Residential/High Density (R/HD).

### **Landscape Buffer on Driving Range**

The Preliminary Plat Submission includes a Landscape Zone Plan (after page 8). This plan depicts the driving range as the "Hwy 133 Landscape Corridor."

Page 10 of this document shows a cross-section of landscape and screening on the driving range. The plan includes a 50 ft. landscape setback along Highway 133 as well as a 16 ft. maintenance area access road.

Paragraph 3.c. of Resolution 1-1996 states the Highway 133 corridor, Block F, the golf maintenance area, and the driving range portions of the development shall be planned to allow a pedestrian access four (4) feet in width to be constructed in Phase I. The final plat for Phase I shall provide a dedicated right-of-way to the Town which will provide for a four (4) foot pedestrian throughway from Block G to the intersection of River Valley Ranch Road and Highway 133 in the same fashion as other sidewalks.

Paragraph 6.e. of Resolution No. 1996 states all landscaping within the Highway 133 set-back area shall be maintained in perpetuity by the homeowners association (page 10).

The Final Plat of Phase I (Sheet F5 of 12 recorded 9-27-1996 Reception #498928) shows the 50 ft. setback area on the driving range parcel along Highway 133 as well as the 4 ft. pedestrian way within the 50 ft. setback area.

Paragraph 2 of Resolution 1-1996 excludes Block G (Thompson Corner) from the definitions of the River Valley Ranch common interest community, the covenants for River Valley Ranch, and from the master homeowners association. A separate homeowners association was created for Block G (page 3).

### **Findings on Landscape Buffer on Driving Range**

The River Valley Ranch Master Association (RVRMA), with the exception of residents in Block G (Thompson Corner), is responsible for the maintenance of the 50 ft. landscape buffer located on the driving range. As a result, the RVRMA will be directly subject to the rezoning of the driving range to R/HD as it is responsible for the costs of maintaining an area on the driving range.



## **Parks**

Paragraph 5.i. of Resolution 1-1996 indicates that while all parks were conveyed to the Town, RVRMA is responsible for maintenance of all parks in perpetuity. The maintenance was provided for in the covenants of the development and includes all items generally associated with park maintenance, including, planting, mowing and watering of lawns, provision of trash receptacles and trash removal, replacement of trees and shrubs, and other such items of maintenance as may be required by the Town.

Paragraph 5.j. of Resolution 1-1996 indicates the park areas within the roadway eyebrows and cul-de-sac islands, and the park areas of Block F, G, A and M shall be owned and maintained by the master homeowners association or the homeowners association for the appropriate block.

Paragraph 6.b. of Resolution 1-1996 states the homeowners association (RVRMA) shall be responsible for maintenance in perpetuity of all trees, shrubs, and other types of plantings as shown on the landscaping plan. Maintenance shall include lawn care, litter and trash removal, and watering, trimming, removal and replacement of plants and trees and such other items of maintenance as may be required by the Town.

## **Finding on Parks**

If the driving range is removed from the PUD and rezoned to R/HD, the high density on the driving range will intensify the use of the parks within the RVR PUD resulting in higher costs to the RVRMA. As a result, the members/owners that constitute the RVRMA, with the exception of residents in Block G (Thompson Corner), will each be directly subject to the proposed rezoning in terms of each facing higher dues to pay for public park maintenance obligations, including the maintenance of Triangle Park which would be located directly across the street from the proposed new high density housing development on the driving range parcel.

## **Density**

On page 31 of the Preliminary Plat Submission, there is a density table showing a density cap of 685 units. This is reinforced by paragraph 2.3 of the River Valley Ranch PUD Zone District which states there will be 685 dwelling units within the PUD.

Table 2.4-2 of the UDC specifically addresses density. Any increase of 5% or less would require a Minor PUD amendment. Any "addition of new principal land use not allowed in PUD," any "shift in density of more than 10%" (unless the Planning Director finds that shift of up to 20% will have no material impact), and any "change in the types of residential dwelling units and/or floor plans within an approved PUD" (unless the Planning Director finds that the change will not reduce housing options) constitutes a major amendment to a PUD.

### Finding on Density

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within RVR PUD will be directly subject to the increased density which would result from the amendment to the PUD and subsequent rezoning to R/HD. Any increase in the density cap for RVR would also require a discretionary amendment of the Annexation Agreement.

### Water Rights

The Preliminary Plat Submission states the irrigation system will be a joint system for both golf course irrigation and residential irrigation (page 24).

Exhibit C of the Preliminary Plat Submission includes a table titled "Allocation of Water Rights to Irrigated Areas." This table divides water rights between RVR Golf and the RVRMA.

Paragraph 6c of the Annexation Agreement (page 8) states "the parties agree that the said remaining water rights shall, without charge, be reserved for use by the Landowners, their successors, and assigns to provide a raw water supply for landscaping, lawns, gardens, open space, golf course, golf course water features, and augmentation for golf course ponds associated with the development, to the extent that such use is consistent with the decrees for the said remaining water rights. No priority of use of said remaining water rights will be given to the golf course as compared to individual lot owners, or vice versa, the intent being that all of the users of said remaining water rights have equal priority thereto."

### Findings for Water Rights

The Town is unsure how the proposed amendment to the PUD and rezoning will impact the current agreements between RVR Golf and RVRMA, but the water rights dedication commitments and cost-sharing obligations set forth in the RVR entitlement documents are further evidence of the intertwined relationship of the golf course and residential properties within RVR and why the driving range cannot simply be rezoned without re-examining the legal and physical water supplies available to the development.

### 2013 Comprehensive Plan

The Future Land Use Plan (Figure 4.1) in the 2013 Comprehensive Plan designates RVR as a "Developed Neighborhood." "Developed Neighborhoods" are generally mostly built-out subdivisions or condos, unlikely to change significantly for decades. The intent is to protect existing zoning/approvals and quality of life. The Comprehensive Plan seeks to stabilize and preserve uses and intensities in developed neighborhoods by continuing approved/existing uses.

The Comprehensive Plan supports Staff's conclusions in this interpretation that RVR is an established, planned neighborhood.

### **CONCLUSION**

For the foregoing reasons, as Planning Director, I find that all private properties within the RVR PUD will be directly subject to the potential amendment of the PUD to rezone the driving range to allow high-density residential development. This does not include Town owned properties such as parks and roads which are located in the PUD.

Please let me know if you have any questions. Thank you.

Sincerely,



Janet M. Buck  
Planning Director  
Town of Carbondale

cc: Ron Rouse, Vice President, RVRMA via email: [ronrouse92009@yahoo.com](mailto:ronrouse92009@yahoo.com)  
Sterling Page, General Manager RVR via e-mail: [gm@rvrcommunity.com](mailto:gm@rvrcommunity.com)  
Jay Harrington, Town Manager via e-mail: [jharrington@carbondaleco.net](mailto:jharrington@carbondaleco.net)

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August 12, 2021

The Honorable Dan Richardson, Mayor,  
The Board of Trustees of the Town of Carbondale, and  
The Carbondale Planning and Zoning Commission  
c/o Janet Buck, Planning Director  
511 Colorado Avenue  
Carbondale, CO 81623

[via email to jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)

Re: Proposed UDC Amendment  
PUD Amendment Application Requirements

Dear Mayor Richardson, Trustees and Planning and Zoning Commission Members,

I am writing on behalf of Crystal Outdoors, LLC, as the owner of the Golf Course Parcels at River Valley Ranch, to request your consideration of amendments to Carbondale's Unified Development Code (the "UDC"). Although Crystal Outdoors is the owner of land within a PUD, the proposed amendment will apply to all PUDs within Carbondale, not just River Valley Ranch. A list of the PUDs within Carbondale, together with a map, is attached as **Exhibit A**.

Crystal Outdoors is proposing to amend the following provisions of the UDC that require the signatures and thus the consent and approval of property owners who are "affected" by a proposed amendment to a previously approved PUD plan:

1. Section 2.4.3.D (PUD Amendment); and
2. Section 2.4.2.B.1 (General Re-zonings).

Crystal Outdoors believes that the requirement in question is unreasonable, impossible in most cases to achieve, and potentially unconstitutional as described below.

In your consideration of this request, please consider the following:

1. Description of Existing Requirements. Section 2.4.3.D of the UDC (copy attached as **Exhibit B**) provides that all PUD amendment applications must be signed by at least

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Proposed UDC Amendment

August 12, 2021

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50% of the owners of real property within a PUD that is directly subject to or affected by the proposed amendment..... The language “or affected by” was added to Section 2.4.3.D pursuant to a 2019 amendment to the UDC.

Section 2.4.3.D.1.b of the UDC (copy attached as **Exhibit C**) requires that a major amendment to a PUD be processed in the same manner as required for General Re-Zonings. Section 2.4.2.B, which addresses such re-zonings, requires that an amendment to the Zoning Map be initiated (signed) by persons owning at least 50% of the real property within the area affected by a proposed amendment. This requirement is similar to the requirements for a PUD Amendment, but instead of requiring signatures of 50% of owners affected by such an Amendment, it requires the signatures of the owners of 50% of the land area within a PUD that is affected by such an amendment.

Reading the provisions of these two sections together, the UDC, as currently written, requires the signatures of 50% of the owners who also own 50% of the land that is “affected by” any proposed Amendment. The terms “directly subject to” and “affected by” are not defined in the UDC.

2. Practical Effect of Consent Requirements. While it is customary and reasonable to require that an application to amend a PUD be signed by at least 50%, or even 100%, of the owners that are directly subject to a proposed amendment, it is completely unreasonable to require the signature, and therefore the consent and approval, of any number of other property owners simply because they may be affected by such an amendment. Such a requirement may also be illegal as described below. And, as a practical matter, except in the case of very small PUDs, it would be virtually impossible to comply with such a requirement thereby effectively prohibiting an owner of land within a PUD from ever applying for an amendment of any nature.

The process to amend a PUD in Carbondale is very thorough. Land owners and any other individuals who may be affected by a PUD amendment have ample opportunity to participate in the amendment process, to express either concerns or support for the amendment and to have their voices heard. Crystal Outdoors does not believe that the public interest is served by a requirement that operates to preclude consideration by the Planning and Zoning Commission, the Board of Trustees and the community at large of potentially beneficial amendments to a PUD. The Town should trust that its public review process will be more than adequate to effectively address and resolve the issues and impacts of a proposed PUD amendment.

3. Legal Analysis. We have attached a memorandum (**Exhibit D**) prepared by Andrew Peters of the firm Otten, Johnson, Robinson, Neff and Ragonetti, a highly respected land use firm, concluding that the current language of the UDC which effectively allows a

Proposed UDC Amendment

August 12, 2021

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subset of PUD land owners to veto a proposed amendment takes an “unnecessary, unwise and likely unconstitutional step away from land use best practices.”

4. Proposed Amendments. In order to eliminate the extremely onerous and unnecessary requirements for the submission of an application to amend a PUD, we request that Sections 2.4.3.D and 2.4.2.B.1 of the UDC be amended to read as follows:

Strikeouts denote language removed. Underline denotes language added.

2.4.3.D (PUD Amendment)

Applications to amend a PUD that has received final approval and been adopted by the Board of Trustees shall be filed with the Planning Department. All PUD amendment applications submitted by a property owner shall be signed by ~~Fifty Percent~~ One Hundred Percent of the owners of the real property within the PUD that is directly subject to ~~or affected by~~ the proposed amendment to the PUD, or their designees. The Planning Commission may also initiate an amendment to a PUD at a regularly meeting. The real property that is directly subject to the proposed amendment is the real property that is described in the application to amend the PUD and for which a change in use or other amendment is being requested.

2.4.2.B (General Re-zonings)

1. A request for an amendment to the zoning map may be initiated by person(s) owning at least ~~Fifty Percent~~ One Hundred Percent of the real property ~~within the area affected by~~ that is directly subject to a proposed amendment. The area that is directly subject to a proposed amendment is the real property that is described in the re-zoning application and for which a change in use or other zoning amendment is being requested; or
5. Approval Criteria. The requested Amendments satisfy the approval criteria set forth in Section 2.4.1.C.3.b. of the UDC for the following reasons:
  - a. The creation of procedures for the amendment of a PUD that are fair and reasonable will promote the public welfare and avoid unnecessary legal conflict.
  - b. The process to amend a PUD is very thorough and comprehensive and requires the identification and resolution of all impacts associated with such an amendment. Any proposed PUD amendment must be consistent with the Comprehensive Plan and the purpose of the UDC in order to be approved. The proposed amendments facilitate such a comprehensive review of a proposed PUD

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Proposed UDC Amendment

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amendment by eliminating an unreasonable impediment to the filing of an application for such an amendment.

c. The amendment proposed herein is necessary to correct an unreasonable and impermissible impediment to the processing of PUD amendment applications for any PUD within the Town.

6. Process. Representatives of Crystal Outdoors have had several discussions regarding this matter with Janet Buck, Planning Director, Jay Harrington, Town Manager, and Mark Hamilton, Town Attorney. A Pre-Application Letter was submitted to the Planning Director on April 6, 2021 generally describing Crystal Outdoors' intent to seek the Amendments to the UDC proposed herein. A Pre-Application conference was held on April 14, 2021. Based upon a review of the Town's regulations regarding amendments to the UDC, we expect that this request will be submitted to the Planning and Zoning Commission for a review and recommendation at its regular meeting on August 26, 2021, and then presented to the Board of Trustees for consideration at one or more regularly scheduled Trustee meetings.

Very truly yours,

THE MYLER LAW FIRM, P.C.

By: 

David J. Myler

DJM/cv

cc: Dan Coleman (via email)  
Tim Malloy (via email)

# EXHIBIT A

## Carbondale Existing PUD Data Summary

| Index # | PUD Name                    | Acres | % of Town | Resiliant  |
|---------|-----------------------------|-------|-----------|--|
| 1       | Cowen Ctr                   | 14.2  | 1.1       | O, E/C, A, E/R   |
| 2       | Roaring Fork Village        | 42.7  | 3.3       | C/I, R/MD, R/LD-SF, CRW, A, O                                  |
| 3       | Twelfth Street              | 0.4   | 0.0       | I  |
| 4       | Cleveland II                | 1.1   | 0.1       | R  |
| 5       | Ellen Manor                 | 1     | 0.1       | R  |
| 6       | Lincoln Avenue              | 1.8   | 0.1       | R  |
| 7       | CMC                         | 0.6   | 0.0       | S  |
| 8       | 711 Main                    | 0.2   | 0.0       | C  |
| 9       | Phillip                     | 0.1   | 0.0       | R/LD   |
| 10      | Kister                      | 0.2   | 0.0       | R/MD   |
| 11      | Maple                       | 0.3   | 0.0       | R/MD   |
| 12      | Church of Carbondale        | 9.9   | 0.8       | RI   |
| 13      | Community Partnership       | 11.5  | 0.9       | R/HD, R/MD/CF, CA, O/S, S                                      |
| 14      | Carbondale South            | 9.9   | 0.8       | R/MD, R/HD   |
| 15      | C&RFPD Campus               | 3.2   | 0.2       | FS   |
|         | RVR                         |       |           | R/LD/10000, R/LD/6000, R/MD, R/MF, GRD, GFD, COD/U, COD/R,     |
| 16      |                             | 467.1 | 36.0      | OS/P   |
| 17      | Keator Grove                | 3.9   | 0.3       | R/AH/MF, R/SF/PS, R/SF/SS                                      |
| 18      | Hendrick Ranch              | 28.3  | 2.2       | R/MD, R/LD, O  |
| 19      | Crystal Meadows Senior Hsg. | 5.3   | 0.4       | R/MD   |
| 20      | Crystal Acres               | 13.5  | 1.0       | R/LD/7000, O   |
| 21      | Amber Rock                  | 0.4   | 0.0       | R/MD   |
|         | Crystal Village             |       |           | R/SF6000, R/SF2/6000, R/SF8000, R/SFPH, R/MF, R/MF2, C/O, C/S, |
| 22      |                             | 55.6  | 4.3       | CRW, O   |
| 23      | Paradise                    | 0.3   | 0.0       | R/HD   |
| 24      | Fox Run                     | 2.6   | 0.2       | R/LD/7000, O   |
| 25      | Martinez                    | 0.3   | 0.0       | C/T  |
| 26      | Mountain Sage               | 1.1   | 0.1       | C/T  |
| 27      | Stein                       | 1.5   | 0.1       | PC   |
| 28      | Melby                       | 0.2   | 0.0       | R  |
| 29      | Kay                         | 12.8  | 1.0       | C/I  |

Tap to Download

PUD Map.pdf

2.8 MB



PUD Land...nalysis.xlsx

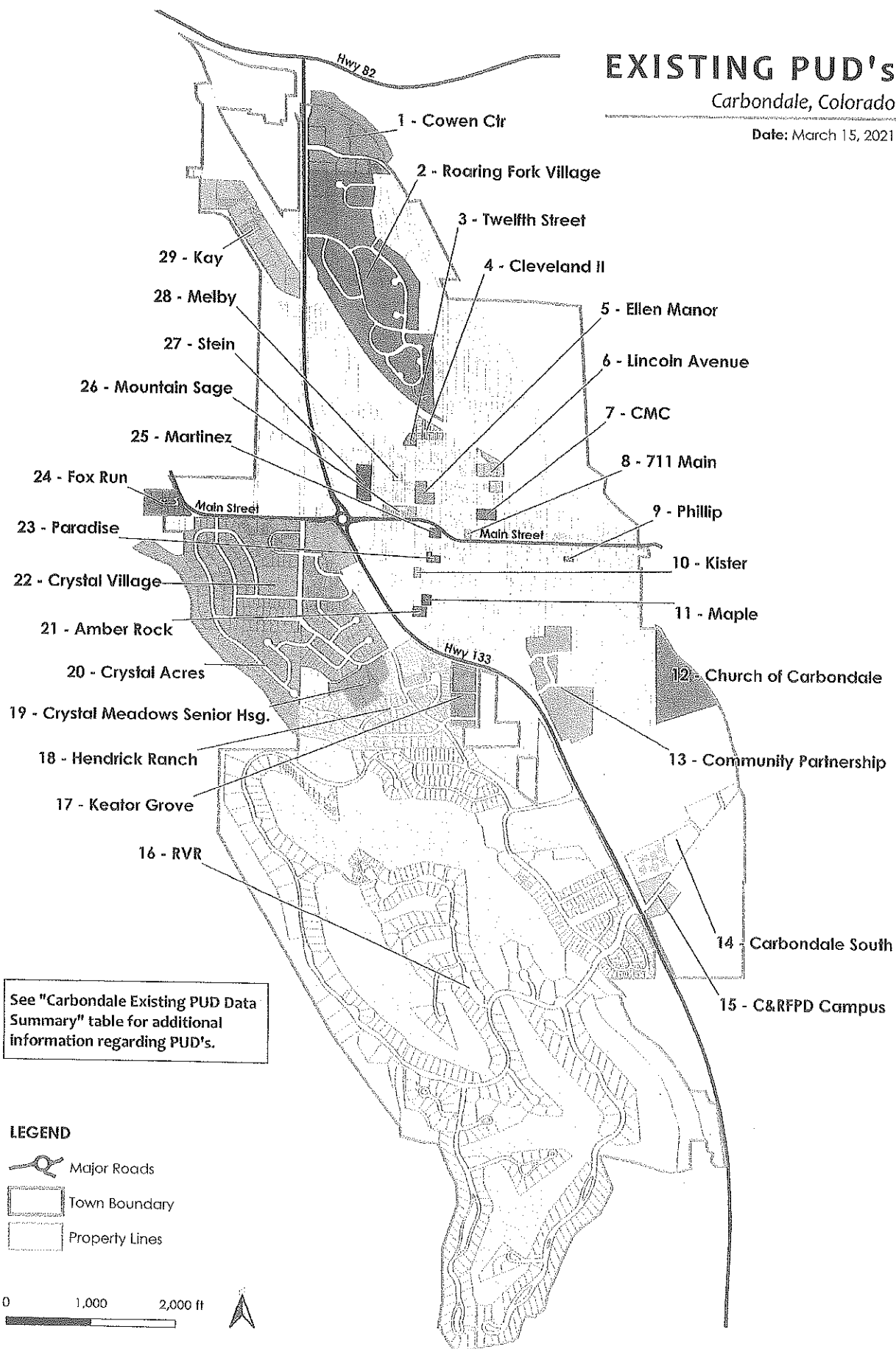
19 KB



# EXISTING PUD's

Carbondale, Colorado

Date: March 15, 2021



Data Source: PUD Boundaries and Town Boundary recreated using Interactive Zoning District Map, Town of Carbondale website. Parcel boundaries obtained from Garfield County GIS database.

## EXHIBIT B

### 2.4. Procedures and Approval Criteria: Amendments

#### 2.4.3. Rezoning to Planned Unit Developments (PUDs) and Amendments to PUDs

##### 2.4.3.D PUD Amendment

#### CHAPTER 17.02: ADMINISTRATION

- c. Each stage within a PUD shall be so planned and so related to existing surroundings and available facilities and services that failure to proceed to a subsequent stage will not have a substantial adverse impact on the PUD or its surroundings.
- d. If a PUD contains nonresidential uses, they may be constructed in advance of residential uses if the Board of Trustees finds that such phasing is consistent with sound principles of ordered development and will have no substantial adverse effect on the quality or character of the PUD.
- d. Effect of Approval
  - i. The provisions of the PUD plan relating to the use of land and the location of the common open space shall run in favor of the Town and shall be enforceable in law or equity by the Town without limitation on any powers or regulation otherwise granted by law.
  - ii. All provisions of the PUD plan shall run in favor of the residents, occupants, and owners of the PUD, but only to the extent expressly provided in the plan and in accordance with the terms of the plan, and, to that extent, the provisions, whether recorded by plat, covenant, easement or otherwise, may be enforced at law or in equity by such residents, occupants or owners acting individually, jointly or through an organization designated in the plan to act on their behalf.
  - iii. Residents and owners of the PUD may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan, but no such action shall affect the right of the Town to enforce the provisions of the plan.
- e. Concurrent PUD and Subdivision Application

An applicant shall submit separate applications for PUD zoning and any required subdivision. The Town may process and review such applications concurrently, including holding simultaneous hearings, if practicable and upon the approval of the Director. In this event, notice of such hearings shall be published as required by Section 2.3.5. Each application shall be reviewed and acted upon separately, based on the applicable standards and criteria of this Code. Unless otherwise approved by the Director, the applicant shall be required to obtain approval through the subdivision conceptual plan procedure, per Section 2.6.3, prior to submitting the application for preliminary plat approval and PUD rezoning. Unless otherwise approved by the Director, the sequence of hearings shall generally be: 1) Planning and Zoning Commission (recommendation on PUD approval and decision on preliminary plat); and 2) Board of Trustees (decision on PUD approval and decision on final plat).

#### D. PUD Amendment

Applications to amend a PUD that has received final approval and been adopted by the Board of Trustees shall be filed with the Planning Department. All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD, or their designees. The

## EXHIBIT C

### CHAPTER 17.02: ADMINISTRATION

#### 2.4. Procedures and Approval Criteria: Amendments 2.4.2. General Rezoning (Amendments to the Zoning Map) 2.4.2.B Applicability

#### 3. Step 7 – Town Issues Decision and Findings

##### a. Decision by Board of Trustees

Following a public hearing, the Board of Trustees shall review and consider the staff report, the comments and evidence presented at the hearing, approval criteria below, and the recommendations of the Planning and Zoning Commission, and shall act to approve, approve with modifications, or deny the proposed text amendment, or to continue the hearing to a particular time, date, and place for the purpose of obtaining additional information.

##### b. Approval Criteria

Amendments to this Code may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

- i. The proposed amendment will promote the public health, safety, and general welfare;
- ii. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of this Unified Development Code; and
- iii. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

#### 2.4.2. GENERAL REZONINGS (AMENDMENTS TO THE ZONING MAP)

##### A. Purpose

1. The boundaries of any zoning district may be changed or the zoning classification of any parcel of land may be changed pursuant to this section. The purpose is to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the Town. The purpose is not to relieve particular hardships, nor to confer special privileges or rights on any person. Rezoning should not be used when a conditional use permit, variance, or administrative adjustment could be used to achieve the same result.
2. Rezoning to Planned Unit Developments are a distinct type of amendment to the zoning map and are described under Section 2.4.3.
3. Changes to the characteristics of zoning districts (such as setbacks) and development standards that apply within districts (such as open space requirements) shall be processed as text amendments pursuant to Section 2.4.1: *Amendments to the Unified Development Code*.

##### B. Applicability

1. A request for an amendment to the zoning map may be initiated by person(s) owning at least 50 percent of the real property within the area affected by a proposed amendment; or
2. An amendment to the zoning map may be initiated by the Planning and Zoning Commission or by the Board of Trustees. Any person may suggest to the Planning and Zoning Commission that an amendment be given consideration.

## Exhibit D

# OTTENJOHNSON

ROBINSON NEFF + RAGONETTI, PC

### Memorandum

TO: Carbondale Board of Trustees and  
Planning Zoning Commission, c/o Janet  
Buck, Planning Director

FROM: Andrew L.W. Peters

DATE: August 10, 2021

RE: Proposed Amendments to Planned Unit Development Amendment Requirements

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Our firm represents Crystal Outdoors, LLC (“Crystal”) with respect to certain development matters in the Town of Carbondale (the “Town”). Because our firm specializes in land use and entitlements matters nationwide, Crystal requested that we analyze the Carbondale Unified Development Code’s (“UDC”) provisions for amending planned unit developments (“PUD”) against both existing legal requirements and limitations as well as best practices from other jurisdictions. On the basis of that review, we support Crystal’s proposal to amend the UDC and better align the Town’s PUD amendment requirements with the interests of applicants and affected property owners.

#### I. BACKGROUND AND SUMMARY

UDC Section 2.4.3.D requires at least 50 percent of property owners “directly subject to or affected by” a proposed PUD amendment to consent to the proposed amendment. Additionally, because the UDC’s PUD major amendment provisions incorporate the UDC’s general rezoning process requirements, Section 2.4.2.B.1 layers on another requirement that parties owning at least 50 percent of the real property “affected by” the proposed amendment consent. The UDC does not define the terms “directly subject to” or “affected by” but we understand that Town staff requires at least 50 percent of *all* owners in a PUD to approve an amendment.

We conclude that these provisions (the “Consent Requirements”) are not required, are likely unlawful, place the Town out of step with peer cities, lack economic justification, and will create administrative burdens. We have also reviewed the UDC amendments (the “Proposed Amendments”) proposed by Crystal’s local counsel, Mr. David Myler, and conclude they address these concerns while allowing the Town to maintain the integrity of its PUDs.

## II. ANALYSIS

### A. Colorado's PUD Statute Does Not Mandate the Consent Requirements

The Colorado Planned Unit Development Act of 1972 (the "Act") permits and regulates localities' PUD ordinances.<sup>1</sup> The Act applies to counties and municipalities, and also expressly applies to home rule municipalities unless it is superseded by charter or ordinance enactment.<sup>2</sup>

The Act requires that local governments use the same procedures to adopt PUD ordinances as they would to adopt zoning amendments.<sup>3</sup> Section 24-67-105(1) in particular states that "[n]o planned unit development may be approved by a county or municipality without the written consent of the landowners whose properties are included within the planned unit development." Courts have confirmed that the Act does not set a minimum fraction of landowners required to *amend* a PUD, however. In *Whatley v. Summit County Board of Commissioners*, one property owner in a Summit County PUD challenged an amendment to the PUD, arguing that the Act required every landowner in the PUD to consent to the amendment.<sup>4</sup> The court of appeals disagreed, concluding that the Act requires unanimity to create a PUD, but not to amend one.<sup>5</sup>

We conclude that although the Town requires less than unanimous consent to amend a PUD, nothing requires the UDC's 50 percent threshold.

### B. The Consent Requirements are Likely Unlawful

The Due Process Clause of the Fourteenth Amendment has long placed limits on the delegation of state power to private parties.<sup>6</sup> Only those delegations that place adequate limitations on the private party's exercise of power pass muster, and "the state may not constitutionally abdicate or surrender its power to regulate land-use to private individuals without supplying standards to govern the use of private discretion."<sup>7</sup>

The Supreme Court confirmed the point in a trio of early twentieth century cases. Across those cases, it struck down an ordinance allowing property owners on a city block to establish setback requirement with a two-thirds majority vote,<sup>8</sup> upheld an ordinance generally prohibiting billboards but allowing them on a block if a majority of the block's owners approved;<sup>9</sup> and blocked an ordinance conditioning approval of group homes on a two-thirds majority vote of all property owners within 400 feet of the

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<sup>1</sup> C.R.S. § 24-67-104.

<sup>2</sup> C.R.S. § 24-67-107(1). *See also* S. Creek Assocs. v. Bixby & Assocs., Inc., 781 P.2d 1027, 1035 (Colo. 1989). The ordinance at issue in this Memorandum does not expressly supersede the PUD Act, though it purports to work in tandem with it.

<sup>3</sup> C.R.S. § 24-67-104(2).

<sup>4</sup> 77 P.3d 793 (Colo. App. 2003).

<sup>5</sup> *Id.* at 800.

<sup>6</sup> *See* General Elec. v. N.Y. State Dep't of Labor, 936 F.2d 1448, 1454 (2d Cir. 1991) (collecting Supreme Court cases).

<sup>7</sup> *Schulz v. Milne*, 849 F. Supp. 708, 712 (N.D. Cal. 1994).

<sup>8</sup> *Eubank v. City of Richmond*, 226 U.S. 137 (1912).

