BOARD OF ADJUSTMENTS
AND
PLANNING COMMISSION
MEETING AGENDA
Fairplay Community Center
880 Bogue St. Fairplay
Tuesday, November 8 at 9:00 A.M.

BOARD OF ADJUSTMENT

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM SEPTEMBER 13, 2016

.3. PUBLIC HEARINGS

.3.1. VARIANCE CASE #16SET-06:

Property is Lot 970, Valley of the Sun Filing 21, addressed as 17 Johnston Court, Fairplay. Applicant is requesting a 20 foot variance from the front setback requirement, a 15 foot variance from the side setback requirement, and a 36 foot variance from the wetland-to-structure setback requirement in order to construct a house.
APPLICANT: Ronald Messing

.3.2. VARIANCE CASE #16SET-08 - POSTPONED:

Property consists of eight parcels in the NW1/4 of Section 26 Township 7 Range 73, adjacent to the Moore Dale Ranch Resort. Park County is requesting lot size variances for each parcel so that they may be legally rezoned.
APPLICANT: Park County Planning Department

PLANNING COMMISSION

.1. APPROVAL OF AGENDA

.2. APPROVAL OF MINUTES FROM OCTOBER 11, 2016

.3. PUBLIC HEARINGS

.3.1. RIGHT-OF-WAY VACATION CASE #16VAC-04

Property is a 0.10 acre portion of Olive Avenue between Lots 142 through 150 and Lots 203 through 211, Silver Springs. Applicant is requesting to transfer the portion of the right-of-way to private ownership.
APPLICANT: Taylor and Michele Mead.

.3.2. RIGHT-OF-WAY VACATION CASE #16VAC-05

Property is the east half of Water Street adjacent to Lots 1-5, Block 12, Guffey. Applicant is requesting to transfer that portion of the right-of-way to private ownership.
APPLICANT: David Wade

.3.3. REZONING CASE #16ZON-13

Property is 16 acres in Section 5 Township 11 Range 76 addressed as16 Redhill Road, Fairplay. Applicant is requesting to rezone the lot from the Agricultural, Residential and Commercial zone districts to the Commercial and Residential zone districts and to move the Commercially zoned portion of the lot.
APPLICANT: Park County Planning

.3.4. CONDITIONAL USE PERMIT CASE #16CUP-05

Property is Bailey, Tract 45 addressed as 60117 Hwy 285, Bailey. Applicant is requesting a Conditional Use Permit to allow an Outdoor Recreational Facility for an Aerial Adventure Park.
APPLICANT: Bailey Treetop Ventures, LLC

Documents:

16CUP_05_App.pdf
16CUP_05_PC_StaffReport.pdf
Assessor_referral_response.pdf

.3.5. CHANGES TO LAND USE REGULATIONS - POSTPONED UNTIL FURTHER NOTICE

Discussion on changes to Land Use Regulations based on the newly adopted Strategic Master Plan.

Any further information can be obtained at:
Park County Planning Department, 1246 Co Rd 16
P.O. Box 1598 Fairplay, CO. 80440
(719) 836-4254
pcpd@parkco.us

16 CUP-05
Sch# 18625

PARK COUNTY APPLICATION FOR CONDITIONAL USE PERMIT NON-REFUNDABLE APPLICATION FEE: $1060

All applicants must submit one complete application and attend a pre-application conference with the Park County Planning Department Staff seven (7) to ten (10) working days prior to the application submittal deadline. Following the acceptance of the complete application the applicant must submit **twenty-five (25) collated paper copies, or CD media as requested** to the Park County Planning Department on or before the application submittal date.

If you have questions regarding this form please contact the Planning Department by phone at (719) 836-4254, or e-mail pcpd@parkco.us, fax (719) 836-4351, or write to us at P.O. Box 1598 Fairplay, CO 80440.

A. APPLICANT AND OWNERSHIP INFORMATION

Applicant's Name: Bailey Treetop Ventures, LLC

Mailing Address: 273 Jacob Dr.

City: Bailey State: CO Zip: 80421

Telephone

(work) 720-401-6505 (home) _____ (fax) _____

Owner's Name: Bailey Trails! Alliance

Mailing Address: PO Box 81, Bailey, CO 80421

Telephone No. and Email Address: 720-401-6505 baileytrailsboard@gmail.com

B. PROPERTY INFORMATION

Complete Legal Description of Property Proposed for the Conditional Use Permit (attach additional page, if necessary):

Please refer to Exhibit A

Street Address of Property: 60117 Highway 285, Bailey, CO 80421

Property's Total Acreage: 12.7

Current Zone District of Property: Commercial

For County Use Only
Planning Department Confirmation of Current Zone District:
District: Commercial
Jillian Falchi
~~Print~~ Full Name

Requirements for a Conditional Use Permit
Article V, Division 5, Section 5 -501

For County Use Only: Initial Receipt of the Required Information
(1.) JF
(2.) NA
(3.) JF
(4.) JF
(5.) JF
(6.) JF
(7.) NA
(8.) JF
(8a.) JF
(8b.) JF

C. APPLICATION REQUIREMENTS

1. Application Fee. An application fee in the amount of $1060 must be paid at the time of submission of the application. Make the check or money order payable to: Park County Planning Department. The fee pays for the typical cost to the County to process the application. Any additional costs that may occur are the applicant's responsibility.

2. Tax receipt showing payment of current taxes. This can be obtained at the Park County Treasurer's office.

3. Proof of ownership in the form of a recorded Warranty Deed. This can be obtained at the Park County Clerk and Recorders office.

4. A legal description of the subject property prepared by a licensed Colorado land surveyor.

5. A signed and notarized certification from the Applicant that proper notice has been provided to the mineral estate owner pursuant to C.R.S. § 24-65.5-103, or a certification that such notice is not required because the surface estate has not been separated from the mineral estate for the property described in the application. A form of certification is provided in Appendix B (attached).

6. A list of names and mailing addresses of all owners of adjacent property to the property subject to the proposed Conditional Use Permit, this information is at the Park County Assessor's Office .

7. A copy of all recorded covenants that apply to the subject property.

8. Current Conditions Map including, in one or more mapped or graphic formats the following information:
    a. Topography of the property subject to the Conditional Use Permit shown in elevation contours of not more than twenty (20) or forty (40) foot increments. Applicants are encouraged to use USGS or other commercially available topographic maps.
    b. Points of access to the property, internal roads and trails including widths and approximate grades. The Current Conditions Map must illustrate how access is obtained from the subject property to the nearest road or highway.
    c. Where any access to the property subject to the Conditional Use Permit application is obtained from a road, trail easement, driveway, historic use, or other private right of access other than an adjacent County owned right-of-way, the applicant shall provide evidence of permanent legal right of access.

For County Use Only: Initial Receipt of the Required Information

Such evidence may include deed, easement agreement, or attorney opinion of legal right of access. (8c.) JF

d. Natural features of the property subject to the Conditional Use Permit application, including wetlands, riparian areas, water bodies, (e.g. lakes, ponds, streams, whether continuous or seasonal) and slopes greater than twenty percent (20%). (8d.) JF

9. A site plan drawn to a constant scale showing the precise locations and dimensions of all property lines, easements, and existing and proposed structures and uses; including but not necessarily limited to vehicular and pedestrian access, parking, landscaping, lighting, and utility infrastructure. (9.) JF

10. If the proposed Conditional Use pertains to property located in a geological hazard area according to the geological hazard map, then the application must contain a geo-technical report prepared by a qualified professional geologist addressing the presence and extent of any geological hazards, including but not limited to, underground excavations on/or adjacent to the subject property and radioactive or toxic materials and/or minerals. (10.) N/A

11. A Vicinity Map of where the proposed property is located within Park County. (11.) JF

12. The property must be clearly identified with the address and posted according to the Park County address requirements (attached). (12.) JF

13. Any other studies, reports, plans, or drawings that are judged necessary by the Planning director to ensure compliance with the Standards for Approval of a Conditional Use Permit (Section 5-503 of the Land Use Regulations). (13.) JF

14. A written proposal describing the existing use and proposed conditional use. (14.) JF

For County Use Only: Initial Receipt of the Required Information

Note: All applications for a Conditional Use Permit for a Single Family Dwelling (not related to mining or oil or gas production) in a Mining Zone District shall meet all of the following requirements of Article V Section 5-311, Table Footnotes #2

1. All applications, including the required geo-technical report, shall be forwarded to the Colorado Geological Survey for a review and evaluation of the proposed use and site constraints. The applicant shall pay all costs assessed of charged by the Colorado Geological Survey for the review and processing of the application. Within fifteen (15) days following the County's receipt of a report from the Colorado Geological Survey, the applicant shall submit a written response to the Planning Director/County Designee addressing in detail the applicant's proposed methods for mitigating any hazards or concerns identified by the Colorado Geological Survey. Applicants are strongly encouraged to adopt and employ all mitigation measures recommended by the Colorado Geological Survey. No application shall be deemed complete and no review of the application by the County shall be initiated until an evaluation and report from the Colorado Geological Survey is received by the County, the applicant has paid all fees associated with such review by the Colorado Geological Survey, and the applicant has submitted its response to the Planning director/County Designee as required by this paragraph. (1.) NA

2. Applicants shall submit a report addressing the absence or presence of commercially valuable mineral resources on the proposed site and adjacent sites as part of the application. The applicant bears the burden of establishing that the proposed residential use does not conflict or interfere with the mining of mineral resources located within the property described in the application or within adjacent properties. (2.) NA

3. Single Family Dwelling Unit (Not related to Mining or Oil or Gas Production) shall be deemed incompatible with the purpose and intent of the Mining Zone District and no Conditional Use Permit shall be granted by the County unless the applicant establishes by competent and sufficient evidence presented to the County that:
   a. The residential use meets all review standards for Conditional Uses contained in Section 5-503 of the Park County Land Use Regulations; and (3a.) NA
   b. The proposed residential use on the site will not present a hazard to the occupants of the residential structure or that hazards identified for the site are or will be mitigated by the applicant; and (3b.) NA
   c. The proposed residential use will not conflict or interfere with the mining of mineral resources located within the property described in the application for conditional use or on adjacent properties; and (3c.) NA
   d. The proposed residential use will not interfere with or impair historical access to adjacent uses, properties, or mining claims; and (3d.) NA
   e. The applicant has delivered to the County a signed an notarized certification that proper notice has been provided to the mineral estate owner pursuant to and in accordance with Colorado Revised Statutes §24-65.5-103, or a certification that such notice is not required because the surface estate has not been detached from the mineral estate for the property described in the application. A form of certification is provided in Appendix B of the Land Use Regulations and is attached. (3e.) NA

For County Use Only: Initial Receipt of the Required Information
(4.) NA

4. If the application for Conditional Use is approved, then the applicant may be required to record documentation prepared by the County Attorney disclosing the potential for geologic hazards at the property, assuming the risk associated with non-mining use of the property, and indemnifying the County from all injury and damage claims resulting from said use of the property.

Note: Refer to Park County Land Use Regulations Article V Standards for Approval of Conditional Use Permit.

D. APPLICANT AND LANDOWNER SIGNATURES:

The undersigned applicant and landowner hereby verifies and affirms that the information contained in this application is complete and accurate. The undersigned applicant and landowner understands and acknowledges that the submission of inaccurate and incorrect information may result in the denial or rejection of the application and/or result in the invalidation of any approvals issued by Park County, Colorado.

Applicant: Signed: _____

Print name: Tim A Gregg

If company, state Title/Position: Bailey Trails! / President

E. VERIFICATION OF DATE OF DELIVERY OF APPLICATION

This application was submitted to the Park County Planning Department on the following date and time:

October (Month) 12 (Day), 20 16 (Year)

Payment of the Applicant Fee was made by:

_____	Personal Check # _____	Amount $ _____
_____	Cash	Amount $ _____
X	Other Cashier's Check	Amount $ 1060

For County Use Only:
Verification of Date of Delivery and County Receipt of Application
Date: 10/12/16
Print Name: Jillian Falchi

APPLICANT MUST ATTEND THE HEARING. IF A REPRESENTATIVE ATTENDS THE HEARING ON BEHALF OF THE APPLICANT, A NOTA RIZED LETTER OF CONSENT MUST ACCOMPANY THE APPLICATION.

ALL PLANNING COMMISSION HEARINGS WILL BE SCHEDULED FOR THE SECOND TUESDAY OF EVERY MONTH. IF A QUORUM IS NOT AVAILABLE, THE HEARING WILL BE SCHEDULED THE NEXT AVAILABLE DATE.

