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Kathleen Neel - Summit County Recorder

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**SUMMIT COUNTY RESOURCE ALLOCATION PARK ("SCRAP")  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Summit County Resource Allocation Park ("SCRAP") is approved this 23<sup>rd</sup> day of November, 2010 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," for certain real property located in Summit County and described in the attached Exhibit A, hereinafter referred to as the "Property." This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by the Board of County Commissioners and its successors and assigns, hereinafter referred to as the "Owner/Developer." This designation also specifies improvements that must be made and conditions that must be fulfilled in conjunction with this designation by the Owner/Developer.

**A. PERMITTED USES AND DEVELOPMENT PLAN**

Use and development of the property shall occur within the Development Plan attached hereto as Exhibit B and the following specific requirements:

- 1. **Permitted Uses – Community & Institutional Uses including, but not limited to:**
  - a. Solid waste management;
  - b. Other lawful activities and purposes as established and approved by the Board of County Commissioners of Summit County including, but not limited to reuse and recycling facilities, renewable energy resource facilities (such as solar or wind power generation facilities), and authorized recreational uses available to the general public (e.g., public use trails, motorized vehicle use areas, recreational facilities such as archery ranges or shooting ranges).
  - c. All such uses as set forth herein are subject to discontinuation or removal at the discretion of the Board of County Commissioners.

**B. DEVELOPMENT STANDARDS**

Where this PUD designation does not address a specific development standard or requirement, the Summit County Land Use & Development Code ("Code") shall apply. Where the PUD designation addresses a specific development standard or requirement, the provisions of this PUD designation shall apply and supersede the provisions of the Code.

This PUD designation does not supersede the requirements and specifications of the County Landfill Operations Plan as approved by the Colorado Department of Public Health and Environment ("CDPHE").

All new development shall take into consideration and demonstrate in the design of the development sensitivity in regard to potential visual impacts in the long term (such as buffering of adjacent properties, selection of appropriate building materials and colors, etc.) and comply with Code standards including but not limited to not disturbing slopes of 30% gradient or steeper except where the requirements and specifications of the CDPHE-approved Operations Plan for the landfill contemplate different development standards than permitted in the Code or contemplating allowing development where the site has already been disturbed by previous development activity.

**1. Building Height**

Building heights shall not exceed 50 feet as measured from the finished grade as defined in the Summit County Land Use & Development Code ("Code").

Structure heights for other development such as wireless telecommunication antennas or alternative energy generation facilities shall be determined through the site plan review process for such facilities, in consideration of the operational requirements and use of such a structure.

All new development shall take into consideration and demonstrate in the design of the development a sensitivity in regard to potential visual impacts in the long term (such as buffering of adjacent properties, selection of appropriate building materials and colors, etc.).

## **2. Setbacks**

Snake River Setback – 50 feet from the normal high water demarcation of the Snake River.

Wetland Setback – 50 feet from wetlands.

## **3. Parking**

- a. Landfill Operation and Maintenance Facilities/Recycling Facilities/Composting Facilities - Sufficient parking spaces will be provided for the highest number of employees per shift.
- b. All other uses – Parking requirements shall be determined as part of the appropriate development review process (site plan review or building permit/grading and excavation permit review).
- c. No parking shall be permitted on County roads.

## **4. Public Use Areas**

Pursuant to Section 3509 of the Code the Owner/Developer is required to provide public use areas. The requirement for public use areas may be met by either payment of fees, land dedication or reservation, or obtaining credits for construction of recreational facilities. In addition to its use as a solid waste disposal site, portions of the property are open to the public for recreational purposes. With the existing recreational facilities currently on-site (trails through the property, archery range, shooting range), these uses and facilities have been determined to be equivalent to or greater than the public use area fees that otherwise would be required. Accordingly, the Public Use Area requirements of the Code have been satisfied.

## **5. Wetlands**

It is the intent of this PUD to preserve wetlands from development wherever possible.

Wetlands preservation is already addressed on this site per the land patent which transferred the property from the USFS to the County (Reception #471688). Pursuant to that patent, there shall not be construction, erection, or maintenance of any structures of any kind, filling of land, reduction in water supply or vegetal diversity, or modification of surface or subsurface flow paths on the acres of wetlands located within an area 50 feet above the normal high water demarcation along both banks of the Snake River as measured along the slope of the land as well as the lands identified and delineated on the map associated with the land patent titled “Wetlands Covenant Area Map, Summit County Landfill Property, 6/15/1994, BLS/NH No. 1”. These setback areas are indicated on the Development Plan (Exhibit B). These wetland protection restrictions shall be the operable standards for the banks of the Snake River and the wetlands identified and delineated on the map referenced above and shown in Exhibit B of this PUD designation.