<sup>9</sup> *Thomas Cusack Co. v. City of Chicago*, 242 U.S. 526 (1917).

proposed home.<sup>10</sup> These cases condemned “the standardless delegation of power to a limited group of property owners.”<sup>11</sup>

Although these Supreme Court cases are now a century old, both the Colorado Supreme Court and the federal courts have continued to apply the rules they established.<sup>12</sup> “The best reading of these cases suggests that the basic *Eubank* due process rule against delegating mandatory authority to private parties without protection against self-interested decisionmaking continues to this day.”<sup>13</sup> Together, these cases at most allow landowners to grant exceptions to city-wide prohibitions in situations concerning nuisances and public safety, but they prohibit governments from vesting those same landowners with the unconfined, unreviewable authority to reject otherwise-permitted development.<sup>14</sup>

Because the Consent Requirements delegate unqualified veto power to PUD property owners beyond the applicant itself, it likely runs afoul of the constitutional rule. First, unlike the Chicago sign ordinance the Court upheld, the UDC does not contain a broad prohibition on changes to development patterns. To the contrary, a PUD, even more than a typical zoning district, is intended to be flexible and gives particular benefits to the developer, in exchange accomplishing particular public goals. Second, allowing a subset of landowners to veto an amendment to the PUD—however minor—subjects the applicant to the whim of landowners in the PUD, giving such landowners the ability “to withhold consent for selfish reasons or arbitrarily” and subjecting applicants to landowners’ “will or caprice.”<sup>15</sup> A landowner can therefore reject an amendment even if it advances the purposes of the UDC, the comprehensive plan, or another land use goal. The Constitution prohibits delegating that kind of authority to individuals.

### C. The Consent Requirements Do Not Track Best Practices from Peer Cities and Other States

We are not aware of another Colorado jurisdiction employing a 50 percent consent-to-amend requirement, and neither have we found one in looking outside the state. There are, of course, too

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<sup>10</sup> *Washington ex rel. Seattle Title Trust Co. v. Roberge*, 278 U.S. 116 (1928).

<sup>11</sup> *City of Eastlake v. Forest City Enters., Inc.*, 426 U.S. 668, 678 (1976).

<sup>12</sup> *Cross v. Bilett*, 221 P.2d 923, 930 (Colo. 1950) (upholding Denver ordinance which allowed the Board of Adjustment to grant a use variance if it found that the use would be consistent with the public health and welfare and if the Board obtained written approval of the variance by 80 percent of the landowners in the affected area, consistent with *Thomas Cusack*). With respect to the federal cases, *see, e.g., Geo-Tech Reclamation Industries, Inc. v. Hamrick*, 886 F.2d 662 (4th Cir. 1989) (finding that a West Virginia state statute which allowed state officials to reject a permit for operation of a solid waste facility if the operation would be “significantly adverse to the public sentiment of the area,” on the grounds that the statute provided no sound police power basis for permit determinations); *S. Alameda Spanish Speaking Org. v. City of Union City*, 424 F.2d 291, 294 (9th Cir. 1970) (“[A]n expression of neighborhood preference for restraints, uncontrolled by any legislative responsibility to apply acceptable public interest standards, is not . . . a determination of what is in the public interest as will justify an exercise of the police power to zone.”); *Schulz*, 849 F. Supp. 708, 712 (N.D. Cal. 1994) (rejecting a city rule which required property owners to obtain the consent of a privately-constituted neighborhood review board before proceeding with property renovations); *see also Kiser v. Kamdar*, 831 F.3d 784, 791 (6th Cir. 2016) (noting discussing *Eubank* and *Roberge* and noting “the private nondelegation doctrine remains vital.”)

<sup>13</sup> *Roberge*, 278 U.S. at 122.

<sup>14</sup> Volokh, *The New Private-Regulation Skepticism: Due Process, Non-Delegation, and Antitrust Challenges*, 37 HARV. J. L. & PUB. POL’Y 931, 951 (2014).

<sup>15</sup> *E.g., New Life Evangelistic Ctr. v. City of St. Louis*, 564 S.W.3d 665, 679 (Mo. Ct. App. 2018).

<sup>16</sup> *Roberge*, 278 U.S. at 122.

many localities to rule out the possibility that some city, somewhere, employs such a scheme, but sampling peer cities' policies in the Roaring Fork Valley suggests that the Town is out of step. Not even Aspen, well known for its development restrictions, appears to permit other property owners to veto a PUD amendment. The same is true of Glenwood Springs and Basalt. Basalt, moreover, has considered the issue of PUD amendment impacts on neighboring property owners and allows the town council to consider those impacts—but it does not let affected landowners veto the proposed amendment themselves.<sup>16</sup> Nor do major cities nationwide allow landowner vetoes. Instead they variously permit city council, the planning commission, or, even the planning director, to amend PUDs.<sup>17</sup>

Moreover, in sampling other statutory schemes, we have encountered at least seventeen states with statutes similar in scope to the Act.<sup>18</sup> None of the seventeen state statutes surveyed, however, included provisions requiring the consent of 50 percent of the landowners in the PUD to amend a PUD plan.<sup>19</sup>

While we do not doubt the validity of the Town's concerns prompting the Consent Requirements, these jurisdictions' experience demonstrates that those concerns can still be addressed without granting other PUD landowners veto power over amendments.

#### **D. The Consent Requirements Make PUD Amendments a Practical Impossibility**

The Consent Requirements also create an administrative burden that makes PUD amendments a practical impossibility. In a PUD with a handful of owners, it may not be difficult to track down other landowners and discuss a proposed amendment with them. But some PUDs, like River Valley Ranch, encompass hundreds of owners, many of whom do not live in the community year-round. Irrespective of whether those owners would consent to a PUD amendment if requested, it may well take months to reach them, and longer still to secure a signature on an application. And, during that campaign, ownership of one or more properties could change, requiring the applicant to restart its efforts. The added general rezoning requirement that the applicant secure consent from least 50 percent of the real property "affected by" the proposed amendment only heightens this burden.

Given these requirements, we doubt an applicant in a PUD like River Valley Ranch could ever secure the consent necessary to pursue an amendment.

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<sup>16</sup> Basalt Municipal Code, § 16-65(d)(6).

<sup>17</sup> Seattle Municipal Code § 23.49.036; Portland Zoning Code §§ 33.665 and 33.668; Austin Code of Ordinance, tit. 25, subch. B, § 3.1. Chicago's zoning ordinance confronts the question of landowner vetoes directly, stating that (1) a PUD must be under single ownership at the time of creation, (2) it may be divided into subareas with separate ownership and development controls unique to each area, and (3) a subarea owner "may seek amendments, changes, or modifications for that subarea without the consent of the owners . . . of the other subareas." Chicago Zoning Ordinance, § 17-8-0400.

<sup>18</sup> Idaho Stat. § 67-6515; Ind. Code § 36-7-4-1500 *et seq.*; Mich. Comp. Laws § 125.3503; Mont. Code Ann. § 76-3-509; Neb. Rev. Stat. § 18-3001; Nev. Rev. Stat. § 278A.010 *et seq.*; N.H. Rev. Stat. § 674:21; N.J. Stat. Ann. §§ 40:55D-39(c) and 40:55D-65(c); N.Y. Gen. City Law § 81-f (cities); N.Y. Town Law § 261-c (towns); N.Y. Vill. Law § 7-703-a (villages); Ohio Rev. Code § 303.022 (counties); Ohio Rev. Code § 519.021 (townships); Okla. Stat. tit. 12 § 43-110; Or. Rev. Stat. § 227.215; 53 Pa. Cons. Stat. § 10701 *et seq.*; S.C. Code Ann. § 6-29-720; Vt. Stat. Ann. tit. 24 § 4417; Va. Stat. Ann. § 15.2-2286.A.9; Wash. Rev. Code § 36.70A.090.

<sup>19</sup> Idaho Stat. § 67-6515; Ind. Code § 36-7-4-1500 *et seq.*; Mich. Comp. Laws § 125.3503; Nev. Rev. Stat. § 278A.010 *et seq.*; N.H. Rev. Stat. § 674:21; Ohio Rev. Code §§ 303.022 and 519.021; Okla. Stat. tit. 12 § 43-110; S.C. Code Ann. § 6-29-720.

#### **E. Crystal's Proposed Amendments Address These Concerns**

In addition to reviewing the UDC, we have assessed the Proposed Amendments. Those amendments would replace the Consent Requirements with a requirement that all owners of the Property legally described in the PUD amendment application sign the application. This approach ensures that the power to review and approve any amendment application remains vested in the Town itself—not a subset of landowners—and therefore eliminates any Due Process concerns under the 14<sup>th</sup> Amendment.

Because any amendment will require multiple public hearings before both the Planning & Zoning Commission and Board of Trustees, and must also comply with all UDC approval requirements, we believe neighboring landowners' interests will be adequately protected. The public hearings will offer a full and fair opportunity for them to voice their support for an application, or any concerns. And again, because those discussions will take place in a public forum, subject to published approval requirements, the proposed amendments guarantee applicants a fair and transparent decision on the merits of their applications.

Finally, we note that Crystal's proposed amendments will apply to every PUD in the Town. They do not single out Crystal, or any other property owner, for preferential treatment. Rather, they will bring the Town in line with best practices from both neighboring jurisdictions and those nationwide.

#### **III. CONCLUSION**

In allowing a subset of PUD landowners to veto PUD amendments, the UDC takes an unnecessary, unwise, and likely unconstitutional step away from land use best practices. We therefore recommend that the Town adopt the Proposed Amendments and would be happy to assist in that process in any way we can. If you have any questions or need any additional information, please let us know.



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August 10, 2021

***Via U.S. Mail and Email***

Planning and Zoning Commission, Town of Carbondale  
c/o Janet Buck, Planning Director  
511 Colorado Avenue  
Carbondale, CO 81623  
[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)

**RE: Crystal Outdoors, LLC – Request to Amend UDC**

Dear Commissioners:

This firm represents the River Valley Ranch Master Association, Inc. (the “Association”). River Valley Ranch (“RVR”) is a planned unit development in the Town of Carbondale established pursuant to the Annexation Agreement recorded in the public records of Garfield County, Colorado on January 15, 1995, at Reception No. 473424 (the “Annexation Agreement”), Ordinance No. 20, Series of 1994, recorded in the public records of Garfield County, Colorado on January 16, 1995 at Reception No. 473426 (the “RVR PUD”), and subsequent platting with the Town.

The purpose of this letter is to provide public comment on behalf of the Association with respect to the materials submitted by Crystal Outdoors, LLC (“Crystal”) requesting that the Town amend its Unified Development Code (“UDC”) with respect to the application requirements to amend PUDs and re-zone property in the Town (the “Request”). It is my understanding that the Town has scheduled time for Crystal to present the Request to the Planning and Zoning Commission (“P&Z”) at its meeting scheduled for August 26, 2021. For the reasons set forth herein, the Association respectfully requests that the P&Z deny the Request and maintain the UDC in its current form.

**1. Background and Context of the Request.**

Although the Request would apply to all PUDs and re-zonings in the Town, Crystal’s request is undeniably self-serving. Thus, it is important to understand the history of this matter and the context in which the Request is being made.

Crystal currently owns the Golf Course Parcels in the RVR PUD. Golf Course Parcel #6 is used as the driving range for the golf course at RVR (the “Driving Range Parcel”). The golf course, including the driving range, is a fundamental component of the RVR PUD, as reflected throughout

the Annexation Agreement, RVR PUD, and development approvals for RVR.<sup>1</sup> When Crystal acquired the Golf Course Parcels in November 2018, it did so with full knowledge of not only the restrictions on the use of the Golf Course Parcels, but also the Town's requirements for amending PUDs.

In 2018, Crystal's predecessor-in-interest, RVR Golf, LLC, sought to amend the RVR PUD to remove the Driving Range Parcel from the PUD and rezone it to Residential/High Density (R/HD) (the "2018 Application"). See **Exhibit A**, Letter from RVR Golf dated July 19, 2018. As part of the 2018 Application, RVR Golf requested an interpretation of the UDC regarding the application requirements to amend the RVR PUD, specifically with respect to the following section in the 2018 UDC:

"All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD, or their designees." (emphasis added) (the "Old PUD Amendment Requirement").

By letter dated August 9, 2018, Planning Director Janet Buck concluded that "all private properties within the RVR PUD will be directly subject to the potential amendment of the PUD to rezone the driving range to allow high-density residential development" and, thus, at least 50 percent of owners of property in RVR were necessary to sign an application to amend the RVR PUD (the "2018 Interpretation"). See **Exhibit B**, Letter from Town dated August 9, 2018.

Dissatisfied with that conclusion, RVR Golf initiated an appeal of the 2018 Interpretation to the Town's Board of Adjustment; however, upon submitting a letter of intent to appeal, RVR Golf never pursued the matter any further and the 2018 Interpretation stood as *final*. See **Exhibit C**, Letter from RVR Golf dated August 15, 2018. Instead, RVR Golf sold the Golf Course Parcels to Crystal in November 2018.

On the heels of the 2018 Interpretation, the Town, through P&Z, initiated a text amendment to the UDC. Among other matters, the amendment sought to clarify the requirements for submitting an application to amend a PUD. To my knowledge, neither RVR Golf nor Crystal provided any public comment or otherwise participated in this public legislative process, despite the opportunity to do so, and the Town did not otherwise receive any public comment opposing changes to the Old PUD Amendment Requirement.

Ultimately, Section 2.4.3.D of the UDC was amended to state the following with respect to a PUD Amendment:

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<sup>1</sup> The Annexation Agreement states: "...the Developer hereby agrees to develop, and pay for construction of an eighteen (18) hole championship caliber golf course, driving range, club house and related facilities and at least two tennis courts, all of which will at all times be open to the public" (emphasis added). The RVR PUD states: "The golf course, driving range, club house, and related facilities shall be privately owned but open to public at all times" (emphasis added).

“Applications to amend a PUD that has received final approval and been adopted by the Board of Trustees shall be filed with the Planning Department. All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD, or their designees. The Planning Commission may also initiate an amendment to a PUD at a regular meeting.” (emphasis added) (the “PUD Amendment Requirement”).<sup>2</sup>

As you can see, the primary change to this section was to add the phrase “or affected by” to the requirement standard for submitting an application to amend a PUD. In doing so, the Town made abundantly clear the requirement for submitting an application to amend a PUD, consistent with the long-held Town interpretation of the Old PUD Amendment Requirement in the UDC. Accordingly, to submit an application to amend the RVR PUD, an application must be signed by at least 50% of the owners of property in the RVR PUD. In addition, for general re-zonings, the UDC provides that such amendments may be initiated by “persons owning at least fifty percent of the real property within the area affected by a proposed amendment.” See UDC § 2.4.2.B 1.

Crystal purchased the Golf Course Parcels in RVR fully aware of the restrictions on use of the property and the PUD Amendment Requirement. Nevertheless, Crystal is now taking its own shot at attempting to alter the PUD Amendment Requirement and then unilaterally pursue an amendment to the RVR PUD for development of a high density residential project or a “boutique hotel” on the Driving Range Parcel. These are extraordinarily unpopular development concepts in RVR<sup>3</sup> and entirely at odds with review standards for any PUD amendment under the UDC<sup>4</sup>. First

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2 The amended UDC became effective in November of 2020.

3 The Association’s 2018 survey of owners resulted in over 88% of the 273 respondents opposing these development concepts (with 76% strong opposing). The full results are on the Association’s website - <https://dmcvpyikhjv3.cloudfront.net/sites/240/2019/08/26232309/RVR-Golf-Survey-FINAL-8.9.18.pdf>

4 “Amendments to a PUD may be approved if the Board of Trustees finds that all of the following approval criteria have been met:

- i. The amendment: (1) is consistent with the efficient development and preservation of the entire PUD; (2) does not affect, in a substantially adverse manner, either the enjoyment of land abutting or across a street from the PUD, other lands within the PUD, or the public interest; and (3) meets or exceeds the benefits to the Town provided by the original PUD.
- ii. The amendment addresses a unique situation, confers a substantial benefit to the Town, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards.
- iii. After amendment, the PUD will continue to have an appropriate relationship to the surrounding area, with any unreasonable adverse effects on the surrounding area being minimized or mitigated.
- iv. The amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.
- v. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) will be available to serve the subject property while maintaining adequate levels of service to existing development.
- vi. The amendment will promote the public health, safety, and general welfare.
- vii. The amendment is consistent with the Comprehensive Plan and the purposes stated in this Unified Development

comes the Request, which would deprive property owners in PUDs throughout Town of the long-established right to be a necessary element of a PUD amendment process.

Rather than engage owners and even attempt to abide by the PUD Amendment Requirement<sup>5</sup>, Crystal instead seeks a procedural remedy to its substantive problem - to remove its historical barrier to entry to submit an application to amend the PUD. We've been here before. Except, this time Crystal's Request includes a misguided memo from Otten Johnson, P.C. in an effort to unduly influence the Town. The outcome should be the same: preserve the UDC to require at least 50% of owners in a PUD to sign any application to amend the PUD.

## **2. The Town has Absolute Discretion to Deny the Request.**

Under the UDC, only the P&Z and Board of Trustees are empowered to initiate a text amendment to the UDC. *See* UDC § 2.4.1.B. Thus, Crystal may only *request* that the P&Z utilize its discretion to initiate an amendment to the UDC. Amendments to the UDC of general applicability are fundamentally a legislative act, for which P&Z has broad discretion. A decision whether to even initiate such an amendment is more administrative in nature and comes with even broader discretion.

As stated above, the Town recently addressed this issue and intentionally adopted the PUD Amendment Requirement. Crystal did not participate in that process nor object to the PUD Amendment Requirement at that time. The Town should not feel obliged to now commence yet another examination of this well-settled issue based upon receiving the Request. Further, if Crystal wishes to pursue an amendment to the UDC outside of the Town's normal process, Crystal's owners could do so through the Constitutional initiative process.<sup>6</sup> If the Request is as prudent as argued by Crystal, then perhaps Crystal may find some citizen support, which has otherwise been clearly demonstrated to be lacking in its present endeavor.<sup>7</sup> Again, for this and the other reasons stated herein, there is simply not a compelling reason to accept the Request and initiate such an amendment at this time.

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Code.” *See* UDC § 2.4.3.D.1.c.

<sup>5</sup> Likely due to the unpopularity of the impending proposal, Crystal has not attempted to obtain the signature of any RVR owner on an application to amend the RVR PUD. In other words, Crystal has not shown it is incapable of pursuing its development plan under the current PUD Amendment Requirement. Even if Crystal attempted to obtain such signatures and failed, it would not warrant the current Request, but rather reinforce the prudent policy reasons for the PUD Amendment Requirement.

<sup>6</sup> Article VII of the Town's Home Rule Charter and the Article V, §1 of the Colorado Constitution provide registered electors of the Town the power to propose any ordinance to the Board of Trustees through the initiative process, including an amendment to the UDC. The initiative process requires petitioners to obtain signatures of a least 5% of the registered electors in Town on an initiative petition setting forth the proposed ordinance. The Board of Trustees may then either accept and adopt the initiated ordinance or place it on the ballot for consideration and vote by the registered electors in Town.

<sup>7</sup> Of course, it was citizen support that resulted in the creation of the RVR PUD, which was approved by the Town electorate upon a referendum petition.

**3. The Town Has the Authority to Require Applicants to Meet the PUD Amendment Requirement.**

The Colorado Planned Unit Development Act of 1972 (the “PUD Act”), C.R.S. § 24-67-101, *et seq.*, authorizes and sets forth standards for local governments to create PUDs. A local government authorizes the establishment of PUDs in its jurisdiction by passing an enabling ordinance that sets forth the standards, procedure, and conditions for PUDs in that jurisdiction. *Id.* at 104. The PUD Act expressly provides that a home-rule municipality may *supersede* the standards set forth in the PUD Act in its PUD enabling ordinance. *Id.* at § 107(1). Such standards must support the purposes of the PUD Act, be clear, and applied even-handedly.

As cited in the Otten Johnson memo, the PUD Act provides that a PUD may not be approved “without the written consent of the landowners whose properties are included within the planned unit development.” *Id.* at a 105(1). With respect to amendments or modifications of a PUD, the PUD Act provides only that “[r]esidents and owners of the planned unit development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove, or release their rights to enforce the provisions of the plan...” *Id.* at 106(3)(c).<sup>8</sup> The PUD Act places no restriction on the minimum requirements to submit an application to amend an established PUD that may be included in a PUD enabling ordinance, such as that set forth in the PUD Amendment Requirement. In fact, the PUD Act provides for express authority to include additional requirements than those contained in the PUD Act. *Id.* at § 105(7).

As a legislative enactment, the Town’s PUD Amendment Requirement is presumed valid and constitutional because it bears a “rational relationship” to the health, safety, or welfare of the community. *See Sellon v. Manitou Springs*, 745 P.2d 229 (Colo. 1987). Further, “the party assailing the constitutionality of the ordinance has the burden of providing its invalidity beyond a reasonable doubt.” *See Tri-State General & Transmission Co. v. Thornton*, 647 P.2d 670, 677 (Colo. 1982). None of the cases cited by the Otten Johnson memo place a cloud on the constitutionality of the PUD Amendment Requirement, much less one that might rise to this high standard of review.

Accordingly, as a home-rule municipality vested with the powers of self-government and local control, the Town has legitimately exercised the authority granted to it by the PUD Act by including the PUD Amendment Requirement in the UDC.

**4. The PUD Amendment Requirement is Appropriate and Advances the Purposes of the PUD Act.**

The UDC and the PUD Amendment Requirement protect the interests of property owners in a PUD, who are presumed to have an interest in the entirety of a PUD. *See Whatley v. Summit County Comm’rs*, 77 P.3d 793 (Colo. App. 2003). Allowing any single property owner to submit an

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<sup>8</sup> With respect to the RVR PUD, Section 6.70 thereof incorporates the Town’s zoning and subdivision codes (now the UDC) to control any amendment to the RVR PUD.

application to substantially amend the PUD, such as changing the use of a foundational element of the development like a golf course, would be incongruent with PUD amendment standards under the PUD Act and the UDC.

As a general matter, the PUD Act requires a municipality to make express findings that a “substantial modification, removal, or release of the provisions” of a PUD plan “is consistent with the efficient development and preservation of the entire planned unit development, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and is not granted solely to confer a special benefit upon any person” and is “in general conformity with the comprehensive plan...” *See* C.R.S. § 24-67-106(3)(b) and 104(1)(f) (these review standards are included in the UDC). Compliance with these standards unavoidably requires community consent and support. By requiring that community backing on the front-end of an application, the UDC’s PUD Amendment Requirement shields the Town and the subject PUD from inadequate or undeserving modifications. Moreover, it provides owners who purchased property in such thoroughly planned developments, and in reliance on the development plans thereof, assurance that the development plan cannot be amended without at least a minimum of community support. For this and other concerns that Crystal “does not doubt the validity of”<sup>9</sup>, the PUD Amendment Requirement has advanced the public interest and welfare of the Town. To remove or amend the provision now would upend the intentional and community-serving requirements necessary to amend a PUD in the UDC.

Contrary to assertions in the Otten Johnson memo, the PUD Amendment Requirement has not precluded appropriate amendments to PUDs in the Town. For example, in 2016 applicants successfully completed a substantial amendment to the Crystal Village PUD to amend the zone district text. *See* Ordinance No. 20, Series of 2016, recorded in the public records of Garfield County on December 6, 2016 at Reception No. 886166. By acreage, the Crystal Village PUD is the second largest planned unit development in the Town. This is but one example, however, it also illustrates another point overlooked by Crystal, as follows.

Typically, a planned unit development will also result in the creation of a common interest community with all property therein encumbered by and subject to a declaration of covenants, conditions, and restrictions. Such a declaration will also typically contain restrictions on the use of property in the common interest community. To amend such restrictions in a declaration requires the consent or approval of a threshold number of owners, which, in case of a restriction on use of property, requires consent or approval at least 67% owners in the common interest community. *See* C.R.S. § 38-33.3-217(4.5). Thus, as practical matter, to pursue an amendment to a PUD that will change the use restriction of a given property will typically also carry with it an amendment to the corresponding declaration, which will necessitate express approval by more owners than is required by the PUD Amendment Requirement. Such was the case with Crystal Village PUD and would be for most of the planned unit developments in Carbondale, with the exception of RVR.

---

<sup>9</sup> *See* Otten Johnson Memo, page 4.



Although within the RVR PUD, the Golf Course Parcels are not part of the RVR planned community and, thus, not subject to the Amended and Restated Master Declaration, recorded in the public records of Garfield County, Colorado on March 25, 1998 at Reception No. 522481, as amended (the “RVR Declaration”), which applies to all other property in the RVR PUD. As a result, Crystal’s Request would more acutely affect RVR owners in that it would not only remove their voice from the requirements to submit an application to amend the RVR PUD, but an amendment to the RVR Declaration would not be required where such voices would be otherwise heard and necessary for approval.

Crystal also argues that the PUD Amendment Requirement is unduly burdensome with respect to large planned unit developments such as RVR. To the contrary, the PUD Amendment Requirement ensures that complex, intricate, and carefully planned developments cannot be easily unwound without the support of the owners who purchase into the approved PUD plan. In the case of RVR, Crystal wishes to pursue an amendment that would upend the cornerstone of the development and affect the open space, parks, density, water, transportation, and a myriad of other issues that RVR owners relied upon not changing without at least 50% of their approval when they purchased property in RVR. The policy purposes of the PUD Amendment Requirement are exemplified by communities such as RVR, not diminished.

With respect to other jurisdictions, although the cited examples do not contain the same express PUD Application Requirement as Carbondale in their municipal codes, often times similar standards are simply incorporated into the approved PUD plan for a given development. Here, the Town, using its home-rule and statutory powers, keenly incorporated such a requirement into the UDC.

Lastly, the Association conducted community polling to gauge RVR owners’ position with respect to the Request. As of the date of this letter, 323 of the 556 RVR owners have responded to the straightforward question of whether they support the Request: 98% of the respondents were “strongly opposed” and 2% were merely “opposed.” The P&Z’s most directly affected constituents do not support the Request. By implication, the affected community supports the current PUD Amendment Requirement and there is not any public will to see it amended.

## **5. Conclusion.**

In short, the Town has the clear authority to maintain the PUD Amendment Requirement and prudent public policy reasons to support such an enactment. Crystal’s self-serving request fails to articulate any compelling reason to deviate from the Town’s prudent, home-rule legislation set forth in the UDC. Finally, it cannot be ignored that the party making the Request is Crystal, the owner of the Golf Course Parcels, with the history summarized at the outset of this letter. Rather than engage with its neighbors face-to-face in accordance with PUD Development Requirements, Crystal would prefer to not even try and rather seek to dismantle this central element of land use planning for all of the Town and altogether remove its neighbors from the application considerations altogether.

The Town has the absolute discretion to deny the Request. It should not hesitate to do so.

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Feel free to contact me with any questions you may have.

Very truly yours,

KARP NEU HANLON, P.C.

A handwritten signature in blue ink, appearing to read "Jeffrey J. Conklin", with a long horizontal flourish extending to the right.

Jeffrey J. Conklin

JJC:jjc

cc: Board of Directors (via email)





**THE MYLER LAW FIRM, P.C.**

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July 19, 2018

Janet Buck, Planning Director  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 816123

Via email at [jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)

Re: Request for Code Interpretation

Dear Janet:

I am writing on behalf of RVR Golf, LLC ("RVR Golf") as the owner of Golf Course Parcel 6 at River Valley Ranch ("Parcel 6"). Parcel 6 is within the boundaries of the RVR Planned Unit Development ("RVR PUD"). As we have discussed, RVR Golf wishes to remove Parcel 6 from the RVR PUD and rezone it to Residential/High Density. I have attached drafts of an introduction and an analysis of rezoning and comprehensive plan issues that will be included in an application for removal and rezoning together with a conceptual site plan. The application will request that the RVR PUD be amended for the sole purpose of removing Parcel 6. No other amendments will be requested.

Section 2.4.3.C.4 of the Town's Unified Commercial Code ("UDC") requires that any application requesting an amendment to a PUD "be signed by at least 50% of the owners of the area of real property within the area that is directly subject to the proposed amendment." The phrase "direct subject to" is ambiguous and there are no standards or criteria to guide an applicant or the Town in determining which areas of real property are, in fact, directly subject to an amendment. Accordingly, pursuant to Section 1.7.1 of the UDC, and in the context of the proposed application, I am requesting that you provide an interpretation of Section 2.4.3.C.4 sufficient to determine which areas of real property within the RVR PUD will be directly subject to the removal of Parcel 6.

In making that determination, please consider the following:

## **THE MYLER LAW FIRM, P.C.**

Request for Code Interpretation

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1. RVR Golf believes that the only area of real property which is directly subject to the proposed amendment is Golf Course Parcel 6.
2. The phrase “owners of the area of real property within the area that is directly subject to the proposed amendment...” makes it clear that there are circumstances where the land area directly subject to an application will be less than the area of the entire PUD. If the section in question required the signatures of 50% of the owners of the land area within the entire PUD, it would have been a simple matter to so state. It seems clear that the requirement for signatures was never intended to include the entire area of the PUD but rather the specific area to which the amendment directly applies, in this case Parcel 6.
3. The term “directly subject to” seems to require that a proposed amendment directly apply to a specific area within the PUD by, for example, changing its allowed use or development potential in order to require a signature on the application for such an amendment by its owner. It is difficult to see how any residential lot or common area within RVR will be directly subject to the removal of Parcel 6 since such removal will not subject a residential lot or common area to any change in use or development potential. Those lots and common areas may be impacted by the proposed amendment, but that is not the same thing as being directly subject to that amendment.
4. The application will not request an increase in the over-all density cap as specified in various PUD provisions. The reason is simple: Parcel 6 will be removed from the PUD and any density subsequently approved for that Parcel through rezoning will not be subject to that cap. We acknowledge that Parcel 6 is currently within the area of real property that is subject to the cap and that any residential development that may be approved through rezoning will result in units in excess of that cap. This fact will, of course, be the focus of discussion and deliberation in the rezoning process. However, for the purpose of the requested interpretation, it is irrelevant, since no area of real property within the PUD, except for Parcel 6, will be directly subject to an increase in density above the cap. Even if an increase in the density cap is required as a part of the proposed application, it is difficult to see how any residential lot or common area will be directly subject to that increase since they are all subject to specific density caps which will not be changed if Parcel 6 is removed and rezoned. In short, the removal of Parcel 6 and an increase in the overall density of the land area currently subject to the PUD will have no direct effect on any residential lots or common areas.

I look forward to the opportunity to review and discuss this request with you at your earliest convenience. If you have questions or need additional information, please do not hesitate to contact me.