APPENDIX B

APPLICANT CERTIFICATION REGARDING NOTICE TO MINERAL ESTATE OWNER

I, _____, submitted an application for land use approval from Park County generally described as:

X Conditional Use Permit

___ Determination of Location and Extent of Public Facilities Use

___ Planned Unit Development with Rezoning

___ Special Use Permit; (Telecommunications, Wetlands)

___ Subdivision; (Major Preliminary Plan, Major Final Plat, Minor, Sketch, Combined)

I understand that state law, found at CRS 24-65.5-101 through 24-65.5-104, imposes specific legal requirements involving my providing written notice to the mineral estate owner of my application.

I HEREBY CERTIFY that I have complied with the notice requirements imposed upon me by CRS 24-65.5-101 through 24-65.5-104.

_____
Signature of Applicant

Tim A Gregg
_____
Print Name

For County Use Only

Application Name/Case Number: 16 CUP-05

Park County Assessor

Property Detail Information

Tax Area	Schedule Number	Account Type
0006	18825	Exempt

Primary Owner Name and Address

BAILEY TRAILS! ALLIANCE
PO BOX 81
BAILEY, CO 80421-0081

Additional Owner Detail

Legal Description

T07 R72 S30 SE4
BAILEY
TRACT IN N2SE4 30-7-72
AKA TRACT 45

Physical Address

60117 HWY 285 BAILEY

Tax Information

2016 Tax Year

	Actual Value	Assessed Value
Land:	161,299	46,780
Improvements:		
Total:	161,299	46,780

WARRANTY DEED

THIS DEED, Made this 24th day of January, 2014 between

Ron Green

of the County of Park, State of Colorado, grantor and

Bailey Trails! Alliance, a Colorado nonprofit Corportion

whose legal address is: P.O. Box 81, Bailey, CO 80421
of the County of Park, State of Colorado, grantee:
WITNESSETH, That the grantor for and in consideration of the sum of Twenty-Seven Thousand Five Hundred and No/100 Dollars ($27,500.00) the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the grantee, his heirs and assigns forever, all the real property together with improvements, if any, situate, lying and being in the County of Park, and State of COLORADO, described as follows:

An undivided ½ interest

See Exhibit A attached hereto and made a part hereof.

Doc Fee
$ 5.50

also known by street and number as 60117 Highway 285 , Bailey, CO 80421

TOGETHER with all and singular the hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest, claim and demand whatsoever of the grantor, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.
TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the grantee, his heirs and assigns forever. And the grantor, for himself, his heirs, and personal representatives, does covenant, grant, bargain and agree to and with the grantee, his heirs and assigns, that at the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, has good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form as aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments, encumbrances and restrictions of whatever kind or nature soever, except all taxes and assessments for the current year, a lien but not yet due or payable, and those specific Exceptions described by reference to recorded documents as reflected in the Title Documents accepted by Buyer in accordance with section 8.1 "Title Review", of the contract dated November 18, 2013, between the parties.

The grantor shall and will WARRANT AND FOREVER DEFEND the above-bargained premises in the quiet and peaceable possession of the grantee his heirs and assigns, against all and every person or persons lawfully claiming the whole or any part thereof. The singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.
IN WITNESS WHEREOF, the grantor has executed this deed on the date set forth above.

SELLERS:

Ron Green

STATE OF Virginia
COUNTY OF Montgomery } ss:

The foregoing instrument was acknowledged before me this 23 day of January, 2014 by Ron Green.

Notary Public
Witness my hand and official seal.
My Commission expires: 4/30/17

CRYSTAL D. WALL
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #7213142
My Commission Expires 4/30/17

WDPHOTO
Warranty Deed (For Photographic Record) updated 1/2006

File No. F0466567

Exhibit A

A part of the N½ SE¼ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE¼ whence the East one-quarter corner of said Section 30 bears North 88° East, 599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the Point of Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning,

County of Park, State of Colorado.

TRUSTEE'S DEED

THIS DEED made this 22nd day of January, 2014, by and between Harvey Sender, Chapter 7 Trustee for the bankruptcy estate of Louis S. Gonzalez and Patrice M. Hufnagel, Case No. 09-16584 MER, United States Bankruptcy Court for the District of Colorado (hereinafter "Seller") and Bailey Trails! Alliance, A Colorado nonprofit Corporation (hereinafter "Buyer(s)").

WITNESSETH:

WHEREAS, the Seller and Buyer(s) entered into an agreement for the sale and purchase of certain real property, of which is subject to the control of the undersigned, pursuant to and in accordance with Section 541 of the United States Bankruptcy Code (11 U.S.C. Section 541); and

WHEREAS, on January 9, 2014 the Honorable Michael E. Romero, United States Bankruptcy Judge, entered his Order authorizing the undersigned to sell and convey the interest of the Estate in the property described below to Buyer(s); and

WHEREAS, Seller is unable and unwilling to make any warranties or representations with respect to the subject property or the title transferred hereby, and Seller is unable and unwilling to make any warranties or representations with respect to the condition of the subject property or the improvements transferred hereby, and Buyers know and understand that this transfer and conveyance is without warranty or representation of any kind whatsoever.

NOW, THEREFORE, in consideration of TWENTY-SEVEN THOUSAND FIVE HUNDRED DOLLARS other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged, Seller shall sell and convey, and by these presents does sell and convey to Buyer(s), Bailey Trails! Alliance, a Colorado nonprofit Corporation and or assigns and unto Buyer(s)' successors in interest, assigns or nominees, all right, title and interest of Seller, as Chapter 7 Trustee of the Bankruptcy Estate above-named, in and to that certain property located in the County of Park, State of Colorado, described as follows:

an undivided ½ interest

See attached Exhibit A

Also known and numbered as: 60017 HWY 285, Bailey, Colorado 80421

IN WITNESS WHEREOF, the Seller has executed this Trustee's Deed on the date set forth above.

By:_____
Harvey Sender, Trustee

STATE OF COLORADO)
) SS
CITY & COUNTY OF DENVER)

This instrument was acknowledged before me this 22nd day of January, 2014 by Harvey Sender, Chapter 7 Trustee for the bankruptcy estate of Louis S. Gonzalez and Patrice M. Hufnagel, United States Bankruptcy Court for the District of Colorado.

WITNESS my hand and official seal.

Notary Public

STEFANIE J. PIERCE
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19924015739
MY COMMISSION EXPIRES NOVEMBER 21, 2016

My commission expires: 11/21/2016

EXHIBIT "A"

A part of the N½ SE¼ of Section 30,
Township 7 South, Range 72 West of the 6th P.M., described as follows:

Beginning at a point on the North line of said SE¼ whence the East one-quarter corner of said Section 30 bears North 88° East, 599.07 feet;
thence South 88° West, along said North line, 1,160.00 feet;
thence South 1°6' West, 385.6 feet to a point on the North right of way line of U.S. Highway No. 285;
thence Easterly along and conforming to said right of way line, 1,093.65 feet, more or less, a point whence the Point of Beginning bears North 8°45' East;
thence North 8°45' East, 490.53 feet to the Point of Beginning,

County of Park, State of Colorado.

Also known by street address as: **60117 Highway 285 Bailey, CO 80421**

A.P.N. # 18825

EXHIBITA
Exhibit A – Legal Description

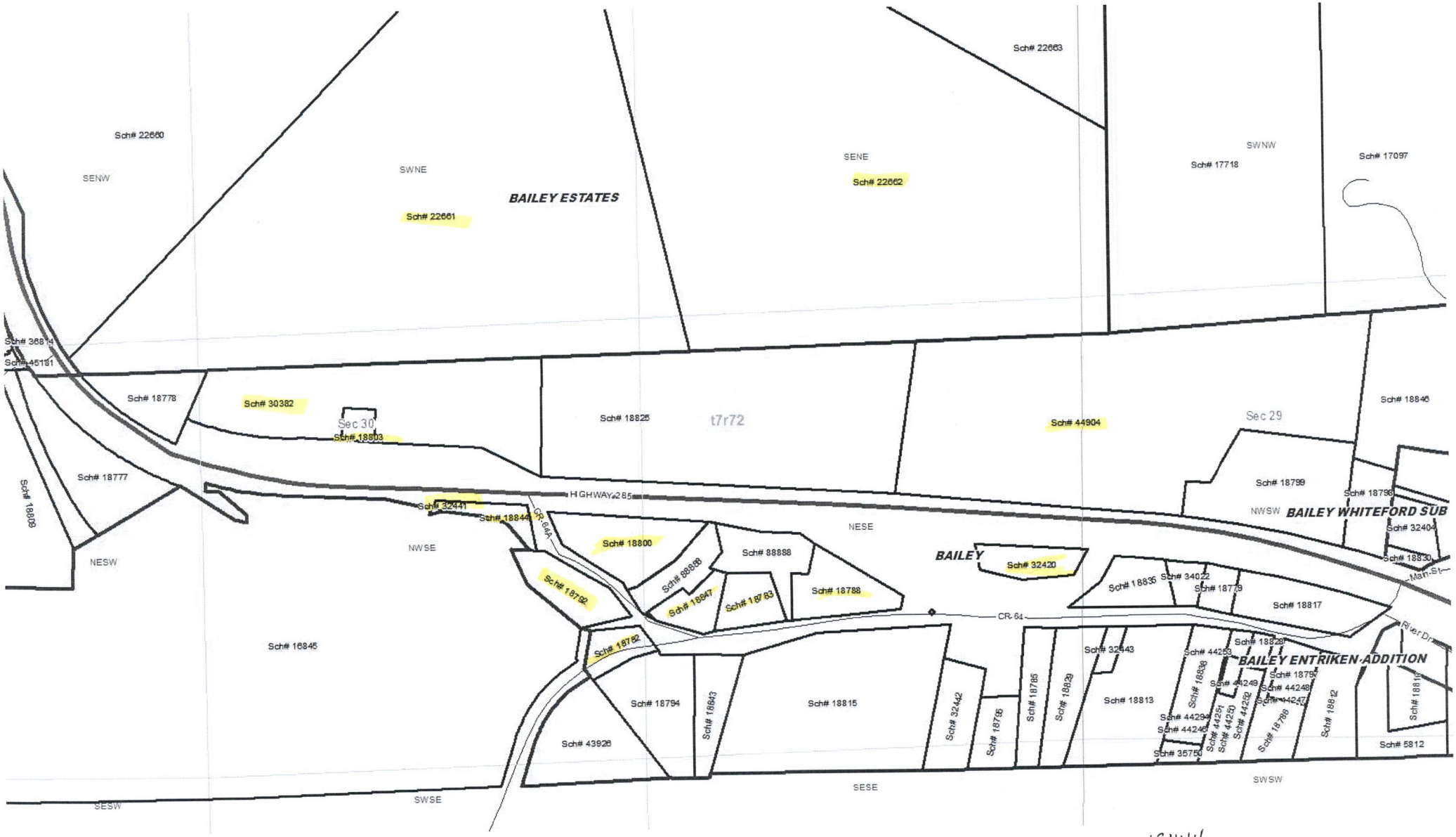
File No. F0466567

44904 ✓	RAYBURN DAN PO BOX 1113 BAILEY, CO 80421-1113	http://www.parkco.org/prop2.asp?ScheduleNumber=44904						
22662 ✓	ROBL MATTHEW 866 BUDDY RD BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=22662						
22661 ✓	JOBIN CHRISTINE J 621 SAINT PAUL ST DENVER, CO 80206	http://www.parkco.org/prop2.asp?ScheduleNumber=22661						
30382 ✓	PARK COUNTY PO BOX 1373 FAIRPLAY, CO 80440-1373	http://www.parkco.org/prop2.asp?ScheduleNumber=30382						
~~32444~~ 32441 ✓	~~DENVER WATER BOARD~~ ~~1200 W SHOSHONE~~ ~~DENVER, CO 80254~~	~~http://www.parkco.org/prop2.asp?ScheduleNumber=32444~~	32441 -	Bailey Water + Sanitation District PO Box 422 Bailey, CO 80421				
~~18844~~ ✓	~~BLANCHARD BARBARA C~~ ~~5036 CO RD 43~~ ~~BAILEY, CO 80421~~	~~http://www.parkco.org/prop2.asp?ScheduleNumber=18844~~	18844 -	Abbondanza, Michael J PO Box 1013 Conifer, CO 80433				
18792 ✓	FALKNER PATRICK 57 CO RD 64A BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=18792						
18782 ✓	~~ROHLOFF KRISTY L~~ ~~C/O LLOYD ROHLOFF~~ ~~PO BOX 1714~~ ~~BAILEY, CO 80421-1714~~	~~http://~~www.parkco.org/prop2.asp?ScheduleNumber=18782	18782	Rohloff, Marc D 105 Co Rd 64A Bailey, CO 80421				
18847 ✓	PATTERSON JOHN D 14203 E IDAHO DR AURORA, CO 80012	http://www.parkco.org/prop2.asp?ScheduleNumber=18847		PO Box 951 Bailey CO 80421				
18783 ✓	PARKER ALAN G 4817 CO RD 64 BAILEY, CO 80421	http://www.parkco.org/prop2.asp?ScheduleNumber=18783						
18788 ✓	EVIG V JANE AKA EVIG JANE PO BOX 35 BAILEY, CO 80421-0035	http://www.parkco.org/prop2.asp?ScheduleNumber=18788						

