



Town of New Castle Planning & Code Administration  
450 W. Main Street Department  
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(1)

**Staff Report  
Riverside RV Park, INC.  
Final PUD Development Plan  
Town Council – November 3, 2015**

Report Date: October 30, 2015

**Project Information**

**Name of Applicant:** Robert Chatmas DBA Riverside RV Park, Inc.

**Applicant's Mailing Address /Phone:** 3363 S. Grand Ave., Glenwood Springs, CO 81601  
(970) 948-2018

**Property Address:** 7051 CR 335, New Castle, CO 81647

**Property Owner/Address:** Riverside Partnership, LLC in care of Sterling Peak Properties,  
600 E. Main St., Suite 103, Aspen, CO 81611

**Legal Description:** Lot 1, Section 2, Township 6, Range 91, Riverside Subdivision

**Proposed Use:** RV Park

**Size of Site:** 5.84 acres (3.32 acres above the water surface of the Colorado River)

**Street Frontage;** County Road 335 (owned and maintained by the Town of New Castle)

**Existing Zoning:** Highway Business

**Surrounding Zoning:** West – Industrial, East – Open Space/PUD &  
Residential/3/PUD, South – County – Rural, North – Colorado River

**Mineral Rights Owners:** CB Minerals Company, LLC, POB 1827, Pebble Beach, CA 93953

**Engineer:** Gamba & Associates

**Engineer Address/Phone:** 113 9<sup>th</sup> St., Suite 214, POB 1458, Glenwood Springs, CO 81602,

(970) 945-2550

**I Project History and Concerns:**

Robert Chatmas (applicant) submitted a Preliminary PUD Development Plan Application on August 4, 2015. A Preliminary Hearing before Planning and Zoning Commission took place on September 9, 2015. Members of the public attended and provided testimony. Testimony included many comments from the River Park HOA management and residents. As a result P&Z required that a workshop facilitated by an expert be utilized to reach consensus about certain issues of concern.

A workshop was held on September 22, 2015 that was facilitated by mediation expert, Larry Dragon of New Castle, CO. A summary, as requested by P&Z, was submitted on September 23, 2015. It included several topics but it appeared the major concerns were length of stay, unsightly RV's and trespass onto River Park property. This doesn't mean River Park residents do not have other concerns as well. Mr. Chatmas agreed to limit stays of less than thirty 30 days. However, Mr. Chatmis would like to create an opportunity, though, for long term renters to re-sign more than one 29 day contract after the renter has been evaluated as being a good citizen. The Planning & Zoning Commission considered this request at the final hearing on October 14, 2015. After deliberation, P&Z members approved of allowing RV renters to re-sign a contract to rent RV spaces for an additional 2 months, with Riverside RV Park management approval, meaning RV renters can stay up to 3 consecutive months. In addition, there will be no subleasing of RV rental spaces.

The length of stay issue is one council needs to discuss because, although limited to 3 twenty-nine (29) day contracts, what would keep the same renter from coming back to lease an RV space a week later and re-signing another 29 day contract and obtain management approval for 2 more 29 day contracts thus creating a situation where the renter is essentially establishing residence? This can obviously create a man camp situation. Council needs to discuss if there should be a condition that limits the length of stay with limits on the number of leases within a year. In other words, a condition that states one can have a maximum of 3 months stay within one year. Or, council has the discretion to change the P&Z recommendation and not allow a renter to stay beyond 29 days. With all due respect to P&Z, my recommendation, to eliminate the possibility of creating a man camp situation, is to restrict RV renters to one 29 day contract.

Also at the October 14<sup>th</sup> final hearing, the P&Z members approved of the type of RV that is allowed on the premises. Only class A, B, C motor homes and self-enclosed towables are allowed. However, P&Z members and staff did not have the opportunity to see examples of these types of RV's that were approved. Pictures of these RV's are included in the Town Council packet. Council needs to discuss if they would like to only permit certain types of RV's. In addition, P&Z members approved of a plan to limit unoccupied motor home and towables stay of 14 days. This means no one will be allowed to store their RV more than 14 days. Again, council needs to discuss if 14 days is too much or too little.