**THE MYLER LAW FIRM, P.C.**

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Very truly yours,

THE MYLER LAW FIRM, P.C.

By: 

David J. Myler

DJM/cv

cc: Dale Rands (via email)  
Stuart Kaufman (via email)  
Dan Coleman (via email)

Enclosures



Exhibit

B

**TOWN OF CARBONDALE  
511 COLORADO AVENUE  
CARBONDALE, CO 81623**

August 9, 2018

David J. Myler  
The Myler Law Firm, P.C.  
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Basalt, CO 81621

Via email at [dmyler@mylerlawpc.com](mailto:dmyler@mylerlawpc.com)

Re: Request for Code Interpretation

Dear David:

This is a code interpretation as provided for in UDC Section 1.7.1. in response to your letter as attorney for RVR Golf, LLC (RVR Golf) dated July 19, 2018. RVR Golf is the owner of the Golf Course Parcel 6 (the driving range) at River Valley Ranch (RVR) as well as the remainder of the RVR golf course. The driving range is a part of the RVR Planned Unit Development (PUD). RVR Golf would like to remove the driving range from the PUD and rezone it to Residential/High Density(R/HD).

The letter requests an Interpretation of UDC Section 2.4.3.C.4. This code section states:

"All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD, or their designees."

The question is who needs to be a party in signing a land use application for an amendment to the PUD to remove the driving range from the PUD and rezone it for high density development.

The following documents are discussed in this interpretation:

1. River Valley Ranch – *Preliminary Plat Submission* October 30, 1995
2. Agreement Relating to the Annexation of the Gray Ranch Property and Sopris Ranch Property to the Town of Carbondale (Recorded January 15, 1995 at Reception No. 473424)

3. Ordinance No. 20, Series of 1994 (Recorded January 16, 1995 at Reception No. 473426)
4. Resolution No. 1, Series of 1996 (Planning and Zoning Commission Resolution passed and signed April 4, 1996)
5. Final Plat – Phase 1 (Recorded September 27, 1996 at Reception No. 498928)

At the outset, I would note that each PUD in the Town of Carbondale is unique and that any UDC interpretation concerning a PUD amendment needs to be determined on a case-by-case basis in light of the unique set of entitlement documentation and history pertaining to the specific PUD at issue. The RVR PUD is the largest PUD in Carbondale and was the result of lengthy and complex land use review processes, including approval by the registered electorate of the Town of Carbondale after a referendum petition.

### **MAJOR AMENDMENT TO THE PUD**

In my opinion, a rezoning application cannot proceed in this instance absent the prior or contemporaneous approval of a Major Amendment to the PUD (Section 2.4.3.C.4.a.). Table 2.4-2 identifies the thresholds for Major and Minor PUD Amendments. Specifically, the following three items apply to this matter:

1. Any amendment that is deemed by the Director to make such a significant or fundamental change to the PUD that in the Director's judgement is deemed to be a major amendment.
2. Any change that results in a decrease of planned or identified public parks and/or improved open space (i.e. loss of driving range).
3. Any change to the streets and transportation circulation patterns (i.e. due to increased traffic).

Below is a detailed discussion of each of the three items.

### **Significant Change to the PUD**

The Project Statement on page 1 of the River Valley Ranch Preliminary Plat Submission states:

"The strengths of the property are the river, the running irrigation courses, the bluffs, the openness, and the views to Mount Sopris, Red Hill and the eastern valley. The sense of open space linkages to water, the river and on out to the surrounding landforms and mountains will be pervasive. Every view throughout the community – from a window, down a street, along a golf hole – will connect with the dramatic surrounding landscape

and reinforce the "Colorado" feeling. Each feature of the plan – the golf, the architecture, the bridges, all the streets, the neighborhood setting, the landscape, the community design elements – will reinforce the essence of the Crystal River Valley setting.

The plan for River Valley Ranch is for a series of interconnected neighborhoods within a spectacular Colorado landscape that offer a wide range of housing choices. East of the river are high density neighborhoods organized around the principal recreational and community facilities of the Project. Various housing products are combined with the layout, landscape and style of a traditional town, with easy pedestrian and bicycle access throughout. Homes are laid out along traditional streets, landscape with trees and sidewalks with views to Mt. Sopris." (East side description only included.)

The Preliminary Plat Submission also states that, as required in condition #20 of Ordinance 20-1994, the applicant is developing an eighteen (18) hole championship caliber golf course, driving range, pro-shop, and related maintenance facilities. The language goes on to say the golf course, driving range, and pro-shop will be open to the public on a pay-for-play basis.

All of the information above was included in the Preliminary Plat application. Paragraph 1.a. of Resolution 1-1996 states all representations of the Developer made in the application shall be considered conditions of approval (page 2).

Paragraph 20 of Ordinance 20-1994 states the golf course, driving range, club house, and related facilities shall be privately owned but open to the public at all times (page 5).

Paragraph 8 of Resolution 1-1996 states prior to final plat approval, there shall be an agreement between the Town and the Developer setting forth the obligation that the golf course, driving range, clubhouse, and related facilities shall be owned and operated as provided in paragraph 20 of the PUD Ordinance as a public golf course (page 11).

#### Finding on Significant Change to the PUD

The golf course is an integral part of the RVR community. My position is that the loss of the driving range would be a significant and fundamental change to the PUD. Another point is that it would set a precedent with other portions of the golf course potentially being eliminated in the future. This would even more radically change the character of the PUD.

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to replacement of the driving range with high density housing due to the integrated nature

of the PUD as described in the Project Summary and memorialized in ensuing ordinances and resolutions.

### **Open Space**

The Preliminary Plat Submission (Page 6) includes the following table related to land use:

“Land Use Summary. The Project contemplates 685 units on 595 lots located on roughly 196 acres of the total 520 acres. The following Land Use Summary Table details the Project acreage and associated uses.

Land Use Summary Table

| Use                                    | Acres        | Totals      |
|--|--------------|-------------|
| Open Space                             |              |             |
| Parks                                  |              |             |
| Triangle Park                          | 6.9          |             |
| Community Park                         | 1.1          |             |
| Neighborhood Parks                     | <u>3.3</u>   |             |
| Total Parks                            | 11.3         |             |
| River Front Parks                      | 26.5         |             |
| Open Space/Uplands Conservation Area   | 30           |             |
| Golf Course                            | <u>186.7</u> |             |
| Total Open Space                       |              | 254.5       |
| Resident Village Area                  |              | 7.5         |
| Golf and Preview Centers               |              | 3.3         |
| Residential by Zone Districts:         |              |             |
| Residential Low Density/10,000         | 144.3        |             |
| Residential /Low Density/10,000/Duplex | 8.5          |             |
| Residential/Low Density/6,000          | 15.5         |             |
| Residential/Medium Density             | <u>28.3</u>  |             |
| Total Residential                      |              | 196.6       |
| Rights of Ways and “Pocket Parks”      |              | <u>58.7</u> |
| Total Acres                            |              | 520.6       |

The Land Use Summary Table shows that of the Project’s total 520 acres approximately 254 acres are dedicated to open space and recreation use.”

The driving range is 13.252 acres. Replacement of this area with high density housing would reduce open space by 5.2%. Table 2.4-2 states that any change that results in a decrease of improved open space by 5% or more is considered a Major Amendment to a PUD. Any change that decreases improved open space by 5% or less is considered a Minor Amendment to the PUD.

According to UDC Section 2.4.3.C.4.b, Minor Amendments to an approved PUD are administrative and may be approved or denied by the Planning Director without a public hearing. However, this section goes on to state Minor Amendments can be approved so long as the amendment does not constitute, as determined by the Director, a substantial alteration of the fundamental nature and character of the PUD proposed to be amended. This section adds that Minor Amendments may not alter the terms of the applicable development agreements or be contrary to any applicable ordinance.

#### Finding on Open Space

The Land Use Summary Table is included in the Preliminary Plat Submittal application. Paragraph 1.a. of Resolution 1-1996 states all representations of the Developer made in the application shall be considered conditions of approval (page 2). Therefore, the provision of 245.5 acres of open space was made a condition of approval of the RVR PUD.

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to the proposal due to the reduction of the open space within the PUD.

#### Street and Transportation Circulation Patterns

The rezoning of the driving range to R/HD would result in an increase of vehicle trips. This would affect the street and transportation patterns within the PUD. Table 2.4-2 classifies this as a Major Amendment to the PUD.

#### Finding on Street and Transportation Circulation Patterns

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within the RVR PUD will be directly subject to the changed street and transportation circulation patterns which would result from the amendment to the PUD and subsequent rezoning to R/HD.



## **REZONING APPLICATION**

If the Major Amendment to the RVR PUD is approved, a rezoning application would need to be submitted to rezone the driving range from Golf Recreation District (GRD) to Residential/High Density (R/HD).

### **Landscape Buffer on Driving Range**

The Preliminary Plat Submission includes a Landscape Zone Plan (after page 8). This plan depicts the driving range as the "Hwy 133 Landscape Corridor."

Page 10 of this document shows a cross-section of landscape and screening on the driving range. The plan includes a 50 ft. landscape setback along Highway 133 as well as a 16 ft. maintenance area access road.

Paragraph 3.c. of Resolution 1-1996 states the Highway 133 corridor, Block F, the golf maintenance area, and the driving range portions of the development shall be planned to allow a pedestrian access four (4) feet in width to be constructed in Phase I. The final plat for Phase I shall provide a dedicated right-of-way to the Town which will provide for a four (4) foot pedestrian throughway from Block G to the intersection of River Valley Ranch Road and Highway 133 in the same fashion as other sidewalks.

Paragraph 6.e. of Resolution No. 1996 states all landscaping within the Highway 133 set-back area shall be maintained in perpetuity by the homeowners association (page 10).

The Final Plat of Phase I (Sheet F5 of 12 recorded 9-27-1996 Reception #498928) shows the 50 ft. setback area on the driving range parcel along Highway 133 as well as the 4 ft. pedestrian way within the 50 ft. setback area.

Paragraph 2 of Resolution 1-1996 excludes Block G (Thompson Corner) from the definitions of the River Valley Ranch common interest community, the covenants for River Valley Ranch, and from the master homeowners association. A separate homeowners association was created for Block G (page 3).

### **Findings on Landscape Buffer on Driving Range**

The River Valley Ranch Master Association (RVRMA), with the exception of residents in Block G (Thompson Corner), is responsible for the maintenance of the 50 ft. landscape buffer located on the driving range. As a result, the RVRMA will be directly subject to the rezoning of the driving range to R/HD as it is responsible for the costs of maintaining an area on the driving range.

## **Parks**

Paragraph 5.i. of Resolution 1-1996 indicates that while all parks were conveyed to the Town, RVRMA is responsible for maintenance of all parks in perpetuity. The maintenance was provided for in the covenants of the development and includes all items generally associated with park maintenance, including, planting, mowing and watering of lawns, provision of trash receptacles and trash removal, replacement of trees and shrubs, and other such items of maintenance as may be required by the Town.

Paragraph 5.j. of Resolution 1-1996 indicates the park areas within the roadway eyebrows and cul-de-sac islands, and the park areas of Block F, G, A and M shall be owned and maintained by the master homeowners association or the homeowners association for the appropriate block.

Paragraph 6.b. of Resolution 1-1996 states the homeowners association (RVRMA) shall be responsible for maintenance in perpetuity of all trees, shrubs, and other types of plantings as shown on the landscaping plan. Maintenance shall include lawn care, litter and trash removal, and watering, trimming, removal and replacement of plants and trees and such other items of maintenance as may be required by the Town.

## **Finding on Parks**

If the driving range is removed from the PUD and rezoned to R/HD, the high density on the driving range will intensify the use of the parks within the RVR PUD resulting in higher costs to the RVRMA. As a result, the members/owners that constitute the RVRMA, with the exception of residents in Block G (Thompson Corner), will each be directly subject to the proposed rezoning in terms of each facing higher dues to pay for public park maintenance obligations, including the maintenance of Triangle Park which would be located directly across the street from the proposed new high density housing development on the driving range parcel.

## **Density**

On page 31 of the Preliminary Plat Submission, there is a density table showing a density cap of 685 units. This is reinforced by paragraph 2.3 of the River Valley Ranch PUD Zone District which states there will be 685 dwelling units within the PUD.

Table 2.4-2 of the UDC specifically addresses density. Any increase of 5% or less would require a Minor PUD amendment. Any "addition of new principal land use not allowed in PUD," any "shift in density of more than 10%" (unless the Planning Director finds that shift of up to 20% will have no material impact), and any "change in the types of residential dwelling units and/or floor plans within an approved PUD" (unless the Planning Director finds that the change will not reduce housing options) constitutes a major amendment to a PUD.

### Finding on Density

UDC Section 2.4.3.C.4. states that all PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the area of real property within the area that is directly subject to the proposed amendment to the PUD. Staff's position is that all property owners within RVR PUD will be directly subject to the increased density which would result from the amendment to the PUD and subsequent rezoning to R/HD. Any increase in the density cap for RVR would also require a discretionary amendment of the Annexation Agreement.

### Water Rights

The Preliminary Plat Submission states the irrigation system will be a joint system for both golf course irrigation and residential irrigation (page 24).

Exhibit C of the Preliminary Plat Submission includes a table titled "Allocation of Water Rights to Irrigated Areas." This table divides water rights between RVR Golf and the RVRMA.

Paragraph 6c of the Annexation Agreement (page 8) states "the parties agree that the said remaining water rights shall, without charge, be reserved for use by the Landowners, their successors, and assigns to provide a raw water supply for landscaping, lawns, gardens, open space, golf course, golf course water features, and augmentation for golf course ponds associated with the development, to the extent that such use is consistent with the decrees for the said remaining water rights. No priority of use of said remaining water rights will be given to the golf course as compared to individual lot owners, or vice versa, the intent being that all of the users of said remaining water rights have equal priority thereto."

### Findings for Water Rights

The Town is unsure how the proposed amendment to the PUD and rezoning will impact the current agreements between RVR Golf and RVRMA, but the water rights dedication commitments and cost-sharing obligations set forth in the RVR entitlement documents are further evidence of the intertwined relationship of the golf course and residential properties within RVR and why the driving range cannot simply be rezoned without re-examining the legal and physical water supplies available to the development.

### 2013 Comprehensive Plan

The Future Land Use Plan (Figure 4.1) in the 2013 Comprehensive Plan designates RVR as a "Developed Neighborhood." "Developed Neighborhoods" are generally mostly built-out subdivisions or condos, unlikely to change significantly for decades. The intent is to protect existing zoning/approvals and quality of life. The Comprehensive Plan seeks to stabilize and preserve uses and intensities in developed neighborhoods by continuing approved/existing uses.

The Comprehensive Plan supports Staff's conclusions in this interpretation that RVR is an established, planned neighborhood.

### **CONCLUSION**

For the foregoing reasons, as Planning Director, I find that all private properties within the RVR PUD will be directly subject to the potential amendment of the PUD to rezone the driving range to allow high-density residential development. This does not include Town owned properties such as parks and roads which are located in the PUD.

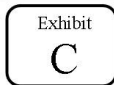
Please let me know if you have any questions. Thank you.

Sincerely,



Janet M. Buck  
Planning Director  
Town of Carbondale

cc: Ron Rouse, Vice President, RVRMA via email: [ronrouse92009@yahoo.com](mailto:ronrouse92009@yahoo.com)  
Sterling Page, General Manager RVR via e-mail: [gm@rvrcommunity.com](mailto:gm@rvrcommunity.com)  
Jay Harrington, Town Manager via e-mail: [jharrington@carbondaleco.net](mailto:jharrington@carbondaleco.net)



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August 15, 2018

Janet Buck, Planning Director  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 816123

Via email at [jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)

RE: Notice of Appeal

Dear Janet:

This letter is intended to serve as a Notice of Appeal on behalf of RVR Golf, LLC ("RVR Golf") pursuant to Section 2.7.2 of the Town's Unified Development Code ("UDC"). RVR Golf hereby appeals your Code Interpretation regarding UDC Section 2.4.3.C.4 dated August 9, 2018. RVR Golf respectfully disagrees with your determination that all private properties within the River Valley Ranch PUD will be directly subject to the proposed amendment of the PUD to remove Golf Course Parcel 6 therefrom and to rezone it to allow high density residential development. RVR Golf continues to believe that the only land area directly subject to the proposed amendment of the PUD is Golf Course Parcel 6.

RVR Golf agrees with your conclusion that all of the private properties within the RVR PUD will be affected, to some degree, by the proposed amendment and the rezoning of Golf Course Parcel 6 for residential development. You have not, however, explained how any of those private properties, except for Golf Course Parcel 6 itself, are or can be directly subject to the proposed amendment and rezoning. Neither the proposed amendment nor the rezoning will subject any private properties within the PUD, except for Golf Course Parcel 6, to any new restrictions or limitations on use or any changes in allowed uses, and will not grant any new uses for those properties. Property affected or impacted by a PUD amendment is not the same as property that is directly subject to that amendment.

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Page 2

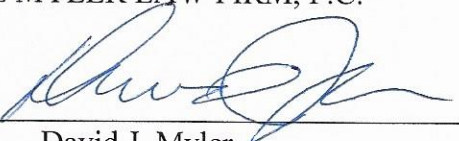
We also disagree with any inference in your interpretation that any of the Golf Course Parcels have been dedicated as or restricted to open space uses.

We generally agree with your description of the impacts that the proposed removal and rezoning will have on various aspects of the RVR PUD and RVR Golf will be prepared to address all of those impacts in the process of reviewing its application. As we discussed, I intend to present additional information and analysis in response to the issues raised in your interpretation, together with additional legal authority, which supports our appeal. I will also address the concerns that you have raised. I will provide such additional information and analysis within ten (10) days of the date of this letter.

If you have any questions or need any additional information in order to process this request for an appeal to the Board of Adjustment, please let me know.

Very truly yours,

THE MYLER LAW FIRM, P.C.

By:   
David J. Myler

DJM/caw

cc: Mark Hamilton (via email)  
Jay Harrington (via email)  
Mary Sikes (via email)  
Dale Rands (via email)  
Stuart Kaufman (via email)  
Dan Coleman (via email)

August 17, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Dear Town of Carbondale Planning and Zoning Commission,

We purchased our lot in River Valley Ranch in December of 2020. We sold our home of forty-eight years in Woody Creek to move to the warmer climes of Carbondale with its shorter winters and amazing views of Mt. Sopris and the entire valley floor. We have had our new home design approved by the River Valley Ranch Homeowners Association Design Committee and we will soon be submitting our plans to the Town of Carbondale Building Department for permitting.

We absolutely did our due diligence with regard to the PUD approved by Carbondale voters in 1994. We learned that about 85% of the subdivision has been developed and we will be building one of the last homesites. We have spent countless hours designing our new home with our architect and now working with our contractor to build a home that will fit perfectly into the ethos of the established community.

It is hard to believe this process could be completely upended by the request of the owner of the River Valley Ranch Golf Course to utterly change everything by building a "boutique hotel," a "high-density apartment complex," or any other type of development to the driving range. This would change everything about the RVR concept. I know there are residents who have lived in RVR since its inception to people like us who are looking forward to a new home in the near future, who are at risk of losing everything they moved to RVR to enjoy. We all have the right to expect the provisions of the Master Plan and eventual PUD granted to River Valley Ranch by the Town of Carbondale to be abided by.

We, thereby, in the strongest terms, oppose the proposed amendment. We appreciate the opportunity to provide our perspective to the Town of Carbondale Planning and Zoning Commission.

Respectfully,

Alfred and Valerie Braun

Mrs. Charles A. Parker  
106 Crystal Canyon Drive  
Carbondale, Co 81623

August 14, 2021

Re: Proposed UDC Amendment by Crystal Outdoor LLC (River Valley Ranch owner)

Dear Town of Carbondale Planning and Zoning Commission,

The young families and elderly families in RVR share a rich diversity of talents and a deep commitment to their community and the Town of Carbondale. These families were attracted to RVR for the unique, vibrant, and diverse environment.

One special feature of this RVR environment is the amenities it shares with the Carbondale community and the public at large. These amenities include the golf course, tennis courts, recreation fields and parks. This relationship would be severely compromised with a change in the law that protects homeowner's right to vote on changes to the community.

Thank you for your consideration of the adverse ramifications of changing this law.

Sincerely,

Alice J. Parker



**Subject: Golf course Development Opposition**

Dear Town of Carbondale Planning & Zoning Commission,

As property owners within the River Valley Ranch (RVR) Planned Unit Development (PUD), we strongly oppose Crystal Outdoors LLC's request to change the PUD Amendment Requirements. In fact, in a recent survey of 349 RVR property owners, 98 percent were "strongly opposed" to this request, and 0 percent were in favor of it.

When we bought into RVR, some as early as the mid-1990s, we bought into a certainty of what would be developed around us, and have relied on the Town of Carbondale's 50%+ owner approval requirement for any modifications to be made. This requirement was established to ensure zoning and land use alterations within a PUD be deemed good for the *majority of property owners*, not just one.

Some change is inevitable, and adjustments over time will need to be made -- with the consent of affected homeowners in the PUD. That's why we strongly urge you to not abandon an effective policy for reviewing development that gives owners and citizens, like us, a voice in the process.

Sincerely,

Alicia Keleher,

Resident of RVR Community

--

*Live and Laugh !*

*Alicia Keleher*

*970 309 7251*

*66 Ferguson Dr,  
Carbondale CO 81623  
USA*

## ANDREW PARTRIDGE

4118 Crystal Bridge Drive  
Carbondale, CO 81623

August 18, 2021

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave,  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

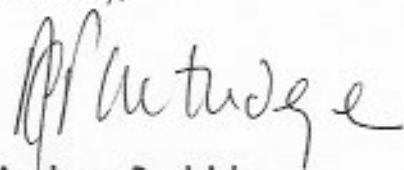
Dear Town of Carbondale Planning & Zoning Commission,

We bought our home in 2011 after an extensive search in the valley. Our choice was determined by the unique location and natural beauty of the RVR golf course community, the highest standards of residential development and the respectful relationship with the Town of Carbondale and surrounding communities. We felt RVR living would be a wonderful family experience and a sound financial investment.

We feel the proposed changes to the driving range will seriously threaten the viability of the golf course, the value of our investment and the quality of RVR life in general. If these proposals are approved they will undoubtedly detract from the original vision of RVR and it's current role in the Carbondale community.

As such we strongly oppose the proposed amendment and hope you will act to safeguard the interests of our community.

Sincerely,



Andrew Partridge

Board of Trustees of the Town of Carbondale  
511 Colorado Ave  
Carbondale, CO 81623

August 10, 2021

Dear Trustees:

We have reviewed the letter dated June 8, 2021 from Mr David Myler (representing Crystal Outdoors, LLC) to the Board of Trustees that in effect petitions the Board to amend the Unified Development Code (UDC). It is common knowledge that their motive for this amendment is to achieve a zoning change and ultimately eliminate the RVR practice range (Parcel 6) and redevelop the property into a hotel or high density housing.

Such an amendment to the UDC, at minimum, would have these deleterious effects:

- Total corruption of the open space requirements of the River Valley Ranch Planned Unit Development
- Creation of additional traffic flow in an already constrained road system within RVR that is not totally "built out"
- Potential for further development of the golf course proper and clubhouse area

These are just a few of the points noted in the August 9, 2018 response that Janet Buck (TOC) provided to Mr Myler which was in effect a "definitive no" to the same request for amendment that you are once again dealing with. Perhaps we have missed something, but it doesn't seem that anything of substance has changed since this request was respectfully denied.

We would also like to note the recent survey (7/28/2021) of RVR property owners which asked the primary question: "What is your stance on the requested amendment (by Crystal Outdoors, LLC) to the Town of Carbondale's zoning rules?" Of the 323 responses received: 12 "Opposed the Change" and 311 "Strongly Opposed the Change". ( 0 were "Neutral" and 0 would "Support").

For the reasons noted above we strongly urge the Board of Trustees to not consider this request for amendment by Crystal Outdoors, LLC, and summarily dismiss it.

Respectfully,



Anne Racke

112 Pioneer Ct, Carbondale, CO



Tim Racke

112 Pioneer Ct, Carbondale, CO

Archie & Karen Colburn  
922 Cedar Creek  
Carbondale, CO 81623

Date: August 17, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623

To: Janet Buck, Planning Director – [jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)  
Mary Sikes, Permit Technician-[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)

CC: RVRintegrity – [RVRintegrity@gmail.com](mailto:RVRintegrity@gmail.com)

Subject: Proposed UDC Amendment by Crystal Outdoors, LLC

As long term residents of Carbondale in the RVR community, we are writing to communicate our strong opposition to Crystal Outdoors LLC request to change the PUD Amendment Requirements that you are scheduled to consider on August 26.

This Crystal Outdoors proposal is outrageous on numerous levels. Their attempt to circumvent the RVR residents' desires to retain the PUD provision that protects all RVR owners that is made clear to all RVR owners in Carbondale and on which they rely when they buy into the community. This request is intended to take value from the residential owners and shift it to the pockets of commercial developers.

The other issues for this proposed change relate to the residential damage this would cause in Carbondale. Besides being a terrible precedent of a PUD change to the benefit of one owner to the detriment of all the others, it would result in commercial development in a very bad location in a residential neighborhood. This is why all the RVR residents like us are opposed.

We strongly urge you to continue to support getting majority consent of affected homeowners in the PUD so that proposals continue to be for the benefit of all owners. We do also think such development should be located in the core where current zoning allows.

Sincerely,



Archie & Karen Colburn

Dear Town of Carbondale Planning & Zoning Commission:

I am a new resident of RVR, having closed on my home at 3660 Crystal Bridge Drive on July 1<sup>st</sup> of this year. I chose to retire in Carbondale because of it's quaint, small-town appeal, abundant open space, and access to outdoor recreation.

I was recently made aware that Crystal Outdoors is attempting to circumvent the PUD amendment requirements in it's attempt to replace the driving range with a boutique hotel. The 50% owner approval requirement was purposely adopted to protect *all* owners within a PUD; lowering that standard, as suggested by Crystal Outdoors, would open all PUDs within the Town to threats from any one owner desiring to unilaterally change the property. It's abundantly clear that the viability of the golf course and driving range directly affect and benefit all of the properties within RVR, and that the Town and developer designed it intentionally in the PUD for that result. I do believe a boutique hotel may have a place in Carbondale, but it makes more sense to be near amenities such as restaurants and shops in the downtown core.

Y

In closing, I strongly oppose the proposed amendment.

Thank you for your consideration regarding my concerns,

Barbara Tatge

3660 Crystal Bridge Drive

Bonnie Earl

445 Boyd Drive

Carbondale, CO 81623

August 14, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.

Carbondale, CO 81623

Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My name is Bonnie Earl. I moved to Carbondale in 1998 to work for The North Face. At that time, I purchased my home in RVR. Even though the North Face did not stay here, I remained because of my love for Carbondale and the RVR community.

Topic #1- I strongly disagree that the Planned Unit Development (approved by Carbondale voters in 1994) should be rewritten to allow anything other than the current driving range in RVR. High density housing is already happening in other area around Carbondale and ruining it, in my opinion. And a boutique hotel and its traffic would directly impact RVR and the surrounding area negatively. We already can't control the speeding within RVR.

Topic #2- When I purchased my home, I embraced the concept of knowing what the RVR community would look like long term. This proposed change by Crystal Outdoors LLC goes directly against what I understood to be the neighborhood.

In closing, I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

Bonnie Earl

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission 511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission,

As a property owner within the River Valley Ranch (RVR) Planned Unit Development (PUD), we **strongly** oppose Crystal Outdoors LLC's request to change the PUD Amendment Requirements.

In fact, in a recent survey of 349 RVR property owners, 98 percent were "**strongly opposed**" to this request, and 0 percent were in favor of it.

I have been living on RVR since 2018. I bought into a certainty of what would be developed around us, and have relied on the Town of Carbondale's 50%+ owner approval requirement for any modifications to be made. This requirement was established to ensure zoning and land use alterations within a PUD be deemed good for the majority of property owners, not just one.

I strongly urge you to not abandon an effective policy for reviewing development that gives owners and citizens, like us, a voice in the process.

Please do not drop this policy! Please do not give in to pressure from yet another developer in our valley trying to change policy. PLEASE JUST SAY NO! Please stop this "Dan Coleman" investment group from changing RVR. Please put an end to this strife. Please keep Carbondale's development policy inline with everyone's principals.  
Thank you for listening and addressing this issue properly.

Sincerely,  
Brian Hart  
(Concerned RVR owner)

Dear Janet, Mary and Carbondale P&Z Commission Members,

Currently, Crystal Outdoors is asking you for relief from the binding commitments they made upon purchasing the property in question. If their request is granted, you would be setting a precedence that could possibly allow any individual owner (anywhere in Carbondale) to unilaterally change their property.

I am not aware of one single resident of RVR that supports this proposed amendment. I certainly oppose it and hope that you will as well.

Thank you,

Brooks Bryant

3700 Crystal Bridge Drive  
Carbondale, CO 81623



RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch golf course owner)

Dear Town of Carbondale Planning & Zoning Commission:

We live at 40 Southbridge Court in RVR. After retiring from Colorado Springs, we rented an apartment on Sopris Avenue and searched for a home in Carbondale. In 2013, we found a lot in RVR and built our home. In that process, we reviewed and were aware of the provisions of the RVR PUD, covenants, and other documents.

Like the owner of the golf course, we accepted our property with all the benefits and burdens of those documents and the planning requirements and restrictions of the Town of Carbondale. As all of you know, a PUD is a customized zoning process used by many communities to create a unique or innovative development where no one individual zone would otherwise work. The RVR PUD did exactly that, after what we understand were extensive and sometimes difficult negotiations between the developer and the Town of Carbondale. The result is a unified and unique community where each individual component creates and insures value, esthetics and quality of the whole. It's abundantly clear that the viability of the golf course and its layout directly affect and benefit all of the properties within RVR, and that the Town and developer designed it intentionally in the PUD for that result.