32420	PLATTE CANYON FIRE PROTECTION PO BOX 222 BAILEY, CO 80421-0222	http://www.parkco.org/prop2.asp?ScheduleNumber=32420						

18800 Bailey Propane Co
PO Box 157
Bailey CO 80421

18803 Frank Stenger
466 Co Rd 72
Bailey CO 80421



Sch# 22660
SENW
SWNE
BAILEY ESTATES
Sch# 22661
SENE
Sch# 22662
Sch# 22663
SWNW
Sch# 17718
Sch# 17097
Sch# 36814
Sch# 45181
Sch# 18778
Sch# 30382
Sec 30
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t7r72
Sch# 44904
Sec 29
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Sch# 18809
HIGHWAY 285
Sch# 32441
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NWSE
NESW
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Sch# 18817
Sch# 18799
Sch# 18798
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BAILEY WHITEFORD SUB
Sch# 32404
Sch# 18830
Main St
CR-64
River Dr
Sch# 16845
Sch# 18782
Sch# 18794
Sch# 18843
Sch# 18815
Sch# 32442
Sch# 18795
Sch# 18785
Sch# 18829
Sch# 32443
Sch# 18813
Sch# 18838
Sch# 44253
Sch# 18828
BAILEY ENTRIKEN ADDITION
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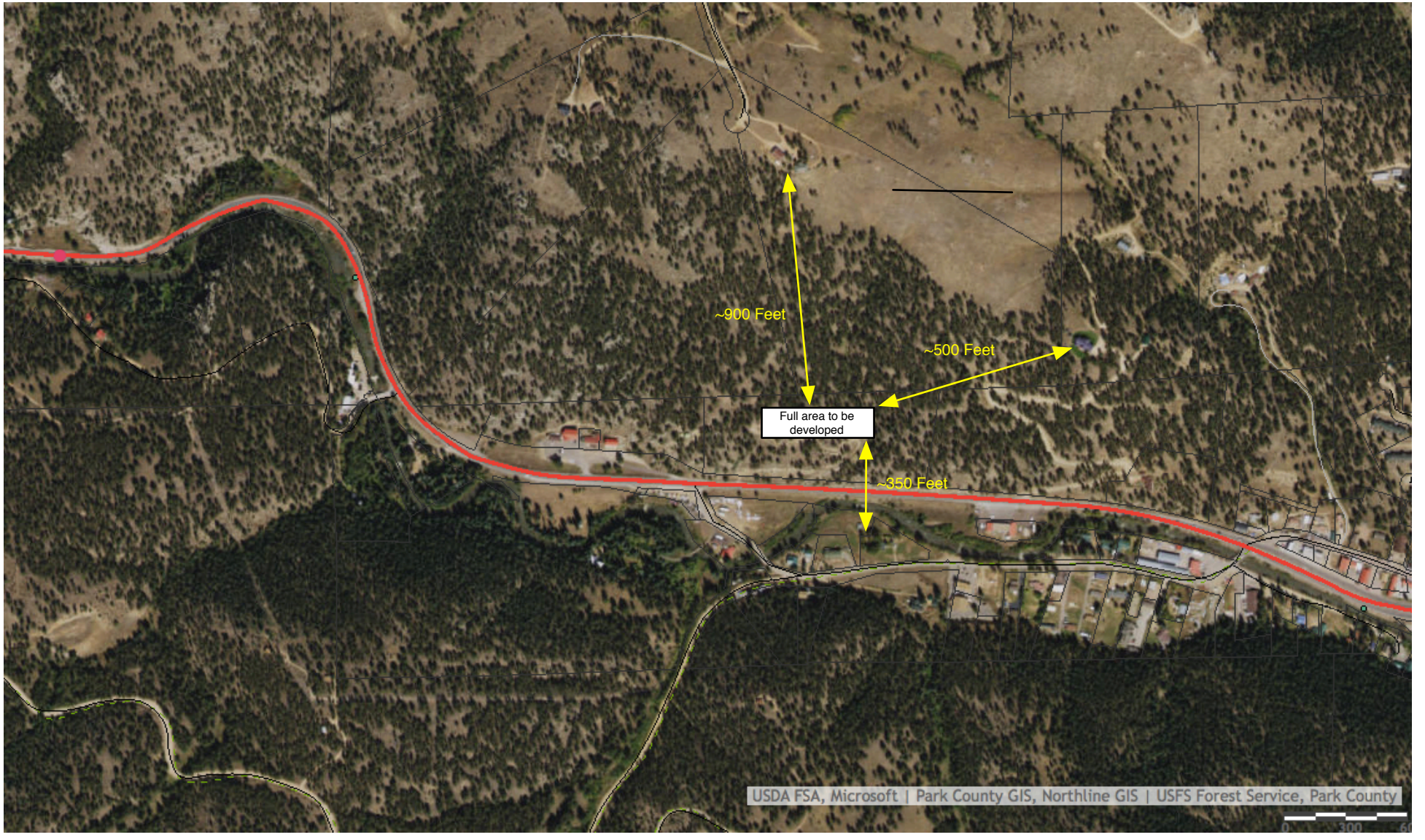
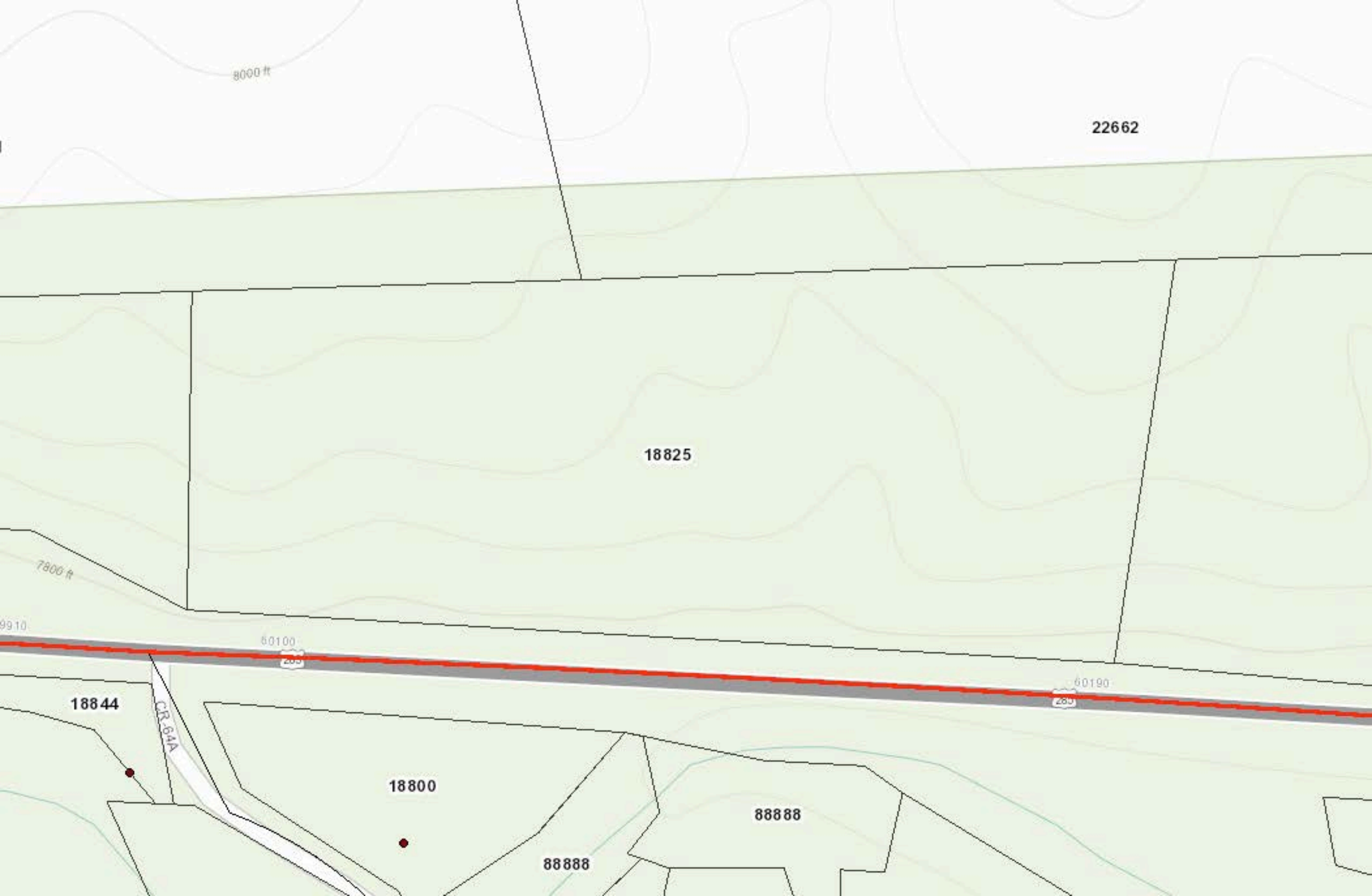
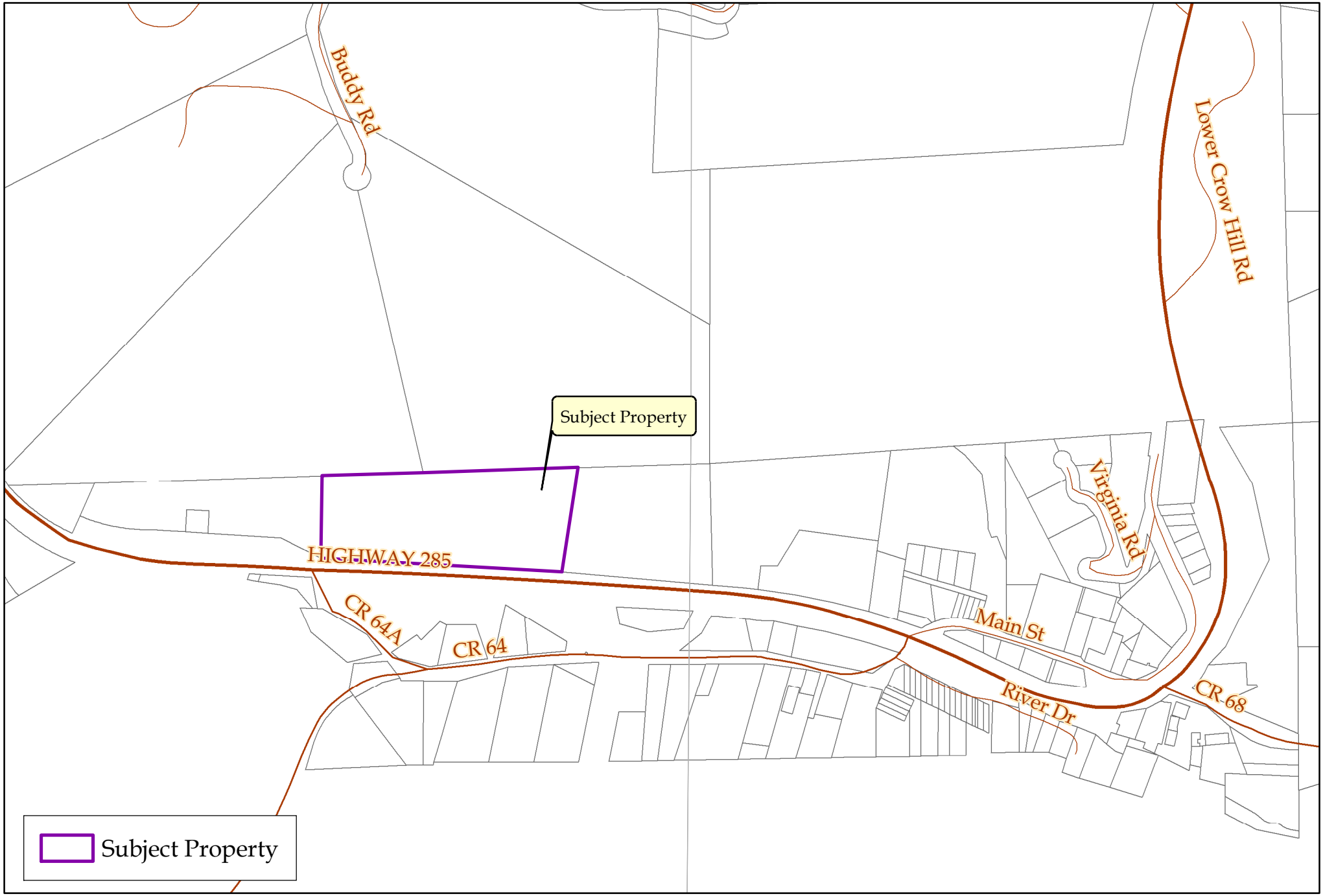
Sch# 18797
Sch# 44248
Sch# 44247
Sch# 44294
Sch# 44246
Sch# 35750
Sch# 44251
Sch# 44250
Sch# 44252
Sch# 18786
Sch# 18812
Sch# 18816
Sch# 5812
Sch# 43926
SESW
SWSE
SESE
SWSW

