

**PARK COUNTY, COLORADO  
BOARD OF COUNTY COMMISSIONERS  
Resolution No. 2024-09**

**A RESOLUTION CONDITIONALLY APPROVING THE FINAL PLAN AND PLAT  
FOR A PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT  
14097 WANDCREST PARK ROAD, BAILEY, COLORADO**

WHEREAS, the Applicant, ASKAG LLC, has applied for approval of a Final Plan and Plat for a Planned Unit Development for the property mentioned above, and more particularly shown in the attached Exhibit A (the “Property”), to operate a trash and septic waste transfer station; and

WHEREAS, the Board of County Commissioners conditionally approved the Sketch Plan and Preliminary Plan and Plat for a Planned Unit Development for the Property on October 24, 2023, which conditions have been met by the Applicant; and

WHEREAS, at a regularly scheduled public meeting of the Park County Board of County Commissioners held on February 6, 2024, preceded by the required public notice, the Board of County Commissioners conducted a public hearing on the application for the Final Planned Unit Development Plan and Plat at which it heard all of the testimony and statements of the Applicant, those present and those attending online via Zoom who commented, and studied the application, and all the letters, written statements, and other documentation submitted to the Planning Department and the Board of County Commissioners through the Planning Department, supporting documentation submitted by the Applicant, and the Park County Development Services Staff Report; and

WHEREAS, the Board of County Commissioners closed the public hearing for the purpose of reviewing the letters, written statements, and other documentation submitted to the Planning Department and the Board of County Commissioners through the Planning Department, supporting documentation submitted by the Applicant, and the Park County Development Services Staff Report; and continued the matter to its regularly scheduled public meeting on February 20, 2024 for Board deliberation, comments, and motions.

**NOW THEREFORE, BE IT RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY** determines and finds that compliance with the applicable standards for approval and approval criteria for a Final Planned Unit Development Plan and Plat and Rezoning as set forth in the Park County Land Use Regulations (“LURs”) has been demonstrated by clear and convincing evidence.

**BE IT FURTHER RESOLVED THAT HAVING CONSIDERED ALL RECOMMENDATIONS OF THE STRATEGIC MASTER PLAN, THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY** determines and finds that the Applicant has demonstrated compliance with the applicable provisions of Section 5-313, and Section 5-

203.A of the LURs, the grounds and basis for which determination and finding are the hearing record, including the testimony and evidence presented at the public hearing on the Preliminary Planned Unit Development Plan and Plat for the Property and at the public hearing on the Final Planned Unit Development Plan and Plat for the Property, the LURs and the Strategic Master Plan, and all the letters, written statements, and other documentation submitted to the Planning Department and the Board of County Commissioners through the Planning Department, the supporting documentation submitted by the Applicant, the Park County Development Services Staff Report submitted by the Planning Department and all other electronic or paper documentation resulting from planning staff's review of the application, and the recommendations of the Planning Commission, which grounds include that the Final Planned Unit Development Plan and Plat and Rezoning as approved subject to the conditions of approval contained herein and all other applicable Park County, state and federal regulations:

1. Is consistent with the approved Preliminary Planned Unit Development Plan and Plat for the Property.
2. Substantially conforms to the several goals and policies of the Park County Strategic Master Plan including Consolidated Plan Goals and Strategies: Goal 1.1, Strategy B; Goal 2.1, Strategies A and C; Goal 4.2, Strategies B and C; Goal 5.2, Strategy E; Goal 6.1, Strategy H; Goal 6.2, Strategies A, C, G and I; Goal 7.1, Strategies B, D, J, and M; and Goal 9.5, Strategies A, B, D, E and F; and Strategic Master Plan Pine Junction and Crow Hill subarea Strategies: C, D, and E.
3. Addresses all professionally identified concerns regarding potential wildlife impact, water quantity and quality, wastewater treatment, traffic, utilities, drainage, and geology.
4. Mitigates all referral agency concerns regarding potential wildlife impact, water quantity and quality, wastewater treatment, traffic, utilities, drainage, and geology.
5. Will result in a substantial benefit to Park County, compared to what could have been accomplished through strict application of otherwise applicable base zoning district standards.
6. Complies with the intent of the PUD zoning district as described in LUR Section 5-313.
7. Is for an area of land, controlled by one or more landowners, to be developed under unified control or unified plan of development for the Property and therefore meets the Planned Unit Development definition.
8. Is consistent with purposes of the Planned Unit Development Zone District to the extent consistency with such purposes is a factor to be considered.
9. Is reasonably expected to lessen the burden on highways, including Highway 285.