As owners, we have relied on the Town's requirement of a 50%+ vote to amend the PUD. That requirement was purposely set high to protect all owners within a PUD from the efforts of one owner to make changes that would not benefit the others but only enhance that one owner. It's common sense that lowering the standard as suggested by the golf course owner would open all PUDs within the Town to threats from any one owner desiring to unilaterally change his property to a lesser restriction for his greater financial reward. A PUD is an instrument to protect us and the vote requirement assures that any suggested change must create community value for a majority of owners - not just one. What the golf course owner is suggesting is nothing more than an attempt to undercut the philosophy and protections of a PUD.

We appreciate your consideration.

Your truly,

Bruce and Jane Warren

## CARL TED STUDE

706 Perry Ridge Road  
Carbondale, Colorado 81623

e-mail: [studect@comcast.net](mailto:studect@comcast.net)

Planning and Zoning Commission  
Town of Carbondale  
511 Colorado Avenue  
Carbondale, CO 81623

Attn: Ms. Janet Buck  
Planning Director

August 16, 2021

Re: Proposed Revision to River Valley Ranch P.U.D. Ordinance

Ladies/Gentlemen:

As a resident of River Valley Ranch, I join practically all my neighbors in opposing the request by Crystal Outdoors, LLC to convert the existing golf driving range to a hotel. In contrast to the implication in its name that Crystal Outdoors, LLC promotes outdoor recreation, this action would destroy a valuable outdoor recreational amenity that is available to the general public for golf at competitive rates, and available to winter sledders for free. In economic terms, the proposed hotel development would produce a financial windfall to the owners of Crystal Outdoors, LLC at the expense of a reduced quality of life and associated reduced property values for all RVR residents.

Having had a career in civil engineering -- which often involves land development -- and also having an appreciation for the conservation of relatively undeveloped rural areas, I support a continuation of Carbondale's policy of zoning certain areas within its existing boundaries for commercial development, and that would include a hotel. In fact, I made this comment recently on the online survey on the Town's website regarding the update to its Comprehensive Plan.

Rather than simply oppose the construction of a hotel on the RVR golf driving range, I recommend constructing one along Highway 133, just north of the City Market commercial complex. This is an ideal location in terms of access to transportation and nearby services such as restaurants and sports sales and rental stores. A hotel there would INCREASE the value of the adjoining properties, rather than reducing their value as it would if built anywhere within River Valley Ranch. Please do not simply reject the current request by Crystal Outdoors, LLC, but encourage the alternative that would be better for everyone else in Carbondale and visitors to it.

Yours truly,



Carl Ted Stude  
Professional Engineer, retired

Carol Sherman  
4036 Crystal Bridge Dr  
Carbondale, CO 81623

August 18, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I have lived in Carbondale for almost 7 years. I have never been a part of an HOA or small town before and I appreciate the fact that I have a say in how my community operates and I have a voice in the direction of local development. In fact, when I bought property in RVR, I was assured that I would have input on any development around me

In this situation, a developer does not like the fact that the community residents can vote to determine how RVR might be adversely affected by changes he wishes to make for his individual gain. If he cannot get his way through a lawful vote, he wishes to change the law to suppress or eliminate the vote. Sound familiar?

The issue is not whether we approve of the proposed development. The issue is whether or not we are willing to relinquish our rights to voice our opinions through a vote. Because I am not willing to relinquish my rights, I strongly oppose the proposed amendment.

Thank you for your consideration,

Sincerely,

Carol Sherman

Charles Lozner  
66 Crystal Canyon Drive  
Carbondale, CO 81623

Date: August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My wife, Elizabeth, and I moved to Carbondale and to RVR in 2015. I am a Partner at Backbone Media and my wife is a Project Manager at KL&A Engineers. We plan to be in Carbondale and in RVR for a long time. We have two girls (11 and 7) who attend Ross Montessori School. We were drawn to the open space and community of RVR. While we do not play golf, we place a high value on the open space offered by the golf course and driving range.

When we first bought a home in RVR, we did a lot of research on the HOA and the PUD to ensure we were making a smart investment. More recently, we built a new home in RVR on the golf course. By building a new home in this PUD, we are buying into a certainty of what will be developed around us. As an owner of property within the PUD, we expect to have a say in what is and is not developed within the PUD.

We strongly oppose any effort to remove the property owners within the PUD from this process.

Sincerely,

Charles C Lozner

Dear Planning Commission,

My wife and I submit this e-mail in opposition to developer Crystal Outdoors, LLC's request to amend Carbondale's Uniform Development Code ("UDC") to eliminate the requirement that an applicant obtain at least 50% of homeowner and landowner consent prior to submitting an application to amend a PUD. This request will have far-reaching negative consequences to the character of our beloved town and community.

By way of background, I first moved to Carbondale in 2003 and my wife and I moved to RVR in 2012. We are both attorneys in the valley – both with significant experience in land use matters. We intentionally chose Carbondale as our home because of its undeniable community feel. We knew immediately this was the place we wanted to begin a family. We are now raising our two active young boys here and could not imagine living or working anywhere else. This recent request by a single developer, motivated solely by profit, to amend the UDC, threatens to fundamentally alter not just RVR, but the entire Town, for the worse.

By changing the UDC, the developer apparently hopes to build either a hotel or high-density housing on an important public amenity – the RVR golf course driving range. A place children from all over Carbondale (and even the valley) sled in the winter, take golf lessons in the summer, and most recently, enjoyed as a breathtaking music venue. There is a place for hotels and high-rises. The driving range in a residential subdivision filled with young families, couples, retirees, and pets, is not it. The Town will not realize a single benefit as a result of the proposed amendment and will create a terrible precedent for other subdivisions and neighborhoods in Carbondale. The required 50% home/property owner consent to a PUD amendment was placed in the UDC intentionally and for good reason. The Town should not now allow a developer to usurp the wishes and best interest of the people directly affected by his proposal so that the developer can make a quick buck. It is not right as a matter of principle, as a matter of law, or as a matter of land planning. Please deny the Developer's request.

Sincerely,  
Chris and Andrea Bryan  
Carbondale, Colorado

---

**Christopher D. Bryan**  
Shareholder

Garfield & Hecht, P.C.  
Aspen | Avon | Carbondale | Crested Butte | Denver | Glenwood Springs | Rifle

Email: [cbryan@garfieldhecht.com](mailto:cbryan@garfieldhecht.com)  
Webpage: [www.garfieldhecht.com](http://www.garfieldhecht.com)

Cindy Barnes  
Maxwell Higgins  
1276 Crystal Bluff Loop  
Carbondale, CO 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are writing to let you know that we firmly oppose the Crystal Outdoors, LLC request to change the PUD requirements. We have lived in RVR for five years and we never dreamed the Town would consider changing the zoning at this golf course community. We bought here because of the golf course. We love playing the course, practicing at the driving range and cycling on the safe roads in and around RVR. This type of proposed development would hurt everyone that lives here plus add more congestion to Highway 133.

I, Cindy, have served on Town-appointed commissions for over 25 years in Arizona and have been part of three General Plan Sessions for a 200,000-resident community. I would suggest this commission analyze the zoning rules so future developers cannot have the possibility of changing hard zoning such as the golf course and other open areas in RVR. Homeowners purchased properties knowing that a top-quality golf course existed. All golf courses of this caliber include a driving range. This is poor planning management for the Town to have a developer try and change the PUD.

Thank you for listening to the 390+ Carbondale residents, homeowners, taxpayers and voters who UNANIMOUSLY and STRONGLY OPPOSE this proposal. The quality of life for the families living here would be negatively affected, along with our property values which fund the Town budget. The Town requirements are in place for a reason – to protect the interests of the community. Stand for the community and reject this proposal.

Sincerely,

*Cindy Barnes, Ph.D. & Maxwell Higgins*

August 16th, 2021

Clarence and Anne Blackwell  
4016 Crystal Bridge DR  
Carbondale, CO 81623

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning and Zoning Commission  
Cc: Janet Buck, Planning Director

As you know, the golf course at RVR is not private and is open to the public. As a result, the golf course is a great asset to all the citizens of Carbondale. We are not just talking about people who golf, but also the kids and their families who use the driving range for sledding during the winter; what a wonderful community activity. And remember the concert which was held on this space recently. This is a great location for such an event.

A golf course without a driving range simply is not a golf course. And this driving range is much more; it is open space with many uses.

The people of Carbondale can't afford to loose this asset, and we are asking you to vote against any proposed change to the RVR PUD.

Thanks you for your consideration,

Clarence and Anne Blackwell

Connie Calaway  
1023 Heritage Drive  
Carbondale, CO 81623

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

Initially my husband and I were attracted to living in the small town of Carbondale because of the quiet warmth of the community. We have lived here since the mid 1990s and have watched it grow to its present size. Although we lived briefly in Redstone and Missouri Heights, we chose our permanent home in River Valley Ranch because of its natural beauty, peaceful neighborhoods, with walking paths and parks, all within close proximity to Carbondale's commercial necessities.

One of the attractions to RVR was believing the development would remain without commercial intrusion and would be protected by the PUD as outlined in the original Unified Development Code. We could be free of commercial traffic congestion, danger to pets and children who could ride bicycles or play in our parks with innocent abandon. That early awareness has been reinforced and appreciated as we now turn into RVR off the busy and congested Highways 133 and 82. It is a blessing without measure. The hustle and bustle of our quickly growing community is kept at bay by the codes and PUD which were the reasons we chose to live in this development. Without that protection the temptation to move elsewhere would become imminent and everyone's property values would fall.

I am adamantly opposed to any commercial establishment ever being allowed to come into RVR through the proposed amendment by Crystal Outdoors LLC, or by any other means. Commercialism always changes the ambience of a community where ever it appears. We ask the Town of Carbondale Directors and Committees of Planning and Zoning to remain true to the original documents establishing the lovely, treasured and quiet neighborhoods of River Valley Ranch. Thank you for your consideration.

Sincerely,

Connie Calaway



Conrad and Victoria Arnold  
3916 Crystal Bridge Drive  
Carbondale, Colorado 81623

August 15, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch property owner).

Dear Town of Carbondale Planning & Zoning Commission,

My wife and I moved to RVR in Carbondale November 2020. We spent two years looking in the Carbondale area for a new permanent home and found it in River Valley Ranch.

We looked at the deed restrictions and were happy that both RVR and the town of Carbondale were looking out for us through the PUD designation.

The request by Crystal Outdoors, LLC to change our PUD disregards the intent of the original development and would only benefit THEIR desire, disregarding the other 500 plus property owners.

In your considerations, should a special benefit be conferred to ONE specific individual, thus changing every existing PUD in Carbondale?

We watched the Carbondale community use the driving range this winter as a sledding area. We enjoyed the children and adults shouts of excitement each and every time we passed by the area. It is truly a beautiful area all year long for the community to enjoy.

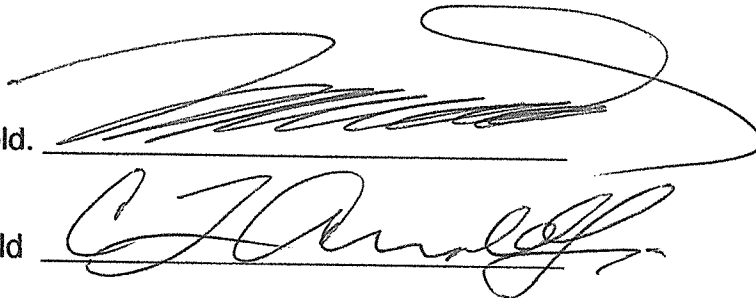
In closing, we strongly oppose this proposed amendment .

Thank you for your consideration.

Sincerely,

Victoria Arnold.

Conrad Arnold

The block contains two handwritten signatures. The first signature, for Victoria Arnold, is a large, fluid cursive script that spans across the line for her name and extends slightly to the right. The second signature, for Conrad Arnold, is also in cursive but more compact, positioned directly below the first signature and aligned with the line for his name.

August 13, 2021

Crystal Bluffs Loop Homeowner's Association

River Valley Ranch

Carbondale, Co 81623

TO: Town of Carbondale Zoning and Planning Commission

RE: CRYSTAL BLUFF LOOP'S OBJECTION TO REQUESTS A CHANGE IN THE PUD

- As required by Carbondale's UDC Section 2.4.3.C.4 and the various agreements by which the Applicant is bound, the Applicant must not be allowed to modify the zoning of its property without having obtained the required 50% RVR Homeowner's approval of the proposed change (see August 9, 2018 letter to David Myler from Janet M. Buck, Town Planner, hereafter "the Letter", the terms of which are incorporated here by reference).
- Making the requested change to the PUD's zoning regulations would enable the Applicant to continue making changes to open spaces on the golf course without the permission or approval of the other property owners in RVR, thereby disenfranchising them from a significant right afforded them by the above referenced zoning code section as well as the underlying agreements cited in the Letter. We are stakeholders in this PUD and to make a major change in it must not be allowed without our approval as currently provided for.
- A well run and prosperous golf course must have a driving range for practicing and lessons as currently provided. In addition, this area is also very popular for sledding in the winter.
- Most of us purchased in RVR to utilize the golf course as much as possible and to enjoy the atmosphere, landscape and ambiance we currently have here. Allowing a higher density use for the subject property could well cause the clubhouse, parks and trails to become overcrowded and overutilized.
- The infrastructure of RVR was not developed and is not suitable for high-density housing or a more intensive commercial use of the property covered by the PUD. This would result in significant issues with traffic, parking, clubhouse use, parks and trails.
- Expanding RVR with a hotel or high-density housing and reducing the open space of the golf course will significantly and adversely affect the property values of the entire development for its intended and legally bound promised uses. Likewise, it will frustrate the original developer and town's hard negotiated use of this property and the developer's successors in the interest i.e., the residents of RVR.

CRYSTAL BLUFF LOOP'S OWNER'S SIGNATURE:

1250 Barbara & Bill Byers Bill and Barbara Byers 08/15/2021  
1252 Chris and Sue Coyle Chris Coyle Sue Coyle  
1254 Karen Miller & Sharon Shaw Karen Miller  
1256 Grace "Gay" Zanni Grace M. Zanni  
1258 Virginia "Jinx" Riedesel Virginia Riedesel  
1260 Dick & Jane Hart Dick and Jane Hart 08/14/2021  
1262 Susan & Daniel Blake Susan and Daniel Blake 08/14/2021  
1264 Maggie Woods Maggie Woods  
1266 Peggy Beeler & Tom Bracewell Peggy Beeler Tom R. Bracewell  
1268 Robin Cherry & Bruce Wheeler Robin Cherry  
1270 Joan & Scott Barker Joan and Scott Barker 08/14/2021  
1272 John & Paula Cahill John Cahill, Paula  
1274 Minerva & Lawrence Bronk M Bronk, Lawrence R Bronk  
1276 Cindy Barnes & Max Higgins Cindy Barnes and Max Higgins 08/14/2021  
1278 Maria Yurasek & Rob Benedetti Maria Yurasek, Robert Benedetti  
1280 Penny Ridley & Katie Marshall Penny Ridley and Katie Marshall 08/14/2021

Cynthia Goldsmith

218 Crystal Canyon Dr

Carbondale, CO 81623

8/12/2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.

Carbondale, CO 81623

Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I am in the process of building my forever home in River Valley Ranch and can't wait to become an active participating member of this community, just as I have been an active member of the Aspen community for the past 34 years.

Crystal Outdoors, the current owner of the golf course at RVR, was fully aware that it has no "development rights" when they decided to purchase the property.

They are now acting in a manner that is underhanded and unethical by attempting to go behind the backs of the homeowners of RVR, which if they get their way, will result in the destruction of the integrity of the community, increase traffic in both in the subdivision and on highway 133, reduce safety to residents, as well as severely negatively impact property values.

Furthermore, as of August 10, 2021, 349 River Valley Ranch property owners responded to a simple survey asking "What is your stance on the current golf course owner's proposed change to the Town of Carbondale's rezoning 'rules'?" to which a full 96.8% responded that they are strongly opposed and 3.7% responded that they are opposed. This is an overwhelming majority of people who do not wish to see this change take place and those wishes should not be ignored or circumvented by sneaky tactics!

For these reasons and many more, I STRONGLY oppose the proposed amendment.

Thank you for your thoughtful consideration.

Sincerely,

David Thickman  
109 Sopris Mesa Drive  
Carbondale, CO 81623

August 13, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning Commission,

After living in Denver for 25 years, I moved to RVR in Carbondale in 2014. A factor in that decision was living in a planned community with governing documents and rules maintaining cohesive neighborhoods with defined areas for development and defined areas for permanent open space/golf course. Since moving here, I became a member of R2 Gallery Committee and the Carbondale Public Arts Commission.

I'm concerned the proposed amendment by Crystal Outdoors, LLC to the UDC is opening Pandora's Box. **First**, the proposal invalidates the will of the people of Carbondale who voted upon the PUD to develop the former Thompson Ranch with well-defined areas for residences and well-defined areas for open space. Potentially it undermines our community's good faith in local government and voting. **Second**, residents moved to RVR with the understanding and promise that development only occurs in areas defined by the PUD and that golf course/open space persists in the designated area. This is a commitment from RVR, Carbondale, and governance by the PUD and UDC. Golf course owners knew these regulations from the initial RVR development to the recent golf course purchase and to the present time. **Third**, the proposal creates a dangerous precedent and potential unlimited headaches for Carbondale and Board of Trustees. Essentially the amendment allows the owner of a property to apply to

do whatever they want on their property without the consent of other owners within their PUD and covenants. If the Board agrees to this, then 542 owners of homesites within RVR can apply for whatever changes they desire. Perhaps one wants to build a pad for their helicopter; another wants to add a small engine repair shop; another wants to build an outdoor swimming pool. All of these things would destroy the quality of living that the PUD and RVR covenants worked to preserve. **Fourth**, this approval will be the first step in a continuing process of potentially uncontrolled RVR development and demands upon infrastructure and neighborhoods: now the driving range, then the first nine holes of the golf course and then the second nine holes. In the end the open space/golf course will no longer exist.

Because of the destruction of the aesthetic and nature-friendly environment of Carbondale, the overwhelming burden upon the town's infrastructure, and the precedent it sets, I strongly oppose the amendment to the UDC.

Thank you for your consideration.

Sincerely yours,

David Thickman

Debbie Liller  
3964 Crystal Bridge Drive  
Carbondale CO 81623

Date: August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My husband Doug and I moved to River Valley Ranch in the fall of 2000. We fell in love with the tranquility of the Roaring Fork Valley. My husband loves fly fishing and golf. I love hiking and the comradery of all of our wonderful neighbors and friends here in RVR. We love being surrounded by nature and the peace and quiet it brings.

The homeowners in RVR are protected by the PUD as approved in 1994. This PUD guarantees that our properties are insulated from the type of development as proposed by Crystal Outdoors. Essentially all of the homeowners in RVR are against any development as requested on the current location of the driving range and surrounding grounds. The current driving range, which is essential to any successful golf course, also serves as a safe place for sledding for children of all ages for the Town of Carbondale as well as the residents of RVR. Recently, RVR and the Town of Carbondale enjoyed a wonderful summer evening concert that benefitted Child Cancer. These are the types of activities that enhance the experience of living in RVR.

Many residents of RVR and the Town of Carbondale enjoy walking the paths that surround our community. Most of the children that live in RVR attend either the Carbondale Public Schools or the Ross Montessori School. These children walk or ride their bikes to and from school every day. The erection of either a Boutique Hotel or a Condominium Development would add significant traffic into our community endangering the lives of all of us.

I urge you to disapprove of any changes to the current PUD that will significantly change the serenity and beauty of our RVR neighborhood.

Thank you for your consideration and support of our beloved community.

Debbie S. Liller

August 17, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

RE: Proposed UDC Amendment by Crystal Outdoors, LLC related to River Valley Ranch

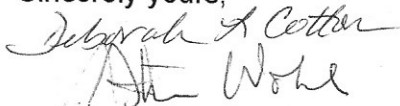
Dear Town of Carbondale Planning & Zoning Commission:

As RVR homeowners since 2003, we strongly oppose the proposed amendment for the following reasons:

1. It has been quite clear to every purchaser of property within RVR that the entire community was established as a PUD. As such, it was also clear that changes in zoning or amendments to the PUD were and are not permissible without the input and concurrence of 50% of the property owners. We, and other RVR property owners, purchased in reliance on RVR's status.
2. In addition, amendments are and were only permissible for the benefit of the PUD community, NOT to provide benefits that only accrue to an individual owner.
3. If the proposed amendment were to be adopted for Crystal Outdoors LLC, it would significantly adversely affect the entire RVR community as well as other PUDs within the Town of Carbondale. This amendment would arguably allow any owner to petition for a zoning or PUD change affecting only that owner's property. Thus, any individual owner could change the property, depending on its size, to any commercial use (establishing anything from a convenience or retail store to an amusement park, hotel, multi-family housing, or long-term care facility), any of which would alter the fundamental character of RVR.
4. Such an amendment and related zoning changes would negatively affect RVR's community character as well as traffic patterns, noise levels, parking, and numerous other municipal and community issues.

Therefore, we strenuously object.

Sincerely yours,



Deborah Cotton and Steven Wohl  
407 Settlement Lane  
Carbondale CO 81623



Don & Anne Hillmuth 472 SETTLEMENT LANE CARBONDALE CO 81623

August 16, 2021

Re: Proposed UDC Amendment by Crystal Outdoors, LLC  
(River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave  
Carbondale Co 81623

cc Janet Buck / Planning Director

Dear Town of Carbondale Planning & Zoning Commission,  
We retired to River Valley Ranch seventeen years ago & have found it to be a very pleasant residential community, as is.

We bought our home with the understanding that because it was part of a well thought out PUD approved by the Town of Carbondale, it would remain the same. It is reasonable to ask that 50% of homeowners approve major changes.

Although we do not play golf ourselves, the driving range offers a nice parklike setting to walk by & we enjoy seeing families sledding there in the winter. We hope that you will not change the rezoning procedures to accommodate developers who do not wish to follow the rules as they exist.

Thank you for your attention to our concerns

Sincerely,

Anne Hillmuth

Don Hillmuth

Douglas and Rebecca Walker  
273 Crystal Canyon Drive  
Carbondale, CO 81623

Date: August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission:

We are year-round residents and have owned our home and lived at RVR since July 2019. Carbondale and the Roaring Fork Valley were attractive to us as a small community with outstanding recreational opportunities. People here are friendly and engaged.

We are adamantly against the proposed amendment by Crystal Outdoors, LLC. The purchase of our home here was predicated on the existing features and benefits, including the golf course and driving range. We took comfort in knowing that this was a planned development, approved by the Town of Carbondale. The proposed amendment is an extreme overreach by Crystal Outdoors, LLC based upon a frivolous interpretation of the PUD documents. The Town of Carbondale has already addressed the issue of the driving range development in its letter of August 9, 2018. Janet Ruck and staff have provided a very detailed analysis outlining the position of the Town of Carbondale and why a rezoning is not allowable without at least 50 percent of the RVR property owners approving. This issue has been addressed and answered.

The golf course and the driving range are great for the local Carbondale community and tourism. We like seeing our Carbondale neighbors enjoy the parks, tennis courts and play fields. And what fun the local children have in the winter when the hills of the driving range become a safe and popular sledding area. We can't lose that.

To be clear, we are against any amendment to the PUD documents via this process. Thank you for your time and consideration. We are confident logic and the law will prevail.

Yours truly,

*Doug and Becky Walker*

August 12, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
CC: Janet Buck, Planning Director

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Dear Town of Carbondale Planning and Zoning Commission,

After 25 years as owners of a Snowmass Condominium, we moved down valley to River Valley Ranch during the pandemic. We chose Carbondale and River Valley Ranch for its location, residents, beauty and amenities offered to the owners and general public. Also, we were drawn to River Valley Ranch because of two things coursing through the neighborhood- the Crystal River and the RVR Golf course. The golf course and driving range were a key factor in our decision to move to the neighborhood.

Doing away with the golf course or driving range should not be allowed and only considered if a majority of the owners vote for a change. River Valley Ranch's open spaces are an important part of the community and used by all the people of Carbondale. It belongs to all of us.

My wife and I strongly oppose the proposed amendment as it is not right, not fair, not just and against what brought us to River Valley Ranch.

Thank you for your consideration in this matter. We appreciate all you do in public service for Carbondale and it's residents.

Respectfully,

Dr John and Diane Abrams  
3680 Crystal Bridge Drive  
Carbondale, CO 81623

August 17, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale Colorado 81623

Attention: Janet Buck, Planning Director  
Mary Sikes, Permit Technician

Dear Town of Carbondale Planning and Zoning Commission,

We were drawn to Carbondale with its phenomenal natural scenery but especially to the unique RVR community, a protected PUD neighborhood.

Any changes to our PUD without a majority support of RVR homeowners, go directly against the Colorado Planned Unit Development Act of 1972. We bought in RVR under the premise and certainty of this protection.

The proposed PUD amendment by Crystal Outdoors LLC would adversely effect and decrease green space. Additionally, their proposal would increase traffic and negatively impact the safety of RVR homeowners. One entity should not profit at the expense of numerous others.

The Crystal Outdoors plan for high-density housing and/or a boutique hotel is totally inconsistent with an established well planned community. Conceivably, their amendment would be a stepping stone to the elimination of the golf course which would significantly decrease existing open space.

Therefore, we very strongly oppose the proposed amendment. It is our desire that the current RVR zoning PUD remain as is, with the 1972 PUD guidelines being adhered to. We appreciate you seriously considering our major concerns.

Sincerely,  
Edward Hesse and Kathryn Bergh  
4066 Crystal Bridge Drive

Erik Cavarra  
622 North Bridge Drive  
Carbondale, CO 81623

Date: 8/17/21

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My name is Erik Cavarra and my family and I have been property Owners within River Valley Ranch since 2006. We purchased in RVR because of the nature of the Development, its overall character and the quality of life that RVR provides for its families, residents, children and the community as a whole. The walking paths alone, open space and golf course create one of the most desirable locations within Carbondale.

Therefore, ANY altering of its originally planned PUD, by the current Developer, should not be considered nor approved without the **majority approval** of all RVR Residents.

It is astonishing, that for as much critique that the TOC provides to Developers through entitlement processes, that it would even entertain any consideration of changing its current stance on PUD's. If the TOC or the Planning Commission is open to the consideration for allowing the Developer to make a unilateral change, it would open all PUDs within Carbondale to future requests from any one owner, developer or entity that so desires to unilaterally change a PUD, and without the **majority approval** of its residents.

If this occurs, you will embark on setting an uncontrollable precedent, and opening a pandoras box for Developers buying properties in the future, and then unilaterally making requests to change developments and their requirement for open space, parks, "golf course", or other, that protect the integrity of our neighborhoods in the form that they were originally approved for and by.

*Land use code dictated that 254 acres be dedicated to open space and recreational usage - 187.6 acres for the "golf course" including driving range.*

In closing, we strongly oppose the proposed amendment.

Sincerely,



Erik Cavarra

Frank Goldsmith  
218 Crystal Canyon Rd.  
Carbondale, CO 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I purchased my property in RVR in 2018 because of the beauty, open space and country like feeling.

Previous to my purchase I have been a real estate developer myself and have created several PUD's. I know the process and what a PUD means to a purchaser. When you purchase into a PUD you are doing so because you feel an amount of certainty of what can be done and developed in this PUD. If there are going to be changes you want the majority of the owners in the PUD to decide this. This is what I bought in to and this is what I expect.

I strongly object to the proposed amendment to the PUD.

Thank you for listening.

Sincerely,

Frank Goldsmith

August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission,

As a property owner within the River Valley Ranch (RVR) Planned Unit Development (PUD), Gwen M Johnson and Gilbert E Johnson strongly oppose Crystal Outdoors LLC's request to change the PUD Amendment Requirements.

We understand a recent survey of 349 RVR property owners reflected that 98 percent were "strongly opposed" to this request, and 0 percent were in favor of it.

We need you to retain the requirement for Amending PUDs as set forth in the United Development Code requires at least 50% of owners to sign/approve any application to amend the PUD. Any change in zoning should be deemed good by the majority of property owners.

Some change is inevitable, and adjustments over time will need to be made -- with the consent of affected homeowners in the PUD. That's why we strongly urge you to not abandon an effective policy for reviewing development that gives owners and citizens, like us, a voice in the process.

Sincerely,



Gilbert and Gwen Johnson  
1201 Heritage Drive  
Carbondale, CO 81623

CC Janet Buck/Town of Carbondale Planning Director - [jbuck2carbondaleco.net](mailto:jbuck2carbondaleco.net)  
Mary Sikes/Town of Carbondale Permit Technician - [msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)  
[RVRIntegrity@gmail.com](mailto:RVRIntegrity@gmail.com)  
[sandib57@gmail.com](mailto:sandib57@gmail.com)

Grace M. Zanni  
1256 Crystal Bluffs Loop  
Carbondale, CO 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

Dear Commission Members,

Thank you for your service to the town of Carbondale.

My husband and I bought our RVR townhouse in 2005. We were charmed by Carbondale's small town environment as well as the natural beauty of Mt Sopris and the Crystal River. However, before we purchased our home, we were very careful to learn about all the rules and regulations with regard to River Valley Ranch and its status as a PUD. The UDC was a very informative document.

We were impressed by the information we read in the UDC and felt comfortable buying our home with the understanding that any change in zoning and use must be deemed good for the majority of property owners. We bought with a certainty of what would be developed around us. We understood that RVR owners would have input on any proposed changes and that was important to us.

The vote requirement of 50% of property owners to sign and approve any application to amend the PUD was very much a reassuring consideration for us.

I don't think we would have bought in River Valley Ranch sixteen years ago without knowing what would be developed around us.

So, with all this in mind, I strongly urge you to retain the requirements for amending PUDs as set forth in the Unified Development Code requiring at least 50% of owners to support any application to amend the PUD.

Thank you for your consideration,

Grace M. Zanni





## RIVER VALLEY RANCH

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission,

As property owners within the River Valley Ranch (RVR) Planned Unit Development (PUD), we strongly oppose Crystal Outdoors LLC's request to change the PUD Amendment Requirements. In fact, in a recent survey of 349 RVR property owners, 98 percent were "strongly opposed" to this request, and 0 percent were in favor of it.