18444

22661
22662
30382
44904
441
18844
16845
18800
88888
18792
18788
Parking lot to accommodate at least 30 cars.4 spaces dedicated to handicap (2-96"and 2-60"0 exceeding ADA requirements
Two portable bathroom facilities (handicapped accessible).
Meandering trail from parking lot to the single start platform area. Exact design will be dictated by terrain.
Eight aerial adventure courses, with 4 degrees of difficulty, starting from a common platform.
Approximately 24' yurt or other suitable building on decked base. Use - storage and guest check in.
Improved road, along the existing road grade, approximately 22-26 feet wide.
Microsoft | Park County GIS, Northline GIS | USFS Forest Service, Park County


~900 Feet
~500 Feet
Full area to be developed
~350 Feet
USDA FSA, Microsoft | Park County GIS, Northline GIS | USFS Forest Service, Park County


8000 ft
22662
18825
7800 ft
9910
60100
60190
18844
CR-64A
18800
88888
88888



N

Vicinity Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

COLORADO
Department of Transportation

Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001
(719) 546-5407 Fax: (719) 562-5523

Permit No. **216048**

September 12, 2016

To: Tim Gregg
Bailey Treetop Ventures, LLC
621 Kendall Way
Lakewood, CO 80214

Dear Applicant:

1. Please review the attached State Highway Access Permit (Form #101) and all enclosed attachments.
2. If you choose NOT to act on the permit, please return the permit unsigned.
3. If you wish to APPEAL the Terms and Conditions of the permit, please refer to the attached Form 101, Pages 2 and 3 for an explanation of the appeal procedures.
4. If you ACCEPT the Permit and its Terms and Conditions and are authorized to sign as legal owner of the property or as an authorized representative, please sign and date the Access Permit form on the line marked "PERMITTEE". Your signature confirms your agreement to all the listed Terms and Conditions.
5. Provide a check or money order made payable to "CDOT" for the total amount due of $100.00
6. **You must return the signed Access Permit, including all pages of terms and conditions and all attachments, with your payment to the Colorado Department of Transportation (CDOT) at the address noted below. The Department will return an executed copy of this permit. You may retain this cover letter for your records.**
7. If you fail to sign and return the attached Access Permit within 60 days of the date of this transmittal letter, Colorado Department of Transportation will consider this permit withdrawn.
8. **As described in the attached Terms and Conditions, you must make a written request to obtain a Notice to Proceed. DO NOT begin any work within the State Highway Right-of-Way without a validated Access Permit and Notice to Proceed. Use of this permit without the Colorado Department of Transportation's validation shall be considered a violation of State Law.**

If you have any questions please call Valerie Sword, Access Manager at (719) 546-5407,

Please return Access Permit and attachments to: Valerie Sword
Region 2 Traffic Section
905 Erie Ave., P.O. Box 536
Pueblo, Colorado 81001

COLORADO DEPARTMENT OF TRANSPORTATION

STATE HIGHWAY ACCESS PERMIT

CDOT Permit No.	
216048	
State Highway No / Mp / Side	
285D / 221.45 / Left	

Permit Fee	Date of Transmittal	Region / Section / Patrol / Name	Local Jurisdiction
$100.00	09/12/2016	2 / 04 / 32 Mike Davis	Park County

The Permittee(s):

Tim Gregg
Bailey Trails! Alliance
PO Box 81
Bailey, Colorado 80421

The Applicant(s):

Tim Gregg
Bailey Treetop Ventures, LLC
621 Kendall Way
Lakewood, Colorado 80214
(720) 401-6505

is hereby granted permission to have an access to the state highway at the location noted below. The access shall be constructed, maintained and used in accordance with this permit, including the State Highway Access Code and any attachments, terms, conditions and exhibits. This permit may be revoked by the Issuing Authority if at any time the permitted access and its use violate any parts of this permit. The issuing authority, the Department and their duly appointed agents and employees shall be held harmless against any action for personal injury or property damage sustained by reason of the exercise of the permit.

Location: 2200 ft. west of MP 222

Access to Provide Service to:

(Land Use Code)	(Size)	(Units)
985 - Seasonal Operations Aerial Park	**5**	**Acres**
094 - Parking Lot	**2**	**Acres**
997 - Agriculture	**12**	**Acres**

Additional Information:

MUNICIPALITY OR COUNTY APPROVAL

Required only when the appropriate local authority retains issuing authority.

Signature	Print Name	Date	Title

Upon the signing of this permit the permittee agrees to the terms and conditions and referenced attachments contained herein. All construction shall be completed in an expeditious and safe manner and shall be finished within 45 days from Initiation. The permitted access shall be completed in accordance with the terms and conditions of the permit prior to being used.

The permittee shall notify Todd Ausbun with the Colorado Department of Transportation, at (719) 696-1403 at least 48 hours prior to commencing construction within the State Highway right-of-way.

The person signing as the permittee must be the owner or legal representative of the property served by the permitted access and have full authority to accept the permit and its terms and conditions.

Permittee Signature	Print Name	Date
Applicant Signature	Print Name	Date

This permit is not valid until signed by a duly authorized representative of the Department.
COLORADO DEPARTMENT OF TRANSPORTATION

Signature	Print Name	Title	Date (of issue)

Copy Distribution: Required: 1.Region 2.Applicant 3.Staff Access Section 4.Central Files

Make copies as necessary for: Local Authority, MTCE Patrol, Inspector, Traffic Engineer

The following paragraphs are excerpts of the State Highway Access Code. These are provided for your convenience but do not alleviate compliance with all sections of the Access Code. A copy of the State Highway Access Code is available from your local issuing authority (local government) or the Colorado Department of Transportation (Department). When this permit was issued, the issuing authority made its decision based in part on information submitted by the applicant, on the access category which is assigned to the highway, what alternative access to other public roads and streets is available, and safety and design standards. Changes in use or design not approved by the permit or the issuing authority may cause the revocation or suspension of the permit.

APPEALS

1. Should the permittee or applicant object to the denial of a permit application by the Department or object to any of the terms or conditions of a permit placed there by the Department, the applicant and permittee (appellant) have a right to appeal the decision to the [Transportation] Commission [of Colorado]. To appeal a decision, submit a request for administrative hearing to the Transportation Commission of Colorado within 60 days of transmittal of notice of denial or transmittal of the permit for signature. Submit the request to the Transportation Commission of Colorado, 4201 East Arkansas Avenue, Denver, Colorado 80222-3400. The request shall include reasons for the appeal and may include changes, revisions, or conditions that would be acceptable to the permittee or applicant.

2. Any appeal by the applicant or permittee of action by a local issuing authority shall be filed with the local authority and be consistent with the appeal procedures of the local authority.

3. In submitting the request for administrative hearing, the appellant has the option of including within the appeal a request for a review by the Department's internal administrative review committee pursuant to [Code] subsection 2.10. When such committee review is requested, processing of the appeal for formal administrative hearing, 2.9(5) and (6), shall be suspended until the appellant notifies the Commission to proceed with the administrative hearing, or the appellant submits a request to the Commission or the administrative law judge to withdraw the appeal. The two administrative processes, the internal administrative review committee, and the administrative hearing, may not run concurrently.

4. Regardless of any communications, meetings, administrative reviews or negotiations with the Department or the internal administrative review Committee regarding revisions or objections to the permit or a denial, if the permittee or applicant wishes to appeal the Department's decision to the Commission for a hearing, the appeal must be brought to the Commission within 60 days of transmittal of notice of denial or transmittal of the permit.

PERMIT EXPIRATION

1. A permit shall be considered expired if the access is not under construction within one year of the permit issue date or before the expiration of any authorized extension. When the permittee is unable to commence construction within one year after the permit issue date, the permittee may request a one year extension from the issuing authority. No more than two one-year extensions may be granted under any circumstances. If the access is not under construction within three years from date of issue the permit will be considered expired. Any request for an extension must be in writing and submitted to the issuing authority before the permit expires. The request should state the reasons why the extension is necessary, when construction is anticipated, and include a copy of page 1 (face of permit) of the access permit. Extension approvals shall be in writing. The local issuing authority shall obtain the concurrence of the Department prior to the approval of an extension, and shall notify the Department of all denied extensions within ten days. Any person wishing to reestablish an access permit that has expired may begin again with the application procedures. An approved Notice to Proceed, automatically renews the access permit for the period of the Notice to Proceed.

CONSTRUCTION

1. Construction may not begin until a Notice to Proceed is approved. (Code subsection 2.4]

2. The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the permittee except as provided in subsection 2.14. All materials used in the construction of the access within the highway right-of-way or on permanent easements, become public property. Any materials removed from the highway right-of-way will be disposed of only as directed by the Department. All fencing, guard rail, traffic control devices and other equipment and materials removed in the course of access construction shall be given to the Department unless otherwise instructed by the permit or the Department inspector.

3. The permittee shall notify the individual or the office specified on the permit or Notice to Proceed at least two working days prior to any construction within state highway right-of-way. Construction of the access shall not proceed until both the access permit and the Notice to Proceed are issued. The access shall be completed in an expeditious and safe manner and shall be finished within 45 days from initiation of construction within the highway right-of-way. A construction time extension not to exceed 30 working days may be requested from the individual or office specified on the permit.

4. The issuing authority and the Department may inspect the access during construction and upon completion of the access to ensure that all terms and conditions of the permit are met. Inspectors are authorized to enforce the conditions of the permit during construction and to halt any activities within state right-of-way that do not comply with the provisions of the permit, that conflict with concurrent highway construction or maintenance work, that endanger highway property, natural or cultural resources protected by law, or the health and safety of workers or the public.

5. Prior to using the access, the permittee is required to complete the construction according to the terms and conditions of the permit. Failure by the permittee to abide

by all permit terms and conditions shall be sufficient cause for the Department or issuing authority to initiate action to suspend or revoke the permit and close the access. If in the determination of the Department or issuing authority the failure to comply with or complete the construction requirements of the permit create a highway safety hazard, such shall be sufficient cause for the summary suspension of the permit. If the permittee wishes to use the access prior to completion, arrangements must be approved by the issuing authority and Department and included in the permit. The Department or issuing authority may order a halt to any unauthorized use of the access pursuant to statutory and regulatory powers. Reconstruction or improvement of the access may be required when the permittee has failed to meet required specifications of design or materials. If any construction element fails within two years due to improper construction or material specifications, the permittee shall be responsible for all repairs. Failure to make such repairs may result in suspension of the permit and closure of the access.

6. The permittee shall provide construction traffic control devices at all times during access construction, in conformance with the M.U.T.C.D. as required by section 42-4-104, C.R.S., as amended.

7. A utility permit shall be obtained for any utility work within highway right-of-way. Where necessary to remove, relocate, or repair a traffic control device or public or private utilities for the construction of a permitted access, the relocation, removal or repair shall be accomplished by the permittee without cost to the Department or issuing authority, and at the direction of the Department or utility company. Any damage to the state highway or other public right-of-way beyond that which is allowed in the permit shall be repaired immediately. The permittee is responsible for the repair of any utility damaged in the course of access construction, reconstruction or repair.

8. In the event it becomes necessary to remove any right-of-way fence, the posts on either side of the access shall be securely braced with an approved end post before the fence is cut to prevent any slacking of the remaining fence. All posts and wire removed are Department property and shall be turned over to a representative of the Department.

9. The permittee shall ensure that a copy of the permit is available for review at the construction site at all times. The permit may require the contractor to notify the individual or office specified on the permit at any specified phases in construction to allow the field inspector to inspect various aspects of construction such as concrete forms, subbase, base course compaction, and materials specifications. Minor changes and additions may be ordered by the Department or local authority field inspector to meet unanticipated site conditions.