The property has additional water courses that run through the property. Prior to the installation of any improvements on the property adjacent to these water courses, the County, in accordance

with the wetland regulations in the County's Land Use & Development Code, shall review any proposed disturbance locate within wetland and/or wetland setback areas.

**6. Signs and Lighting**

All signs located on the property shall be considered government signs pursuant to Section 9006 of the Code.

All exterior and site lighting shall comply with the Code regulations as now in effect or hereafter amended.

**7. Permit Review**

All new buildings, structures, improvements and/or developments proposed for the property shall be reviewed and approved through the site plan review process, if applicable, the building permit process and/or grading/excavation permit process for compliance with the Code regulations and the requirements of this PUD designation.

**C. REQUIRED IMPROVEMENTS**

**1. Access**

The site has numerous existing access routes that have been acknowledged under the CDPHE permit for the landfill operation. Access routes within the landfill operations area utilized for landfill purposes are considered temporary and are not deemed to be public roads for purposes of this PUD and the Code. Owner/Developer may establish and utilize such roads as deemed necessary for such operational purposes.

New access routes shall be provided to the property and to all development sites within the property built to adequate and sufficient standards to serve the intended use of the access route and shall be approved by the County Engineer.

**2. Water Systems**

Water supply for the development shall be initially provided by well. Adequate fire flows shall be provided as determined by the Review Authority in consultation with the Lake Dillon Fire Prevention District.

**3. Sewer Systems**

Sewage for the development shall be provided by septic system.

**4. Fire Protection**

The entire property is located within the Lake Dillon Fire Prevention District. All development on the property shall meet all reasonable fire protection requirements of the District as determined by the Review Authority.

**5. Utilities and Easements**

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations.

## **6. Revegetation**

- a) Disturbed areas within the landfill operations area shall comply with the requirements and regulations of the landfill operations plan as approved by CDPHE.
- b) Disturbed areas outside of the landfill operations area shall comply with the requirements and regulations of the County Landscaping and Grading and Excavation Regulations.

## **D. GENERAL PROVISIONS**

### **1. Enforcement**

The provisions of the planned unit designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the planned unit development designation and the development plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the planned unit development shall run in favor of the County.

### **2. Breach of Provisions of PUD Designation**

If any time any provision or requirements stated in the planned unit development designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

### **3. Binding Effect**

The PUD Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the County Development Review Procedures. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

### **4. Amendments**

- A. Amendments to the provisions of this PUD Designation shall be received and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at C.R.S. 24-67-106(3)(b), unless such amendment is determined to be minor in nature.
- B. Amendments to the provisions of this PUD Designation may be initiated by, and the applicant on any application for any such amendment may be, any of the following persons or entities (each, a "Permitted Applicant") acting alone or together:
  - (i) The County Commissioners

**5. Notices**

All notices required by this designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage prepaid, as follows:

Notice to County:

Board of County Commissioners  
P.O. Box 68  
Breckenridge, CO 80424

Notice to Owner/Developer

Board of County Commissioners  
P.O. Box 68  
Breckenridge, CO 80424

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. Either party, by notice so given, may change the address to which future notices shall be sent.

**6. Entire Designation**

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development Code and the Colorado Planned Unit Development Act (CRS 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Summit County Land Use and Development Code or other regulations otherwise applicable to the development of the Property.

**7. Effective Date**

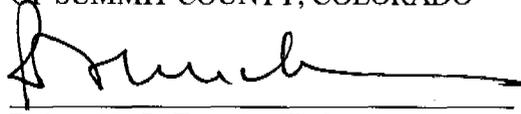
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

**8. PUD Review Requirements**

The Summit County Land Use and Development Code Chapter 12 include procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and shall insure that information necessary for the periodic review is made available to the County within the time frames as may be established in Chapter 12. The Owner/Developer further understands that failure to provide the necessary information or to proceed with the review process may result in development approvals within the PUD being withheld.

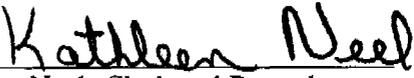
IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first written above.

BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO



Robert H. S. French, Chair

ATTEST:

  
Kathleen Neel, Clerk and Recorder



ATTEST:



BY:

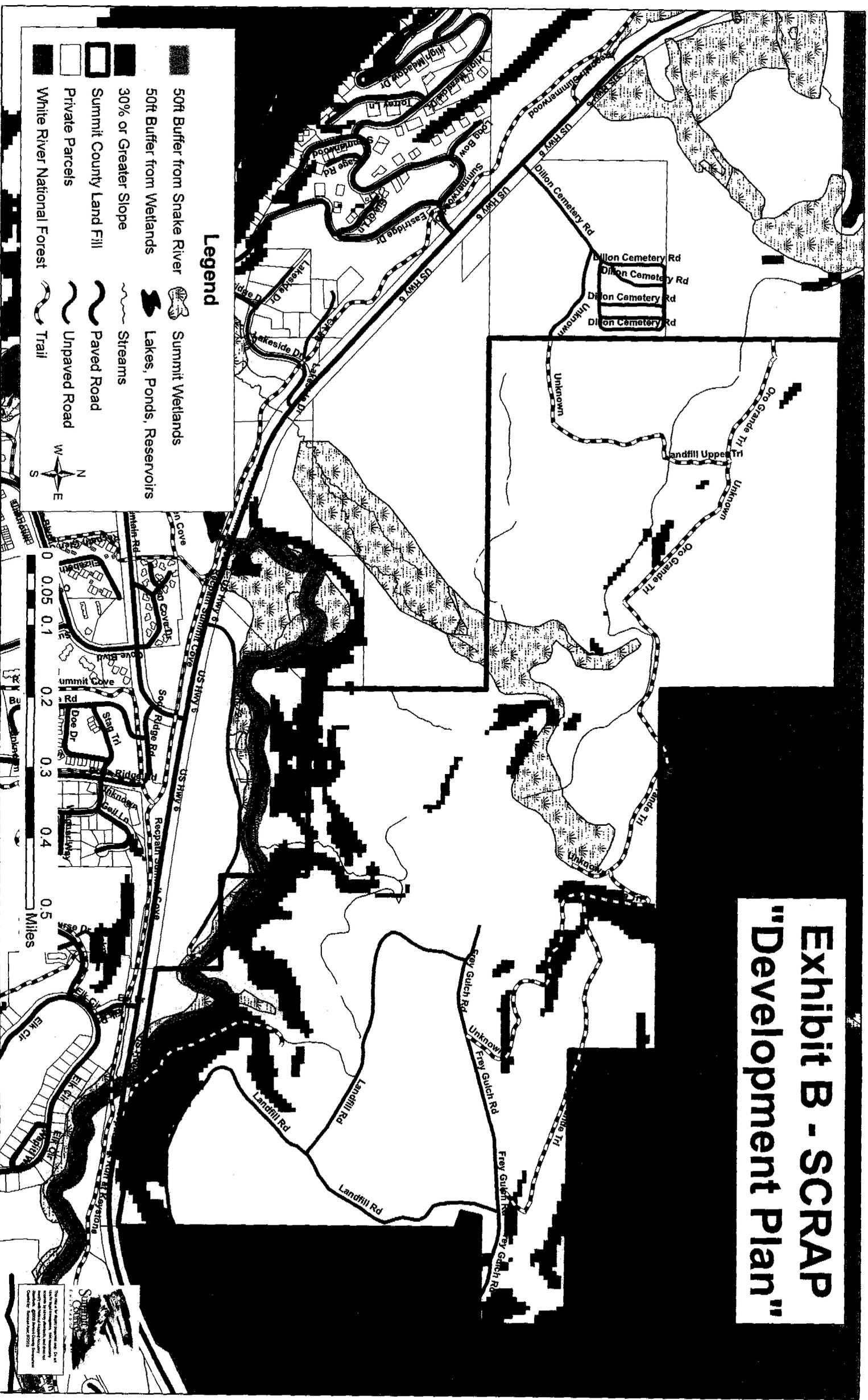


Robert H. S. French, Chair,  
Summit County Board of County Commissioners

## **Exhibit A**

The S1/2, SW1/4; the S1/2, SW1/4, SE1/4; and the SW1/4, SE1/4, SE1/4 of Section 15; the SE1/4 of Section 16; and Government Lots 2, 3, 11, 13; the SW1/4, NE1/4; the N1/2, SE1/4, NW1/4; and the N1/2, NW1/4 of Section 22, T5S, R77W of the 6th Principal Meridian, Colorado, containing 465.80 acres.

# Exhibit B - SCRAP "Development Plan"



## Legend

- 50ft Buffer from Snake River
- 50ft Buffer from Wetlands
- 30% or Greater Slope
- Summit County Land Fill
- Private Parcels
- White River National Forest
- Streams
- Lakes, Ponds, Reservoirs
- Paved Road
- Unpaved Road
- Trail
- Summit Wetlands
- Lakes, Ponds, Reservoirs



Map prepared by Summit County Planning Department  
 Date: 12/15/2010  
 Scale: 1" = 1000'  
 Contour Interval: 20'  
 Source: Summit County GIS Database  
 Contact: Summit County Planning Department  
 Phone: 970.854.2210  
 Fax: 970.854.2211