Also, P&Z did not make these conditions applicable to management and camp hosts which makes sense in most cases. However, what is keeping camp host RV's and Mr. Chatmas from storing his RV year round and unoccupied greater than 14 days?

P&Z members had concerns about whether or not this site is identified as the South Gateway to New Castle. It is not as indicated by the New Castle Comprehensive Plan Future Land Use map which is included in council packet.

Regarding trespass issues, the applicant will mitigate this by posting signs prohibiting access to River Park property and build a 3 rail fence along the east RV Park property line. Mr. Chatmas has also discussed constructing a berm on River Park property to also help with mitigating trespass, noise and sight disruption with the River Park Board President, George Blocker, and River Park HOA Management.

This issue of building a berm on River Park property is complicated by an existing River Park emergency access gate and subsequent route using the RV Park proposed entrance/exit road as well as an existing fire hydrant designed to be used for both River Park Condos and the RV Park. Mr. Chatmas, River Park HOA president, George Blocker, Fire Marshall, Orin Moon and me have met several times on site to discuss this issue. The Town Engineer has not requested detailed construction plans until building permit meaning we will not know if a fire truck can easily make the 50 foot outside turning radius when exiting River Park onto the RV Park. It is possible a new emergency access road using River Park property will be employed and, again, it depends on detailed grade level site plans. One River Park resident has stated that he does not agree with using HOA dues to build a berm or spend any money mitigating sight, noise and trespass. He asserted that the cost should be borne by the developer. This agreement to pay for the berm and new emergency access road (if required by the Fire Marshall) between the River Park HOA and Mr. Chatmas to do so is entirely up to the applicant and the River Park HOA unless council requires this upon condition of approval. Mr. Chatmis has agreed with River Park HOA to help build the berm during the construction process.

Also, as requested by River Park residents, the applicant will construct pathways to the Colorado River and there will not be a trail along the river to access Grand River Park which is located north of River Park Condos.

Other issues of concern are addressed in the Mediation Workshop Summary dated September 23, 2015.

In conclusion, the following are issues of concern for council to discuss:

- 1) How long should be the length of stay for renters? (see below)
- 2) Should renters be allowed to sign two additional 29 day consecutive contracts with management approval? Or, should there be fewer than 2 or more than 2?
- 3) Should renters be limited to the number of stays to certain amount of days within a year? P&Z recommended that one could stay for 3 consecutive 29 day stays with management approval. Should there be a limit on how many days one can stay within one year?
- 4) Should council allow self-contained type A, B, C and towables or should they be limited to a certain type of RV?
- 5) P&Z recommended that renters can leave their RV unoccupied for 14 days. Should this be limited to less than 14 days or more than 14 days?
- 6) Should the developer be responsible for all costs associated with constructing a berm to include landscape (trees, bushes, etc..)?
- 7) Should the developer pay for a new emergency access road on River Park property if detailed construction plans show that a fire truck can't make the 50 foot turning radius exiting from River Park emergency access gate?
- 8) Should camp hosts and management be immune from the 14 day allowance for an unoccupied RV set forth by P&Z, meaning should they be able to park their RV's and leave their RV's unoccupied for more than 14 days?

## **II Description of Application:**

This application is a request to create an RV Park with 18 spaces. The applicant, Robert Chatmas, has alluded to the RV Park as one that is “*motel lite*” in the absence of developing a motel/hotel which requires a conditional use permit. According to Mr. Chatmas, the RV use of this land is temporary until the economic climate allows for building a motel/hotel. There is no certainty that a motel/hotel will be constructed due to unforeseen economic volatility. If approved, the applicant is advised to keep the Town notified prior to a change in use during the period where the land is being used as an RV Park. A reclamation plan was submitted to the Town after the P & Z Preliminary Hearing on September 9, 2015 to address maintenance, safety and security if the RV Park is abandoned.

