

October 7, 2015

**MEMORANDUM**

TO: Town of New Castle Planning & Zoning Commission  
FROM: Robert Chatmas, Applicant & Town Staff  
RE: Riverside RV Park PUD Development Plan – Length of Stay

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**INTRODUCTION**

On August 4, 2015, the Town received a development application (“Application”) from Riverside RV Park, Inc. (“Riverside”) detailing its proposed development of Lot 1 of the Riverside Park Subdivision (“Property”). A public hearing in front of the Town Planning & Zoning Commission (“Commission”) was held regarding the Application on September 9, 2015. At the hearing the Commission approved the Application subject to certain conditions. One such condition requires that Town staff and Riverside provide a joint report to the Commission regarding the length of time RV Park patrons should be permitted to stay at the Park.

**RIVERSIDE’S POSITION**

At the September 9<sup>th</sup> hearing, it was Riverside’s position that, in general, Park guests would be limited to stays of less than 30 days. However, Riverside also expressed its willingness and desire to allow certain guests to stay at the park for more than 30 days if they meet Riverside’s requirements. According to Riverside, the issues associated with long-term stays are the result of poor management, and Riverside is committed to ensuring that management of the Park is top priority. Since the hearing, Riverside has decided that it would be ok with limiting all guests’ reservations to less than 30 days, provided that guests would not be prohibited from making consecutive reservations.

**STAFF’S POSITION**

Section 3.32.030 of the Town municipal code establishes a 2.5% lodging tax on the price paid for “short-term lodging.” “Short-term lodging” is defined as “the leasing or renting of rooms or other accommodations for a period of time less than thirty (30) consecutive days.” As such, it is Town staff’s position that Park guests should be limited to stays of less than 30 days to ensure the Town receives the lodging tax. This same tax applies to patrons of the Econo Lodge.

Whether a limit should be placed on the number of times a guest can renew a reservation or whether Park guests should be required to leave the Park in between stays is a decision for the Commission. The Property is zoned as Highway Business; the purpose of that zone district is “to provide an area for highway-oriented commercial development along major arterial and collector

highways in such a manner as to minimize interruption of traffic flow, safeguard pedestrian movement, and optimize the aesthetic appearance to passing motorists." If guests are allowed to renew reservations indefinitely, the Town runs the risk that the Park will turn into something akin to a storage lot or mobile home park which may or may not fit with the purpose of the zone district. Moreover, residents in the adjacent Riverside Condominiums have expressed their concern that allowing guests to stay for more than 30 days would be detrimental to their property values and the nature of the area. Conversely, other lodging establishments such as the Econo Lodge are not required to limit their guests' stays to less than 30 days.

Considering that the Park will not provide any amenities such as water, sewer, bathrooms, showers, etc., the risk that multiple guests will stay for multiple 30-day periods is not great. Nonetheless, the Commission must decide whether allowing long-term stays through unrestricted reservation renewals is (a) compatible with adjacent land uses; (b) is consistent with the comprehensive plan; and (c) permitted by right or special review within the Highway Business zone district.



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**Staff Report  
Riverside RV Park, INC.  
Final PUD Development Plan  
Planning & Zoning Commission – October 14, 2015**

Report Date: October 8, 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

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**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,

**I Project History:**

Robert Chatmas (applicant) submitted a Preliminary PUD Development Plan Application on August 4, 2015. A Preliminary Hearing before Planning and Zoning 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 and trespass onto River Park property. This doesn't mean River Park residents have other concerns as well. Mr. Chatmas agreed to limit stays of thirty 30 days. However, Mr. Chatmis would like to create an opportunity, though, for long term renters to re-sign another 30 day contract after the renter has been evaluated as being a good citizen. This appears to be subjective, but those who violate the RV Rules and Regulations should be, in the opinion of this writer, prohibited from applying for a second thirty (30) day contract. It is the desire of the HOA and residents of River Park Condos that no spaces should be occupied by the same renter for more than 30 days. In addition, there will be no subleasing of RV rental spaces.

Regarding trespass issues, the applicant will mitigate this by posting signs prohibiting access to River Park property and build a 2 or 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, This agreement to do so is entirely up to the applicant and the River Park HOA. 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

Since the P&Z hearing of September 9, 2015, the applicant has submitted the following:

1. Reclamation Plan dated September 10, 2015
2. Landscape Plan dated September 10, 2015
3. Letter from the US Army Corp of Engineers dated October 1, 2015
4. Summary of EQRs meeting with Town Engineer, Jeff Simonson dated September 17, 2015
5. Revised RV Park Rules and Regulations dated September 23, 2015
6. Mediation Workshop Summary dated September 23, 2015
7. Final PUD Development Plan Application dated September 10, 2015

**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. No RV space can be rented out beyond thirty (30) days. It is Mr. Chatmis' intention NOT to create a man camp to be occupied by renters who want to live and work here.

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 will eliminate 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. Applicant cover letter/development application
2. Proof of legal ownership (Addresses of ownership, authorization to leasees & mineral ownership)
3. Existing topography
4. Site plan with emergency vehicle traffic circulation
5. Utility infrastructure plan
6. Traffic study
7. Rock fall mitigation and grading plan
8. Stormwater analysis engineering report
9. Signage, lighting, bike path and landscaping
10. Irrigation report
11. Names/addresses of adjacent property owners within 250 feet
12. Pictures of "overlays" of RV's at the proposed RV Park
13. Pictures of RV guests at Silt and No Name RV parks
14. Rules and Regulations (updated on September 23, 2015)
15. Proposed Signage
16. Landscape plan dated September 23, 2015
17. Reclamation plan dated September 23, 2015
18. US Army Corp of Engineers letter dated October 1, 2015
19. Email from GARCO Long Range Planner, Tamra Allen dated August 20, 2015

20. EQRs as agreed upon with applicant and Town Engineer dated September 17, 2015
21. Mediation Meeting Summary of September 23, 2015

#### **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.

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.

According to Mr. Chatmas, the proposed concrete bike/pedestrian trail will meet New Castle Public Works Manual specifications.

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." Please see Jeff Simonson's report regarding this.

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. Mr. Simonson will

also comment on required rockfall mitigation as well.

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."

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. Since there are no structures except for a check-in kiosk, there seems to be of no other concerns not already discussed.
- 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 (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 according to Mr. Chatmas, 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 enough distance so as not to severely impact the 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.

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 substantial 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. Generally, the application appears to satisfy most of the issues above. 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. All lighting shall be downward facing and dark sky compliant;
6. Prior to issuance of a certificate of occupancy, Applicant will construct a 2 or 3 rail fence on the east property line extending approximately 80 feet from the southeast lot corner to the south side of the River Park emergency access gate and from the north end of the gate approximately 50 feet;
7. 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;
8. 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;
9. Applicant shall not operate the RV Park unless at least one camp host is available to occupy the RV Park; and
10. 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"**