



**McDILL PLACER EAST
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the McDill Placer East Planned Unit Development Designation, hereinafter referred to as the "Designation", is approved this 27th day of September, 2005 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 attached Exhibit A, hereinafter referred to as the "Property." This Designation establishes the land uses and density that shall be permitted on the Property, a general development plan, development standards and conditions which must be adhered to by Brian Wray and any subsequent successor's, heir's, or assigns, collectively hereinafter referred to as the "Owner/Developer". This designation also specifies improvements that must be made and conditions which must be fulfilled in conjunction with this Designation by the Owner/Developer.

Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code currently in effect or hereinafter amended, hereinafter referred to as the "Development Code", the provisions of the Development Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Code.

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

Two single family residences as per the requirements stated in Section 3804 of the County's Land Use and Development Code.

2. Accessory and Conditional Uses

Accessory and conditional uses allowed under the R-1 zoning district as specified in the Summit County Land Use & Development Code ("Development Code").

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall be a maximum of 35 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code.

2. Setbacks and Disturbance Limitations

The attached conceptual development plan (Exhibit B) establishes a disturbance envelope on Lot 1-B and on Lot 1-A.

All buildings constructed upon the property, as well as the septic system and well shall be located wholly within the disturbance envelope. Site disturbance outside of the disturbance

envelope shall be limited to: (a.) grading and surfacing of the driveway; (b) installation of utilities, which should be located within the driveway cut to the greatest extent practicable; (c) removal of trees for forest health with documentation from a certified forester, indicating the need for the tree removal, submitted to the Planning Department for review and approval; and (d) removal of trees for fire mitigation as determined by the County's Wildfire Mitigation Officer.

A 25 foot building setback shall be maintained from all natural wetland areas and water bodies. Disturbance of slopes 30% or greater is prohibited.

3. Parking

At least two (2) parking spaces shall be required for the residence. No parking shall be permitted on County roads.

4. Wetlands/Water Quality

Development of the property shall comply with all requirements for wetland and water quality protection pursuant to Chapter 7 of the Summit County Land Use and Development Code.

5. Open Space and Trails

A Public Use Area fee of \$575 is required prior to recordation of the plat.

6. Design Standards

The single family unit and accessory structures shall be designed with:

- ❖ natural or naturally-appearing materials and colors so that the structures blend visually with the forest;
- ❖ retaining walls to avoid excessive cut-and-fill, with retaining walls over five feet in height stepped so as to prevent excessive retaining wall heights;
- ❖ non-mirrored glass;
- ❖ lighting for the exterior of the buildings or any freestanding lights that are full cut-off luminaires, with such lighting reviewed and approved during the Planning Department's site plan review for any structure; and,
- ❖ roofing material that is non-reflective.

7. Transfer of Development Rights

Prior to recordation of the rezoning resolution or this PUD Designation, the Owner/Developer shall have a development rights certificate issued by the County that meets the Transfer of Development Rights requirements listed in Section 3202.03 et seq. of the Development Code. Prior to recording this PUD Designation, the Owner/Developer shall purchase a development right certificate from the County for the density needed to transfer in a total of one (1) unit to the PUD to allow the one (1) unit permitted under this Designation.

8. Landscaping

All areas disturbed by construction shall be revegetated with a Summit County native grass seed mix, or returned to a natural state, and be free of weeds, as identified by the County as invasive, noxious, or otherwise, nuisance weed species prior to the issuance of a Certificate of Occupancy.

9. Driveways

Driveways shall be located in a manner that minimizes soil disturbance. Careful consideration to the location of the house and the garage shall be evaluated in order to reduce the amount of disturbance necessary for driveway construction. Retaining walls shall be used in lieu of excessive cut and fill for the driveway.

