

**TOWN COUNCIL
TOWN OF GYPSUM, STATE OF COLORADO**

RESOLUTION NO. 09 (SERIES 2023)

**A RESOLUTION OF THE TOWN OF GYPSUM APPROVING
THE THIRD AMENDMENT TO THE RIVER DANCE RV PARK
ANNEXATION AND DEVELOPMENT AGREEMENT**

WHEREAS, the Town of Gypsum, Colorado ("Town"), is a home rule municipality of the State of Colorado, duly organized and existing under Article XX of the Colorado Constitution and the Gypsum Home Rule Charter effective October 21, 1982; and

WHEREAS, Owner is the owner of the real property within the Town known as the River Dance RV Resort; and

WHEREAS, pursuant to Section 18.08.180(3)(a) of the Gypsum Municipal Code, the Community Development Director has approved a minor amendment to the PUD zone district for the River Dance RV Report; and


WHEREAS, for ease and clarity in recording the amendments, the parties desire to amend the River Dance Annexation and Development Agreement to incorporate the minor amendments approved by the Community Development Director.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Gypsum, Colorado, as follows:

1. Approval of Third Amendment to River Dance Annexation Agreement. The Third Amendment to River Dance RV Park Annexation and Development Agreement, attached hereto as Exhibit A and incorporated herein, is hereby approved.
2. Effective Date. This Resolution shall become effective immediately upon adoption by the Town Council.
3. Severability. If any part, section, subsection, sentence, clause, or phrase of this Resolution is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining provisions.

Approved and Resolved this 23rd day of May 2023 at a regular meeting of the Town Council of the Town of Gypsum, Colorado by a vote of 6 in favor and 0 against.

TOWN OF GYPSUM

By: 
Stephen Carver, Mayor

ATTEST:


By: 
Becky Close, Town Clerk



EXHIBIT A

**THIRD AMENDMENT TO RIVER DANCE RV PARK
ANNEXATION AND DEVELOPMENT AGREEMENT**

**THIRD AMENDMENT TO
ANNEXATION AND DEVELOPMENT AGREEMENT
RIVER DANCE RV RESORT**

This Third Amendment to the Annexation and Development Agreement for River Dance RV Resort (“Amendment”) is entered into this 23rd day of May 2023 by and between the Town of Gypsum, Colorado, a home rule municipal corporation (“Gypsum” or “Town”) and Fortius Capital (“Owner”).

RECITALS

A. Owner is the owner of the real property (“Property”) listed on Exhibit A, attached hereto, and incorporated herein, known as the River Dance RV Resort.

B. Owner or Owner’s predecessors entered into various agreements with Gypsum related to the development of the Property, including that Annexation and Development Agreement dated January 9, 2018 and recorded in the real property records of the Eagle County Clerk and Recorded on April 10, 2018 at Reception No. 201805305, as amended by the First Amendment to Annexation Agreement records on November 3, 2019 at Reception No. 201916616 and the Second Amendment to Annexation Agreement recorded December 14, 2020 at Reception No. 202024143 (collectively, the “Agreement”).

C. Pursuant to Section 18.08.180(3)(a) of the Gypsum Municipal Code, the Community Development Director has approved a minor amendment to the PUD zone district for the Property.

D. For ease and clarity in recording the amendments, the parties desire to amend the Agreement to replace Exhibit B, Development Plan, and Exhibit C, PUD Guide, with the minor amendments approved by the Community Development Director.

AGREEMENT


NOW THEREFORE, in consideration of the mutual covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby agree as follows:

1. Amendment of Exhibit B, Development Plan. Exhibit B of the Agreement, Development Plan, is hereby amended and replaced in its entirety by the Development Plan as shown on Exhibit B, attached hereto and incorporated herein.

2. Amendment of Exhibit C, PUD Guide. Exhibit C of the Agreement, PUD Guide, is hereby amended and replaced in its entirety by the Zone Regulations as shown on Exhibit C, attached hereto and incorporated herein.

3. Miscellaneous. Except as specifically modified herein, the Agreement shall remain in full force and effect. This Third Amendment, as it amends the Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

Executed as of the first date written above.

“Gypsum”
TOWN OF GYPSUM
By: 
Steve Carver, Mayor

Attest:


Becky Close, Town Clerk

“Owner”
FORTIUS CAPITAL

By: _____

STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this _____ day of _____, 2023 by _____ as _____ of and on behalf of Fortius Capital.