The type of Recreation Vehicles allowed are the ones which contain their own showers and restrooms. No tent camping will be allowed. Other high end amenities like pool, laundry, community showers, public restrooms or community building will not be located on the lot.

Three (3) of the 18 RV spaces will be occupied by two (2) host campers and one (1) will be reserved for management. If there are not host campers, the RV Park will not be open. It is the intention of this application NOT to create a man camp to be occupied by renters who want to live and work here. This is a serious issue because the intent of the Comprehensive Plan is that the “Town will strive to support and increase tourism, visitation and recreational development.” The council needs to discuss this issue and methods of how to regulate and enforce this condition of the approval of the RV Park.

Site amenities for each space will include: 1) Hook-ups for 50/30/20 amp electrical service, 2) Water connections, 3) Sewer connection (3” attachment/clean-out drain), 4) Picnic table and 5) Wi-Fi service. Mr. Chatmas met with Police Chief, Tony Pagni, who advised that a campfire using the proposed fire ring is not allowed from April 1<sup>st</sup> to November 1<sup>st</sup> therefore Mr. Chatmas has eliminated this amenity. There should be little need for RV generators since electric service is provided. Generators and loud noise will be prohibited between 10:00 P.M. and 8:00 A.M.

There will be 4’ – 5’ wide footpaths leading to 5 picnic tables located on a “bench” above the Colorado River. Signs will be posted along the river indicating it is private land.

Mr. Chatmas stated in his cover letter that the transition from RV Park to a motel/hotel will be seamless and economically practical. Until this happens, the Town will benefit from the 2.5% lodging tax and increased sales tax and other economic impacts from travelers who stay at the RV Park.

## **III Development Application Contents:**

1. Development application/Cover letter
2. Proof of legal ownership (Addresses of ownership, authorization to lease & mineral ownership)
3. Existing topography
4. Site plan with emergency vehicle traffic circulation
5. Preliminary utility infrastructure plan
6. Traffic study
7. Rock fall mitigation and grading plan
8. Waste Engineering report
9. Stormwater analysis engineering report

10. Signage, lighting, bike path and landscaping
11. Irrigation water supply letter
12. Applicant statement/other comments
13. Names/addresses of adjacent property owners within 250 feet
14. Pictures of “overlays” of RV’s at the proposed RV Park
15. Pictures of RV guests at Silt and No Name RV parks
16. Addendum documents for Preliminary RV Preliminary hearing with P&Z
  - a. Department of Army letter
  - b. Email from GARCO Planner, Tamra Allen
  - c. Rules and Regulations dated 8/26/15
  - d. Proposed signage
  - e. New Castle Police email
  - f. Riverpark HOA letter
  - g. SGM report dates 9/1/15
  - h. Colorado River Fire & Rescue letter
  - i. Riverpark resident comment letter (Palmer)
17. Addendum documents for Final hearing with P&Z
  - a. Landscape plan
  - b. Reclamation plan
  - c. EQR’s as agreed upon with applicant and Town engineer
  - d. Department of Army letter
  - e. Rules & Regulations dated 9/23/15
  - f. Mediation meeting summary
  - g. Memorandum on length of stay from Town Assistant Attorney
  - h. SGM report dated 10/9/15
  - i. Resolution NO. PZ-2015-3 (includes Exhibit “A”)
  - j. Differences between motorhomes class A, B & C
  - k. Pictures of class A, B & C motorhomes and towables
  - l. Rules & Regulations dated 11/3/15
  - m. New Castle Comprehensive Plan Future Land Use map

#### **IV Final PUD Development Plan Illustration Requirements & Staff Comment**

##### 1. Adjacent land uses

**Staff Comment:** The adjacent land uses are on the Topographical Survey Map. They are: east – open space and R/3PUD, west – industrial, south – Garfield County/rural and north – Colorado River.