10. Each access shall be constructed in a manner that shall not cause water to enter onto the roadway or shoulder, and shall not interfere with the existing drainage system on the right-of-way or any adopted municipal system and drainage plan..

11. By accepting the permit, permittee agrees to save, indemnify, and hold harmless to the extent allowed by law, the issuing authority, the Department, its officers, and employees from suits, actions, claims of any type or character brought because of injuries or damage sustained by any person resulting from the permittee's use of the access permit during the construction of the access.

CHANGES IN ACCESS USE AND PERMIT VIOLATIONS

1. It is the responsibility of the property owner and permittee to ensure that the use of the access to the property is not in violation of the Code, permit terms and conditions or the Act. The terms and conditions of any permit are binding upon all assigns, successors-in-interest, heirs and occupants. If any significant changes are made or will be made in the use of the property which will affect access operation, traffic volume and or vehicle type, the permittee or property owner shall contact the local issuing authority or the Department to determine if a new access permit and modifications to the access are required.

2. When an access is constructed or used in violation of the Code, section 43-2-147(5)(c), C.R.S., of the Act applies. The Department or issuing authority may summarily suspend an access permit and immediately order closure of the access when its continued use presents an immediate threat to public health, welfare or safety. Summary suspension shall comply with article 4 of title 24, C.R.S.

MAINTENANCE

1. The permittee, his or her heirs, successors-in-interest, assigns, and occupants of the property serviced by the access shall be responsible for meeting the terms and conditions of the permit, the repair and maintenance of the access beyond the edge of the roadway including any cattle guard and gate, and the removal or clearance of snow or ice upon the access even though deposited on the access in the course of Department snow removal operations. Within unincorporated areas the Department will keep access culverts clean as part of maintenance of the highway drainage system. However, the permittee is responsible for the repair and replacement of any access-related culverts within the right-of-way. Within incorporated areas, drainage responsibilities for municipalities are determined by statute and local ordinance. The Department will maintain the roadway including auxiliary lanes and shoulders, except in those cases where the access installation has failed due to improper access construction and/or failure to follow permit requirements and specifications in which case the permittee shall be responsible for such repair. Any significant repairs such as culvert replacement, resurfacing, or changes in design or specifications, requires authorization from the Department.

STATE HIGHWAY ACCESS PERMIT # 216048
2200 ft. west of MP 222, 221.45 Left
For Permittee: Bailey Trails! Alliance

September 12, 2016

General

1. CDOT retains the right to perform any necessary maintenance work in this area.

2. WORKER SAFETY AND HEALTH All workers within the State Highway right of way shall comply with their employer's safety and health policies/procedures, and all applicable U.S. Occupational Safety and Health Administration (OSHA) regulations including, but not limited to the applicable sections of 29 CFR Part 1910 - Occupational Safety and Health Standards and 29 CFR Part 1926 - Safety and Health Regulations for Construction. At a minimum, all workers in the State Highway right of way, except when in their vehicles, shall wear the following personal protective equipment:
   a. Head protection that complies with the ANSI Z89.1-1997 standard;
   b. At all construction sites or whenever there is danger of injury to feet, protective footwear that complies with the ANSI Z41-1999 standard will be worn;
   c. High visibility apparel as specified in the Traffic Control provisions of this permit (at a minimum, ANSI/ISEA 107-1999, Class 2).
   d. Where any of the above-referenced ANSI standards have been revised, the most recent version of the standard shall apply.

Insurance

3. A certificate of insurance naming the Colorado Department of Transportation (CDOT) as an additional insured is required to be submitted before work begins.

Traffic

4. No interference with traffic will be allowed after 12:00 Noon the day before a 3- or 4-day holiday weekend, as listed under 108.06 of the Standard Specifications for Road and Bridge Construction.

5. Traffic control and work hours on state highways, interstates and freeways will be allowed as determined by the CDOT Inspector for this permit and area only.

Utilities

6. READ ALL ADDITIONAL STANDARD REQUIREMENTS ON THE ATTACHED FORM 101 AND OTHER TERMS AND CONDITIONS ON THESE ATTACHED SHEETS. A COPY OF THIS PERMIT MUST BE ON THE JOB SITE WITH THE CONTRACTOR. Call for an inspection of forms at least one working day prior to placing any concrete. The Colorado Department of Transportation inspection is not an approval of the grade or alignment of the work. The contractor and/or engineer are responsible for the proper grade and alignment. Minor changes or additions may be ordered by the field inspector to meet field conditions. Any survey markers or monuments disturbed during the execution of this permit shall be repaired immediately at the expense of the permittee. Minimum cover for buried utilities shall be 48 inches.

Access

7. A NOTICE TO PROCEED TO CONSTRUCTION, CDOT Form 1265, is required before beginning the construction of the access or any activity in the highway right-of-way. All submittals, documents, plans, and other items that must be completed shall be submitted and approved by the Department before a NOTICE TO PROCEED to construction will be issued.

8. The access is located on the east side of State Highway 285, a distance of 2500 feet south from milepost 222 or approximately milepost 221.457.

9. This section of highway is a Category R-A highway. The information submitted with the application requires the following improvements be designed and installed:
   a. A grading plan is required to show that drainage along the driveway will be retained on private property or released at historic rates.
   b. A 36" x 36" R1-1 STOP sign shall be placed at the access for egressing vehicles.

60117 Hwy. 285 Traffic Considerations

Bailey Treetop Ventures has received conditional approval for business access from CDOT at the 60117 Hwy. 285 property. The conditions to be met are a drainage plan along the driveway. H&S Excavating who will be doing improvements along the existing driveway is currently developing the drainage plan. The improvements include the development of ditches, widening of the existing drive, a parking lot and the removal of a section at the beginning of the drive for safe turnout and retention of water, which may flow down the driveway.

The turnout will include the removal of material just beyond the vehicle in the above picture. This will allow for safe ingress and egress for vehicles of all sizes plus accommodate water retention to mitigate erosion in the CDOT easement.

Visibility along the highway at the existing driveway is some of the best in the Bailey business district. Unlike other access on curves and blocked by structures, in the Bailey business district, views down the highway are open for long distances, along this straightaway.

The speed limit is 40 mph in this area. Other side access in the area includes access to the County Substation, Riverbend restaurant and County Road 64A.

CDOT utilized traffic data collected from another survey and approval of last year. The data is below and can be viewed at http://dtdapps.coloradodot.info/otis/TrafficData#ui/2/0/0/station/105141/criteria/105141/ .

Station Id:
105141

Stations | AADT | Future Traffic | ESAL

Found 1 stations. Click the magnifying glass icon in front of a station to see count data below.

Export to Excel

	Station ID	Route	Start	End	County	City	Description
	105141	285D	221.889	222.167	Park		ON SH 285 E/O CR 64, BAILEY

ON SH 285 E/O CR 64, BAILEY (Station Id: 105141)

Daily | Monthly Summaries | Annual

09/10/2015

View Entire Month

Export to Excel

Dir	0h	1h	2h	3h	4h	5h	6h	7h	8h	9h	10h	11h	12h	13h	14h	15h	16h	17h	18h	19h	20h	21h	22h	23h
P	18	21	14	13	21	45	71	174	202	184	276	299	382	463	512	481	461	495	459	324	156	132	84	46
S	38	17	20	22	42	86	229	370	376	531	625	605	563	620	616	717	647	672	691	516	298	164	99	57
C	56	38	34	35	63	131	300	544	578	715	901	904	945	1,083	1,128	1,198	1,108	1,167	1,150	840	454	296	183	103

P = Primary direction S = Secondary direction C = Combined traffic counts

Aerial Park Proposal For 60117 Hwy. 285

60117 Highway 285 is currently a vacant 11.7 acre parcel, zoned commercial, in Bailey, Colorado. Bailey Treetop Ventures, LLC is proposing utilizing the property as an aerial adventure park.

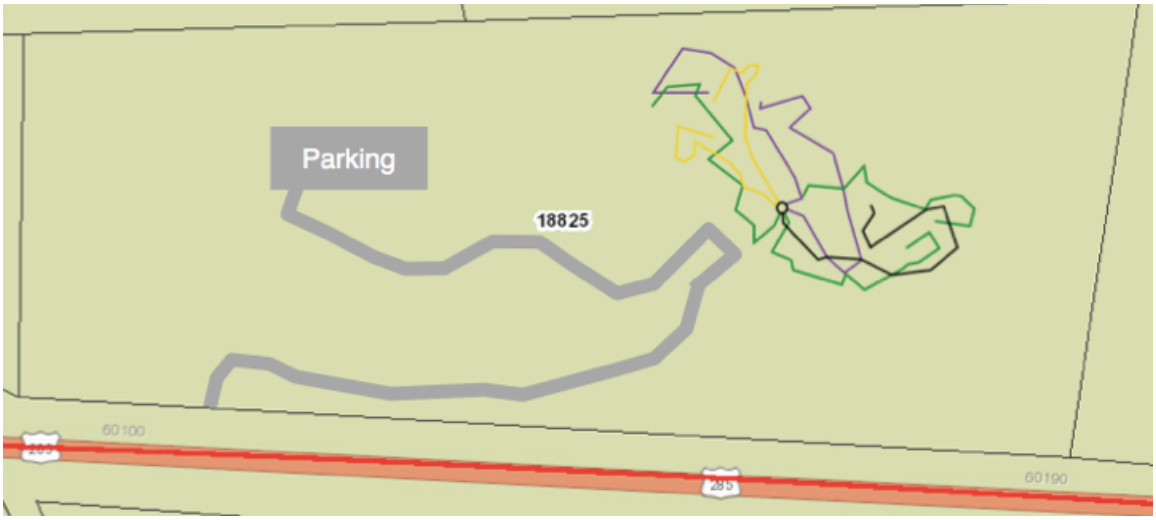
Bailey Treetop Ventures, LLC's ownership consists of a five member team; Tim Gregg, Berkeley Williams, Doug Wheeler, Nick Fullerton, and Cameron Fullerton. Tim Gregg is responsible for business development and the approval processes of the project. As a twenty-year local resident of the area, Tim brings to the project much knowledge of and a passion for the town of Bailey. Berkeley Williams and Doug Wheeler spent years constructing aerial adventure parks together under the employment of a large company called Outdoor Ventures. They have since formed their own team and begun designing and constructing parks of their own, and will oversee all design and construction of the proposed adventure park. Nick Fullerton and Cameron Fullerton grew up working for their family's business in Keystone, SD called Rushmore Tramway Adventures. In 2013, Cameron hired Outdoor Ventures to construct an aerial park as an addition to the Rushmore Tramway, and has recently completed his third full season of operation. Nick and Cameron will be responsible for the managerial and marketing functions of the proposed project.

An aerial adventure park is an outdoor recreational activity that consists of a series of platforms suspended upon treetops with various bridges and challenges connecting the platforms. The obstacles include zip lines, balance mechanisms, and other creative challenges that are designed with exercise and excitement in mind. Aerial adventure parks originated in Europe, and

have become very popular in Switzerland and Germany. They have slowly made their way to the United States, particularly in the wooded areas of New York, Maryland, and New England.

Adventure parks utilize a unique harness, carabiner, and cable system to provide for redundancy and safety as customers navigate from bridge to bridge. Series of bridges and zip lines make up courses, of which are rated in terms of their level of difficulty. The proposed park would include courses designed for children and beginners, as well as intermediary and expert level courses.

The proposed adventure park will consist of eight courses, each beginning on a common platform referred to as the "starting platform." Each course is identified by its color, which indicates its level of difficulty. The color designations by ascending level of difficulty are yellow, green, blue, and black. The park will include two yellow, three green, two blue, and one black course.



The subunit of a course is called an "element." Each course will consist of ten elements. An element is either a bridge, ladder, or zip line, each moving the guest from one platform to the next. A ladder moves the guest vertically from one platform to the next upon a single tree while a bridge or zip line moves the guest from the platform of one tree to that of another (horizontally).

Guests navigate the courses independently using a harness and a set of safety lanyards, which are equipped with a set of SSB (Smart Safety Belay) safety carabineers. The SSB safety system keeps one carabineer locked into the course (cannot be opened by guest) at all times while the participant is off the ground. The guest is also equipped with a zip line trolley with an integrated auto-locking carabineer. Staff members will monitor the park offering assistance where needed.

The guest will be required to successfully navigate through a yellow or green course before advancing to the more technical blue and black course designations. As each course originates from the starting platform, a designated staff member will monitor this progression and inspect each guest's harness and SSB safety lanyard prior to the guest beginning the next course. Please see attachments for more detail on aerial park operations and illustrations.