Witness my hand and official seal.

My commission expires: _____

Notary Public

3. Miscellaneous. Except as specifically modified herein, the Agreement shall remain in full force and effect. This Third Amendment, as it amends the Agreement shall be governed by and construed in accordance with the laws of the State of Colorado.

Executed as of the first date written above.

“Gypsum”
TOWN OF GYPSUM

By: _____
Steve Carver, Mayor

Attest:

Becky Close, Town Clerk

“Owner”
FORTIUS CAPITAL

By: _____


STATE OF COLORADO)
) ss.
COUNTY OF EAGLE)

The foregoing instrument was acknowledged before me this 25th day of May, 2023 by Michael Pearson as owner of and on behalf of Fortius Capital.

Witness my hand and official seal.

My commission expires: August 30, 2026

Kristen Nichelle Phelps

Notary Public



EXHIBIT A

Legal Description of Property

Lot 1, 2, and 3 of the River Dance RV Park Subdivision recorded on April 22, 2019, at the Eagle County Clerk and Recorder at Reception No. 201905194.

EXHIBIT B
Development Plan

EXHIBIT C

PUD Guide

**RIVER DANCE PLANNED UNIT DEVELOPMENT
AMENDED AND RESTATED ZONE REGULATIONS**

APPROVED APRIL 28, 2023, AS A MINOR PUD ZONE DISTRICT AMENDMENT
PURSUANT TO SECTION 18.08.180(3)(A) OF THE GYPSUM MUNICIPAL CODE
BY THE COMMUNITY DEVELOPMENT DIRECTOR

1.0 – REGULATING AUTHORITY

The provisions of these regulations shall prevail and govern the development of River Dance PUD provided; however, where the provisions of the River Dance PUD Zone Regulations do not clearly address a specific subject, the ordinances, resolutions or regulations of The Town of Gypsum, Colorado shall prevail. Definitions established herein shall take precedence over definitions established by the Zoning Regulation of the Town of Gypsum, wherever these regulations are applicable to the River Dance PUD.

2.0 – DEFINITIONS

2.01 Park Trailers: Often referred to as Park Models, are recreational vehicles built on a single chassis, mounted on wheels with a gross trailer area not exceeding 400 square feet when set up. Each is certified by its manufacturer as complying with ANSI 119.5, a nationally recognized safety standard for Park Trailers that is mandated and enforced by the State of Colorado. Park Trailers are typically sited in Recreational Vehicle Parks for extended terms, typically several years.

2.02 Camping Cabin: An enclosed structure, sited on a temporary foundation, with no water or sewer services and containing not more than 150 square feet of enclosed gross floor area. A cabin typically provides sleeping berths for two to four people. Electric service is typically provided.

2.03 Challenge Course: A facility or facilities consisting of one or more elements that challenge participants as part of a supervised educational, recreational, or therapeutic curriculum, not located in an amusement park.

2.04 Challenge Element: An apparatus which may include, but not be limited to, equipment designed to simulate rock climbing, beams, bridges, cable traverses, climbing walls, nets platforms, ropes, swings, towers, or zip lines that employ fall protection systems in their operation. Elements may be installed on or in trees, poles, portable structures, buildings, or be a part of a self-supporting structure. An element is designed specifically for challenging individuals or a group of individuals within a challenge course curriculum under the supervision of trained challenge course practitioners.

3.0 – ZONE DISTRICTS

3.01 Camper Park & Commercial Recreation District

3.01.010 Uses, by right:

(1) Camper Park accommodating sites for tent camping, recreational vehicles, park trailers (park models), camping cabins and administration and service buildings normally accessory to a camper park, when compliant with the requirements of Section 5.00 the River Dance PUD Zone Regulations.

(2) Residential dwelling contained within a building also occupied by another Use By Right of this PUD. A maximum of two such dwellings shall be allowed.

(3) Single Family Residential Dwelling intended exclusively an employee of the River Dance RV Resort and the employee's family. A maximum of one such dwelling shall be allowed.

(4) Sales, administration and operation of outdoor adventure tours including equipment outfitting, guide services, jeep tours, river excursions and the lease of rafts, kayaks, canoes, dory style river boats and other watercraft, bicycles and similar peddle-powered vehicles, backpacking and camping gear and rock-climbing equipment. Indoor recreation services including video arcades games.

