



**ASPEN SPRINGS
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Aspen Springs Planned Unit Development Designation approved the 24th day of February, 1986 by the Board of County Commissioners of Summit County, Colorado, and revised on the 25th day of March, 2002 is hereby amended this 25th day of October 2022. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by John W. Montepare, Donald P. Fabrizio, Richard J. Bunchman, and Theobald Family Limited Partnership, LLLP and their successors and assigns, who is owner and development, and is hereinafter referred to as the "Owner/Developer." This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the "Owner/Developer." This Planned Unit Development Designation applies to certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property."

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Permitted uses shall be as follows:

- Lot 1 – Single Family Residence
- Lot 2 – Single Family Residence
- Lot 3 – Single Family Residence
- Lot 16 – Single family Residence

McDill Placer Parcel as shown on Exhibit B – Public Trail, and Trailhead Facilities including a Primary Parking Lot, Bathroom and Shelter Facilities, Communications and associated Utility Facilities, Search and Rescue Storage/Facility, Signage, and associated Accessory Uses.

Any improvements on the McDill Placer Parcel that require a building permit shall be subject to a Class 4 Review to be heard at a public meeting by the Upper Blue Planning Commission.

2. Accessory and Conditional Uses

For the single family lots, allowable accessory and/or conditional uses shall be those uses described as accessory and/or conditional uses in the R-1 zone district in Section 3404 of the Summit County Land Use and Development Code now in effect or hereafter amended except as otherwise stated in this document. Approval of accessory and/or conditional uses shall go through the same process and procedures as described in the Summit County Land Use and Development Code.

3. Animal Keeping

Animal keeping shall be restricted the same as in the R-1 zone district as described in the Summit County Land Use and Development Code Section 3802.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.

2. Setbacks

Setbacks for structures on Lots 2 and 3 shall be located within the disturbance envelopes as indicated on the Aspen Springs Filing #2 subdivision map. Setbacks for structures on Lots 1, 16 and the Breckenridge Sanitation Parcel shall be 15 feet from all property lines. Setbacks for buildings on the McDill Placer Parcel shall be 15 feet from all property lines with the exception of fencing. No more than 50% of the area of the disturbance envelope indicated for Lots 2 and 3 on the Aspen Springs Filing #2 subdivision map shall be disturbed as the result of the construction improvements on each Lot.

3. Parking

No parking shall be allowed within any County road right-of-way or common driveway. At least two parking spaces for each dwelling unit shall be provided in conformance with all requirements of the Summit County Land Use and Development Code.

4. Designated Open Space Areas

Areas outside of designated disturbance envelopes shall remain open and free from all improvements and disturbance except landscaping and utility work, and except for access uses within platted access easements.

C. REQUIRED IMPROVEMENTS

Public utilities, improvements and services are to be provided in the development of the property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of final plat approval. All utility lines will be located underground.

1. Access

Access to the property and all building sites shall be provided by roads and driveways built to all County standards including grade and site distance. Final road designs shall be approved by the County Engineer prior to approval of final plat. The County reserves the right to accept or reject responsibility for road maintenance on all dedicated public roads.

2. Water Systems

Water supply shall be provided by on-site wells subject to approval by the State Division of Water Resources. The water supply system shall provide adequate fire flows as determined by the Red, White and Blue Fire District in accord with fire mitigation requirements.

3. Sewer Systems

Sewage disposal shall be provided by the Upper Blue Sanitation District.

4. Fire Protection

The entire property is located within the Red, White and Blue Fire Protection District. All development on the property shall meet all fire protection requirements of the District in accordance with fire mitigation requirements.

5. Landscaping/Reclamation

All disturbed areas shall receive a minimum of four inches of topsoil and shortgrass/perennial flower mix. Cut or fill spaces greater than 2:1 shall receive erosion control netting. All areas disturbed by construction which will be left in an unimproved state shall be revegetated free of weeds, as

identified by the County as invasive, noxious or otherwise nuisance weed species prior to issuance of any occupancy permit except as provided in Section 3606.01 of the County's Land Use and Development Code.