When we bought into RVR, some as early as the mid-1990s, we bought into a certainty of what would be developed around us, and have relied on the Town of Carbondale's 50%+ owner approval requirement for any modifications to be made. This requirement was established to ensure zoning and land use alterations within a PUD be deemed good for the *majority of property owners*, not just one.

Some change is inevitable, and adjustments over time will need to be made -- with the consent of affected homeowners in the PUD. That's why we strongly urge you to not abandon an effective policy for reviewing development that gives owners and citizens, like us, a voice in the process.

Sincerely,

The RVR Community

Robert J. Limacher

ROBERT J. LIMACHER  
432 CRYSTAL CANYON DR.

Hugh Sontag

HUGH SONTAG  
4084 CRYSTAL BRIDGE DR

Elaine Grossman

461 Boundary Lane Elaine Grossman

Michael Grillet

805 Lakeside Dr. Carbondale

Robert Sontag

118 NORTH BRIDGE St. CARBONDALE

Margaret Sontag

Margaret Sontag  
4084 Crystal Bridge Drive

Cindy Barnes

1246 Crystal Bluff Loop

Valerie Miller

5145 Crystal Bridge Dr.

Stefan Evanoff

93 Crystal Canyon Dr.

34 Harris Dr

STEFAN EVANOFF  
460 SETTLEMENT LN

206 Holland Thompson

34 Harris Dr

1179 Heritage Drive

206 Holland Thompson

77 Crystal Canyon Dr.

1179 Heritage Drive

483 Boundary Lane

77 Crystal Canyon Dr.

1176 Heritage Drive

483 Boundary Lane

722 Perry Ridge

1176 Heritage Drive

722 Perry Ridge

722 Perry Ridge

160 Sapien Mesa Dr.

722 Perry Ridge

160 Sapien Mesa Dr.



Eileen W. Wauli 184 Sopris Mesa Rd - Carbondale 81025

Jennifer Ayers 230 Holland Thompson Dr.

Sandy Marti 171 Sopris Mesa Dr.

Bill Mann 1017 Heritage Dr.

Joan Wallis 48 Southbridge Ct.

Sandy Smith 32 Southbridge Ct.

John G. A. Wallis 48 Southbridge Ct

Munafactor 650 N. Bridge Dr.

Carol Fack 650 N. Bridge Drive

Shauna Young 3982 Crystal Bridge Drive

Susan Lee 473 Diamond A Ranch Rd Carbondale

Carol Cornish 245 Snackap Cr. Carbondale

Christina O'Hara 1184 Heritage Dr. Carbondale

Anne Weidmann 3889 Crystal Bridge, Carbondale

Jim McElly 420 Boyd Dr., Carbondale

Christ White 443 Boundary Ln., Carbondale

May Patton 245 Crystal Canyon Dr Carbondale

Carol 245 Crystal Canyon, Carbondale

Lan Tweed 435 Boundary Lane Carbondale

Tom Tweed 435 Boundary Lane Carbondale



Karen Hesse 60 Old Barn Lane  
John M. Burke 4141 Crystal Bridge Dr., Carbondale  
Maggie Woods 1264 Crystal Bluffs Loop Carbondale  
Mimi Schlumberger 1066 Heritage Dr. Carbondale

Al. A. Zell 3864 CRYSTAL BRIDGE DR.

Elizabeth Gyer 66 Crystal Canyon Dr.

Tanya D. Mathias 438 Crystal Canyon Drive

Jai L. Lison 4165 Crystal Bridge Dr.

Don Meason 822 CAKESIDE DR

Teria Hohl 473 Boundary Ln. Carbondale 81623

Dea Barab 1072 HERITAGE DR., CARBONDALE

Steven J. Conner 337 Comrecht Dr, Carbondale

John & Jessica McNally 3847 Crystal Bridge Drive Carbondale

Karen Hawley } 457 Settlement Way Carbondale CO 81623

Dave Kolquist } Carbondale CO 81623

Jack Dismy 80 OLD BARN LN, CARBONDALE

Carl Hostette 473 Boundary Ln. Carbondale CO

Mark & Susan Allery 221 CRYSTAL CANYON DR. CAR. CO.

John Blair 60 PATTERSON DR, CAR., CO 81623

Monte Moses 779 Perry Ridge  
SALLY FAISON RVR

Amber + Ted Frisbie

Crispen Limacher Crispen Limacher

Michelle Lazar

Julie SHATTUCK

Mila Rossi

Peter Rossi

Wolf Gensch Wolf Gensch

Nancy Gensch Nancy Gensch

Brian Lazar Brian Lazar

Trudy Strassburger Trudy Strassburger

Socelyn Durrance Socelyn Durrance

TIM RACKE TIM RACKE

393 Boundary Lane

Sis Olson

Nicholas Cole

DAVID DURRANCE DAVID DURRANCE

Sherry Griest Sherry Griest



Name

Address

|                      |                           |
|----------------------|---------------------------|
| Nancy & Roy Davidson | 381 Boundary Ln.          |
| Ryan O'Leary         | 1184 Heritage 81623       |
| Ted Haugland         | 3836 Crystal Bridge Dr.   |
| Robin Haugland       | " " "                     |
| Jean G. Burks        | 4141 Crystal Bridge Drive |
| Leann L. L.          | 3940 Crystal Bridge Drive |
| Sharon Hirsch        | 3940 Crystal Bridge Dr.   |
| Sandi Kister         | 1100 Heritage Dr.         |
| Michael Chisholm     | 184 SOPRIS MESA DR.       |
| Paul J. Stonich      | 1170 HERITAGE DR.         |
| Dana Pletsch         | 831 Lakeside Drive        |
| Alicia J. Parker     | 106 Crystal Canyon Drive  |
| James M. Zanni       | 1256 Crystal Bluffs Loop  |
| Patty & Bill Hutter  | 160 Shadowood Dr.         |
| Ray Young            | 3982 Crystal Bridge Drive |
| Lanni G. Nelson      | 431 Boundary Lane         |
| Daphne Hagmann       | 1200 Heritage Drive       |
| Frank H.             | 1200 HERITAGE DR.         |
| Robert Fulmer        | 166 Sopris Mesa Dr.       |

Krist Butky 1096 Heritage Drive C'dale

Paula Cahill 1272 Crystal Bluffs Loop "

Mia Joyce Lehman 233 Holland Thompson Dr.

Pat + Matt Jaeger 483 Boundary Ln

Margaret Cralls 831 Lakeside Dr. Carbondale

Peter Belch 82 Crystal Canyon Drive

Donna Belch 82 Crystal Canyon Dr.

Am R

Jason Dolan

3976 CRYSTAL BRIDGE DR

Juan Hershby

154 Sopris Mesa Dr

B. Vancleat

77 CRYSTAL CANYON DR.

Christopher Swallows

1185 Heritage Dr

Paul Swallow

1185 Heritage Dr.

Stacy K. K.

670 Northbridge Dr.

John M.

206 Holland Thompson Dr

Patricia Chew

204 Holland Thompson Dr

Peyton Armstrong

249 Holland Thompson Dr.



Robert Anderson

~~Robert~~

150 Sopris Mesa Drive

Ch. K. Chris Klingelheber 670 Northbridge Drive

Ken Cramer 914 Cedar Creek

Ken My 333 Lampright Dr.

~~Ken My~~

600 Perry Ridge Rd

~~Ken My~~

Brian Weeks.

Calvin Inverle

~~Calvin Inverle~~

~~Calvin Inverle~~

229 Holland Thompson Dr.

~~Calvin Inverle~~

Mike Cassady 70 Ferguson Dr.

Valerie and Alfred Bean 108 Bowles Dr.

David Thomas

109 Sopris Mesa Dr

John A

Mike + Barbara Ross



7H.

Carol Hunt

Martha M. Wessels

Jim Paul Olsen

Yvonne + Paul Perry

Bruce Warner

Joe Warner

Sandra Kayman

Marcella DeVore-Kayman

> 3500 CRYSTAL BRIDGE

Laura Schuch

Phyllis Schuch

Nike Brinson

Monica Brinson

Gary Sine

Thomas E. Orman 233 HOLLAND THOMPSON DR.

Mary Catherine Conger

Dr. S.

Janice Kreuz

Kevin Kreuz

[illegible]

Hugh & Peggy Sontag  
4084 Crystal Bridge Drive  
Carbondale CO 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Cc: Janet Buck, Planning Director  
Mary Sikes, Permit Technician

Dear Town of Carbondale Planning & Zoning Commission,

We moved to Carbondale in 2016 and moved into a new home in RVR in January 2017.

When we moved to RVR, we believed that the community had strong systems in place to govern what was built in order to make RVR as a whole a better place. Part of that system is the consent of those that live in RVR.

Crystal Outdoors LLC proposes to undo that consent with an amendment to the Town of Carbondale UDC so that a single property owner can request an amendment to a PUD without consent of other property owners within the PUD.

This flies in the face of the intent of a PUD: to govern the use of the land within a PUD to the overall benefit of all owners within a PUD.

Crystal Outdoors knew what the constraints on their property were when they purchased it. There is no reason to change it now, to financially benefit one owner within the PUD at the expense of all the others.

We strongly oppose the proposed amendment. The Town of Carbondale should not allow a single property owner in a PUD to change zoning without the approval of a majority of other owners within the PUD.



Hugh Sontag  
Margaret Sontag

Jack Butterfield  
Jeanne Beaudry  
86 Black Bear Lane  
Evergreen, CO 80439

August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch Owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are writing to urge you to not adopt the proposed UDC Amendment by Crystal Outdoors, LLC. This owner is trying to circumvent the process in place by making sure those who live in River Valley Ranch will not have a say in what happens in their neighborhood. This is not why we bought into RVR or became a part of this community. It was so that we would feel a part of the community and have a say in the long term planning of what happens here.

RVR is a beautiful subdivision. It was well thought out and planned using the golf course and open space to balance development and growth. It has several layers of density balanced out with the Crystal River, views of Mt. Sopris and Open Space for the wildlife. It is important that all wildlife have access to water and open space on the valley floor.

It is important to us that we continue to have a say in what is developed and built in the area. We bought into this area being able to do just that and this amendment would take our voice away.

Sincerely,

Jack Butterfield  
Jeanne Beaudry

Handwritten signatures of Jeanne Beaudry and Jack Butterfield. The signature of Jeanne Beaudry is written above the signature of Jack Butterfield.

Jack Olson  
80 Old Barn Lane  
Carbondale, CO 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My name is Jack Olson. My wife, Rosalie, and I started our life together in Montana in the mid-1970s, where we lived for ten years. My work took us away from our beloved western mountains, but we never lost touch. We always knew we would come back. After owning a Ranch at Roaring Fork condo for many years, we made the decision to make the move permanently to Carbondale. We looked for three years and chose River Valley Ranch as the very best place to spend the rest of our lives. We bought our RVR property in 2014. Rules and laws were in place to preserve the factors which brought us here, so we were confident we made the right decision.

Crystal Outdoors now wants to change those very rules put in place to protect property owners like us, solely for their own financial gain, and to the detriment of everyone else in River Valley Ranch and beyond. If fundamental rules such as these can be changed at the whim of a greedy developer, then Pandora's box is wide open, and we can all say good-bye to the qualities of this beautiful valley and community which brought us here.

We strongly oppose the proposed amendment and hope you will too. Thank you for your consideration.

Sincerely,

Jack Olson



**James E Noyes**  
806 Lakeside Drive  
River Valley Ranch  
Carbondale CO 81623

13 August 2021

**RE: Proposed UDC Amendment by Crystal Outdoors, LLC (RVR Owner)**

**Town of Carbondale Planning & Zoning Commission**  
511 Colorado Avenue  
Carbondale CO 81623  
c/o: Janet Buck/Planning Director

**P&Z Commissioners:**

**I have owned and lived in RVR since 2007...6 years as past-president of RVR HOA. Instrumental in upgrading RVR's and subsequently the town's Trash & Recycling....reducing noisy, dangerous and inefficient truck traffic by 75%. Instrumental in raising \$300,000 privately to pay for 6 pickleball courts at North Face Park....now one of Carbondale's most popular assets. Involved with Habitat for Humanity, Rotary and Roaring Fork PreCollegiate.**

**I am assuming that your consideration of Crystal Outdoors' "Hail Mary" request is no more than honoring due process as there certainly are no logical or legal reasons for approving it.**

**The golf course and restaurant are wonderful amenities enjoyed by many RVR residents and others. All three owners have demonstrated that wonderful amenities are not always great investments. Oh well....certainly not P&Z's responsibility nor prerogative to remedy that.**

**Thank you for your volunteer service !!**

**James E Noyes**



James Hewett  
3820 Crystal Bridge Drive  
Carbondale, Co 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My wife and I purchased our home in RVR in 2009 and we both agree that it is one of the best decisions we have ever made. At first we thought we would be going to Aspen for social and dining however as the years have passed we realize that we are spending our time at restaurants and events here in Carbondale and the Valley. We love the small town feel and historic nature of Carbondale.

It is hard for me to understand how the latest owner of the RVR golf course may have the ability to change the existing use of RVR as it was originally planned. And which was one of the reasons we bought here and love it so much. The impact on the community as a whole would be enormous if any portion of the golf course or driving range were to be developed into high density housing or a hotel. This type of decision should be left as our documents currently state requiring over 50% of the homeowners in RVR's approval as it will drastically change the look and feel of the RVR community.

If the current owner of the golf course wants to build a hotel so badly let him build it somewhere else in Carbondale such as the location of the old City Market as that site begs for an upgrade that would benefit the Town. Certainly it makes more sense to be nearer to the downtown core. It should be noted that the owner trying to make these changes knew when he purchased the golf course that the previous owner from whom he bought the property had the same changes in mind but sold when he realized that the RVR community was against the change.

It is rare for me to write such a letter as this but I feel it is very important that we keep RVR as it exists and was originally planned and is currently being utilized by all of us. My wife and I strongly oppose the proposed amendment to modify the PUD requirements.

Thank you,

  
James R. Hewett

August 18<sup>th</sup>, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

Re: Proposed Zoning Amendment Requested by Crystal Outdoors

We moved to Carbondale from Vermont almost twenty years ago when we retired. We wanted to live closer to our daughter who lived in Basalt. After looking at several alternatives in the Valley RVR became the clear choice. Quiet, safe, very green and other appealing features made the decision to move here easy. The realtor assured us that this would not change in the future due to zoning restrictions.

Crystal Outdoors want to change that by converting the driving range to other commercial uses. We are opposed to that for several reasons. Loss of the driving range, which has several popular outdoor uses, significantly increased traffic and safety concerns are just a few of them.

My wife and I implore you to deny the request. Thank you for your consideration.

Sincerely,



Jan Dlouhy  
154 Sopris Mesa Drive  
Carbondale, CO  
(970) 704 1303

Cc: Janet Buck/Planning Director



Jan Kuramoto  
108 Pioneer Ct.  
Carbondale, CO 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

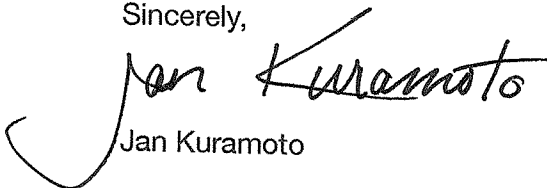
In 2000, my husband and I purchased our Carbondale home in River Valley Ranch. We carefully scrutinized the PUD, by-laws, etc. before deciding this community was right for us. We liked the certainty of what would be developed around us and that we would have input on any changes brought forth.

We especially liked that RVR was not a gated community but that our open spaces (golf course, sledding hill, parks, walking and biking paths, etc.) could be used by residents from all over the Roaring Fork Valley.

The amendment proposed by Crystal Outdoors, LLC would not only take away our rights as homeowners but would impact the safety of children, adults and pets because of increased traffic and congestion.

I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

  
Jan Kuramoto

Jeannette Anderson  
465 Boundary Lane  
Carbondale, CO 81623

Dear Town Of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

I moved to RVR a year and a half ago from Aspen and Snowmass Village. One of my primary reasons for moving was the golf course community, which also includes a Driving Range.

My concerns are similar to all RVR homeowners that we don't want to lose our driving range.

I was on a walk yesterday morning and passing the driving range, it was crowded with young golfers practicing for their tournament. I believe they were all teenagers. It occurred to me that if the driving range would be developed there may not be tournaments at RVR. It reminded me of the importance of golf for young people. It teaches them the value of sportsmanship, honesty and integrity. I feel it is important for Carbondale to offer this opportunity to our you people.

I strongly oppose the proposed Amendment.

Sincerely,  
Jeannette Anderson

Jeff and JoAnn Scott  
774 Perry Ridge Rd.  
Carbondale, CO 81623

August 16, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission:

We discovered Carbondale and River Valley Ranch 20 years ago. After a couple of years experiencing different areas in Colorado, we knew River Valley Ranch was where we wanted to have a home. We have never regretted our decision. We love our community and the small town feel of Carbondale and RVR.

We have become very concerned recently after learning that the Crystal Outdoors LLC, owners of the RVR golf course are attempting to take away our voice in future development of the driving range and golf course. We purchased our property in RVR with the understanding that future developments would not be approved without 50% owner approval. We believe removing that protection would open all PUD's within the town to threats from any one owner desiring to unilaterally change the property.

We use the driving range and our grandchildren sled on the hill. The loss of that open space would be sorely missed not only by residents of RVR, but the whole town of Carbondale.

In closing, we strongly oppose the proposed amendment.

Thank you for your consideration.

*Jeff and JoAnn Scott*

Jim Ramsey  
481 Boundary Lane  
Carbondale, CO 81623

August 19, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

As a new resident of River Valley Ranch, I am respectfully expressing my opposition to the proposed hotel, as a replacement of the existing Driving Range.

My wife, Cheryl, and I recently moved to Carbondale to enjoy what we expect to be our retirement, and final home. We fell in love with this community after our first visit in 2016. The things that attracted us to this piece of Paradise were the sense of community, pride taken by the homeowners, friendly and active neighbors, flat roads, a wonderful community rec center, and the RVR Golf Course and driving range

I understand, as a prior business owner myself, the revenue considerations of the current owner with regards to the prospect of converting valuable land into a hotel. But the RVR course and driving range are a good thing for both the town and its citizens. It's hard to imagine any course without a driving range, so carving it out will only drive players to nearby courses, outside of the town. Golf courses are a gathering place for many, they provide a physical activity that so many enjoy, preserve an open area among the sprawl of cities, generate tax revenue to the towns the course resides in, and draws visitors from out of the area to experience this beautiful town and its culture, restaurants, shops and much more. Losing the range will drive away visitors, and will have a negative impact on all of the aforementioned.

Perhaps there are things that the town, RVR, and the players at the golf course can do to address the economic concerns of the owner. Some choices may be Increased green fees, cart fees charged to all punch pass and annual members, increased range fees, a small and affordable community fee paid by RVR residents to the course owner, a tax break by the town, etc. But losing the course, through diminished playership due to the loss of the range could be incredibly detrimental to us all. A new hotel would dramatically change the feel of RVR by increasing traffic into our neighborhood and creating a more commercial sense, rather than the residential environment that we all enjoy. We would also lose a place for families to enjoy sledding in the winter, which enhances the sense of community. The high demand placed on our resources, such as water, trash, food service, and other hotel demands is additionally something that is not in line with a goal of environmental stewardship.

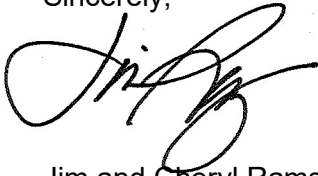
Please vote NO on this proposed project. It does not serve the interest of the residents of RVR or the community as a whole.

Town of Carbondale Planning & Zoning Commission

Date

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Jim & Cheryl", written in a cursive, flowing style.

Jim and Cheryl Ramsey

As owner of 408 Settlement Ln, I too echo these statements.

Thank you for listening.

Joel Aronoff  
303-565-0169

**From:** Camille Schuman <[camilleschuman@yahoo.com](mailto:camilleschuman@yahoo.com)>  
**Date:** Thursday, August 19, 2021 at 4:11 PM  
**To:** "[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)" <[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)>, "[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)" <[msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)>  
**Cc:** Rachel Brenneman <[rachel@manifestcommunication.com](mailto:rachel@manifestcommunication.com)>, Rebecca Aronoff <[rebeccasaronoff@yahoo.com](mailto:rebeccasaronoff@yahoo.com)>, Joel Aronoff <[joelaronoff@gmail.com](mailto:joelaronoff@gmail.com)>, "[RVRintegrity@gmail.com](mailto:RVRintegrity@gmail.com)" <[RVRintegrity@gmail.com](mailto:RVRintegrity@gmail.com)>  
**Subject:** RE: PROPOSED UDC AMENDMENT BY CRYSTAL OUTDOORS, LLC (RVR owner)

Janet Buck/Town of Carbondale Planning Director  
Mary Sikes/Town of Carbondale Permit Technician

Dear Town of Carbondale Planning and Zoning Commission,

I am writing this email to implore you to deny the request of the owner of Crystal Outdoors LLC to change any zoning and use of his golf course and/or driving range without the written approval of the majority of the property owners in River Valley Ranch. Our RVR PUD, 520 acres annexed to the Town of Carbondale in 1994, was approved by Carbondale voters in 1994 upon referendum.

I own (for 9 years) my beautiful home at 416 Settlement Lane in RVR. Also, I am part owner of another beautiful home at 408 Settlement Lane which I jointly own with my daughter and son-in-law (Rebecca and Joel Aronoff and their two young children) which we just purchased this June 2021. They are very excited to be part of our very special, amazing neighborhood and intentionally planned development of RVR which does ensure to us that when owners buy property in our RVR PUD, the owners buy into a certainty of what will be developed around us, and we are assured that WE WILL HAVE INPUT ON ANY CHANGES! I have never in my entire life been Blessed with living in such a unique and beautiful community as RVR, and each day I view Mt. Sopris from my home and am thankful for my safe and secure home here in RVR.

Such a significant change in our RVR (altering the golf course or driving range) would affect open space, parks, density, traffic, utilities, transportation, parking, SAFETY, and many other issues. I implore you, and expect that these things will not change without 50% approval of fellow RVR property owners.

In closing we all strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

Camille Schuman 416 Settlement Lane, Carbondale, CO 81623  
Rebecca and Joel Aronoff. 408 Settlement Lane, Carbondale, CO 81623

John and Cari Shurman  
4135 Crystal Bridge Drive  
Carbondale, CO 81623

To the Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623

Dear Town of Carbondale Planning and Zoning commission:

We moved to Carbondale three and a half years ago. We had lived in Aspen for 12 years and felt that it had lost its charm. It became a tourist town. We wanted to live in a community.

After spending a lot of time with friends who were living in Carbondale- in RVR and in other parts of the town- we decided to move here. It is truly a community that has tremendous character and wonderful people.

We were happy with the golf course and driving range that was open to the public, not an exclusive closed course. However, the proposed golf course project by Crystal Outdoors is a self serving request. It would change the character of RVR completely. It would greatly increase traffic and create dangers for children biking and playing in the community.

Crystal Outdoors is trying to circumvent owners' rights by removing us from the application considerations completely. Their plans would change the atmosphere of RVR and Carbondale.

The 50% owner approval requirement was specifically adopted to protect all owners within a PUD from the efforts of one owner to make changes that would benefit that one owner and not benefit other owners.

It is clear that the standards suggested by Crystal Outdoors, would open all PUDs within the Town to threats from any owner wanting to unilaterally change the property.

We and the residents of RVR overwhelmingly oppose the attempt by Crystal Outdoors to alter the rules .

Many thanks for your attention.

Cari and John Shurman

**JOHN AND CAROLINE Y. MOORE  
160 SOPRIS MESA DRIVE  
CARBONDALE, CO 81623**

16 August 2021

Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

We are writing to throw in our oar regarding Crystal Outdoors LLC's application to amend the Town's Unified Development Code because we will be out of town on the 26th of August.

In our opinion, the reasons for denying Crystal Outdoors LLC's application are many and far outweigh any possible "benefit" to the Carbondale community the applicant may claim. We are certain you have heard many of these reasons time and time again so we will try not to be overly redundant.

Our primary objection is that approval of the LLC's application would set a most unfortunate, even dangerous, precedent. Nothing in our town would then be safe from overdevelopment, including whatever the LLC might wish to develop on any part of the existing **PUBLIC** golf course. Moreover, with such a precedent those most affected by a future development would then have little or no say.

The original creators of River Valley Ranch clearly intended to provide the Town of Carbondale with a beautifully planned and developed addition and established a set of legal requirements to ensure it remained just that. For one developer to come in and attempt to change those foresighted requirements, especially the one where RVR property holders would lose their right to approve or disapprove such a development, is based on nothing more than greed. The present LLC owner knew perfectly well what he was getting into when he purchased the golf course because the previous owner had tried unsuccessfully to gain our Homeowners Association's approval for developing the driving range.

Another objection has to do with the driving range itself. What is a golf course without a driving range? Go out there most any time of day and you will see it is VERY well used. It is a wonderful public asset.

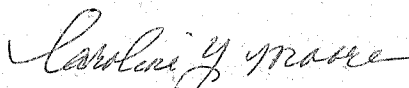
And not only for golfers. Go out there and take a look after any new snow and you will see scores of children with their parents out there sledding on the north-facing slopes. We pray you do not let that joyful experience for so many be taken away so one entity can make money.

Please, in the interest of preserving the wonderful character of Carbondale, deny Crystal Outdoors LLC's application to amend the Town's UDC.

Thanks You,



John Moore  
Lt. Col., USAF (Ret.)



Caroline Y. Moore



John and Julie Krousouloudis  
3958 Crystal Bridge DR  
Carbondale, CO, 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are long term and full-time residents of RVR. After many years visiting our kids in the area we purchased our retirement house in RVR because we loved the planned community, open space of the golf course, the views of the mountains and most important for us the rules and guidelines of RVR but also of Carbondale preserving the small town feel while enhancing the town quality of life.

We were extremely surprised to hear that the owner of the golf course (Crystal Outdoors) has applied to by-pass the town process that required support of at least 50% of the residents of PUD in proposing a hotel or high-density housing on the current golf course driving range. The approach ignores the positions and input of the RVR residents for the whole purpose of maximizing short term profit for the owner. The PUD rules as you know do not allow splitting and condominiumization of the golf course property. The owner knew the rules when the property was purchased.

When buying property in a PUD, owners buy into a certainty of what will be developed around them and are assured they will have input on any changes.

The PUD Amendment Requirement ensures that complex, intricate, and carefully planned developments cannot be easily unwound without the support of the owners who purchase into the approved PUD plan.

Such a significant change (altering the golf course or driving range) would affect the open space, parks, density, utilities, transportation, traffic, parking, and a myriad of other issues. I expect these things will not change without 50% approval of fellow RVR property owners.

In short the proposal ignores the town rules on PUDs and will be detrimental to the quality of life for the residents of RVR and Carbondale. Who would want to move to or invest in Carbondale knowing that one individual can undo the whole Town plan and rules of engaging and getting support of the town residents effected before a radical change is made.

We are writing to you to strongly oppose the proposal made by the golf course owner (Crystal Outdoors) to convert the golf course driving range to a hotel or high-density housing. Keep Carbondale as an example of careful and structured planning involving all the residents (as you now do).

Thank you for your consideration.

Sincerely,

John and Julie Krousouloudis

Dear Ms. Buck and Ms. Sikes,

My wife Julie and I live in the Town of Carbondale. Julie grew up in the valley and attended Roaring Fork HS in the 1970s. We have had connections with Carbondale for almost 50 years. Julie's dad, Chuck Vermeyen, still lives in town as well. As such we have seen how the area has changed over the years, some good, some bad. We have also been gratified to see that the people of Carbondale really do care about preserving the character of the town and the way of life it permits. It's a primary reason we returned here after retiring from our careers.

We therefore strongly oppose Crystal Outdoors' proposal to eliminate the voice of affected property owners in whether to amend a PUD. Under its proposal, an opportunistic developer could seek changes to a PUD, such as rezoning a certain parcel, without the support of a single neighbor or affected property owner. This not only flies in the face of long established practices for amending PUDs, it would open the door to all manner of opportunistic plays by well-funded developers to turn the parks and open spaces scattered through town into the next high-density condo or multi use project. You and others in the town offices, the mayors, the BOTs and the people of Carbondale have all worked way too long and way too hard to build Carbondale's character into what it is now. Yes, that has led to our town being in high demand as a place to live and therefore an attractive target for developers. But no matter how many impact fees they pay and sewer lines and streets they improve, if developers were able to rewrite a PUD after having sold many lots based on the initial plan, they would do so in a heartbeat. The call of the almighty dollar would lead them to quickly run roughshod over the initial design of the neighborhood in question. RVR today, Hendrick Ranch tomorrow? Some other PUD's green space next year?

This is essentially what Crystal Outdoors proposes. With nary a single supporting neighbor, they would throw away the commitments to open space so essential to the initial approval of RVR and other PUDs and just keep building. This is not just about the driving range, although that would be bad enough. No, the change they propose would allow them to seek to develop anywhere else on the RVR golf course. Including, ridiculous as it might seem, directly in front of our house which sits on Hole No. 5 of the course. And without our approval? Without the approval of any of the neighbors? A blatantly destructive force would be injected into Carbondale's land planning processes.

Feel no sympathy for this poor developer. Crystal Outdoors knew all about the current requirement when they bought the land. In fact they even ignored your public and open process to clarify this rule after their acquisition. If this were so important to protecting its rights, where was Crystal Outdoors when you amended the rules in 2019? Their cynical view appears to be that with enough money, lawyers and chutzpah, they could still convince you, the good guardians of the interests of the Town and its citizens, to favor their sole interest in making some big quick money over the long term interests of this community. If they really want to develop a hotel for our town, let them do so on a parcel already zoned for such a project.

Please reject Crystal Outdoors' proposal. Exercise your discretion to keep Carbondale as the home rule town it is supposed to be, where the say of the people in the community is not only sought but respected.

Best regards,

John and Julie Lund  
4032 Crystal Bridge Dr.  
Carbondale, CO 81623

John and Lesia Rehl  
36 Southbridge Court  
Carbondale, CO 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch Golf owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We purchased our full-time home in Carbondale in 2016, after considering several other mountain communities. Carbondale offered an attractive outdoor oriented community, with a diverse socio-economic and ethnic profile.