Aerial adventure parks have proven to be successful businesses. The proposed aerial adventure park fits in well with the community, topology, and meets the goals of the Park county master plan. Commercial property in the area is very limited. The property at 60117 Hwy. 285 has proved challenging to other types of businesses.

The proposed aerial adventure park embraces the challenging topology of the property. The business model and traffic flow have gained approval from CDOT, with no changes to the highway. The business model is based upon a reservation business, which allows for predictable traffic flow.

The property is bordered by residential properties and with the heavy foliage and distance of residences, it is unlikely that the owners will be aware of the business. The elements of the aerial adventure park will be hidden deep within the boundaries of the property and none of the adjacent residential property owners will be able to see them from their residences.

The proposed aerial adventure park will attract tourists directly to the Bailey business district. It will contribute to the local economy with low-impact tourism. Bailey's economy is primarily supported by local patrons. Bailey is a

pass through community for tourists. Approval of the aerial adventure park will contribute to making Bailey a destination and patrons of the park will also become patrons of our local businesses who struggle to survive. This small increase in tourists will have a very positive impact on the perception of Bailey and help bring additional economic opportunities to town.

PARK COUNTY PLANNING COMMISSION
PLANNING DEPARTMENT STAFF REPORT

Planning Commission Hearing Date: November 8, 2016

To: Planning Commission Members

Date: October 25, 2016

Prepared by: Jill Falchi, Planning Technician
Sheila Cross, Director of Development Services

Subject: Bailey Aerial Adventure Park Conditional Use Permit

Request: Requesting a Conditional Use Permit for an Outdoor Recreational Facility for an Outdoor Aerial Adventure Park.

Application Summary:

Applicant:	Bailey Treetop Ventures, LLC
Owner:	Bailey Trails! Alliance
Location:	Part of the N1/2SE1/4 of Section 30 Township 7 South, Range 72 West of the 6th P.M. also known as Bailey Tract 45. Addressed as 60117 Hwy 285.
Zone District:	Commercial (C)
Surrounding Zoning:	Residential (R), Residential Estate (R-20), and Commercial (C). A Zoning Map is included as Attachment 1.
Lot Size:	12.7 acres
Existing Use:	Vacant
Proposed Use:	Outdoor Recreational Facility
Public Comment:	None received at the time of report preparation.

Background:

Bailey Trails! Alliance, a Colorado nonprofit Corporation, purchased this vacant property in January of 2014 with the intention of opening an aerial adventure park. The property is located in Bailey, east of the County substation. The ownership structure of this nonprofit includes Tim Gregg, Berkeley Williams, Doug Wheeler, Nick Fullerton, and Cameron Fullerton.

The proposed development includes an improved driveway, parking lot, restrooms, office/storage building, and eight aerial adventure courses. See Attachment 2, Site Plan. Two ADA-accessible portalets are proposed for the first year after which permanent facilities will be required. The subject property is in the Bailey Water and Sanitation District. A Vicinity Map, Aerial Site Map and Topo Map are included as Attachments 3, 4 and 5, respectively.

Land Use Regulations and Strategic Master Plan:

Each of the standards for approval of a CUP (LUR Section 5-500, page 47) are listed below and summarized.

1. **The use proposed is an authorized Conditional Use for the zone district in which the property described in the application is located.**
   An outdoor recreational facility is allowed as a Conditional Use in the Commercial (C) zone district per Section 5-302, Article 5 of the Park County Land Use Regulations.
2. **The property described in the application for Conditional Use Permit possesses geological, physical, and other environmental conditions that are compatible with the proposed conditional use.**
   The average elevation of the property is 7,900 ft. with more than 20% slope in the topography. The North Fork of the South Platte is directly south of the subject property. In addition, there is an intermittent stream running north to south through the subject property toward the Platte. Development of any structures other than poles within the watercourse setback will require variances.
3. **The Conditional Use will conform to all applicable requirements of the zone district and these Land Use Regulations and does not create a substantial safety concern for anticipated visitors to the property.**
   The proposed use will conform to applicable requirements for the zone district, Park County Land Use Regulations, and State law. No safety concerns are anticipated. Please refer to the safety discussion under Impact Analysis.
4. **The property has a reasonably certain right of permanent legal access permitting vehicular access from the property to the public thoroughfare.**
   The applicant has obtained a CDOT access permit and as a condition is required to provide a grading plan to show that drainage along the driveway will be retained on private property or released at historic rates.
5. **Access to the property from the public thoroughfare reasonably meets County street, road, or driveway standards or, if the property is undeveloped, such access will be established prior to issuance of a building permit.**

Park County Development Services has recommended a traffic analysis, and will require the access drive to be engineered and to meet the County's road standard.

6. **The proposed Conditional Use is compatible with the uses and zoning for other properties within the neighborhood or immediately surrounding area.**
   With appropriate conditions, review of more detailed course information, and conformance to all applicable regulations, the proposed conditional use can be developed and operated in a way that provides compatibility with the surrounding area. There are three single family dwellings on adjacent properties, 350 feet, 500 feet, and 900 feet respectively from the proposed development site. Distance from existing dwellings will reduce noise disturbance. In addition, the proposed facility must be in compliance with Park County's sound ordinance. Staff does not anticipate significant environmental impact to the area as the applicants will need to conform to Park County's watercourse setback requirement. Traffic impact is unknown.
7. **In making this determination, conflicts with any enforceable covenants, conditions and restrictions of record will be considered.**
   There are no applicable covenants, conditions, or restrictions to be considered.

Impact Analysis:

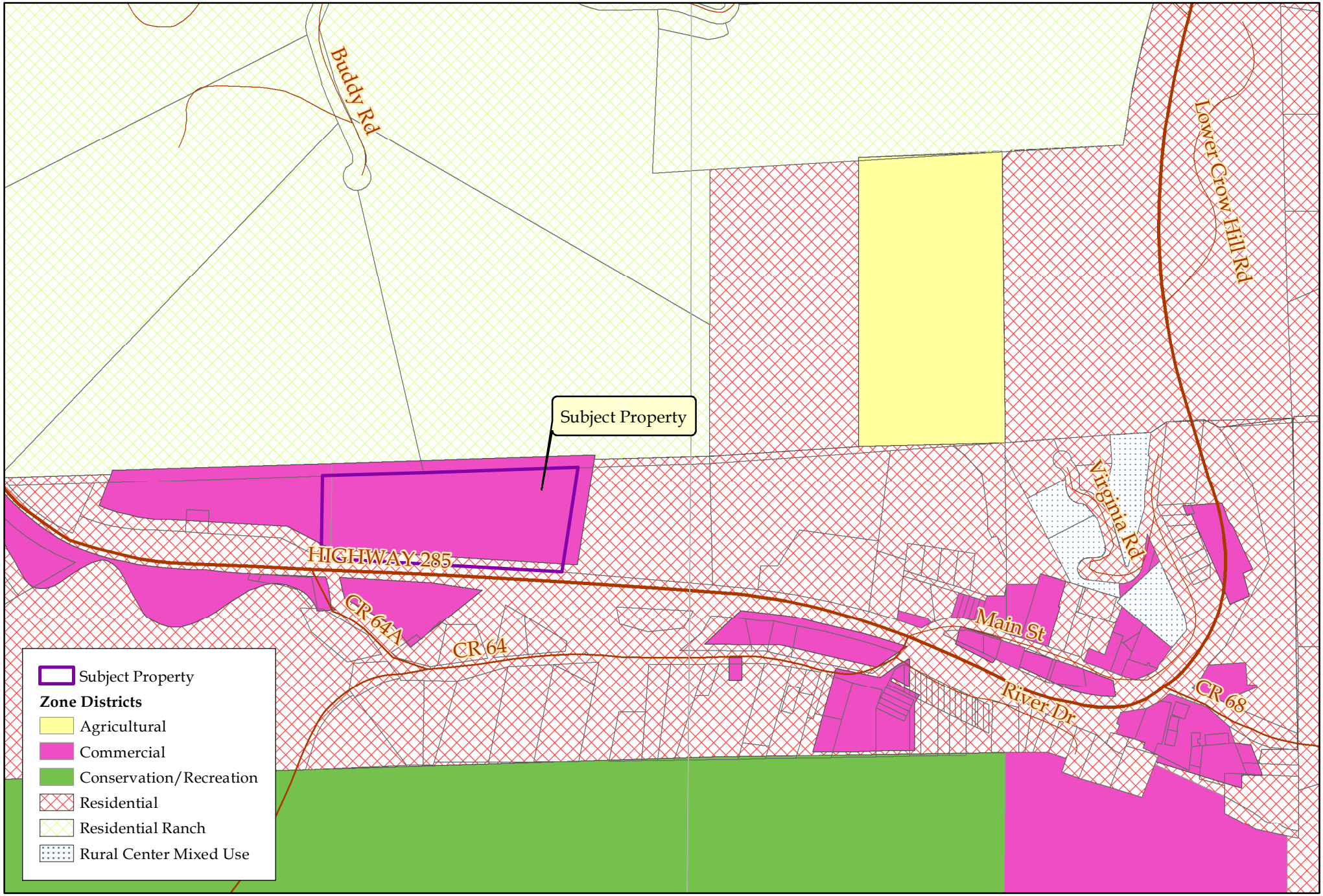
No significant impact is anticipated to, roadways, schools, parks, storm drainage or utilities. Impact to traffic is unknown. Although the applicant has provided some 2015 data regarding the number of vehicles that traveled through the corridor, Planning Staff is specifically concerned about the impact of increased northbound traffic turning left into and out of the subject property.

The Colorado Department of Labor & Employment, Division of Oil & Public Safety (OPS) Amusement Device Section is the regulating agency for zip lines and challenge courses within the state. All zip lines located in Colorado must register with the OPS office through an application process and must follow specific safety, liability, and inspection provisions to be registered and operational. Additionally, the construction of all aerial park installations must follow the construction standards of the OPS and third-party inspections must be hired by the operator annually to inspect the zip lines and associated platforms. All ride operators must be trained in accordance with appropriate state standards. Zip line Guidance is provided as Attachment 6.

Recommendation:

Based on the foregoing, staff recommends that this CUP be approved with the following condition.

1. Development of any structures other than poles within the water course setback will require a variance.
2. The applicant shall submit a state application to the State of Colorado's Division of Oil & Public Safety, Amusement Rides and Devices Program to register the aerial park. Evidence of completed registration will be required prior to opening the park to the public.
3. The applicant and his successors shall maintain and keep active all certifications and registrations with the Colorado Department of Labor and Employment, Division of Oil & Public Safety. Copies shall be available on site.
4. The applicant shall retain a third-party plans examiner to review and approve the construction plans for each platform, challenge, and zip line. Building plans will need to be engineered and stamped by a Colorado licensed engineer.
5. The applicant shall retain a third-party inspector to investigate the safety of the construction of each platform, obstacle, challenge, or zip line prior to the park opening to the public. The inspector shall be certified or licensed with the State of Colorado as capable of inspecting aerial parks or challenge courses.
6. Liability insurance must be submitted to both the state and the county of an amount not less than $1 million per occurrence for Class B amusement rides insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride or device. The insurance policy shall be maintained and, if the insurance policy lapses, the applicant's CUP may be revoked.
7. Quarterly safety reports will be submitted to the County for the first three years of operation. This report will be due within 1 month of the end of each quarter. An annual safety report will required for each year after (starting in the 4th year) due by February 1st of that year.
8. All platforms and towers that are over 35 feet in height are subject to obtaining a height variance from the Park County Board of Adjustment.
9. Temporary sanitation facilities may only be used for up to one year after approval after which, permanent facilities will be required.
10. Hours of operation for the aerial park may be limited to normal business hours (i.e. 8am-6pm) to mitigate the potential negative impacts from noise and traffic to the surrounding properties.
11. Signage for the aerial park will need to follow the County's standards for signage in the Residential zone district.