C. REQUIRED IMPROVEMENTS

1. Access

Access shall be provided by the driveway off of Highway 9 as permitted under the Colorado Department of Transportation (CDOT) Access Permit and as shown on the conceptual development plan. Prior to the issuance of the first Certificate of Occupancy within the PUD, the driveway shall be widened to 16', grades shall be reduced to 8% maximum, and turnouts shall be provided, where applicable or a variance shall be obtained from the applicable Road and Bridge standards if not possible to upgrade to County Standards without excessive site disturbance. If the road is required to be upgraded, such work shall be reviewed and approved by the Engineering Department prior to the issuance of the first certificate of occupancy within the PUD. The driveways shall be designed so that the amount of disturbance needed is minimized. This can be accomplished through the location of the house and the garage and via retaining walls, if necessary.

2. Water Systems

- a. Prior to scheduling the public hearing for the preliminary plat, the Owner/Developer shall submit proof that adequate water augmentation has been obtained.
- b. Water for individual homesites will be provided by individual wells subject to approval by the State Engineer. A copy of a well permit shall be submitted concurrent with a building permit application for a new single family development.

3. Wastewater Disposal

Wastewater disposal will be provided by on site sewage disposal systems subject to approval by the Summit County Environmental Health Department through the application for an Individual Sewage Disposal Permit for new single family development.

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.

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. Any easements necessary for the installation of utilities shall be shown on the subdivision plat. Any new utility lines shall be buried underground.

D. IMPLEMENTATION

1. Platting Requirements

Subdivision Plat: A preliminary and final subdivision plat shall be approved by the County prior to any development that involves the conveyance of any interest in the property to others.

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 at 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 the 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

Brian Wray
P.O. Box 1701
Frisco, CO 80443

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 McDill Placer 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

Due to the fact that the rezoning necessitates a transfer of development, action shall become effective when the PUD designation is signed by the BOCC and by the property owner or his agent and recorded in the office of the Clerk and Recorder, and after a transfer of development rights has been recorded pursuant to Section 3202.03 C.7. The applicant shall transfer all required development rights to the property within three years of the Board of County Commissioners meeting where action was taken on the planned unit development. If the applicant fails to complete the transfer of development rights within that time period, the approval of the planned unit development shall expire and become null and void.

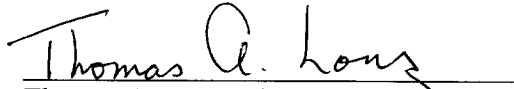
8. PUD Review Requirements


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 their potential impact should new design guidelines be established.