10. Results in integrated planning that achieves purposes of the Planned Unit Development Zone District.
11. Conserves the value of land.
12. Results in a development plan that relates the type, design and layout of industrial development of the Property to the particular site, thereby encouraging preservation of the site's natural characteristics.
13. Limits the footprint of development of the Property to approximately 3 acres and preserves the remaining 55 acres as open, undevelopable space/buffer to residential property. In addition, the Final Planned Unit Development Plan and Plat and Rezoning as approved subject to the conditions contained herein includes a plan for open space owned and controlled through an arrangement accepted by the County, which open space shall be held and maintained in perpetuity for the owners of lots within the Planned Unit Development.
14. Is not required to be served by any public improvements and therefore, a subdivision improvement agreement is unnecessary.
15. Is in the best interest of the health, safety and welfare of County residents.
16. Is covered by Applicant's operation plan which is satisfactory.
17. Adequately addresses fire concerns; the County Building Department has authority under the Building Code to impose conditions that will implement fire controls including the installation and sizing of on-site water supply.
18. The County Building Department has authority under the Building Code to impose conditions that will address the design and construction of the berm/barrier surrounding the septage tank containment area, stormwater facilities, lighting and other features of the site so they meet applicable County regulations and other applicable standards.
19. To address fugitive trash the facility is designed to have all truck to truck transfer occurring in an enclosed building.

Additionally, the Board of County Commissioners has considered and determined that the Applicant has demonstrated compliance with Section 5-203, A of the LURs as follows:

1. The Property possesses geological, physical, and other environmental conditions that are compatible with the trash and septic waste transfer station as governed by the Final Planned Unit Development Plan and Plat as approved subject to the conditions contained herein.
2. The Property has a reasonably certain right of permanent legal access permitting vehicular ingress and egress from the property to the public thoroughfare.

3. The Property has direct access onto Wandcrest Park Road. CDOT has no requirements for changes to said access.
4. Access to the Property from the public thoroughfare reasonably meets County driveway standards and access will be established prior to issuance of a building permit.
5. The potential use of the Property within the proposed zone district is compatible with other properties within the immediately surrounding area.
6. The surrounding area uses include: a waste transfer station where operations are not enclosed, a well drilling company, a bulk propane company, restaurants, CORE electric substation and truck maintenance facility, a diesel and mechanic shop, a self-storage facility, a thrift shop, a liquor store, and residential use.
7. The rezoning, as proposed, is to a Planned Unit Development.
8. The Final Planned Unit Development Plan and Plat and Rezoning is not for the purpose of relieving the Property from applicable zoning.
9. The Final Planned Unit Development Plan and Plat provides necessary and beneficial services for Park County residents, businesses, and construction activities including septic pumping and septage hauling services and trash collection, including collection of construction waste.
10. The purpose of the Final Planned Unit Development Plan and Plat is substantially to enhance the public welfare of the entire County but particularly where population is concentrated, i.e., the Bailey and Pine Junction Crow Hill areas, based on these areas' residents', businesses', and construction activities' needs for necessary trash collection, including collection of construction waste, septic pumping, and septage hauling services.
11. The Bailey area population has grown significantly since 2016, when the last Strategic Master Plan update was prepared and is reasonably expected to keep growing.
12. The need for nearby essential service of trash collection, including importantly, collection of construction waste, and septic pumping and septage hauling services was not reflected in the 2016 Strategic Master Plan update and not anticipated at that time. The material increase in the need for these services constitutes a material change in conditions in the neighborhood since 2016. The Final Planned Unit Development Plan and Plat and Rezoning furthers the public welfare of the entire County and in particular the Bailey and Pine Junction Crow Hill areas.
13. The state safeguards and the Park County regulations and the Final Planned Unit Development Plan and Plat as approved and subject to the conditions of approval

herein ensure that its operations will not be detrimental to but in harmony with the present land uses.

- 14. All of the Staff analysis and staff conclusions contained in the Park County Development Services Staff Reports dated January 30, 2024, and October 19, 2023, not inconsistent with the grounds and bases herein are incorporated as grounds and bases for the Board of County Commissioners’ conditional approval granted hereby.