River Valley Ranch provided proximity to town and outdoor pursuits, as well the assurance of a planned community with organized social offerings, buffered from any commercial pursuits by the public golf course. After carefully considering the well-conceived and implemented PUD, UDC, and RVR covenants, we were confident that we would be protected from commercial and retail infringement, aside from acceptable proposals that had the majority approval of our PUD/HOA members. We also accepted that we were foregoing the right to any deviating changes on our property that didn't meet the existing governing documents, for the greater good of the community.

Fast forward to the current proposal by Crystal Outdoors to disenfranchise the other owners within our PUD of their right to what was originally promised. Aside from the greatly diminished utility as a golf facility, the fundamental nature of what was planned for a residential community would be compromised and adversely affect our property values. Fundamentally it is a backhanded attempt at a land grab intended to benefit a very few, at the expense of a great many.

In closing, we strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

John and Lesia Rehl

August 19 2021

To Board of Trustees of the Town of Carbondale  
c/o Janet Buck, Planning Director  
Town of Carbondale  
511 Colorado Avenue                      *Via email* trustees@carbondale.net

Re: River Valley Ranch driving range / rezoning proposal by Crystal Outdoor LLC

Dear Board Members

We are long- time residents of the Roaring Fork Valley, and have owned a lot at 290 Crystal Canyon Drive for three years and will be moving there when our house completes construction.

We are familiar with Crystal Outdoor LLC's proposal to remove RVR's driving range from the PUD and rezone it to Residential / High Density to allow development on the parcel, and the question of who constitutes a "subject" person for the purpose of amending a PUD.

Even though Janet Block's letter on the proposal is now three years old, we agree with the findings in that letter and feel strongly that the points made there regarding the 50% subject owners' requirement, as well as the proposal's impacts, still apply.

Suggesting that the RVR community is not tremendously affected by this proposal, and that the PUD requirements be changed for the applicant's benefit to exclude the RVR property owners is not defensible. This application proposes to change fundamental aspects of the RVR community, including:

- change the use of significant open space to high density
- change the density of the community as a whole
- traffic and roadway use
- potentially change an interconnected and thoroughly allocated water system

In addition to the effects on the RVR community, we are concerned on the effects on the community of Carbondale, and the reliance which the community places on the Town leaders to not change fundamental agreements integral to the PUD process for what in this case appears to be profit for one landowner.

Thank you for your consideration,

John and Susan Cottle

John J. Blair  
60 Patterson Dr.  
Carbondale, CO 81623

Date: August 17, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Attn: Janet Buck – Town of Carbondale Planning Director  
Mary Sikes – Town of Carbondale permit Technician

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (RVR golf course owner)

Dear Town of Carbondale Planning and Zoning Commission,

I have been a resident of RVR for 17 years. The community was recommended to me by my brother, David, who has lived in the Roaring Fork Valley for 50 years and built 15 homes and 13 duplexes within the RVR community. We chose to live in RVR and the Town of Carbondale based upon the outdoor lifestyle opportunities, the quality of the homes, the excellent recreational facilities, especially the golf course, and the stability of the community provided by the PUD. Over time we have come to appreciate the fellowship and sense of community among the residents of RVR as well.

I am concerned about the proposed amendment by Crystal Outdoors, LLC to the UDC. A driving range and practice facility is an essential attribute of a viable golf course operation, and an important part of the total golf experience. The driving range and practice facility are where golf instruction takes place, including youth and junior programs. A golf course without a driving range is at a significant competitive disadvantage to other courses in its vicinity, potentially threatening the viability of the entire golf course operation. The RVR driving range also provides sledding for local children in the winter and recently was the site of a charity concert that brought people from all of Carbondale and neighboring communities together to celebrate a wonderful cause. None of this will be possible in the future if a luxury hotel or retirement living facility is allowed to be built on the designated space. An issue of this significance should be governed by the existing requirements for amending PUDs as set forth in the Unified Development Code.

I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

John J. Blair

John Michael Garbarini  
432 Settlement Lane  
Carbondale, CO 81623

11 August, 2021

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I write to express opposition to the captioned amendment. I came to Carbondale 8 years ago and was fortunate to find a home in River Valley Ranch to retire to. I enjoy that RVR is part of a planned community protected by a PUD. I bought with a certainty about future development, especially that all home owners would have input on any changes. I like that the PUD protects carefully planned developments in RVR and other parts of Carbondale from a single individual or group forcing adverse changes.

In retirement I am able to volunteer with several not for profit organizations like the Forest Conservancy, Tom's Door and Roaring Fork Holiday baskets where I work with others from our city and the rest of the valley to help make and keep this a special place for all our citizens and those who travel to work here.

Please respect the rights of all Carbondale owners in all PUD's and deny any change that would remove our rights to have the majority of owners approve changes.

I strongly oppose the proposed amendment.

Thank you,

J.M. (Mike) Garbarini

-----Original Message-----

From: John Schoenecker <[jwschoen616@gmail.com](mailto:jwschoen616@gmail.com)>

Sent: Thursday, August 12, 2021 11:17 AM

To: Janet Buck <[jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)>

Cc: [RVRntegrity@gmail.com](mailto:RVRntegrity@gmail.com)

Subject: RVR golf course expansion

There are many justifiable reasons for not allowing the golf course owners an exception to the RVR, PUD. When searching for a Colorado residence we had many opportunities to purchase property in golf course resorts. We chose instead to own a home in a development with a limited public use golf amenity. And, our desire is to keep it that way. We feel a resort facility would add unwanted outside golf vacationers. We presently live on one of the RVR fairways and are recipients of a heaven volume of unwanted profanity outbursts. We respectfully request that you not add t e volume.



To: Town of Carbondale Planning and Zoning Commission

August 13, 2021

ATTN: Janet Buck/Planning Director

From: Kathy and Brian Johnson

Subject: Proposed UDC Amendment by Crystal Outdoors, LLC

Dear Town of Carbondale Planning and Zoning Commission,

For 17 years we have very much enjoyed living in River Valley Ranch in Carbondale. Prior to building our first home on Crystal Bridge Drive in 2004 we realized the unique characteristics of the magical combination of the activities and people of RVR and of the town of Carbondale. Golf, Rodeo, biking, hiking, Thunder River Theater, fishing, Mountain Fest, Restaurants, wildlife viewing, and first Fridays etc.

We built our home with the clear understanding and belief that our golf course (yours and mine!) would remain as long as it was enjoyed and widely used by the general public and remained financially viable, which it is. We see people of all walks of life and ages golfing and learning to play. The golf course cannot survive without an adjacent practice and learning range. It is an important part of our town and as you know, 96.8% of RVR property owners are opposed to the proposed UDC amendment request.

Please do not change the requirements for amending the PUD and do not entertain or accept any proposal to damage our community golf course.

Kind Regards,

  
Kathy and Brian Johnson



610 Northbridge Drive

Carbondale

(239) 877-2865

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Date: August 17, 2021

Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are writing in opposition to the proposed amendment by Crystal Outdoors LLC. Tish and I moved to Carbondale 2 months ago from Vermont. When we were planning the move a year ago, we were happy to learn that the town and your commission supported the RVR community to have a determining voice in development plans and zoning issues around the golf course. To us, this made perfect sense in the spirit of local rule.

When we finally made the move in July, we were surprised that the issue had resurfaced. Above all other factors, we are strongly opposed to any developer working against the wishes of the community within which they are part. The golf course is an integral component of the RVR community. As such, it is entitled to help guide the direction of the community, but only within the context of being an entity within a community of hundreds.

We strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

Kevin and Tish O'Keefe  
3640 Crystal Bridge Dr.  
Carbondale, CO 81623

This email is in response to a proposed UDC Amendment proposed by Crystal Outdoors, LLC.

Crystal Outdoors' main argument for amending the UDC is based on the following two sections in the UDC:

- Section 2.4.3.D.1.a which states that "major amendments to PUD's shall be reviewed, processed, and approved in the same manner as required for *General Rezonings*", (and)
- Section 2.4.2.B.1 which states "A request for an amendment to the zoning map be initiated by person(s) owning at least 50 percent of real property within the area affected by a proposed amendment".

When one evaluates the overall scope, intent and provisions of the UDC and Carbondale's Comprehensive Plan, it is obvious that Crystal Outdoors' argument is faulty. For example:

1. UDC Section 2.4.3.D states very clearly:
  - "All PUD amendment applications submitted by a property owner shall be signed by at least 50 percent of the owners of the real property within the PUD that is directly subject to or affected by the proposed amendment to the PUD".
    - People who bought houses in a PUD would be affected by changes to an approved PUD, and have the right to expect the enforcement of this provision. There is nothing vague about this section
2. UDC Section 2.4.2 deals with "General Rezonings". It states:
  - "Its purpose is not ... to confer special privileges or rights on any one person".
    - Crystal Outdoors desire to make money at the expense of other property owners in a PUD certainly sounds like a special privilege.
  - "Rezonings to a Planned Unit Developments are a distinct type of amendment .. and are described under Section 2.4.3".
    - Section 2.4.2 deals with General Rezonings and doesn't really deal with PUD's. Rather Section 2.4.2 defaults to Section 2.4.3 for changes to a PUD.
    - Therefore comments in Section 2.4.2.B.1 being applicable to persons "owning at least 50 percent of the real property within the area affected by the proposed amendment" doesn't apply to PUD's, since the 50 percent requirement for owners within a PUD is explained in Section 2.4.3.D.
3. The current Town of Carbondale Comprehensive Plan, Paragraph 4.4, states:
  - "Developed Neighborhoods" include planned unit developments.
  - "The developed neighborhood designation is intended to provide for neighborhood stability".
  - The Developed Neighborhood designation "calls for a continuation of the uses allowed under the ... planned unit development approvals in place today".
    - Residents in a PUD should be able to expect a stable neighborhood with a continuation of uses in place today.

Also pertaining specifically to the RVR PUD approved by the Town of Carbondale:

The 19 page document titled "River Valley Ranch PUD Zone Districts", together with approved amendments approved by River Valley Ranch on June 27, 1999, state:

- "No use shall be allowed within any zone districts established hereby unless it is specifically enumerated as an allowed use within such particular zone district."
- "The PUD includes two (2) Golf Course Zone Districts, designated as Golf Recreation District (GRD) and Golf Facilities District (GFD). The purpose of the GRD Zone District is to authorize the development and operation of an eighteen (18) hole championship caliber golf course and driving range which will be open to the public on a daily fee, membership, or other for profit basis. The purpose of the GFD Zone District is to allow for the development of a golf club house, golf maintenance facilities, including the limited commercial needs which arise therefrom."
  - Note: The permitted uses for the 2 Golf Course Zone Districts do not include any type of hotel or residential use.

#### SUMMARY

My family has built a house in a PUD because the Town of Carbondale provides assurances and protections in their UDC and Comprehensive Plan documents. We have invested our financial savings and time (as well as the remaining years of our lives) in a PUD for the protections it provides. It would be unfair to provide any developer a PUD amendment option just so he can make money.

Kevin and Janice Kreuz  
421 Settlement Drive  
513.382.5924

Larry and Marilyn Kennedy  
4100 Crystal Bridge Drive  
Carbondale, CO 81623

Date: August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

Our decision to live in the River Valley Ranch community was influenced by its well-planned development and the underlying support provided by the town of Carbondale.

Crystal Outdoors LLC has submitted a proposal to remove the 50% resident approval requirement for amending the RVR PDU as set forth in the Unified Development Code in 1994. We, as well as every resident in RVR, rely on the existing PDU amendment requirements to protect our property investment. Crystal Outdoors LLC's proposal is profit motivated and self-serving, ignoring the financial and lifestyle damages to hundreds RVR residents. The 50% approval requirement ensures that any proposed zoning and modifications to the community create value for the majority of owners. Approving the Crystal Outdoors proposal most certainly would result in legal actions resulting from damages to RVR property owners.

The River Valley Ranch Golf Course is an important asset to Carbondale and the entire Roaring Fork Valley. Crystal Outdoors' claim that they only want to use the driving range for development reveals lack of golf course management expertise. Crystal Outdoors does not operate the course; they lease it to a manager. A driving range is essential to the success of a golf course, especially one the caliber of RVR Golf Course. The current RVR golf manager has done an outstanding job over the past few years marketing the facility including efforts to include all of Carbondale. He has generated significant increased play from regional golfers and has also made it a vacation golf destination. He has provided winter sledding, cross country skiing and other entertainment events that benefit Carbondale residents.

Please reject Crystal Outdoors LLC's request to modify the RVR PDU amendment requirements to ignore the rights currently granted to property owners in RVR.

Sincerely, Larry and Marilyn Kennedy

Laura Hanssen  
201 Holland Thompson Dr.  
Carbondale, CO 81623

Date: 8/16/2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My name is Laura Hanssen and I live in the Old Town neighborhood of RVR. What I love about where I live is the view out my back window looking directly towards the driving range with Red Hill in the distance. The driving range is a beautiful green buffer near the entrance of our community and any change to its use would directly impact me and the people on my street.

I purchased here knowing that RVR is a PUD. I, along with all the other owners, bought into RVR with a certainty of what would be developed within our boundaries and that we would have a voice in any changes. Clearly the current owner is doing everything in his power to circumvent the processes put in place to protect communities like ours.

I was responsible for knowing the rules that govern RVR. The current owner knew what the rules were when he purchased the golf course. He needs to be held to the same standard. To attempt to change the rules by taking away our voice through a back door tactic is just cowardly in my opinion.

I want to protect the beauty of RVR from further development that isn't agreed upon by the majority of the PUD. A boutique hotel or similar type of development would change the nature of our community with impacts such as increased traffic and noise.

In closing, I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,



Laura Hanssen

Lawrence and Phyllis Schneider  
4090 Crystal Bridge Dr.  
Carbondale, CO. 81623

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (RVR Golf Owner)

Town of Carbondale P & Z Commission  
511 Colorado Ave.  
Carbondale, CO. 81623  
Cc: Janet Buck, Planning Director

Dear Town of Carbondale P & Z Commission:

The Schneider family was very attracted to the Colorado Western Slope and in particular to the Roaring Fork Valley and Carbondale, CO in the late 1980's. When the proposed RVR development was accepted by a Carbondale, CO referendum in 1994, our enthusiasm increased tremendously when we learned of the PUD and its binding obligations to all future owners and to the City of Carbondale in particular. The open space commitment and the golf course specifically, was a bright attraction to our family and many other likeminded property owners. With the assurances of the PUD, we became proud owners of a homesite in 2002 and built our family house in 2007. In so doing, we have become grateful residents of the RVR community and all for which this special community stands.

When Crystal Outdoors, LLC purchased the golf course property, they had to know what all RVR property owners know when they purchase their properties: that the PUD stipulate very clearly what can and will be done on all properties to benefit the individual owners AND the RVR community in general. For one selfish individual owner (who doesn't own a home or homesite in RVR that stands to be adversely affected) to change the UDC and PUD at the protestations of essentially all other owners in the PUD is simply WRONG!

Please do not allow an amendment that would even remotely change the original intent of the PUD and original developer. To destroy any of the golf course operations and open space that has had such a positive effect on RVR and the Carbondale community would be a disgrace and outrage! Please vote down this attempt to dramatically change our beloved community.

We stand strongly opposed to the proposed amendment to the UDC by Crystal Outdoors, LLC and stand fully behind all the RVR property owners in requiring 50% or greater vote to make application for PUD changes that would significantly affect the RVR community and Carbondale in general.

Sincerely,

Lawrence and Phyllis Schneider

Lori Williams  
20 Pioneer Pt.  
Carbondale, CO 81623

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch  
owner)

August 19, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

As a resident of River Valley Ranch I am highly opposed to the UDC amendment proposed by Crystal Outdoors, LLC. The Colorado Planned Unit Development act of 1972 clearly states that a proposed change to a PUD "is not granted solely to confer a special benefit of any person". I feel that Crystal Outdoors is trying to benefit without approval for the majority of homeowners in River Valley Ranch.

Not allowing the majority of residents to review and approve large developments in River Valley Ranch or any other development for that matter would affect the open space, parks, density, utilities, transportation, traffic, parking, and a myriad other issues.

Please Retain the requirements for amending PUDs as set forth in the Unified Development Code requiring at least 50% of owners to sign/approve any application to amend the PUD. The reason for this requirement is any change in zoning and use must be deemed good for the *majority of property owners*.

Thank you.

Sincerely,

Lori Williams



Maggie Woods  
1264 Crystal Bluffs Loop  
Carbondale CO 81623

August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch Owner)

Town of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning and Zoning Commission,

I moved to River Valley Ranch a year-and-a-half ago from Basalt, primarily because ownership at RVR assured me peace, tranquility, and a known quantity as to predictability of the number of residents here, as well as low traffic impacts within the community.

I believe it is the responsibility of the Town of Carbondale and the Garfield County Commissioners to protect all RVR residents and our investments, which are considerable. I urge you to take the impact that increased traffic and congestion would have on our quality of life into account, as well as the safety of the many children that live here.

In closing, I strongly oppose the proposed amendment as put forth by Crystal Outdoors, LLC. I do not understand how a developer can boldly request to change a standing PUD, whose intent was, and is, to protect this community in perpetuity.

Sincerely yours,

Maggie Woods

# Mark Gatehouse

3886 Crystal River Drive

Carbondale, CO 81623

(C) 336 255 5001

[M.Gatehouse22@Yahoo.com](mailto:M.Gatehouse22@Yahoo.com)

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August 17, 2021

To: Town of Carbondale Planning and Zoning Commission

Re: Request to amend UDC PUD Application requirements

Dear Commissioners,

How zoning ordinances are both developed and enforced has an enormous impact on those who both live and visit Carbondale. We face the essential challenge of how we live here but minimize our impact on the unique natural beauty we cherish. Unified Development Codes and Planned Unit Development Regulations are designed to enable change, but insure a predictable and desirable community with a robust quality of life.

The RVR PUD was developed with lengthy and thorough land use review. The PUD established important comprehensive standards for traffic, water resource impacts, open space requirements and land density restrictions.

UDC section 2.4.3.C.4 states: "All PUD amendments submitted by a property owner shall be signed by at least 50% of the owners of the area of real property with the area that is directly subject to the proposed amendment to the PUD". To amend this ordinance and not require 50% of all property owners in a PUD to approve a rezoning application would be a grave error. Such a change would have a negative impact both for RVR and for the town of Carbondale.

At the heart of the issue is a simple premise, if a significant change in land use is going to occur, a majority of those impacted need to endorse the change. The RVR plat included an eighteen-hole championship caliber golf course, driving range, and clubhouse all available to the public. Not enforcing the 50% amendment requirement would also set a potential precedent with other portions of the golf course in the future.

This amendment request to the existing PUD ordinance is an attempt toward a larger effort to rezone the property in a manner that would dramatically increase the Crystal Outdoors LLC return on investment. There is nothing wrong with investing in land to produce a return on investment. However, in this situation the LLC made the investment as an income producing public driving range and golf course with well defined zoning restrictions. Basic due diligence before acquiring the property must have revealed that six months earlier, the previous owner had been denied a rezoning amendment which they had submitted.

Over 550 families have purchased homes in RVR understanding the restrictive covenants on the both their properties, the golf course, driving range and other facilities. The recreational assets of the driving range and golf course benefit the community of Carbondale.

The Crystal Outdoors LLC attempt to siphon off a windfall gain, at the broader expense of our community is wrong and sets an unacceptable precedent. It is the zoning commissions duty to maintain the integrity of Carbondale's zoning regulations and deny this requested amendment.

Thank-you for your service on the commission and insuring Carbondale continues to grow and develop while protecting our quality of life.

Sincerely,

Mark & Betsy Gatehouse

CC: Janet Buck  
John Leybourne  
RVR Board of Directors

Marsha Nettles Cook  
53 Crystal Canyon Drive  
Carbondale, Colorado 81623

13 August 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Avenue  
Carbondale, CO. 81623

Attn: Janet Buck - Town of Carbondale Planning Director  
Mary Sikes - Town of Carbondale Permit Technician

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Dear Town of Carbondale Planning & Zoning Commission,

I have been vacationing in the Roaring Fork Valley since the 70's, first purchased property in the 80's, began living full time in the valley in 2000 and purchased my current RVR property in 2017.

While some of the covenants of a planned development are sometimes frustrating, they are intended to protect the whole of the community. You know what the rules are when you buy into them. The long-term protection of the neighborhood was a key factor for us – something clearly stated and not to be changed without consent of the homeowners.

I strongly oppose the proposed amendment. I am counting on you to uphold the requirements for amending PUD's as set forth in the Unified Development Code. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Marsha Nettles Cook', with a long horizontal line extending to the right.

Marsha Nettles Cook  
[marshacook@mac.com](mailto:marshacook@mac.com)

Mary Maureen Callahan  
3520 Crystal Bridge Drive  
Carbondale, CO 81623

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

1. I have been a resident of the Roaring Fork Valley for over 45 years and purchased my River Valley Ranch homesite in the summer of 2020. The town of Carbondale and River Valley Ranch are unprecedented in their appeal with a beautiful natural setting and the meticulously planned community of RVR. After retiring from a 35-year career in the luxury hospitality field, I was genuinely excited to be part of the RVR community and quality of life.
2. RVR was and is intentionally planned to be an exceptionally unique community, providing beautiful open spaces and a golf facility that while privately owned, is a public and world class course. The home owners in RVR are committed to maintaining a world class, award-winning community – and not creating a commercial enterprise in the middle of our very special residential neighborhood and community.
3. As a career professional in the hospitality field, I understand the drivers for hotel development and strongly oppose amending the PUD to build a boutique hotel or any commercial enterprise in the middle of RVR. There are other opportunistic development areas in Carbondale that would be much more suitable and align with travelers and their needs. Thank you for your consideration.

Sincerely,

Mary Maureen Callahan

Mary Patton

Current home address: 863 N Stagecoach St, Wichita, KS 67230

Carbondale address (in progress) 245 Crystal Canyon Drive, Carbondale, CO 81623

8/12/21

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.

Carbondale, CO 81623

Cc: Janet Buck/Planning Director, Mary Sikes Carbondale Permit Technician

Dear Town of Carbondale Planning & Zoning Commission,

I am writing to express my many concerns about the requested amendment to the PUD process in Carbondale for future development of the driving range area of the golf course within RVR. The precedent this could set for other exceptions and requests is also a huge factor to consider.

I have not had the pleasure yet of living in Carbondale, but I am anxiously looking forward to the time our house is completed and we can fully become part of the community. My family and I have been regular visitors to the Roaring Fork Valley for many years, and in the last few decided we loved the area so much we would like to have a house that gave us the opportunity to be there on a more full time basis. That led us to do considerable exploring and research of the entire valley, resulting in us finding a community that felt like it could be a wonderful home in RVR and the town of Carbondale. We were drawn to the "real town" feel of Carbondale, the multiple recreational opportunities in the area, and the comfortable feel of having a public golf course as the hub of the neighborhood rather than the gated, restricted feel of a country club area. The whole community, and specifically RVR, had a spirit unlike anything we found in Glenwood Springs, Iron Bridge, Elk Springs, Pinon Mesa, Aspen Glen, Equestrian Estates, Willets, Basalt, Snowmass Village, and many of the other neighborhoods and developments we explored.

We are also aware that the last year has brought unprecedented growth and challenges to the entire valley. Trying to be educated and informed community members we routinely read the local newspapers online and know the struggles to balance the Colorado lifestyle with the economic pressures on those who live there. On top of that, we realize the challenge of meeting demands for water and other resources to support the area effectively. Some change is inevitable, and adjustments over time will need to be made, but we would strongly urge that you not abandon a policy and a guideline for reviewing development and growth that has worked for so many years. Please do not overlook the input and vested interests of the many people who call Carbondale home. Development corporations and investors will come and go, moving from one profit opportunity to the next, but the people at the heart of the Carbondale community, and especially those who embrace RVR as their home will be the key to making the community thrive in the future.

Sincerely,

Mary Patton

cell: 316 250 7131, email: mpattonpa@hotmail.com

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave. Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission,

As property owners within the River Valley Ranch (RVR) Planned Unit Development (PUD), we strongly oppose Crystal Outdoors LLC's request to change the PUD Amendment Requirements.

Changing the PUD will take away our voice and irrevocably alter the character of the community that we chose to invest our lives and money in a decade and a half ago. We bought trusting that we would be consulted regarding major changes of any kind. Please don't break that trust in order to bend to the wishes of investors who knew what they were buying. The community is not their concern. Their concern is a return on their investment.

Sincerely,

Matt, Aimee, Noah and Maggie Brockman  
Old Town RVR  
46 Ferguson Drive  
Carbondale, CO

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

From:

Merrilee Hindman  
120 Pioneer Court  
Carbondale, CO 81623

Date: August 13, 2021

Dear Town of Carbondale Planning & Zoning Commission,

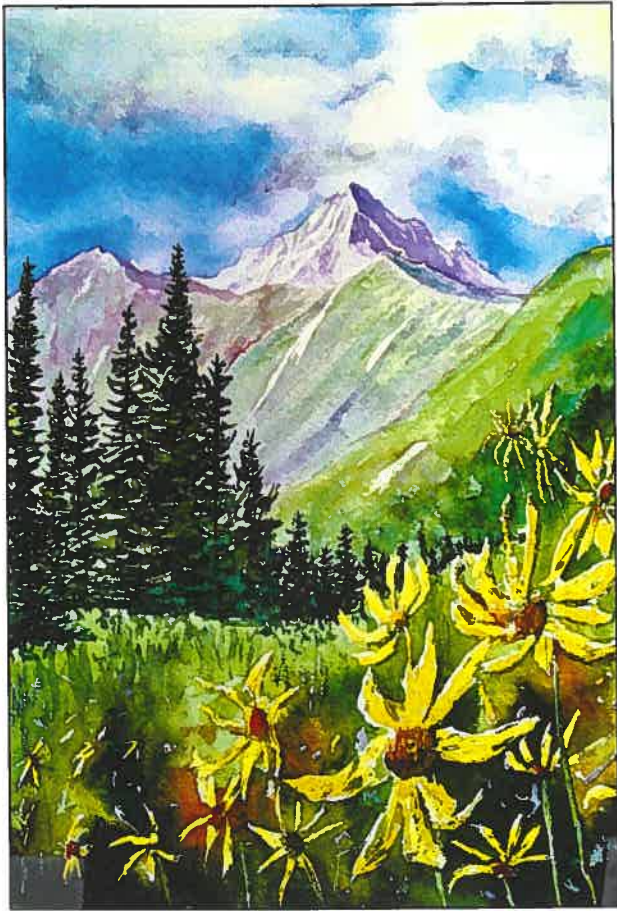
We moved to Carbondale/RVR in August of 2001. Our son would be attending CRMS and we loved the quiet beauty of the vistas of Mt. Sopris along with the charm of a small Western Colorado town with incredible history.

I believe it is important to retain the integrity of RVR and all it was designed to be when the land was first purchased and developed. This is a family community where children learn to golf on the driving range with parents, families sled together in the winter and the history of the Thompson family is visible around the development. A community where children may bike and play without worrying about additional traffic.

***In closing, I strongly oppose the proposed amendment. Thank you for your consideration.***

Sincerely,  
Merrilee A. Hindman





Dear town council,

My name is Micah Morely  
and im a 7<sup>th</sup> grader at Ross  
Montessori School,

I have lived in old town  
RVR my whole life and I  
love to see community grow  
and change. This is something  
that me and my family do  
not want to support for  
multiple reasons -

- It's a skidding hill for many  
families in the winter
- Climate change
- Noise pollution
- Light pollution etc.

I want you to take  
this into consideration  
on behalf of all RVR  
residents. No person in  
River Valley Ranch  
agreed to this for a  
reason. Please keep  
Carbondale real!

333 Lamprecht drive  
Carbondale CO.

81623

Dear Ms. Buck,

This email serves as a note to let you know about my feelings regarding the proposal by Crystal Outdoors to develop their golf driving range into a hotel or other facility. This proposed project seems to be far outside the intended use of the land as described in the original documents. It also seems to be far outside anybody's expectations both in the town of Carbondale and in the community of River Valley Ranch.

My wife and I are residents and home owners in River Valley Ranch and we hope to be here in Carbondale for a long time. It would be a painful message to all Carbondale residents to see this kind of reckless development win approval.

Most Sincerely,  
Michael & Jillian Banbury

Michael McMenamy  
802 Lakeside Dr.  
Carbondale, CO 81623

Date: 8/16/21

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My wife and I moved up to Carbondale last August in order to escape the crowding that was overwhelming our lives in the Front Range. And we chose to buy in RVR not only for the special neighborhood that it is, but we are golfers and really enjoy our proximity to the course. I now hear the town may allow a developer to skirt the legal system and erect housing units or a hotel on the driving range.

I do believe that everyone in this country should have the ability to make money...but on the backs of others? Altering the zoning laws to meet personal wants and needs? Where does the line get drawn? How long before my next door neighbor can do the same and turn his house into a hotel?

Let's set the right precedent now. If we don't we are going to go down some bad rabbit holes!!

In closing, I/We strongly oppose the proposed amendment. Thank you for your consideration.

Town of Carbondale Planning & Zoning Commission

Date

Page 2

Sincerely,

Michael McMenamy

Mike and Peggy Lacy  
411 Boundary Lane  
Carbondale, Colorado 81623

August 13, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning and Zoning Commission,  
Re: Proposed UDC Amendment by Crystal Outdoors, LLC(River Valley Ranch Owner)

As home owners in RVR since 2003, I must tell you we love Carbondale and our community of RVR. We enjoy it all—the walking trail, the golf course and driving range/sledding hill, the restaurant and the pool and fitness center. We are disturbed by the direction the current golf course owner is taking, with talk of replacing the driving range, and in winter, the beloved sledding hill, with high density housing. This drastic change is not at all what we understood to be allowed under the PUD and the covenants. This owner/developer is trying to bypass all the prescribed steps and leave us the homeowner with no voice. We feel that developing this green space which the whole community enjoys, will dramatically change the nature of River Valley Ranch. Please save this green space. We have enjoyed our Community's partnership with the city of Carbondale for twenty plus years. Our partnership has always worked towards the common good. I hope the P&Z Commission will NOT support the proposed amendment by Crystal Outdoors, LLC.  
Thank you for hearing our voice.