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


Thomas A. Long, Chairman
Summit County BOCC


Clerk and Recorder

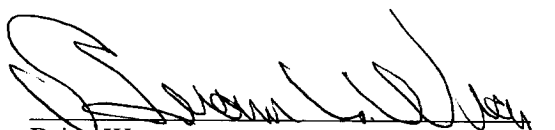
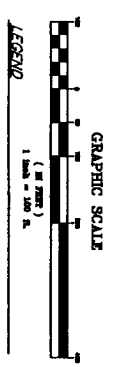
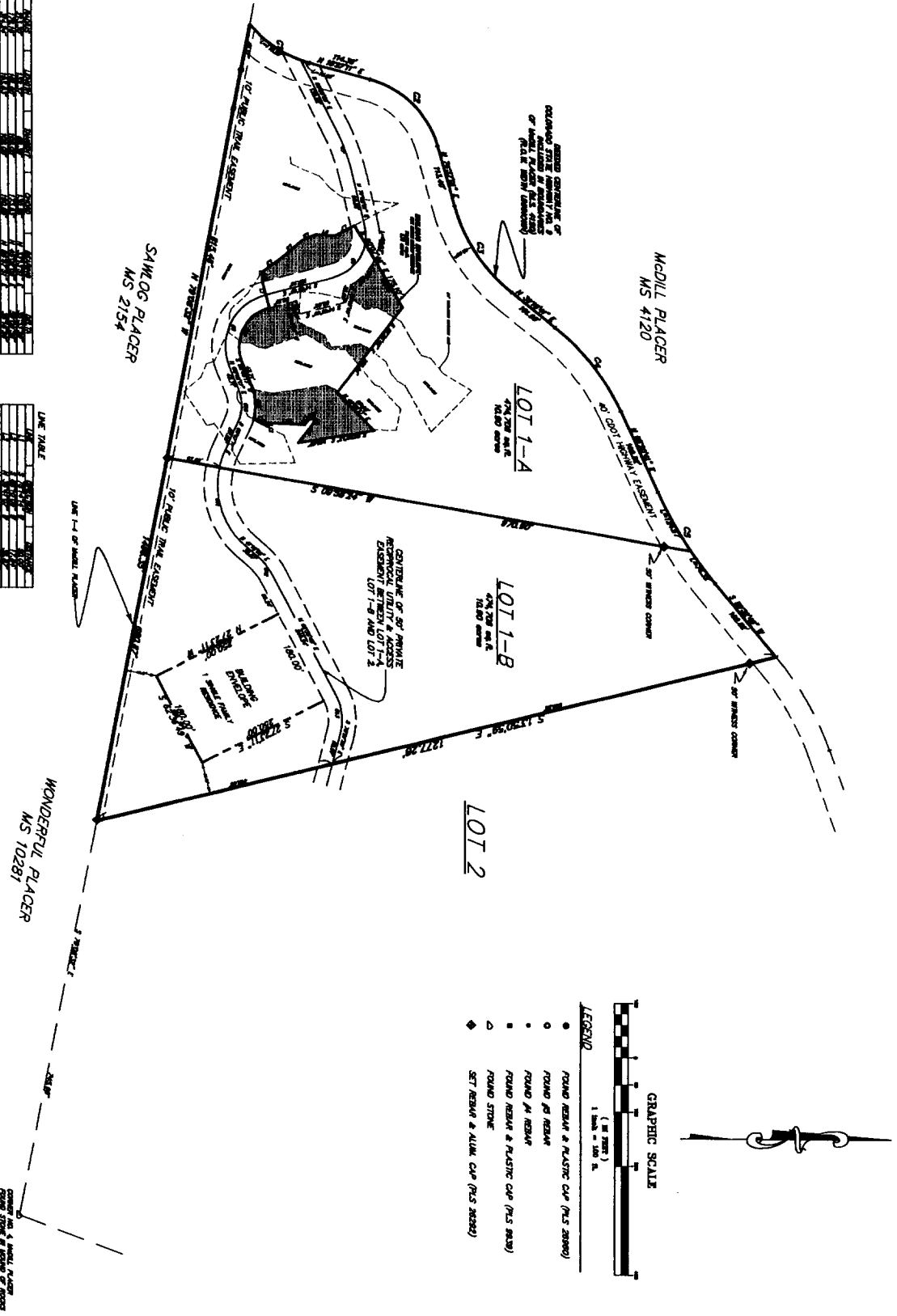

Brian Wray
Owner

Exhibit A

Lot 1-A and Lot 1-B, a Resubdivision of Lot 1, McDill Placer East, a Portion of the McDill Placer, M.S. No. 4120.

A RESUBDIVISION OF
LOT 1, WOOD PLACER EAST
 SUMMIT COUNTY, COLORADO

Exhibit B



- LEGEND
- FOUND REBAR & PLASTIC CAP (7.5 2000)
 - FOUND REBAR
 - FOUND REBAR
 - ◐ FOUND REBAR & PLASTIC CAP (7.5 2000)
 - ◑ FOUND STONE
 - ◆ SET REBAR & ALUM. CAP (7.5 2000)



DATE	BY	SCALE
12/1/81	J. G. BOWEN	1" = 100'
B-A-N-G-O-R-E		
SURVEYORS & ENGINEERS		
P.O. Box 289 Steamboat, CO 80486 970-458-4381		