##### 2. Boundary & size of site

**Staff Comment:** The boundary & size of the site can be found on the Topographical Survey Map. The total acreage is 5.84 with 4.21 acres that are unusable except for footpaths and picnic tables. The RV Park will occupy 1.63 acres for 18 RV spaces, a kiosk, vehicle circulation road and a 6 ½ foot berm to act as a barrier due to rock fall mitigation that is required. This is an undersized berm and must be increased in size should a motel or hotel be located on the site. Jeff Simonson can discuss this further.

##### 3. Existing topographic character of land at contour level of 2 feet if slope is less than 10 percent and 5 feet if slope is greater than 10 percent

**Staff Comment:** The Preliminary Grading Plan and Rockfall Mitigation Berm Map illustrates

this with a contour level of 2 feet as the slope is less than 10 percent

4. Proposed land uses and their respective acreage

**Staff Comment:** The Topographical Survey Map shows the acreage and the Preliminary Site Plan with Traffic Circulation depicts the useable portion of the lot with 18 RV spaces, kiosk or check-in station, rockfall mitigation berm and 5 picnic tables located on a bench south of the Colorado River's edge

5. Location and size of proposed public & semi-public uses both dedicated and other, including water, sewer and drainage infrastructure to service the project and all utility infrastructure

**Staff Comment:** The concrete bicycle/pedestrian trail will meet the Public Works required specifications according to Mr. Chatmas. The Preliminary Utility Map includes location of water and sewer. The Stormwater Analysis Post-Development Conditions Map demonstrates the drainage plan

6. Existing & proposed vehicle circulation system, including arterial, collector & local streets, proposed bicycle/pedestrian paths, off-street parking areas, service and loading areas & major points of access to public rights-of-way

**Staff Comment:** The Preliminary Site Plan with Traffic Circulation Map proposes a circular traffic pattern on the lot. The main entrance is located at the east end of the lot and access is by way of using CR 335. RV guests will enter through this access point and exit as well. The roadway will consist of road base and not be paved. The applicant is advised to continue to maintain the road so that it remains relatively dustless.

Colorado River Fire Rescue has required there be an emergency access to CR 335 on the west end of the inland road with a gate across it. CRFR also requested an additional fire hydrant on the west end as well. In addition, CRFR requires that the footpaths be at least 4 feet wide to support a gurney if CRFR needs to transport a sick or injured RV guest.

A Vehicle Trip Generation Analysis has been prepared by the Gamba & Associates Engineering firm. At full occupancy, the Average Daily Traffic Rate is 74.38 per acre, and the PM Peak Hour rate of trip generation is .39 vehicle trips per acre. The Calculated Average Daily Traffic is 121 vehicle trips per day and at PM Peak Hour Traffic is 1 vehicle trip per hour. However, this study was based on a single traffic study which was performed several years ago. Accordingly, for comparison purposes, Gamba & Associates reviewed Trip Generation Rates for a Mobile Home Park, which are an Average Daily Traffic Rate of 4.99 per residential unit and a PM Peak Hour Rate of 11 vehicle trip per hour.

There will be no public streets on the lot and there is no need for off-street parking, service and loading areas. An addendum to this application includes RV Park Rules and Regulations. Rule #3 states there will be no parking of vehicles or storage of personal items outside of designated guest RV spaces. It also states there will be no ATV operations as requested by the River Park HOA

Also, the Riverpark emergency access with a gate across it is located on the east end of the lot and signs need to be posted indicating something like PARKED VEHICLES WILL BE TOWED at this emergency access point.

Rule #5 addresses additional vehicle that renters may bring to the site. They are not allowed

unless they are towed behind RV's and registered. Vehicles not registered will pay a rental fee of \$25/day and or be towed. Guests of renters are not allowed to park vehicles in the RV Park.

In addition, Rule #11 requires that all vehicles have full liability insurance and if the guests cannot provide evidence of insurance, they will not be allowed to stay at the RV Park.