Mike and Peggy Lacy

Michael Miller  
5145 Crystal Bridge Drive  
Carbondale, CO 81623  
Date: August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

The current owner of the River Valley Ranch (RVR) golf course is attempting to amend the current Planned Unit Development (PUD) by removing the requirement that at least 50% of RVR homeowners approve any application to amend the PUD. I am strongly urging you deny any changes to this requirement.

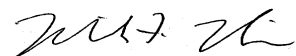
Crystal Outdoors, the current owner of the golf course, is proposing to develop the driving range of the course into a boutique hotel and high-density development. The homeowners of RVR have strongly denied their approval for this development (97% strongly opposed). Yet, in spite of knowing full well this approval requirement existed when they bought the property, the owners are insisting on changing the rules to benefit themselves financially.

If Crystal Outdoors is successful in amending the PUD, this would not only have a negative impact on RVR homeowners, but would negatively impact the rest of the Carbondale community. Lowering the standard would open all PUDs within the Town to threats from any one owner desiring to unilaterally change the property at the detriment of nearby homeowners. The result would be increased traffic, loss of open space, and lower property values throughout Carbondale.

Residents of Carbondale have enjoyed the benefits of the existing PUD for the last 27 years. Yet we have a developer who purchases the property with full knowledge of the open space restrictions, and now feels entitled to bully the city and the RVR community into changing the PUD amendment rules for their own benefit. Growth is inevitable, but it should be guided by the rules in existence, and those requirements should not be altered for the benefit of the few at the detriment of the entire community.

I urge the Carbondale P&Z Commission to deny any changes to the rules set forth in the Unified Development Code requiring at least 50% of owners to sign/approve any application to amend the PUD.

Sincerely,



Michael Miller

Mimi Schlumberger  
1066 Heritage Drive  
Carbondale CO 81623

August 19, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch Owner)

Town of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale CO 81623  
Cc: Janet Buck, Planning Director

Dear Town of Carbondale Planning and Zoning Commission,

I purchased a home at River Valley Ranch 17 years ago, after living in Woody Creek and Aspen since 1960. Being a longtime valley resident, and experiencing the tremendous surge and unchecked growth in our valley over the years, I carefully chose a community to move to that would assure my being able to live without traffic congestion and overcrowding.

I urge you to protect our investments and quality of life, by honoring the PUD that requires 50% of RVR residents to approve any changes to the original intent and agreements of the founding developers/owners. I vehemently oppose the golf course owner's request to abandon a long-held and adhered-to PUD, the intent of which is to protect our collective investments and lifestyles.

Yours sincerely,

Mimi Schlumberger

Nicholas and Carolyn Cole  
61 Crystal Canyon Dr.  
Carbondale, CO 81623

15 August 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Attn: Janet Buck – Town of Carbondale Planning Director  
Mary Sikes – Town of Carbondale Permit Technician

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Dear Town of Carbondale Planning and Zoning Commission:

We purchased our home at 61 Crystal Canyon Drive in 2012. We became full-time RVR residents in June of 2020. We believe this is the best place to live in the world. We are golfers and enjoy the proximity of this excellent course. The driving range area is a part of the golf course and not having a driving range would negatively affect the golf course.

Even if we weren't golfers, we would value the aesthetics of the driving range property and believe developing it would lower our property value. To have some type of hotel, condos, or other development would change the ambience of the neighborhood and create traffic congestion. It was our understanding when we bought here that over 50% of the residents would have to ok any development of the driving range.

We believe strongly that the current ruling of the Planning Commission should be maintained and that no development of the driving range should be allowed.

Sincerely,

Nick and Carolyn Cole  
970-275-1170/479-236-9013



Nina Price  
179 Sopris Mesa Dr  
Carbondale 81623

August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission,

I moved here 2 years ago from Denver and am thrilled to be living in such a wonderful community. I have lived previously in Aspen, Vail, Boulder and other places across the US and overseas. I love living here in Colorado, but Carbondale is truly special. Its commitment to open space is what really sets it apart. It is rare that a town is so forward thinking that it has set aside lands that cannot be built upon. RVR is one example of living near open space that makes living here so special and it is what drew us to become part of the community. The space is enjoyed by so many people, not just those who live in RVR, and that really helps bind the community.

I am unhappy to hear that the lawyers at Crystal Outdoors want to take this asset away from the town of Carbondale and take away my vote in allowing this to happen. They knew what they were buying, it wasn't a secret that they were to be prohibited from building. The previous owner tried to get the land redesignated as something other than a PUD, and they were denied. So, Crystal Outdoors waits a few years and now is trying to take this asset away from the town again so that they can build the hotel that they planned all along? This is just wrong.

This isn't an RVR issue, It's a town of Carbondale issue. If this resolution passes, they can redevelop the golf course or some other PUD because a legal precedent will have been set. Next up they can build a hotel or housing complex on some other PUD area using the same legal arguments. This is a slippery legal slope that can undo the fine work that has been done to protect the town of Carbondale.

I strongly object to this proposed amendment. The PUD was planned for a reason, it is an asset to the community as a whole, and I hope that you uphold the commitment that was made to open space.

Sincerely yours,

Nina Price

Patricia and Matt Freeman 483 Boundary Ln Carbondale. CO 81623

We have lived in RVR for five years, and this is our final destination. We chose RVR for its unique combination of community, nature, and activities, all held together by a world class golf course. We are unalterably opposed to this arbitrary and capricious amendment that threatens the essence of our dream come true. Thank you for considering our point of view. Patricia and Matt Freeman 8/14/2021

Paul Brown  
5125 Crystal Bridge Drive  
Carbondale, CO 80623

Date: 8/18/2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My family has had a house in RVR for almost ten years and we have enjoyed it quite a bit. We have serious reservations regarding the changes being proposed for the community as it pertains to the golf course. Our understanding was that RVR is an intentionally planned neighborhood that provides a safe and responsible environment. It is also an investment as all property is and it certainly appears that the continued proposed growth in the area could derail property values in the area. With this said, there are a couple very specific concerns my wife and I have with the proposed changes that directly go against why we purchased here in RVR:

- When buying property in a PUD, owners buy into a certainty of what will be developed around them and are assured they will have input on any changes.
- A PUD is an instrument to protect us and the vote requirement ensures that any suggested change must create community value for a majority of owners - not just one.

In closing, we strongly feel that the requests that Crystal Outdoors is making to the Town of Carbondale should not be approved since Crystal Outdoors knew what restrictions were already in place. Thanks for your time and consideration.

Sincerely,

Paul and Laura Brown

Dear Ms. Buck and Ms Sikes

We are writing to express our strong opposition to Crystal Outdoor's proposal to eliminate the "50% voting requirement" in order to submit an amendment to the PUD.

We have lived full-time in RVR and Carbondale since 2015. We have followed the golf course saga closely since 2018. Given the history of the RVR PUD it seems self-evident that homeowners should have a vote if there is to be a significant amendment to the PUD. In addition it seems to us entirely reasonable that the Town require 50% of the RVR homeowners to vote in favor of the application. Buy in from homeowners will ensure that an application can move forward without endless litigation or controversy.

We have nothing against developers per se. Developers risk their capital on projects all the time. However in this case it is hard to be sympathetic to Crystal Outdoors.

- During 2018 RVR Golf asked the Town for a favorable interpretation of the UDC . Ms. Buck's memo to David Mylar, dated August 9, 2018, clearly laid out the law and rationale for enforcing the 50% voting requirement. It was also clear that the Town's interpretation applied to subsequent owners.
- RVR Golf did not appeal the Town's decision. During November 2018 Crystal Outdoors bought the golf course from RVR Golf. The attorney representing RVR Golf also represented Crystal Outdoors. It would be hard for Crystal Outdoors to misunderstand the Town's position on the "50% voting requirement". Despite that, Crystal Outdoors paid \$3.5 million (cash and note) for the golf course.
- The Town made a clarifying amendment to the UDC making it clear that 50% voting requirement would allow all RVR homeowners a vote. My understanding is that during the amendment process Crystal Outdoors, inexplicably did not participate in the public process or lodge a formal objection.
- RVR homeowners have also been surveyed and they overwhelmingly oppose development of the driving range. Representatives from Crystal Outdoors have said they would be communicating to RVR homeowners about their plans. So far not a peep.

In what can only be called a legal "Hail Mary" Crystal Outdoors is trying again to eliminate the 50% voting requirement. They seem to have made a very poor investment decision. We would urge the Town not to bail them out.

On a positive note, the golf course is managed by Red Cunningham and Julie Warren (they leased the golf course from Crystal Outdoors). They have done an outstanding job attracting children to the game (through free clinics on the driving range!) , as well as attracting Carbondale and out of town residents. The course is truly public and is operating in the manner envisioned by the PUD. In addition it appears to us that the driving range is integral to the golf course finances and its attractiveness as a public facility. We of course are not familiar with the details but should it be necessary you should reach out to Julie and Red for additional information.

Thank you for your consideration.

Paul & Yvonne Perry

Peer Erickson  
4153 Crystal Bridge Drive  
Carbondale, CO 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I have lived in Carbondale for the last 29 years. RVR and Carbondale is my full-time home. In that time, I have seen significant changes to Carbondale and the Roaring Fork Valley. This is my second time buying a house in RVR and came back to enjoy all the great amenities like the golf course and especially the driving range.

I fear by removing the driving range and adding a hotel we will lose a valued amenity that was mandated by the original approved master plan of RVR. In 1994 the Town of Carbondale made it clear that the golf course be public and have a driving range among other community amenities.

Also, of great concern is changing the PUD requirements allowing individuals to make changes to a community plan without 50% homeowner approval. Carbondale has long stood for careful and managed growth. I see no reason for this process to change.

I strongly oppose the proposed amendment. A new hotel in Carbondale may be beneficial, however, removing the golf range and changing the PUD requirements for all Carbondale PUD's is not good for property owners and Carbondale residents. I appreciate your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Peer Erickson', with a stylized, cursive script.

Peer Erickson

Peter & Tracy Richmond  
4096 Crystal Bridge Dr  
Carbondale, Co 81623

8/15/21

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
51 Colorado Ave  
Carbondale, Co 81623

Dear Town of Carbondale Planning & Zoning Commission

We moved here 3 years ago after careful consideration and evaluation of the town of Carbondale and surrounding area. We intend this to be our last house and have been very happy here in RVR and Carbondale. This is our home.

With regard to Crystal Outdoors, LLC proposed UDC amendment, we are very disturbed that this could be considered. We bought here, in part, because of the PUD. To have the UDC changed, so one entity may profit, while the rest of RVR takes a hit in home values, increased noise and traffic is wrong. There's a real possibility that the, now profitable golf course, losing the busy driving range and putting green would not remain viable. We bought knowing the rules. Crystal Outdoors, LLC bought knowing the rules, but they want to change them to suite, profit and leave us with the consequences.

As you might imagine. We strongly oppose the proposed amendment. Please don't let our community become something it was not designed to be. Thank you for your time and consideration.

Sincerely

Peter Richmond  
Tracy Richmond

**Subject: Proposed Amendment by Crystal Outdoors, LLC, (River Valley Ranch owner)**

Dr. Raymond and Shauna Young  
3982 Crystal Bridge Drive  
Carbondale, CO 81623

To the Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623

Dear Town of Carbondale Planning and Zoning commission:

We moved to River Valley Ranch because it is a well planned development in a lovely setting. We knew the setting including the golf course was protected by a robust zoning PUD designed to protect the exceedingly pleasing nature of RVR and the entrance to the town of Carbondale on the west side.

Even though we are not golfers, we were happy to live on the beautiful golf course, and pleased that the course and driving range was open to the public. As a member of the general public and an RVR homeowner, we feel the proposed golf course project by Crystal Outdoors LLC is a completely self-serving request. It would change the face of RVR completely, increase traffic and degrade the community. In addition, without the driving range, it is only a matter of time that the golf course will not be profitable and another rezoning request would be submitted.

Crystal Outdoors is trying to circumvent owners' rights by removing us from the application considerations completely. Their plans would change the atmosphere of RVR and Carbondale. The 50% owner approval requirement was specifically adopted to protect all owners within a PUD from the efforts of one owner to make changes that would benefit that one owner and not benefit other owners. This change will only benefit only Crystal Outdoors LLC and not RVR or Carbondale residents.

Please deny the request and protect the interests of all Carbondale residents

Many thanks for your attention.

Ray and Shauna Young

## RVR Driving Range

As RVR homeowners for 22 years, we have been very thankful for the beauty of open spaces that our boards over the years have overseen and protected for our community. We originally bought (as have others who followed us) because of the thoughtful master plan, the beautifully maintained golf course with driving range, 5 clay tennis courts, and warm welcoming clubhouse.

People who bought golf course knew precisely what the rules and regulations were from the town of Carbondale when it was purchased. Now the golf course owners want to change zoning and not respect that a majority of homeowners must vote to do any such changes. They are not respecting our contractual rights. Please, Carbondale planning, reject the application to change voting on our PUD



Richard and Holly Glasier

122 Crystal Canyon Drive

970-355-4600/4601

hihollyg@yahoo.com



Richard Heinz  
463 Boundary Ln.  
Carbondale, CO 81623

Aug.16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Town of Carbondale Planning & Zoning Commission:

I have lived in RVR ever since my retirement from Indiana University 16 years ago. Thus I arrived at RVR long before threats to cannibalize the golf course began. The purpose of this letter is to oppose vehemently the current P&Z amendment, which is a scheme to change the approval process to circumvent the desire of the majority of RVR residents to leave the golf course unscathed.

When this talk of chopping up the golf course began about 3-4 years ago a specious argument was put forth by the chopping proponents. Namely that there are too many golf courses in the RVR vicinity and not enough golfers to justify them. The implication being that without drastic action the RVR course would keep losing money until going into a death spiral prior to closing.

It turns out that what RVR golf needed was a new staff, especially the Head of Operations ("Proprietor"). RVR Golf improved dramatically when Red Cunningham became the Head three years ago. Red built an amazing staff and we now have a hugely successful operation, which I understand even turns a nice profit!

RVR Golf is now an undeniable asset to RVR, as well as to Carbondale. Let's not jeopardize a thriving operation using dubious legal manipulations.

Richard Heinz

Professor of Physics Emeritus, Indiana University

RJ Spurrier  
4162 Crystal Bridge Drive  
Carbondale, CO 81623

August 19, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I am writing to express my strong objection to the UDC Amendment proposed by the owner/developer of the RVR Golf course. My family of four resides in River Valley Ranch, having moved here 11 years ago, attracted by the ample outdoor activities, low-key lifestyle, and easy access by bike to the Town core.

The RVR Golf Course developer/owner proposes a terrible public policy direction for all PUDs in Carbondale. Eliminating any requirement for support from affected owners in a PUD prior to submitting amendment applications will create an absurd shift of power, where a wealthy and self-interested developer can put forward an unending series of proposed amendments that serve only their interests.

The public policy implication is that each proposed amendment will put an unfair economic burden on all the innocent individual homeowners within a PUD, and put those homeowners in a position to be victimized by a self-interested and wealthy developer who seeks to leverage the legal system. The resulting dynamic will place a real burden of costs and time on PUD homeowners to mount organized defenses to fight such unwanted proposals, in order to preserve their quality of life and home values. The proper process to propose an amendment in a developed PUD is to *first seek consensus* within the PUD community – a *friendly-neighbor* approach that the Golf Course owner refuses to engage in.

I urge you to strongly reject the Golf Course developer's proposed amendment. They knew the rules for the PUD *before* they purchased the Golf Course, and their attempt to strong-arm the Town to abandon common sense planning policy by engaging two law firms and making threats of dubious legal action are offensive and suggest a grossly self-interested and entitled moral character.

Sincerely,

A handwritten signature in black ink, appearing to be 'RJ Spurrier', written over a horizontal line.

RJ Spurrier

Morey Family  
333 Lamprecht Drive  
Carbondale, CO 81623

Date: 08/16/21

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are reaching out to you to voice our opposition to the owner of the golf course at RVR and their self-serving desire to change the requirements for amending PUDs, as set forth in the Unified Development Code.

Kirsten and I have lived in Old Town RVR since 2008 and have raised our two kids in this great neighborhood and town. Development will and should happen, but this is NOT the right place for it.

While there are many reasons to oppose this back door style effort to change the rules around PUD amendments, some larger concepts include the following:

- Current property owners in RVR are entitled to a voice and process that was established when they bought into the PUD. A PUD (no matter what state) is intended to protect a community and give property owners a sense of certainty about what will be developed around them. Everyone impacted should get a vote, and the 50% threshold is there for a reason, to protect against special interests acting against will of the larger community
- Crystal Outdoors chose to buy a golf course with NO development rights and is zoned as such. If the developer has changed their business model, they should consider selling their golf asset and buying one of the commercial lots downtown; which are more appropriate for a boutique hotel
- Sledding is fun for all

Town of Carbondale Planning & Zoning Commission

081621

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In closing, we (along with 96.8% of surveyed residents) strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

Rob Morey and Family

August 18, 2021

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.

Carbondale, CO 81623

Cc: Janet Buck/Planning Director

When we moved to River Valley Ranch we were drawn to RVR's natural beauty, open space, and the well-planned environment of this lovely community. This is a multi-generational, active yet peaceful community. In addition to the amenities available to residents, the public supports the golf course and driving range and family sledding in the winter, and the Carbondale community recently embraced a benefit concert hosted here.

A major factor in our decision to buy a home in RVR was the certainty that the well-established Town of Carbondale PUD covenants are the clear drivers ensuring the attractiveness of RVR for years to come. A hotel and/or high-density housing in place of the current driving range, with transient visitors, a population influx, and increased traffic would strain RVR's infrastructure and negatively impact the RVR community.

We strongly oppose Crystal Outdoors LLC's seeking to change the PUD rules. Such a proposed change would subvert the integrity of RVR and of the Town of Carbondale's PUD requirements by placing the decision to drastically change this community in the hands of own person, the golf course owner. Any potential change in zoning and use must be supported by, and be good for, the majority of property owners, not simply Crystal Outdoors LLC.

Sincerely.

Robert and Jan Hubbell

166 Sopris Mesa Drive

**Robert J. and Mary E. Schoofs**  
**618 North Bridge Drive**  
**Carbondale, Colorado 81623**

August 17, 2021

Re: Proposed UDC Amendment by Crystal Outdoors LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Avenue  
Carbondale, Colorado 81623  
(Hand Delivered)

Janet Buck, Town of Carbondale Planning Director ([jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)) – Via Email

Mary Sikes, Town of Carbondale Permit Technician ([msikes@carbondaleco.net](mailto:msikes@carbondaleco.net)) – Via Email

To Whom It May Concern:

We purchased our current home in the Town of Carbondale's River Valley Ranch ("RVR") Development in August 2018. We had previously lived in The Town of Carbondale's RVR Development for nearly four years, having moved away in 2015. However, the ambiance of Carbondale and the RVR Development called us back. At the time we purchased our current home the future of the RVR Golf Course, driving range, etc. were in question. However, we pursued our home purchase because it was our belief and understanding (after discussions with various community officials) that the PUD governing RVR was unable to be changed or modified without the consent of more than 50% of the home/lot owners of RVR. Our belief in 2018 (which continues to this day) was that most of the home/lot owners of RVR would **not vote to change the core values of the PUD** governing the RVR Development. This belief/contention is supported by the recent RVR survey where nearly 97% of the home/lot owners **strongly opposed** the current golf course owners' desire to change the Town of Carbondale's Rezoning "rules"!!!

It is our belief that passing or accepting Crystal Outdoors LLC ("Crystal") proposed change to the PUD strongly questions the integrity of our local rules, statutes, and governing ordinances. Residents have made significant financial decisions driven by governing documents in place with the understanding that a majority is required to change such documents. The requested PUD change by Crystal impacts homeowners, families, traffic flow, safety, quality of life, etc. within the Town of Carbondale and RVR. How can the requested change by Crystal be considered without the input of those impacted?

***We strongly oppose the proposed amendment!*** Thank you for your time and consideration.

Sincerely,

Robert J. and Mary E. Schoofs

C: RVRintegrity@gmail.com

Robert Anderson  
50 Patterson Drive  
Carbondale CO 81623

August 13, 2021

Re:: proposed UDC amendment by Crystal outdoors LLC(River Valley Ranch owner)

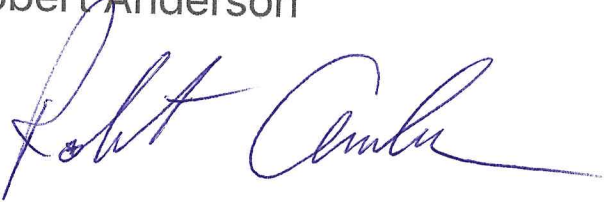
Town of Carbondale planning and zoning commission  
511 Colorado Ave.  
Carbondale CO 81623  
Cc: Janet Buck – planning Director

Dear town of Carbondale planning and zoning commission,  
I am Robert Anderson, I have lived in Carbondale for 26 years. I think it would be extremely unfair to change the guidelines of a PUD that would allow one individual instead of all the individuals or at least 50% of the individuals to make the decision of the future of their PUD. We live in a democracy not an autocratic society.

I strongly oppose the proposed amendment.

Sincerely

Robert Anderson



Ron and Shelly Coleman  
7356 E Vaquero Drive  
Scottsdale, AZ 85258

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are the owners of a vacant lot in River Valley Ranch and are in design to build our retirement home in the community. We visited and researched over two dozen mountain towns in the Western US before overwhelmingly choosing Carbondale and specifically River Valley Ranch as our home.

While there are many attributes that led us to RVR, the importance of maintaining the current amenities, open space, and PUD in their current form can not be overstated. We would not have purchased in the community had we not researched with confidence the fact that the golf course owners would require at least 50% of the owners within our community to revise any current use, and the comfort in knowing that unless something was proposed that was highly favorable for a majority of owners in the community, it would be unlikely to be considered.

Our understanding is the results of a recent community survey tallied 99% strongly unfavorable response of community owners to the proposed development of the driving range. We urge the Town of Carbondale to adhere to it's current and historic development standards, and the clear intent of the PUD, and deny the proposed amendment.

Thank you for your consideration,

Sincerely,

Ron and Shelly Coleman, Lot D9, 3880 Crystal Bridge Drive, River Valley Ranch



Sally S. Faison  
351 Crystal Canyon Drive  
Carbondale, CO 81623

August 15, 2021

Town of Carbondale Planning & Zoning Commission  
Janet Buck/ Town of Carbondale Planning Director- [jbuck@carbondaleco.net](mailto:jbuck@carbondaleco.net)  
Mary Sikes/ Town of Carbondale Permit technician- [technician-msikes@carbondaleco.net](mailto:technician-msikes@carbondaleco.net)  
CC: Jack Olson/ [jolson007@gmail.com](mailto:jolson007@gmail.com)  
CC: [RVRintegrity@gmail.com](mailto:RVRintegrity@gmail.com)

Dear Town of Carbondale Planning & Zoning Commission,

My family and I have lived in the valley for 46 years, 41 years in Aspen and we moved to RVR 5 years ago. We have always been actively involved in our community as participants in all that the valley offers, and as volunteers to strengthen the fabric of our community. When Aspen succumbed to the pressures of growth and money, it no longer felt like our home. We chose Carbondale because it has fiercely held on to its small town values and uniqueness. This is home.

RVR is a community within a community. It is beautiful, peaceful, friendly and welcoming. I love that the whole town comes to walk/bike our sidewalks, drive through to look at gardens and homes, and to admire the majesty of Sopris. Our newly refurbished parks are a magnet for families. And the sledding hill is the best winter fun, filled with laughter. It is a gathering place for all.

I don't play golf. But I 100% support the golf course staying as is. We bought our home feeling certain that the integrity of the community would be sacrosanct. That one owner wishes to take away our homeowners voting rights for his sole financial gain is beyond comprehension. Changing the PUD rules opens the door to many issues: density, drain on the infrastructure, parking issues, traffic congestion, safety for our children, just to name a few. RVR has become boom town and overcrowding is already an issue

Please count me as one of the majority of homeowners who opposes this change to the PUD. I have a voice and I will be at the meeting on August 26th.

Sally S. Faison

Ms. Sandy Marlin  
171 Sopris Mesa Drive  
Carbondale, CO 81623

August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

My husband and I have lived in RVR for 4 years. We were attracted to this particular community because of its open space and robust HOA rules and regulations, ensuring order and a peaceful uniformity of our neighborhood. Knowing that this community would remain consistent was important to us.

I am very concerned about, and strongly opposed to, the proposal by Crystal Outdoors, LLC to build a hotel and/or housing on the driving range of the golf course here. These projects are conflicting with current regulations and incompatible with our neighborhood. They bring up many potential problems such as lack of open space and parking, increased population density, transportation issues, increased traffic, and neighborhood safety. This is not a good fit for our community on many levels.

I am also very concerned that Crystal Outdoors, LLC is trying to change the rules and keep homeowners from having input into their plans. In a Post Independent interview on Feb 12, 2019, one of the Crystal Outdoors, LLC members said "getting everybody's input will be part of the process..." Well that's not true. They have not reached out to engage with homeowners in RVR about their plans. We'd had no meetings, no emails, no articles in our weekly RVR newsletter – nothing. Why? Because they would have to try to convince us that their money making project would somehow benefit the neighborhood. It won't and they know it.

Also, their attorney The Myler Law Firm wrote a letter on June 8, 2021 to the Mayor and Board of Trustees requesting to change the PUD rules in the UDC. For getting the 50% landowner approval requirement they wrote "as a practical matter, except in the case of very small PUDs, it would be virtually impossible to comply with such a requirement." Well it would be if you don't even make an attempt. Crystal Outdoors, LLC has made no attempt to contact us and educate us on their proposal, let alone persuade 50% of us to agree with them.

Town of Carbondale Planning & Zoning Commission

Date

Page 2

So, Crystal Outdoors LLC has made no effort to contact the community, yet complains that doing so would be too difficult. And they want to be rewarded for their inaction with a rule change when they have made no progress toward meeting the intent of the regulation

I am strongly opposed to changing the rules for the benefit of one party and trying to remove the voices of the majority. Thank you for your consideration on this matter.

Sincerely,

Sandy Marlin

Sarah Klingelheber  
670 Northbridge Dr.  
Carbondale, CO 81623

Date: August 19, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)  
Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We are Sarah and Chris Klingelheber who live in the River Valley Ranch (RVR) PUD. We have lived in our current home on Northbridge Drive for 9 years, and have enjoyed watching our daughters grow in this community from the ages of 3 and 1 to 12 and 10. How time flies!

During our years living in RVR we have marveled at the diversity of housing options in RVR, the open space, the community and recreation space at the Ranch House, the golf course, the bike/pedestrian path, the proximity to Carbondale's parks and the Crystal River, and our proximity to Carbondale's vibrant Main Street. Needless to say, Carbondale and RVR's place in it, is special.

We were surprised by the news that Crystal Outdoors, LLC is seeking to change the rules/requirements for amending PUDs as set forth in the Unified Development Code- a request that undermines the Town of Carbondale's current PUD rules/requirements. It is a very bold move that would effectively change how all PUDs are amended in the future and puts everything the Town of Carbondale has planned in these PUDs in limbo.

We do not think the current debate is about what should be or shouldn't be put in the driving range parcel of the RVR PUD. That is a different debate, that should be brought to all the owners/stakeholders of the RVR PUD as the current, even-minded and fair UDC rules stipulate.

We strongly urge you to retain the requirements for amending PUDs as set forth in the Unified Development Code requiring at least 50% of owners to sign/approve any application to amend the PUD. The reason for this requirement is that any change in zoning and use must be deemed good for, and approved by, the majority of property owners.

In closing, we oppose the proposed amendment.

Thank you for your consideration.

Sincerely, Sarah and Chris Klingelheber

Scott Leonard  
Heather Fitzgerald  
410 Boyd Drive  
Carbondale, CO 81623

Date: 8/18/21

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I (Scott) first came to Carbondale in 1987 to attend CRMS. Together we returned after college in 1997. My wife and I bought our house in old town RVR in 2006.

As a property owner in an established PUD, we firmly believe that we bought an assurance that I would have input on any proposed changes. RVR property owners should be able to rely upon the established voting requirements – and that a majority approves any modifications.

Secondly, a hotel, while *maybe* answering the need for more beds for visitors. It does not positively impact or benefit the neighbors. Nor does it address more significant community needs and challenges such as climate action (and the Town's goals), housing (affordable, senior, infill), traffic congestion at 133 & Snowmass.

We Strongly oppose the proposed amendment and appreciate your consideration.

Sincerely,

Scott Leonard & Heather Fitzgerald

Sean and Kelly O'Brien  
3547 Depew St  
Wheat Ridge, CO 80212  
RVR Property Address – 10 Crystal Canyon Rd.

Date: August 19, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

In April of this year, we purchased a lot in River Valley Ranch that came with a Caretakers Unit Certificate with plans to build a multi-generational home for our parents and young son. Janet Buck was very prompt and helpful to us during our due diligence regarding the verification of the CTU certificate that accompanied the lot at 10 Crystal Canyon Dr. I grew up on the Western Slope, both in Glenwood Springs and Durango, and we are very excited to return and provide our son with a similar experience that I enjoyed, and Carbondale was always at the top of our list. We are busy planning and have already hired several local services to design our home with the hopes of moving by the time our son is ready for kindergarten.

RVR was especially appealing to us as it is within the city limits of Carbondale and within a PUD, we felt confident that both would preserve what we love about the town and community we'll soon be a part of. That is why we are strongly opposed to the proposed amendment and Crystal Outdoors LLC's attempt to circumvent the community's will and voice, after all, every stakeholder within the PUD purchased real property with the knowledge of the rules and requirements including the majority vote of land holders for proposed changes. In my research, Crystal Outdoors LLC is neither interested in bettering Carbondale or RVR, but they are instead looking to profit at the community's expense. Had the changes they are seeking been in place, we know the \$3.5M paid would have been far higher with development rights in place.