N

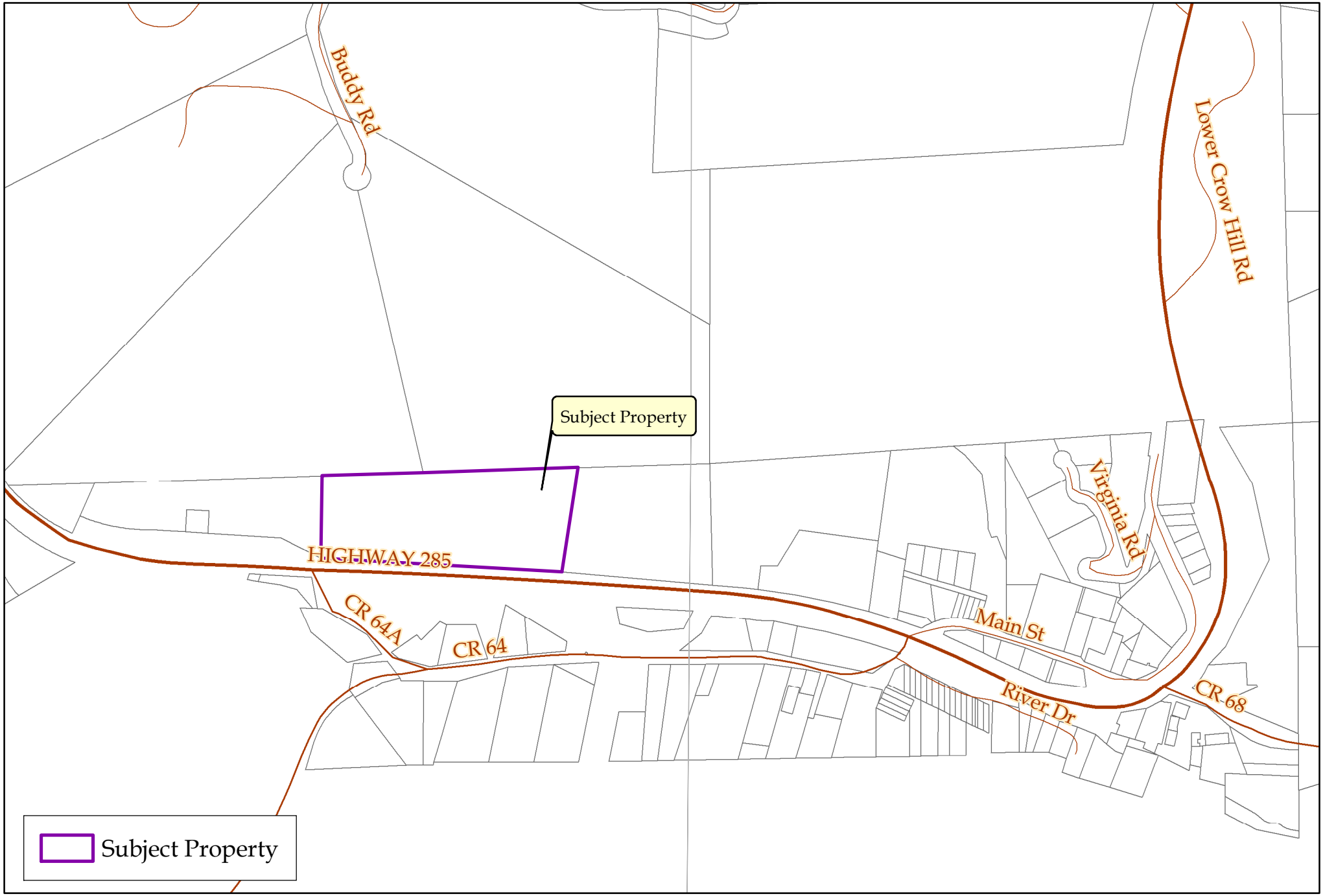
Attachment 1: Zoning Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

Attachment 2: Site Plan



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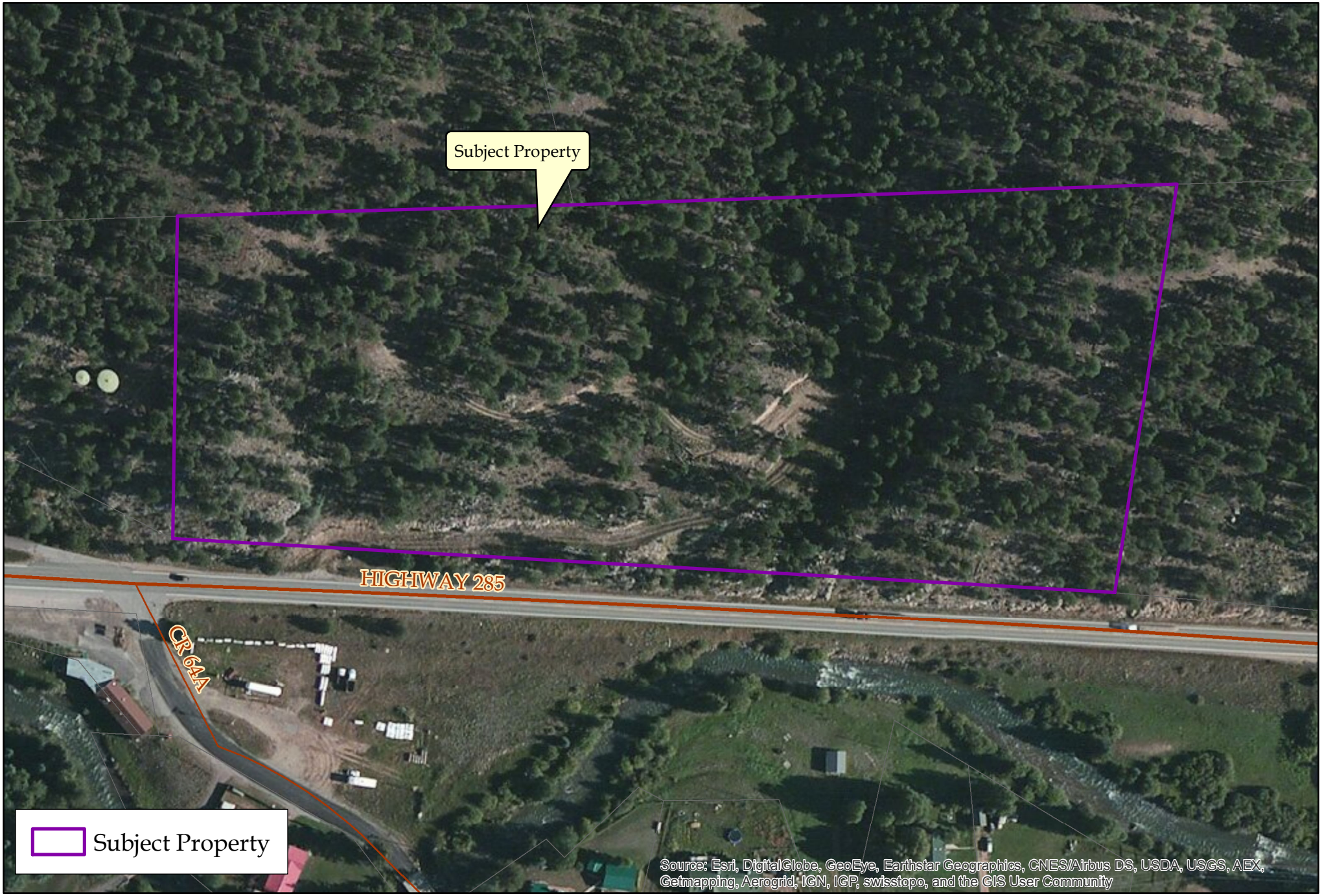
Attachment 3: Vicinity Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department



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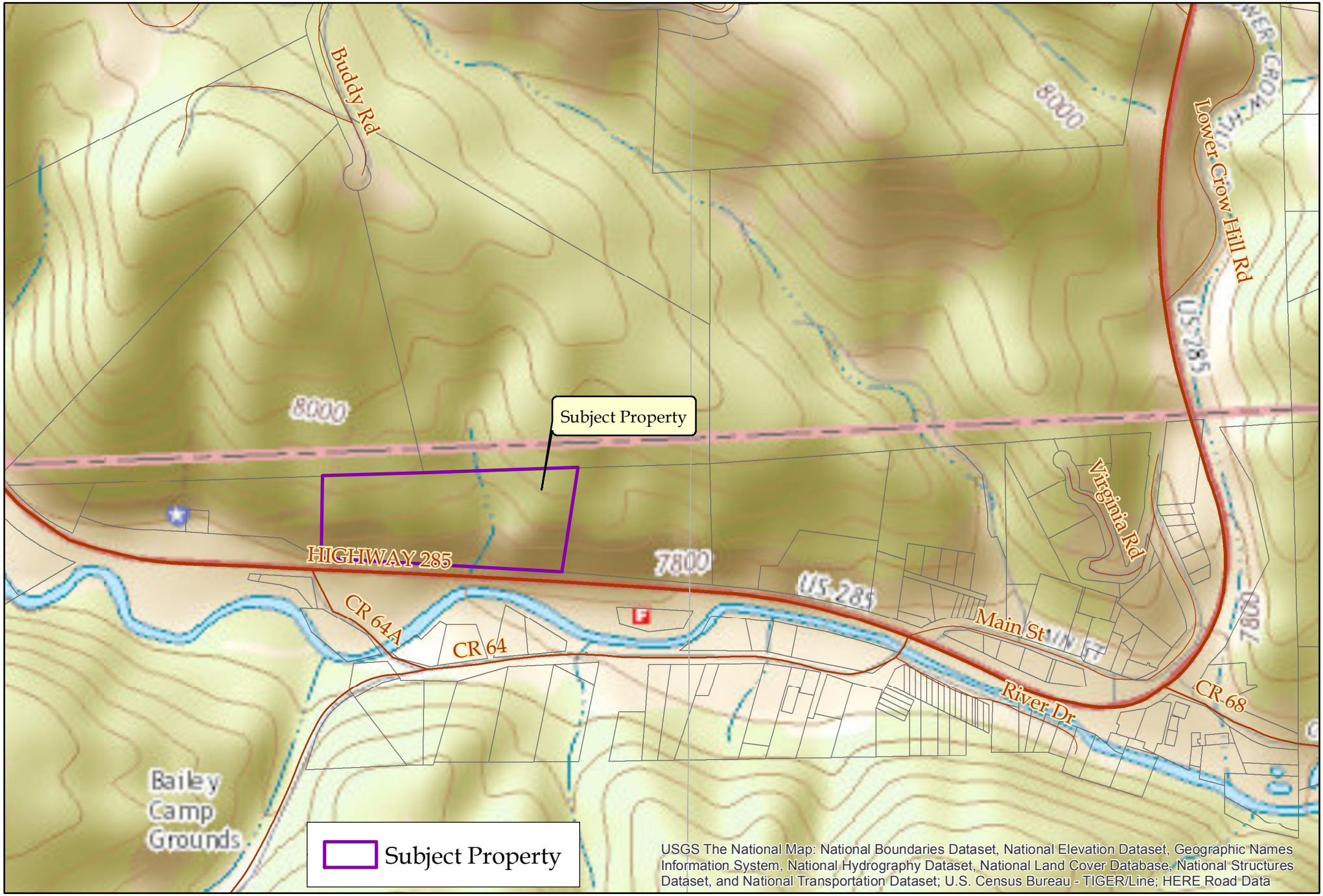
Attachment 4: Aerial Map

Aerially Photographed in 2013

0 145 290 580 Feet

Park County Planning Department



N

Attachment 5: Topo Map

Aerially Photographed in 2013

0 550 1,100 2,200 Feet

Park County Planning Department

Colorado Department of Labor & Employment – Division of Oil & Public Safety
Amusement Device Section
633 17th St., Suite 500, Denver CO 80202-3610
Phone 303-318-8495 – Fax 303-318-8488
E-mail: scott.narreau@state.co.us Web: www.colorado.gov/cdle/ops

Zipline Guidance

Effective August 24, 2012

The Division of Oil and Public Safety, Amusement Rides and Devices Program will now be regulating ziplines within the State of Colorado. All ziplines located in Colorado must be registered with the Division of Oil & Public Safety (OPS). This guidance document outlines the current requirements of zipline registration standards listed herein, Amusement Rides and Devices - 7 Colorado Code of Regulations (CCR) 1101-12, or Colorado Revised Statutes (CRS) Title 8 Article 20. As we are in the process of developing changes in our regulations, we have included in this document both current requirements and requirements that will be included in our regulation changes (in the blue font). The latter requirements are not mandatory at this time but are highly recommended. This guidance focuses on the registration requirements for all commercial zipline operations in the State of Colorado. Amusement rides and devices, including ziplines, may not operate within the State of Colorado unless the owner/operator has registered with the Division of Oil and Public Safety.

Section A. Definition

(1) *Amusement Ride or Device* means any mechanized device or combination of devices which carry or convey persons along, around or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, excitement or the opportunity to experience the natural environment.
(2) *Zipline* means a concession, commercial recreation or amusement device where participants attached to a pulley traverse by gravity from one point to another by use of a cable or rope line suspended between support structures.