7. Areas of potential hazards, including the 100 year flood plain & floodway, geologic hazards including subsidence or other similar hazards, & if mineral extraction value may be economically feasible

**Staff Comment:** A Stormwater Analysis study was completed by Gamba & Associates Engineers. The conclusion from this report states, "This stormwater analysis demonstrates that the proposed development of the RV Park will not result in a post-development increase in the peak rate of stormwater runoff in accordance with the Town of New Castle town code."

HP Geotech completed a review of Rockfall Mitigation Plan. HP reviewed CTL/Thompson report where CTL said the rocks on the property and the uphill slope were observed to be typically 4 – 6 feet in size (Report dated July 22, 1997, job No. GS-2204). HP conducted a rockfall simulation analysis for an average rockfall size of 5 feet and developed recommended barrier wall heights.

Essentially there will be a vegetated berm/barrier irrigated by using raw water from the Colorado River on the south boundary extending from the entrance on the east end of the lot and extending west 480 feet. It consists of "an uphill, vertical face mechanically stabilized earth (MSE) embankment of 6.5 feet high with a top width of 5 feet and graded back slope of 2 horizontal to 1 vertical down toward the RV Park." The applicant will have to deliver to the Town a contract with West Divide Water Conservancy District to supply raw water from the Colorado River to water landscape on the berm and elsewhere on the lot.

Included in the application is a letter from the Colorado Department of Labor and Employment Division of Oil and Public Safety. This letter confirms that after the former building that was razed in 2008 and gas tanks removed that, a "No Further Action Report has been prepared."

Also included in the application is a letter dated October 1, 2015 from Department of Army – U.S Army Corp of Engineers which states, " ... the proposed work will not result in the discharge of dredged or fill materials within the waters of the United States. Therefore a Department of Army Permit is not required for this work."

8. Written Statement including:

- a. Nature, design, & appropriateness of proposed land use arrangement for size & configuration of property involved

**Staff Comment:** The application appears to utilize the land as most efficiently as possible with only 1.63 acres available for use as an RV Park. There are no structures except for a check-in kiosk. Council must decide if an RV Park is appropriate for this zone district with neighboring River Park residential units close by.

- b. Statement of present ownership & legal description of all land within PUD

**Staff Comment:** Both are included in the application. Mr. Chatmas has a five year (5) lease

with option to purchase the land.

- c. General indication of the anticipated development schedule

**Staff Comment:** In the application Mr. Chatmas anticipates infrastructure improvements will occur during the winter of 2015 and the park will open during spring of 2016 pending Town approvals with the P & Z Commission and Town Council.

- d. Comparison of comprehensive plan to proposed land use including discussion supporting any modifications to or lack of compliance with the comprehensive plan

**Staff Comment:** It seems the land use is in basic compliance with the comprehensive plan. One goal of the plan is to promote tourism and the proposed RV Park will accomplish that. Constructing a motel/hotel would be the highest and best use of the land, but the economic reality is there is probably not the demand yet for one or the other.

- e. Fiscal impact projections study, as may be more specifically requested by the Town

**Staff Comment:** The staff does not recommend a fiscal impact study, however, a 2.5% lodging tax at full occupancy may generate approximately \$5,000 per year and sales of other goods and services within New Castle may add another \$5,000 in revenue per year as well.

- f. Names and addresses of owners of property located within 250 feet of the subject site

**Staff Comment:** The applicant has supplied this information.

**V Other Factors to Consider for Approval and Staff Comment:**

1. Whether the application is generally compatible with adjacent users

**Staff Comment:** The RV lot is a PUD and zoned Highway Business and does meet the minimum land use criteria for an RV Park (See Attorney memo). The River Park Condominiums are located east of the lot and there appears to be opposition from some River Park residents. However, there will be conditions that will deter RV guests from accessing the nearby River Park Condominiums' lot as well as RV Park Rules & Regulations limiting the noise level (among other rules) and signage to keep RV guests from taking shortcuts using the River Park lot to access Grand River Park.