E. 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

Amendments to the provisions of a planned unit development designation shall be reviewed 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 CRS 24-67-106(3)(b).

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

John W. Montepare,
Donald P. Fabrizio,
Richard J. Bunchman,
and Theobald Family Limited Partnership, LLLP
P.O. Box 1796
Breckenridge, CO 80424

All notices so given shall be considered delivered three days after the mailing thereof. 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 Aspen Springs 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. Relationship to Original PUD Designation and Previous Amendments

To the extent the provisions of this revised PUD Designation are the same in substance to the provisions of earlier approved versions of this PUD designation, they shall be considered as continuations thereof and not new enactments. Where provisions of this revised PUD Designation conflict with earlier approved versions of the Aspen Springs PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

9. PUD Review Requirements

The Summit County Land Use and Development Code, Chapter 12, includes 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

/S/ Dan Ulmer*
Dan Ulmer, Chairman

ATTEST:

/S/ Colleen Richmond*
Colleen Richmond, Clerk & Recorder

/S/ David Krall*
David Krall, Owner

ATTEST:

/S/ Carol A. Riveria*
Carol A. Riveria

* Denotes original signatories to original PUD designation.

APPROVAL OF AMENDMENTS

The foregoing document is the Aspen Springs Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 25th day of October 2022 by Resolution No. 2022-75.

The planned unit development document dated the 24th day of February, 1986 and recorded at Reception No. 314831 and revised on this 25th day of March, 2002 by Resolution No. 2002-33 and recorded at Reception No. 681442 to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Aspen Springs Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 25th day of October, 2022.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Tamara Pogue, Chair

ATTEST:



Kathleen Neel, Clerk and Recorder

**Exhibit A
(Legal Description)**

**ASPEN SPRINGS
LEGAL DESCRIPTION**

A TRACT OF LAND LOCATED IN SECTION 1, TOWNSHIP 8 SOUTH, RANGE 70 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO AND BEING ALL OF MCDELL PLACER, U.S. MINERAL SURVEY NO. 4121 IN THE WEST OF COLORADO HIGHWAY NO. 3 AND EXCEPTING THEREFROM MCDELL PLACER SUBDIVISION FILE NO. 1, A SUBDIVISION AS FILED FOR RECORD IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER AND ALSO EXCEPTING THEREFROM THAT PORTION OF LAND DESCRIBED IN BOOK 203 AT PAGE 272 IN SAID OFFICE OF THE CLERK AND RECORDER, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT NO. 2 OF SAID MCDELL PLACER, THENCE S 79°15'50" E ALONG THE 2-3 LINE OF SAID MCDELL PLACER A DISTANCE OF 243.40 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND DESCRIBED IN BOOK 203 AT PAGE 272 BEING THE TRUE POINT OF BEGINNING, THENCE CONTINUING AS FOLLOWS: ALONG SAID 2-3 LINE OF MCDELL PLACER A DISTANCE OF 149.25 FEET TO THE POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID COLORADO STATE HIGHWAY NO. 3, THENCE CONTINUING ONLY ALONG SAID WEST RIGHT-OF-WAY LINE FOR THE FOLLOWING ELEVEN COURSES:

- 1) S 79°15'50" E A DISTANCE OF 243.40 FEET
- 2) 201.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 21°05'05", A RADIUS OF 522.17 FEET AND A CHORD WHICH BEARS S 82°35'32" W 292.41 FEET DISTANT.
- 3) S 50°32'48" E A DISTANCE OF 125.11 FEET
- 4) 101.14 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 14°47'05", A RADIUS OF 148.05 FEET AND A CHORD WHICH BEARS S 57°28'43" W 129.51 FEET DISTANT.
- 5) S 85°23'41" E A DISTANCE OF 192.57 FEET
- 6) 210.10 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 26°02'00", A RADIUS OF 452.37 FEET AND A CHORD WHICH BEARS S 22°12'41" W 208.37 FEET DISTANT.
- 7) S 20°18'41" E A DISTANCE OF 101.70 FEET
- 8) 175.10 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 35°18'20", A RADIUS OF 204.24 FEET AND A CHORD WHICH BEARS S 58°57'51" W 172.20 FEET DISTANT.
- 9) S 74°37'31" E A DISTANCE OF 119.40 FEET
- 10) 212.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 58°02'20", A RADIUS OF 205.16 FEET AND A CHORD WHICH BEARS S 45°02'08" W 203.55 FEET DISTANT.
- 11) S 15°27'11" E A DISTANCE OF 114.30 FEET
- 12) 143.48 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A CENTRAL ANGLE OF 44°52'29", A RADIUS OF 183.20 FEET AND A CHORD WHICH BEARS S 37°32'27" W 129.43 FEET DISTANT TO A POINT OF INTERSECTION WITH THE 1-4 LINE OF SAID MCDELL PLACER.

THENCE N 78°07'37" W ALONG SAID 1-4 LINE A DISTANCE OF 130.11 FEET TO THE SOUTHWEST CORNER OF SAID MCDELL PLACER SUBDIVISION, THENCE ALONG THE NORTHERLY BOUNDARY OF SAID SUBDIVISION FOR THE FOLLOWING ELEVEN COURSES:

- 1) N 01°08'41" E A DISTANCE OF 13.01 FEET
- 2) 183.80 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 53°04'21", A RADIUS OF 200.45 FEET AND A CHORD WHICH BEARS N 24°32'50" W 172.09 FEET DISTANT.
- 3) N 51°34'40" E A DISTANCE OF 77.50 FEET
- 4) 188.34 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 12°45'28", A RADIUS OF 276.33 FEET AND A CHORD WHICH BEARS N 59°17'11" W 185.09 FEET DISTANT.
- 5) N 80°08'55" E A DISTANCE OF 817.00 FEET
- 6) 129.21 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 18°59'45", A RADIUS OF 1400.08 FEET AND A CHORD WHICH BEARS N 68°25'18" W 129.12 FEET DISTANT.
- 7) N 48°42'17" E A DISTANCE OF 59.03 FEET
- 8) 152.30 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 18°24'18", A RADIUS OF 532.03 FEET AND A CHORD WHICH BEARS N 55°32'28" W 124.60 FEET DISTANT.
- 9) N 43°04'35" E A DISTANCE OF 276.37 FEET
- 10) 74.40 FEET ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 11°37'25", A RADIUS OF 356.87 FEET AND A CHORD WHICH BEARS N 31°03'25" W 74.34 FEET DISTANT.
- 11) N 77°02'12" E A DISTANCE OF 670.10 FEET TO A POINT OF INTERSECTION WITH THE 1-2 LINE OF SAID MCDELL PLACER.

THENCE N 13°09'28" E ALONG SAID 1-2 LINE A DISTANCE OF 20.03 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN BOOK 203 AT PAGE 272, THENCE EASTERLY ALONG THE SOUTH BOUNDARY OF SAID PARCEL FOR THE FOLLOWING THREE COURSES:

- 1) S 77°07'12" E A DISTANCE OF 47.88 FEET
- 2) 84.00 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 11°37'30", A RADIUS OF 456.87 FEET AND A CHORD WHICH BEARS S 71°03'02" E 84.27 FEET DISTANT.
- 3) S 85°04'35" E A DISTANCE OF 249.37 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL DESCRIBED IN BOOK 203 AT PAGE 272.

THENCE N 13°09'28" E A DISTANCE OF 710.07 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 47.040 ACRES MORE OR LESS.

**ASPEN SPRINGS PUD DESIGNATION
EXHIBIT "A"**

Exhibit B