(5) Retail sales of snack foods and beverages, convenience items, fishing tackle, photographic supplies, travel memorabilia and gifts, primarily for guest and clients of the on-site operations.

(6) Photographic service associated with the on-site recreation activities and outdoor adventure operations.

(7) Ropes Challenge Course Community room with kitchen.

(8) Food and Beverage service including beer and wine with maximum seating indoor seating capacity of twenty-four chairs when located in a building occupied by other allowed uses associated with the camper park.

(9) Water wells and infiltration galleries, water storage and water treatment facilities for domestic and irrigation purposes, all exclusively providing service to uses within the River Dance PUD, as may be approved by the Colorado Department Health.

(10) Wastewater treatment facilities, including buildings and above and below ground storage and treatment chambers.

(11) Mini-storage facilities exclusively for guests and residents of the campground.

3.01.020 Uses, conditional: NONE

3.01.030 Uses, special: NONE

3.01.040 Minimum Lot Area: 20,000 square feet

3.01.050 Maximum Lot Coverage: None

3.01.060 Minimum Setback:

(1) Colorado State Hwy 6: Buildings, Recreational Vehicle parking spaces and Tent Camp Sites; 20 feet

(2) Other PUD Boundaries: Buildings & Recreational Vehicle parking spaces; 10 feet

(3) Tent Camp Sites; 5 feet

3.01.070 Maximum Height of Buildings: Twenty-eight (28) feet

3.01.080 Maximum Floor Area Ratio: NONE

3.01.090 Parking Requirements:

(1) Each camper site, in addition to the area provided for a recreational vehicle or tent: One (1) parking space

(2) Each Park Trailer and Camping Cabin: One (1) parking space

(3) Single Family Dwelling: Two (2) parking spaces

(4) Attached Employee Dwelling Unit: One (1) parking space per unit

(5) General Criteria:

(a) Each parking space shall be a minimum of 9' x 19' of gravel surface.

(b) Parking spaces shall be located within one hundred feet of a recreational vehicle or tent camper space, park trailer or camping cabin that it is intended to serve. Parking for Group Camping may be located at a great distance from the camp site.

3.02 Open Space District

3.02.010 Uses, by right:

(1) Open Space, Ropes challenge course, open space type recreation and primitive trails.

(2) Raft and boat river access facility (take-out & launch) including parking and temporary or permanent restroom facilities.

3.02.020 Uses, conditional: NONE

3.02.030 Uses, special: NONE

3.02.040 Minimum Lot Area: NONE

3.03 Utility Zone District

3.03.010 Uses, by right:

(1) Wastewater treatment facilities including buildings and above and below ground storage & treatment chambers.

(2) Water wells and infiltration galleries, water storage and water treatment facilities for domestic and irrigation purposes, all exclusively providing service to uses within the River Dance PUD, as

may be approved by the Colorado Department of Public Health and Environment.

- (3) Equipment and shop building for camper park maintenance operations

3.03.020 Uses, conditional: NONE

3.03.030 Uses, special: NONE

3.03.040 Minimum Lot Area: NONE

3.03.050 Maximum Zone District Coverage 75 percent

3.03.060 Maximum Height of Buildings 20 feet

3.03.070 Maximum Floor Area Ratio NONE

4.0 CAMPER PARK REGULATIONS

4.01 Site Design Minimum Requirements:

4.01.010 **Tent Camper Spaces:** The minimum on-center distance between tent sites shall be twenty (20) feet. Each space shall contain a well-drained, reasonably level tent site. Each space shall be provided a graveled parking space within approximately 100 feet of the tent site. Parking for a group tent camping site may be located at a greater distance.

4.01.020 **Recreational Vehicle Spaces:** The minimum on-center distance between recreational vehicles parking spaces shall be twenty-five (25) feet. Each graveled or paved recreational parking space shall be a minimum width of twelve (12) feet and a minimum length of twenty-four (24) feet. In addition to the RV parking space, one 9' x 19' parking space will be provided within 100 feet of each RV space. This parking space may be located at end of or adjacent to the RV parking space.

4.01.030 **Driveways:** The minimum unobstructed width of access driveways shall be twelve (12) feet for one-way traffic or twenty-two (22) feet for two-way traffic, providing no parking is permitted thereon. Driveways may be of gravel surface.