2. Whether the application is consistent with the Town's Comprehensive Plan

**Staff Comment:** One of the guiding principles of the Comprehensive Plan is "The Town will strive to support and increase tourism, visitation and recreational development." This application demonstrates basic compliance with the Comprehensive Plan.

3. Whether the Town has the capacity to serve the proposed uses with water, sewer, fire and police protection

**Staff Comment:** Access and supply for water and sewer is available. The applicant will be charged additional EQR fees and a monthly surcharge to cover lift station costs. The Fire Marshall and Town Police Chief are supportive of the application after working out an agreement to satisfy both individual's concerns and questions.

4. Whether the uses proposed within the PUD are uses permitted outright within the zone district contained within the PUD

**Staff Comment:** The description of the Highway – Business zone District states, "The purpose of the highway – business district is to provide an area for highway-oriented commercial

development...” Although an RV Park is not listed as a permitted use, nonetheless, it does meet this goal.

5. Whether the number of dwelling units permitted by the underlying zone district is not exceeded by the PUD plan

**Staff Comment:** This question does not appear applicable with the application.

6. Whether the PUD utilizes the natural character of the land, includes compatible land uses, provides for fire and police protection, off-street parking, vehicular, pedestrian, and bicycle circulation, outdoor recreation, is of overall compatible architectural design, achieved adequate screening, buffering and aesthetic landscaping, avoids development of areas of potential hazard, ensures compliance with performance standards, and meets all other provisions of the applicable ordinances of the Town.

**Staff Comment:** Many of the items above have been addressed in this report. The applicant will not remove existing natural landscape close to the Colorado River except to construct pathways to picnic benches. A few large cedar trees near the south lot line may need to be removed. However, there will be conditions to support further development of this property.

**VI Staff Recommendation:**

Staff recommends the approval of the RV Park with the following conditions:

1. All representations of the applicant in written and verbal presentations submitted to the Town or made at public hearings before the planning commission or Town Council shall be considered part of the application and binding on the applicant;

2. The applicant shall comply with all applicable building, residential, electrical and municipal code requirements including all sign code regulations;

3. In the event the Town receives any complaints about the use of the site or observes or becomes aware of any violations of conditions of approval, the Applicant and/or owner may be summoned before the Town Council in a public meeting to show cause why the business license should not be revoked, suspended, or additional conditions imposed. Such show-cause hearing shall be open to the public and the Applicant or owner may present testimony or offer other evidence on its behalf;

4. The applicant shall reimburse the Town for any and all expenses incurred by the Town regarding this approval, including without limitation all costs incurred by the Town’s outside consultants such as legal and engineering costs;

5. RV renters are limited to one 29 day length of stay contract;

6. All lighting shall be downward facing and dark sky compliant;

7. Prior to issuance of a certificate of occupancy, Applicant will construct a 3 rail fence and berm on the east property line of a length approved by Town staff;

8. After one year of full Park operation, Town staff shall review and analyze the Park’s metered Water and sewer use to determine whether .1 EQR per RV space reflects the Park’s actual utility use and adjust tap fees accordingly;

9. Applicant shall enter into a development agreement with the Town addressing, among other things, berm, bike path, and pathway construction, weed and dust mitigation, site irrigation, tap fee payment, water rights dedication, and other issues deemed necessary by Town staff;

10. Applicant shall not operate the RV Park unless at least one camp host is available to occupy the RV Park;

11. Subject to approval by the Town engineer, Applicant shall address the concerns and conditions Set forth in the memorandum attached to Resolution No. PZ-2015-03 as **Exhibit "A"**;

12. Only class A, B, and C motor homes and self-contained towables shall be permitted in the Park and the Park's Rules and Regulations shall be updated accordingly; and

13. Park guests shall not be permitted to leave their reserved spaces unoccupied for more than Fourteen (14) days