Section B. Construction

(1) OPS will be adopting the ACCT standards, 7th edition. When the 8th edition is released, OPS may adopt those standards in place of the 7th edition.
(2) All zipline installations must be constructed, maintained and repaired by the following standards:
   (a) in accordance with the ASTM Standards, the ACCT Standards and/or the manufacturer's recommendations, as applicable;
   (b) in accordance with all otherwise applicable federal, state and local safety, fire, health or building codes or standards; and
   (c) as certified by a Professional Engineer. The certifications must be available for review by the Director of Oil & Public Safety or his designee. All existing operations will have 12 months from the release date of this document to comply with this requirement.

Section C. Exemptions

(1) Any amusement ride or device operated at a private event that is not open to the general public and not subject to a separate admission charge, or any amusement ride or device owned and operated by a non-profit organization who meets all the requirements in Sections 2.1, 2.2(a), 2.2(g), 2.2(h), and 2.2(i) of the regulations and operates their rides less than 8 days in any calendar year.
(2) Any amusement ride or device operator who notifies the Director of the Division of Oil and Public Safety in writing that his or her ride or device is inspected and licensed or issued a permit by one of the following agencies where said agency inspects and issues a license or permit for the ride or device is exempt.
   (a) any municipality or local government within the State of Colorado;
   (b) another state agency within the State of Colorado; or
   (c) any federal government agency.

Section D. Application

This application must be filled out to initially attain and annually renew the permit. The application can be found on our website (www.colorado.gov/cdle/amusementrides). Components of the current application are as follows:

(1) **Contact Information –** *Name of Operator, Physical Address, Mailing Address* (if different from physical), *Contact Name*, and a *Telephone Number* must be completed. Do not fill out *Registration Number* if you are a first time applicant. A number will be assigned to your operation by OPS.

(2) **Payment –** Based on the fee schedule below, payment may be submitted via cash, check, or money order (made payable to Division of Oil and Public Safety). Each zipline is considered one class B device.

This is the current fee schedule. Submit fee payment based on this schedule.

Fee Category	Registration fee for amusement ride or device operator	+	Registration fee for class A rides	Registration fee for class B rides
Fee Amount	$500	+	$100 per ride	$135 per ride

(a) A *Class A* ride or device means a ride or device that is designed primarily for use by children 12 years of age and younger commonly referred to as a "kiddie ride".
(b) A *Class B* ride or device means a ride or device that is not a class A ride or device.

This is what the fee schedule will be after our regulation changes take effect.

Fee Category	Registration fee for amusement ride or device operator	+	Registration fee per ride or device
Fee Amount	$500	+	$130

(3) **Type of Operator:**
(a) Check *Permanent Device Operator* if your zipline stays in one location.
(b) Check *Portable Device Operator* if your zipline is used in more than one location.

(4) **Liability Insurance Information –** *Insurance Carrier's Name*, *Policy Number*, *Effective Date*, and *Expiration Date* must be completed regarding your liability insurance. See section (C)(7) of this document for more information on insurance requirements.

(5) **Certificate of Inspection –** A certificate of inspection must be completed by a qualified third-party inspector for each zipline. The name of the zipline, serial number and manufacturer of the zipline must match the list of rides in the application (see section (C)(9) for information on the list requirements).
Note: See section D for more information on what needs to be inspected.

(6) **Injury Occurrence(s):**
(a) Mark "yes" if any injury occurring in any state caused by an amusement ride which results in death or requires medical treatment. An *injury* is caused by the ride if the injury occurs on the ride/device or is in any way associated with the ride/device.
  (i) You must also attach a copy of the injury report. The report must include the kind of injury, date of injury, cause of injury, and name of ride/device.
(b) Mark "no" if you have not had any injuries on your zipline.

(7) **Certificate of Liability Insurance –** You must request that your liability insurance carrier submit a certificate of liability insurance directly to OPS to be placed with your application.
(a) The liability insurance must be in the amount of not less than $100,000 per occurrence with a $300,000 annual aggregate for Class A amusement rides and devices and an amount of not less than $1 million per occurrence for Class B amusement rides and device insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride or device.
  (i) A *Class A* ride or device means a ride or device that is designed primarily for use by children 12 years of age and younger commonly referred to as a "kiddie ride".
  (ii) A *Class B* ride or device means a ride or device that is not a class A ride or device.

(b) For governmental entities, insurance or self-insurance in accordance with section 24-10-115 of The Governmental Immunity Act, or participation in a public entity self-insurance pool pursuant to section 24-10-115.5 of The Governmental Immunity Act shall be deemed to meet the financial standards of this section.

(8) **Dates and Locations** (for portable amusement devices only) – Only locations within the State of Colorado are required to be listed.
   (a) *Dates of Operation* shall mean the beginning and end dates of being set up at that location.
   (b) *Location Name* shall mean the name of the building or fairgrounds you will be set up in or outside of (some examples are Douglas County Fairgrounds, Westminster High School, Winter Park Ski Resort, etc.).
   (c) *Location Address* shall mean the street address of the above location.
   (d) *Location City* shall mean the city of the above location.

(9) **List of All Amusement Rides or Devices –** List each device on a separate line with the name of the device, the trade name of the manufacturer of the device, and the serial number of the device. If there is no serial number issued by the manufacturer then we recommend that you develop a serial number of your own in order to differentiate your current device(s) from any new devices you may get or when/if you replace your current device(s).

(10) **Attestation Signature –** The person who fills out this section is certifying that the information provided in the application is true and correct to the best of their knowledge. All fields must be completed.

Section E. Third-Party Inspection

(1) A third-party inspector must be hired by the operator annually to inspect the zipline and approve it per the *Construction* requirements listed in Section B.
   (a) The third-party inspector must be qualified by training, such as attainment of Level II certification from the National Association of Amusement Ride Safety Officials (NAARSO), attainment of Level II certification from Amusement Industry Manufacturers and Suppliers International (AIMS), attainment of a qualified inspector certification from the Association for Challenge Course Technology (ACCT), or other similar qualification from another nationally recognized organization; or education, such as a registered Professional Engineer in a related discipline; or experience evaluated and approved in advance, by OPS, to conduct safety inspections of amusement rides or devices in accordance with the ASTM standards, the ACCT Standards and/or the manufacturer's recommendations and criteria, as applicable. The inspector may also be a qualified State of Colorado employee whose inspection services are retained for an additional fee.
   (b) The third-party inspector must determine whether the zipline is being constructed, assembled, maintained, tested, operated, and inspected in accordance with the ASTM standards, the ACCT Standards and/or the manufacturer's recommendations, as applicable, and must determine the current operational safety of the zipline.
(2) The inspection shall be conducted with the zipline in an operable state prior to opening to the public and shall include an evaluation of the zipline for a minimum of one complete operating cycle. The third-party inspection must include:
   (a) a review of the method to test the stress and wear-related damage of critical parts that the manufacturer determines are reasonably subject to failure; and
   (b) a review of the owner/operator's daily inspection records, inspection and maintenance program records, and training records.
(3) Upon approval, the third-party inspector must fill out a Certificate of Inspection to be included with the application. There is a blank Certificate of Inspection in the application.

Section F. Ride Operator Training

(1) The *Ride Operator* is defined as the person that has control of the amusement ride or device at all times that it is being operated for the public's use. This person must be trained in accordance with the standards listed below.
   (a) ACCT Chapter 3: Operations Standards;
   (b) ACCT Chapter 4: Practitioner Certification Standards; or
   (c) An operator training program provided or approved by the zipline designer, engineer or manufacturer.
(2) All records of the ride operator training activities must be maintained. These records must be available to OPS auditors/inspectors, at reasonable times, including during an inspection upon the auditor's/inspector's request.

Section G. OPS Inspection / Audit

(1) OPS staff may inspect the premises and operation of the amusement ride or device to insure that the financial and safety standards required by OPS have been met.
(2) In addition to the annual inspection required, the owner/operator who operates a zipline must perform and record daily inspections of each zipline.
   (a) Every zipline operator shall maintain detailed records relating to the construction, repair and maintenance of its operation including safety, inspection, maintenance records, and ride operator training activities.
   (b) These records must be made available to the OPS auditors/inspectors, at reasonable times, including during an inspection upon the auditor's/inspector's request.
   (c) Records of the daily inspections must be available for inspection at the location where the zipline is operated, and the records must be maintained with the zipline for a period of three years.
(3) The daily inspection record must include an inspection of equipment identified for daily inspection in accordance with the applicable ASTM code, ACCT code, or the manufacturer's recommendations. Where applicable, the inspection shall include:
   (a) safety belts, bars, locks and other passenger restraints;
   (b) all automatic and manual safety devices;
   (c) signal systems, brakes and control devices;
   (d) safety pins and keys;
   (e) fencing, guards, barricades, stairways and ramps;
   (f) ride structure and moving parts;
   (g) tightness of bolts and nuts;
   (h) blocking, support braces and jackstands;
   (i) electrical equipment;
   (j) lubrication as per manufacturer's instructions;
   (k) hydraulic and/or pneumatic equipment;
   (l) check communication equipment necessary for operation;
   (m) prior to opening, operate ride through one complete cycle of proper functioning; and
   (n) any other component that is included in the manufacturer's specific ride maintenance and safety checks or ASTM standards, or that the operator or person performing the daily inspection deems necessary for inspection.

Section H. Injury Reporting

(1) A reportable injury shall be reported to OPS within 24 hours. Please call (303) 514-3281 to report an injury. A written report must be submitted to OPS within 72 hours.
   (a) A *Reportable Injury* is defined as any personal injury that results in death, dismemberment, significant disfigurement, permanent loss of the use of a body organ, member, function or system, a compound fracture or other significant injury or illness caused by the operation, maintenance, malfunction or failure of an amusement ride or device. Reportable injuries do not include treatment with first aid even if performed by a physician unless follow-up treatment is required.
(2) If a death or serious injury results from the operation, maintenance, malfunction or failure of an amusement ride or device, the equipment or conditions that caused the accident need to be preserved for the purpose of an investigation by the Division of Oil and Public Safety.

Section I. Timeline for Completion

(1) All existing zipline operations will have the following deadlines for meeting the requirements:
   (a) Thirty (30) days from the release date of this document for all zipline operators to submit an application and certificate of liability insurance document to the Division of Oil and Public Safety;
   (b) Ninety (90) days from the release date of this document for all zipline operators to submit a third-party inspection certification for each zipline to the Division of Oil and Public Safety; and
   (c) Twelve (12) months from the release date of this document for all zipline operators to have ziplines constructed, maintained and/or repaired as certified by a Professional Engineer, and have those certifications available for review by the Division of Oil and Public Safety.
(2) Ziplines may not operate within the State of Colorado unless the owner/operator has registered with the Division of Oil and Public Safety. Failure to comply with this timeline may result in enforcement action via a Notice of Violation. The Notice of Violation may include a fine of up to $1000.00 per day for operating without a permit and/or an order to cease-and-desist operation of the zipline until all violations are satisfactorily corrected.

Section J. Contact Information

Scott Narreau	Program Manager	(303) 318-8495	scott.narreau@state.co.us
David Knight	Field Auditor	(303) 514-3281	david.knight@state.co.us
Nikki Lingle	Administrative Assistant	(303) 318-8519	nikole.lingle@state.co.us
Jacquee Wilson	Administrative Assistant	(303) 318-8552	jacquee.wilson@state.co.us
Public Safety Fax	(303) 318-8488		

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BUILDING

Assessor

Park County Planning Department

P.O. Box 1598
Fairplay, Colorado 80440

Phone: (719) 836-4293 • *Fax*: 719-836-4268 • *E-mail address*: jfalchi@parkco.us

Referral Response

Comment Deadline Date: November 2, 2016 **Submitted Date:** October 19, 2016

Case #: 16CUP-05 Case Name: Bailey Aerial Adventure Park

Request: Applicant is requesting a conditional use permit to allow an outdoor recreational facility for an aerial adventure park.

Location/Legal Description: Property is Bailey, Tract 45 addressed as 60117 Hwy 285, Bailey.

Date of Planning Commission Hearing: Tuesday, November 8th, 2016

Date of BOCC Hearing: Thursday December 1st, 2016

_____ We have reviewed this referral and find that it **does** comply with our Strategic Master Plan.

_____ We have reviewed this referral and find that it **does not** comply with our Strategic Master Plan for the following reasons:

✓ We have reviewed this referral and find no conflicts with our interests.

_____ A formal recommendation is under consideration and will be submitted to you prior to _____.

_____ Please refer to the enclosed letter.

_____ We offer the following comments regarding this referral:

Signed: Arlene Samuels Date: 10/20/16

Title: Admin Supervisor