Sincerely,

Sean and Kelly O'Brien

August 14, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck- Town of Carbondale Planning Director

Dear Planning and Zoning Commission,

I am writing to voice Carolyn's and my strong objections to Crystal Outdoors LLC's Plan to change the zoning on the driving range of Carbondale's public golf course for construction of a Boutique Hotel and/or low cost housing.

Carolyn and I have been a resident of Carbondale for over 20 years when we built our home in River Valley Ranch. Early on in my residency, I was honored by being appointed and serving on the Town's Planning and Zoning Commission. Of course the Town has experienced strong growth since then but has done so in a manner to serve its residents and keep the character of our Town.

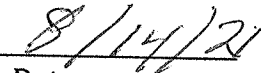
I would like to submit, for your consideration, two issues that strongly speak to the rejection of the petition of Crystal Outdoors:

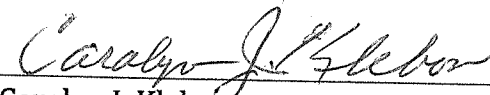
- 1) The RVR public Golf Course is a great asset to our Town. It has been designated one of the top 10 public courses in the State of Colorado and provides recreation for our residents as well as attracting many visitors to our Town. Without a driving range the RVR Golf Course would lose its value to Carbondale and cease to exist.
- 2) The existing PUD covering RVR Home-Owners and the RVR Public Golf Course adopted by our Town in the 2019's has been very functional and "stood the test of time". Striking down the current PUD would put all existing and future PUDs at risk

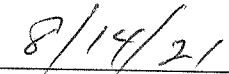
Thank you for your consideration of the above.

Sincerely,

  
Stanley J. Kleban

  
Date

  
Carolyn J. Kleban

  
Date

Stephen Bushong  
124 Pioneer Court  
Carbondale, CO. 81623

Date: August 17, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

1. My family has had this property in River Valley Ranch since it was first created, more than 20 years ago. We have always appreciated the amenities, especially those around the Ranch House and golf course.
2. We cannot fathom that the Town of Carbondale would consider changing the zoning of the golf course driving range. Our children have spent untold hours hitting golf balls, sledding, and generally enjoying the property now utilized as the range.
3. We are adamantly opposed to changing the current status of the driving range property in RVR. A change like what is being proposed would destroy the overall aesthetic of the neighborhood, create unwanted traffic concerns, harm the environmental aspects of that property, and generally modify negatively the entire subdivision.
4. Please take careful consideration of the wishes of the property owners of River Valley Ranch when making a determination of this issue. No owners want this to be modified.

Sincerely,

Stephen Bushong



To: The Town of Carbondale Planning Director and Permit Technician

Re: RVR Golf Course Development Opposition

I'm sure it is a huge challenge to represent the views of the entire Carbondale community, especially when they seem to be so far apart on issues. As a refresher and what stands out for me are the following highlights from the Town's response (*verbatim*) to the previous golf course owner's request for a change to the definition of our PUD in 2018:

- the loss of the driving range would be a significant and fundamental change to the PUD. Another point is that it *would set a precedent with other portions of the golf course potentially being eliminated in the future.*
- Replacement of this area with high density housing would reduce open space by 5.2%. Table 2.4-2 states that any change that results in a decrease of improved open space by 5% or more is considered a Major Amendment to a PUD.
- all property owners within the RVR PUD will be directly subject to the proposal due to the reduction of the open space within the PUD.
- The rezoning of the driving range to R/HD would result in an increase of vehicle trips. This would affect the street and transportation patterns within the PUD. Table 2.4-2 classifies this as a Major Amendment to the PUD,
- If the driving range is removed from the PUD and rezoned to R/HD, the high density on the driving range will intensify the use of the parks within the AVR PUD resulting in higher costs to the RVRMA
- Any increase in the density cap for RVR would also require a discretionary amendment of the Annexation Agreement.
- the water rights dedication commitments and cost-sharing obligations set forth in the RVR entitlement documents are further evidence of the intertwined relationship of the golf course and residential properties within RVR and why the driving range cannot simply be rezoned without reexamining the legal and physical water supplies available to the development.

Your challenge appears to be to determine what has changed since 2018 that would encourage you to redefine what constitutes "the real property" in favor of the investor/developer and ignore the RVR Community and the impacts that such a decision would have on the 543 homeowners within that community. Presently there are two roads that allow ingress and egress to and from the community at large, without "invading" the neighborhoods to the north. The resulting congestion that would evolve would negatively impact not just our community and the neighborhood to the north, but also, the traffic of highway 133. Though mentioned in the response to the request of 2018, this adds another layer of complexity to the "street and traffic pattern" concern.

So, would a decision that favors the investors/developers benefit the environment, RVR, the Town of Carbondale, the mid valley, or the Roaring Fork Valley as a whole? I think not, to all the above!

Respectfully submitted,      Stephen F. Chase   475 Boundary Lane   River Valley Ranch

606 North Bridge Drive  
Carbondale, CO 81623

August 16, 2021

Re: Proposed UDC Amendment

To The Town of Carbondale Planning and Zoning Commission:

My wife Lynne and I have lived at the above address for eleven years after coming from New York City, where the deterioration of the quality of life impelled us to move. Luckily, we found Carbondale and hope as many of you-that development and growth does not spoil the town's unique character.

Unfortunately, the proposed amendment to the Unified Development Code threatens the very nature of Planned Unit Developments. Just imagine if a minority of property owners-in this case one-can ignore existing covenants and rezone a PUD to the probable detriment of the majority. The 50+% owner approval requirement protects every property owner in all of Carbondale's PUDs and must be retained. We are confident that the P&Z Commission will see that this proposal is self-serving, offers absolutely no benefit to the town of Carbondale, and should be rejected.

Sincerely,

Steven Wolff and Lynne Feigenbaum

**Susan Edelstein**  
**678 North Bridge Dr.**  
**Carbondale, CO 81623**  
**suetraveler@gmail.com**

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

As a 17-year RVR resident, I am appalled at the attempt by Crystal Outdoors, LLC, to change the well-considered rules in Carbondale's UDC regarding land use changes in PUDs. Not only would implementing this proposal change the nature of the very successful River Valley Ranch community, but it would apply to all current and future PUDs in Carbondale and essentially remove the control that the Planning and Zoning Commission and the Trustees have over the nature of development in the community.

What a can of worms! And next would come a request for tax and development fee concessions from the Town.

Crystal Outdoors, LLC, knew the PUC rules when they bought the property. This attempt to circumvent them should be rejected by the town. To even give them consideration would be an affront not only to RVR residents, who have invested many millions of dollars into the community as we know it, but also to all of the Carbondale residents who voted in 1994 to approve River Valley Ranch.

I strongly oppose the town giving any consideration to this outrageous proposal.

Sincerely,

A handwritten signature in blue ink that reads "Susan F. Edelstein". The signature is fluid and cursive, with the first name "Susan" and last name "Edelstein" clearly legible.

Sue Edelstein

Dear Town of Carbondale Zoning and Planning Commission,

My husband, Dan and I moved to the Crystal Bluff neighborhood, in RVR, in October of last year. We specifically chose to live in RVR because we have children, who own businesses in the area, and we would like to live close to them and their families as we near retirement. We are also golf enthusiasts, and love the convenience of walking to the driving range and course, as well as watching other golfers play the course from our deck.

As new homeowners, we were unaware of plans for a boutique hotel and condominiums on the driving range property. We are adamantly opposed to any development on this beautiful site. River Valley Ranch is pristine, and that is why we moved here. Developing open, protected land, especially toward the entrance of a carefully planned community, changes the landscape look and feel permanently.

What strikes us, is that the 50% owner approval requirement was very purposely adopted to protect ALL owners within a PUD, from the efforts of one owner, to make changes that would not benefit others, but only enhance that owner, in this case, Crystal Outdoors, LLC. Changing development rules (specifically the PUD) erodes our community's confidence in the town of Carbondale's ability to control growth well into the future. Boutique hotels and condo's may be needed in Carbondale, but let's find a location where they truly belong. Sincerely,

Susan and Dan Blake  
1262 Crystal Bluff Loop

We are 7 + year homeowners and full time residents in RVR. We would like to register our strong opposition to the RVR Golf Course development plan by Crystal Outdoors. We oppose any attempt by Crystal Outdoors to seek to change the requirements for amending PUDs as set forth in the Unified Development Code requiring at least 50% of owners to sign/approve any application to amend the PUD. Please keep the status quo and deny Crystal Outdoors self-serving, ill-conceived request.

Sincerely,

Susan and Todd Christman  
[christmansusan@gmail.com](mailto:christmansusan@gmail.com)  
1118 Heritage Drive  
Carbondale, CO

Tami Cassetty

70 Ferguson Dr

Carbondale CO 81623

Date: August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission

511 Colorado Ave.

Carbondale, CO 81623

Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

I moved to Carbondale in 2001 and have been a resident of River Valley Ranch for just over 20 years. I love the family feel and having a tight knit community and have been thrilled to be able to raise my children here. I understand that development is inevitable in such a great town, but I am strongly opposed to building a boutique hotel where the driving range currently sits. This is not a good place for a hotel because it is in the middle of a residential neighborhood. The following are my primary objections.

### **Crystal Outdoors Self-Serving Request**

- The current owner is attempting to go behind owners' backs to remove them from the application considerations completely.
- The Colorado Planned Unit Development act of 1972 clearly states that a proposed change to a PUD "is not granted solely to confer a special benefit of any person".
- The PUD is reviewed as a whole, integrated development plan.

- Crystal Outdoors bought the property for \$3.5M in 2019 and it wants to increase its return on investment. The intent is not about the betterment of RVR, it is about profit.
- The 50% owner approval requirement was purposely adopted to protect *all* owners within a PUD from the efforts of *one* owner to make changes that would not benefit others but only enhance that owner.
- Lowering the standard, as suggested by Crystal Outdoors, would open all PUDs within the Town to threats from any one owner desiring to unilaterally change the property.

### **The RVR Community**

- Since 1995 RVR has been a special place to call home.
- Since 1995 RVR has had a public, world-class golf course in the heart of Carbondale.
- RVR is a unique community where each individual component creates and ensures value, aesthetic and quality of the whole.
- Land use approvals dictate 254 acres of open space specifically for public recreation and protects these lands from being used for purposes other than open space.
- RVR's open spaces (bike/walking paths, parks, river access, cross-country skiing, sledding hill and of course the golf course) are assets used by the Carbondale community, not just property owners.
- It's abundantly clear that the viability of the golf course and driving range directly affect and benefit all of the properties within RVR, and that the Town and developer designed it intentionally in the PUD for that result.
- RVR is a family within the Carbondale community where retirees have relocated to enjoy their sunset years, where young families are raising their kids, where long-time Carbondalians continue to thrive.
- The quality of life in Carbondale is stunning. With abundant open space, access to outdoor recreation and of course the majesty of Mount Sopris.

In closing, I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,

Tami Cassetty

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning and Zoning Commission,

We moved into the Carbondale community 11 years ago and have been more than happy with our choice. Our interest in skiing brought us to the Aspen area but like everyone the summers kept us here! Carbondale offered a perfect combination of housing opportunities, outdoor recreation, golf, hiking, biking, arts, restaurants, shopping and a well planned western town. RVR was a perfect fit!

We strongly oppose the attempt to change the Colorado planned unit development act of 1972. Open space was a strong consideration in the proposed RVR development. The publicly accessible golf course and driving range (open space) was a major consideration in approving the development and the terms of the agreement were well established. The Carbondale community values consensus building and inclusion, these are the core principles of the town and RVR. Anything that reduces the number of voices for the benefit of a single entity is extremely concerning. The RVR driving range is the only public driving range in the area and people come from all over the region to be able to practice their golf. It would be a great loss to eliminate that opportunity for the whole population.

We are not in favor of the referenced UDC amendment. It would be counter to the existing well planned community. Thank you for your time and consideration.

Sincerely,  
Taras J. Chwalk  
Kristin G. Chwalk  
449 Settlement Lane  
Carbondale



Tim and Donna McFlynn  
420 Boyd Dr  
Carbondale CO. 81623  
August 16, 2021

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
RE: Proposed UDC Amendment by Crystal Outdoors, LLC

Dear Town of Carbondale Planning & Zoning Commission,

We have lived in the valley the past 35 years and in Old Town RVR since the Spring of 2018, relocating from a horse ranch in Old Snowmass. Tim is a retired lawyer who spent the last twenty years working as a professional mediator. Donna is a career teacher currently working at the Basalt Regional Library.

We were attracted to Old Town RVR because of the incredible year-round amenities and network of roads and trails all expressly open to the public. These include fishing and hiking and cross-country skiing as well as the sledding hill so popular with families and their children from throughout our Carbondale community as well as RVR.

A world class golf course without a driving range and nearby putting and chipping area seems like a baseball diamond without base lines and a backstop. A boutique hotel for Carbondale should land on or near Main Street to benefit all our local art galleries, restaurants, retail stores and nonprofits.

We strongly oppose the proposed amendment and thank you for your consideration.

Very Sincerely,  
Tim & Donna McFlynn

Cc: Janet Buck/Planning Director

Tom and Cathy Cooney  
409 Boundary Lane  
Carbondale, Colorado 81623  
August 13, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, Colorado 81623

Dear Town of Carbondale Planning and Zoning Commission.

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch Owner)

We have been homeowners in River Valley Ranch (RVR) for the last 18 years during which time we have had a second home, a rental property, undeveloped land and now for the last 5 years our primary residence. We came and we have stayed because we love the Roaring Fork Valley and we love RVR. We have served on the Board of the Master Association and the Boundary sub association. We enjoy the golf course, the Ranch House, the walking paths, the restaurant and participate and use all the amenities RVR offers.

Over the last few years, we have followed what has been happening with the golf course and the ideas the current owner has for the driving range. None of these ideas seem at all in line with what we understood to be allowed under the PUD and covenants that we bought into. However, the most recent tactic taken by the golf course owner has us very concerned. We cannot believe he has bypassed all the normal steps taken and is trying to take the voice of the Homeowners in RVR away by the changes he is recommending. We chose to live in RVR because we thought we did have a voice and believed in the way the Town and RVR have worked together to provide for enjoyment for not only Homeowners but also the Carbondale community. We loved during COVID that so many from all over Carbondale came to walk at RVR, that the children of Carbondale have a sledding hill at RVR and that not only Homeowners, but Carbondale residents and tourist can enjoy the golf course, driving range and restaurant at RVR. The diversity of those using the facilities bring a smile to our face in times when elsewhere in the world divisiveness is so prevalent.

This is because we have a voice and our voices have been heard. The intentionality that has gone into our community over the years has made this an enviable place to live, raise families and be part of a shared community. We need this to continue and hope that the P&Z Commission will NOT support the proposed amendment by Crystal Outdoors LLC that will take that voice away and potentially some of the amenities we have grown to love.

Sincerely,

Tom and Cathy Cooney

CC: Janet Buck/Planning Director

Pam and Tom Tweed  
435 Boundary Lane  
Carbondale, CO. 81623

August 16, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC(River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO. 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & zoning Commission;

We have been residents of RVR since 2007 and moved to the Roaring Fork Valley in 1969. We sold an acre of land in Old Snowmass to move to the RVR Ranch Community to enjoy views of Mt Sopris, to live on the openness of the golf course, and to have a maintenance free lifestyle in our retirement.

We believe that the PUD plan should remain in place as this is what the current property owners bought into when they purchased their property in RVR.

We do not need a Boutique Hotel on the driving range—this should be in Downtown Carbondale. A Boutique Hotel in RVR would have a negative impact. The owners in RVR need to have an input on what goes on here.

We strongly oppose the proposed amendment and want to keep the PUD Plan in place. Thank you for your consideration.

Sincerely,

Pam and Tom Tweed

Tom and Sharon Dunne  
801 Lakeside Drive  
Carbondale, CO 81623

08-18-2021

Town of Carbondale Planning and Zoning Commission\  
511 Colorado Avenue  
Carbondale, CO 81623  
Attention: Janet Buck/Planning Director

RE: Proposed ~~UDC~~ Amendment by Crystal River Outdoors, LLC (River Valley Ranch Owners)

Dear Town of Carbondale Planning and Zoning Commission,

My wife and I moved to River Valley Ranch in Carbondale four years ago. We were attracted to this lovely community because of the family oriented beauty of our mountain community. Since living here, we have grown to appreciate the values and closeness that come with being a part of this small, active neighborhood. Those of us living here appreciate the benefits we gain from participating in our outdoor lifestyle on the golf course and driving range, the tennis courts, the walking trails and in our Ranch House activities.

We strongly oppose the proposed amendment as it conflicts with the reasons we choose RVR as our home. Please retain the requirements for amending PUDs needing at least 50% of owners approval to make changes..

Thank you for listening to the concerns of the people of River Valley Ranch.


Carl Hostetter and Tricia Hohl  
473 Boundary Lane  
Carbondale, CO 81623

August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

We've lived in the Valley since 1991. We recently moved down valley to Carbondale because the town reflects our values in its fight to maintain its character. The quality of life is stunning with abundant open space, and a vibrant diverse community.

As such, we find so many things wrong with Crystal Outdoors, LLC trying to build a boutique hotel and high-density housing on Public Use Land.

- One could argue that the owner knew the restrictions on purchase, however, trying to prevent the public/residents from voting on the proposed changes is not the Carbondale we know. In 2003, residents voted down the Crystal River Marketplace, a 255,000-square-foot retail project that included a site for a national chain in favor of maintaining the character of the town.
- Altering the golf course /driving range, would affect open space, parks, density, utilities, traffic, parking, and more. We expect these changes cannot happen without 50% approval of fellow RVR property owners.
- We already have adequate commercially zoned areas within the town and we don't need additional commercial rezoning of land meant for public use.
- RVR Golf attracts golfers from Denver, the Mid-West, and Texas (that we've met personally) these guests stay in our town and spend money here. The driving range is an integral part of that experience. The driving range has proven to be an asset to golfers, local kids' golfing programs taught on the range, and a venue for concerts in summer. It also preserves a wonderful view of Mt. Sopris for all to enjoy. This would disappear if Crystal Outdoors, LLC developed this land for personal profit and private use.

RVR open space is enjoyed by everyone, not just the residents and it should remain public use land. We strongly oppose the proposed amendment. Thank you for your consideration

Respectfully,



August 19, 2021

Town of Carbondale Planning Zoning Commission  
511 Colorado Ave  
Carbondale, CO 81623

Dear Town of Carbondale Planning and Zoning Commission,

I have lived in RVR for 7 plus years. I am a retired teacher, grandmother and a golfer among other things. When I bought my home in the Settlement area of RVR, I did a bit of research on the founding of this community and read the PUD approved by the Town of Carbondale and felt quite secure that this community would remain as stated in the PUD. The driving range is an important part of our golfing community.

The impact on the community as a whole would be enormous if the driving range portion of the golf course were to be developed into high density housing or a hotel. The children and adults of this community are all avid bikers and walkers and we are already seeing increased traffic from the Thompson Park development Making walking and biking difficult at times.

In closing, I strongly oppose the proposed amendment.

Sincerely,

Trudy Strassburger  
654 North Bridge Dr  
Carbondale, CO. 81623

Valerie Miller  
5145 Crystal Bridge Dr.  
Carbondale, CO 81623

Date: August 12, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director  
Mary Sikes/Permit Technician

Dear Town of Carbondale Planning & Zoning Commission,

We moved to River Valley Ranch (RVR) in August, 2013. We love our views, the open space afforded by the golf course, and the sense of community here.

We purchased property in RVR knowing that our investment would be preserved because the approved PUD in place would limit development within RVR to the intentionally planned parameters. We felt secure knowing that the nature of our community could not be changed without a majority of homeowners supporting such change and that one homeowner would not be able to unwind the PUD to their sole benefit.

Crystal Outdoors LLC purchased the golf course property knowing full well what the PUD included and that **it did not include development rights**. Now they want to change the rules to their sole benefit and to the detriment of the rest of the RVR homeowners. Allowing Crystal Outdoors to change the rules after the fact would not be in compliance with the Colorado Planned Unit Development Act of 1972 and will render all Carbondale PUDs meaningless, a precedent that the town of Carbondale should not and cannot allow.

In closing, I strongly oppose the proposed amendment. Thank you for your consideration.

Sincerely,



Valerie Miller



**William Houston Brown  
Deborah Kay Brown  
674 North Bridge Drive  
Carbondale, CO 81623**

August 13, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Avenue  
Carbondale, CO 81623

By email: Janet Buck, Town of Carbondale Planning Director  
jbuck@carbondaleco.net  
Mary Sikes, Town of Carbondale Permit Technician  
msikes@carbondaleco.net

Re: Crystal Outdoors, LLC's request for change to PUD, River Valley Ranch

Dear Commissioners:

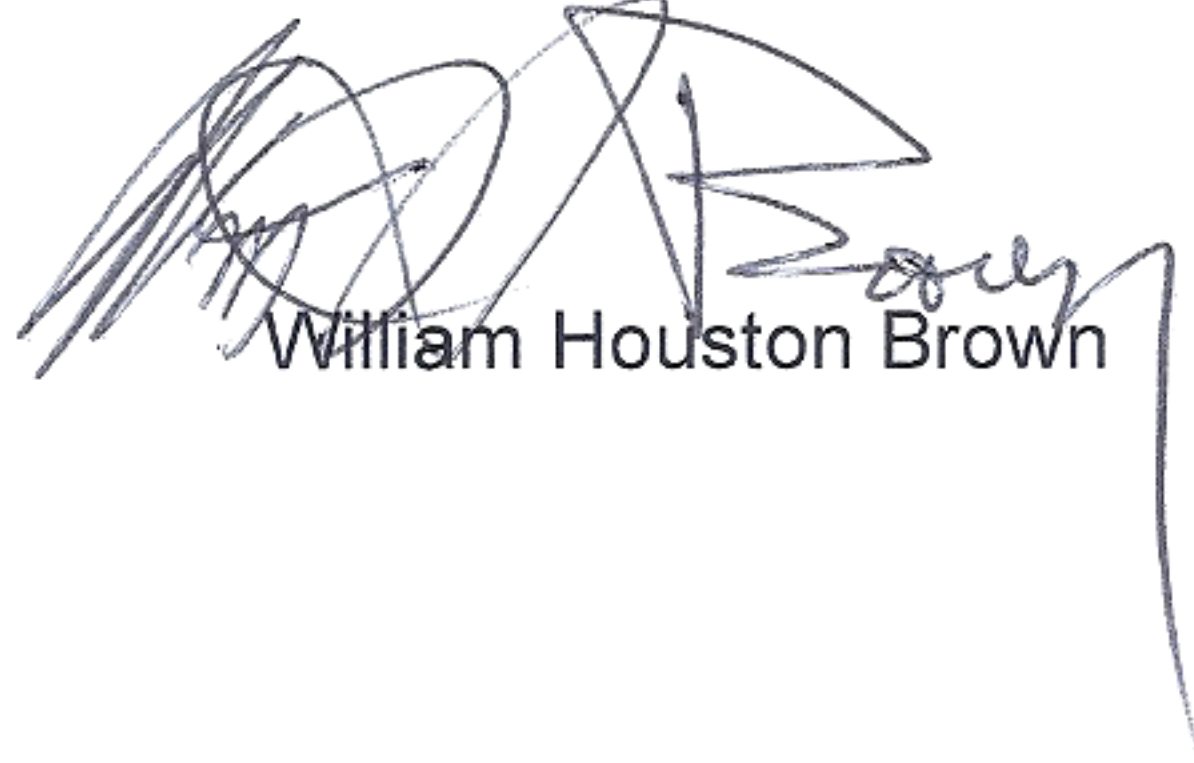
We are writing to oppose the request by Crystal Outdoors, LLC (Crystal) for the Planning and Zoning Commission to initiate changes to the established procedures and requirements for a PUD, specifically as that request relates to what is known as the driving range of the public golf course located in River Valley Ranch (RVR).

We have been owners and residents of RVR's Settlement neighborhood for seventeen years. We decided to live in Carbondale because of everything the Town and location had to offer, and because of the manner in which RVR had been developed. We are familiar with the governing documents for RVR and the history of the relationship between the Town and RVR. When we purchased our property, we were aware that governing documents for the PUD included various procedures and restrictions, which we knew were binding on us as property owners. This binding effect is no different for Crystal, which surely was well aware of the procedural and other requirements for the PUD, of which its golf course and driving range are a part.

Any change in the zoning for Crystal's property interest directly affects us and every other RVR owner, as well as property owners in other PUDs. Changing the procedural rules to permit Crystal to be the only one deciding future use of property that is and would always be part of the RVR PUD undermines the reliance every other owner placed on the governing documents. The Town of Carbondale entered into an Annexation Agreement with RVR's developer and that Agreement included restrictions on all property within the PUD, including the golf course and driving range.

Changing the rules now would destroy prior understandings and agreements between the Town and RVR's PUD. It would be a negative leap away from the Town's ability to regulate future PUD developments. Changing the procedural rules also is manifestly unfair to other developers who have complied with Town requirements.

It is our view that we are bound, Crystal is bound and the Town is bound by prior agreements regulating the RVR PUD. We oppose Crystal's attempt to change the procedures for its benefit alone.



William Houston Brown



Deborah Kay Brown



William and Carol Lightstone  
1164 Heritage Dr  
Carbondale, CO 81623

August 18, 2021

RE: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)  
Town of Carbondale Planning & Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623  
Cc: Janet Buck/Planning Director

Dear Town of Carbondale Planning & Zoning Commission,

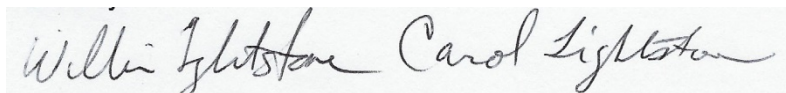
We have been visiting the Roaring Fork valley area since the early 1970's. We bought our home in River Valley Ranch in June 2001. Our decision to retire/purchase here was based on various factors-quality of life, outdoor activities and especially the quality of the RVR planned community. We have been full time residents since 2005.

We feel the amendment proposed by Crystal Outdoors, LLC in order to build a boutique hotel on the driving range would have a very negative effect on the overall quality of our RVR property and community. RVR is a residential community which is not an appropriate area for a hotel.

Crystal Outdoors was fully aware of all restrictions when they purchased the RVR golf course and should be required to abide by them.

We strongly oppose any changes to the current PUD requirements and restrictions.

Sincerely

A handwritten signature in black ink, reading "William Lightstone Carol Lightstone". The signature is written in a cursive, flowing style.

William and Carol Lightstone

Wolf and Nancy Gensch  
202 Holland Thompson Dr.  
Carbondale, CO 81623

August 13, 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Dear Planning and Zoning Commission,

Wolf and Nancy Gensch have owned property in River Valley Ranch for 7 years. After almost half a century living and doing business in the upper end of the valley, we wanted to downsize, simplify, semi-retire, and be closer to our grandchildren here in Carbondale. We're thrilled with our decision. For various reasons ranging from friends to climate to activities to the pace of life. We believe that River Valley Ranch is the best possible place in the world we could be at this time.

The Crystal Outdoors Company hopes and plans to construct commercial and residential units on the RVR golf course property. The RVR PUD states that the golf course and driving range are zoned specifically for golf and related uses only. For developmental purposes Crystal Outdoors' intention is to revise RVR's PUD Amendment Requirements in their favor.

Crystal Outdoors purchased the RVR golf course being fully aware of the restrictions of use on the property and the PUD amendment requirements. The importance of this golf course and driving range to RVR and Carbondale cannot be understated. It is a *public course*, inviting many residents of Carbondale and the Roaring Fork Valley to enjoy this course with beautiful fairways and stunning views. Another amenity is the irreplaceable opportunity Carbondale children have to sled on the driving range in the winter. In the summer, as was the case in 2021, large benefits can easily be held there as well.

Having a driving range as part of the golf course was a founding stipulation in the 1996 PUD approval for RVR. The Land Use Code dedicated 186.6 acres for a golf course – including a driving range. A sum total of 254 acres was approved for open space and recreational usage. The sidewalks and paths in RVR offer residents of RVR and Carbondale year round access to exercise and visual respite. RVR is a GEM in the Roaring Fork Valley – a non-commercial, friendly place for retirees and young working families as well. The mix is perfect.

River Valley Ranch is a tremendous asset for Carbondale – both for RVR residents and for others. In 1996 the town of Carbondale and the RVR developer *intentionally designed the PUD* as it presently stands – to be a residential, not a commercial community.

We therefore strongly opposed amendment or revision/modification to the original PUD document.

Thank you very much for considering our input.

Wolf and Nancy Gensch

Wolf and Nancy Gensch  
202 Holland Thompson Dr.  
Carbondale, CO 81623

August 13, 2021

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511 Colorado Ave.  
Carbondale, CO 81623

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Thank you very much for considering our input.

Wolf and Nancy Gensch

Nicholas and Carolyn Cole  
61 Crystal Canyon Dr.  
Carbondale, CO 81623

15 August 2021

Town of Carbondale Planning and Zoning Commission  
511 Colorado Ave.  
Carbondale, CO 81623

Attn: Janet Buck – Town of Carbondale Planning Director  
Mary Sikes – Town of Carbondale Permit Technician

Re: Proposed UDC Amendment by Crystal Outdoors, LLC (River Valley Ranch owner)

Dear Town of Carbondale Planning and Zoning Commission:

We purchased our home at 61 Crystal Canyon Drive in 2012. We became full-time RVR residents in June of 2020. We believe this is the best place to live in the world. We are golfers and enjoy the proximity of this excellent course. The driving range area is a part of the golf course and not having a driving range would negatively affect the golf course.

Even if we weren't golfers, we would value the aesthetics of the driving range property and believe developing it would lower our property value. To have some type of hotel, condos, or other development would change the ambience of the neighborhood and create traffic congestion. It was our understanding when we bought here that over 50% of the residents would have to ok any development of the driving range.

We believe strongly that the current ruling of the Planning Commission should be maintained and that no development of the driving range should be allowed.

Sincerely,

Nick and Carolyn Cole  
970-275-1170/479-236-9013