4.01.040 All permanent building foundations shall be designed based on a site-specific geotechnical study.

4.02 Water Supply and Distribution; General Requirements:

4.02.010 The physical and legal supply of domestic water shall be in compliance with the drinking water standards of the Colorado Department of Health.

4.02.020 The water supply, treatment, storage and distribution systems shall be designed by a professional engineer licensed by the State of Colorado and which designs shall be in accordance with applicable regulations of the Colorado Department of Health.

4.03 Fire Protection; General Requirements:

4.03.010 Provisions shall be made for giving alarm in case of fire. It shall be the responsibility of the duly authorized attendant or caretaker to inform all tenants about means for summoning fire apparatus, sheriff's department and park employees. No open fires shall be left unattended at any time.

4.03.020 One (1) or more approved carbon dioxide or dry chemical extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C) shall be located in an open station within approximately hundred (100) feet of any tent site and recreational vehicle parking space

4.03.030 Fire Hydrants providing fire protection water shall be located as approved by the Gypsum Fire Protection District.

4.03.040 Fire suppression sprinkler systems meeting NFPA 13, 1999 shall be installed as required by the fire code as adopted by the Gypsum Fire Department.

4.03.050 All buildings with fire suppression sprinkler systems shall also be equipped with an alarm system designed to NFPA 71, 1999 standards and monitored by a UL listed central station.

4.04 Sewage Disposal; General Requirements:

4.04.010 The sewage collection system and sewage treatment facility shall be designed by a professional engineer licensed in the State of Colorado. These systems shall meet all applicable requirements of the Colorado Department of Health.

4.04.020 Sink Wastes: No liquid wastes from sinks shall be allowed to discharge on the ground surface. Gravel dry wells may be provided for the disposal of liquid sink wastes in the area of the tent or pop-up camper sites.

4.05 Electrical Distribution and Exterior Lighting:

4.05.010 The electrical distribution system, consisting of wiring, fixtures, equipment and appurtenances thereto which shall be installed and maintained in accordance with the USA Standard "National Electrical Code, 1971" and all subsequent amendments thereto.

4.05.020 All exterior site lights shall be recessed or full cut-off fixtures that eliminate or substantially reduce direct view of the light source. Continuous and regular use of exterior flood lighting is prohibited. Security/safety lighting, with or without motion detectors shall be allowed when directed inward on the property.

4.06 Service Facilities; General Requirements:

4.06.010 All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

4.06.020 All rooms containing sanitary or laundry facilities shall have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs,

lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent waterproof material or covered with moisture resistant material.

4.06.030 Illumination levels shall be maintained as follows:

- (1) general seeing tasks - five (5) footcandles;
- (2) laundry room work area - forty (40) footcandles;
- (3) toilet room in front of mirrors - forty (40) footcandles;

(4) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every closet and urinal.

4.07 Campfire and Fire Pits:

4.07.010 No solid fuel fire pits are allowed except for one fire pit in the proximity of the central commons area. This pit may be gas fired as an alternative to solid fuel in addition to the gas fired pits allowed in the following paragraph (2).

4.07.020 Gas fired pits are allowed in other common use areas.

4.07.030 Charcoal or gas BBQ grills are allowed at individual camper sites.

4.08 Supervision, General Requirements:

4.08.010 The duly authorized attendant or caretaker shall be in charge at all times to keep the park, its facilities and equipment in a clean, orderly and sanitary condition.

4.08.020 The owner shall be answerable for the violation of any provision of this Zone Regulation and other applicable Town and State regulations. Copies of Regulations shall be made available to the park residents by the park manager or owner.

4.08.030 Refuse Handling: The storage, collection and disposal of refuse in the River Dance Resort shall be so arranged as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All Refuse containers shall be bear proof. All refuse shall be disposed of at either a municipal or County designated landfill sites.

4.08.040 Pest Control: Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the County Environmental Health Officer and the Colorado State Department of Health.

4.08.050 Pet Control: no owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of the camper park. All dogs shall be kept on leash.

4.08.060 The owners shall control noxious weeds listed by Eagle County or the Town of Gypsum.

4.08.070 All camper park guests shall, upon registration, be provided with rules to be observed by camper park guests. Said rules shall included but are not limited to guidelines for noise, quiet hours, refuse handling, interaction with wildlife, use of BBQ grills, restrictions on campfires, guidelines for being good neighbors when walking on the public pedestrian trail up and down river from River Dance.