**NOW THEREFORE, BE IT FURTHER RESOLVED THAT THE PARK COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY APPROVES THE APPLICATION FOR A FOR A FINAL PLANNED UNIT DEVELOPMENT PLAN AND PLAT AND REZONING OF THE PROPERTY DESCRIBED ABOVE, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. Perimeter fencing is not required for this parcel. If perimeter fencing is installed, it must be built in a wildlife-friendly manner, according to the Colorado Parks and Wildlife publication “Fencing with Wildlife in Mind”.
- 2. Normal hours of operation shall be weekdays and Saturdays no earlier than 6:00 A.M. to 6:00 P.M. with exceptions for emergencies. Applicant must comply with C.R.S. Title 25, Article 12.
- 3. This Planned Unit Development cannot be expanded in scope, area, or use without approval of a Planned Unit Development Amendment to this Plan and Plat.
- 4. All operations on site must continue to meet applicable federal, state and local regulations.
- 5. Applicant shall install Colorado Parks and Wildlife approved bear-resistant fencing around the business activity footprint, electrified if needed, placement approved by Colorado Parks and Wildlife and Park County.
- 6. Applicant will be subject to on-site inspections by Park County, and CDPHE, as invited: Every six months for the first two years of operations; an annual inspection during the third year of operations; thereafter, on a complaint basis.
- 7. A note to the PUD Plan/Plat shall be added that states: “The property is subject to the easements for a water tank and other improvements and access to such water tank and other improvements via an access road off of Wandcrest Drive as granted by the Special Warranty Deed dated March 6, 1992, recorded at Reception Number 411378 in the records of the Park County Clerk and Recorder.”
- 8. The Applicant shall work with the Will-O-Wisp Metropolitan District to define the route of access to the District’s tank more specifically.
- 9. All conditions of approval shall be added as notes to the PUD Plan/Plat.

Moved, seconded, and passed this 27<sup>th</sup> day of February 2024.

**PARK COUNTY BOARD OF COUNTY COMMISSIONERS**



\_\_\_\_\_  
Amy Mitchell, Chairperson

ATTEST:

  
\_\_\_\_\_  
County Clerk Deputy Clerk

Amy Mitchell, Chair	<u>      </u> Yes	<u>  X  </u> No
Richard Elsner	<u>  X  </u> Yes	<u>      </u> No
Dave Wissel	<u>  X  </u> Yes	<u>      </u> No

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Milena Kassel  
Park County

**Exhibit A**

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**Legal Description**

A parcel of land located in the Southwest Quarter of Section 1 and in the Northwest Quarter of Section 12, Township 7 South, Range 72 West of the 6th Principal Meridian, County of Park, State of Colorado, being a portion of that certain Tract known as Parcel B described in General Warranty Deed recorded March 21, 2005 at Reception No. 611236 in said Park County, more particularly described as follows:

Commencing at the northeast corner of said Northwest Quarter of Section 12; Thence South 00°58'05" East along the east line of said Northwest Quarter of Section 12 (South 00°58'05" East per deed), a distance of 561.06 feet to the Point of Beginning;

Thence continuing South 00°58'05" East along the east line of said Northwest Quarter, a distance of 801.32 feet to the southeast corner of the North Half of said Northwest Quarter of Section 12; Thence South 86°11'36" West along the south line of said North Half of the Northwest Quarter (South 86°19'27" West per deed), a distance of 1133.02 feet;

Thence along the east, north and west lines of that certain parcel described in Special Warranty Deed recorded March 23, 1993 at Reception No. 411378, Book 491, Page 630, the following three (3) courses:

1. Thence North 03°48'24" West, a distance of 150.00 feet (North 03°40'33" West, 150.00 feet per deed);
2. Thence South 86°11'36" West, a distance of 150.00 feet (South 86°19'27" West, 150.00 feet per deed);
3. Thence South 03°48'24" East, a distance of 150.00 feet (South 03°40'33" East, 150.00 feet per deed);

Thence continuing South 86°11'36" West along the south line of said North Half of the Northwest Quarter, a distance of 923.45 feet; Thence North 00°27'33" West, a distance of 1681.36 feet (North 00°27'49" West, 1681.20 feet per deed) to a point on the southerly right-of-way line of U.S. Highway No. 285;

Thence along said southerly right-of-way line the following two (2) courses:

1. Thence along the arc of a curve to the right having a radius of 1332.50 feet and a central angle of 20°33'52", an arc distance of 478.26 feet with a chord that bears North 64°45'09" East, 475.69 feet (central angle of 20°35'00", radius of 1332.50 feet, arc distance of 478.70 feet, chord of North 64°48'10" East, 476.13 feet per deed);
2. Thence North 80°26'37" East, a distance of 289.23 feet (North 80°28'40" East per deed);

Thence South 00°00'00" East, a distance of 984.52 feet;  
Thence North 90°00'00" East, a distance of 1486.07 feet  
to the Point of Beginning,

containing 2,538,760 Square Feet, or 58.282 Acres,  
more or less.

Prepared March 30, 2022 by L.J. Ludeman, PLS  
1309 S. Inca Street, Denver, CO 80223



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