



945939

Kathleen Neel - Summit County Recorder

**STORMS PLACER
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Storms Placer Planned Unit Development Designation, hereinafter referred to as the "Designation", is approved this August 12th, 2008 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 Jeff Goodenbour 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 "Code", the provisions of the 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

One single-family residence per Exhibit B.
Uses permitted in the RU zoning district

2. Accessory and Conditional Uses

Accessory and conditional uses allowed under the R-U zoning district as specified in the Summit County Land Use & Development Code ("Development Code"). One barn and/or caretaker or accessory apartment unit is permitted as an accessory use per Exhibit B. Any caretaker unit or accessory apartment must conform to the applicable regulations in the 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 development plan (Exhibit B) establishes building and disturbance envelopes on the property

All buildings constructed upon the property shall be located within the building envelopes depicted on the attached development plan (Exhibit B). Site disturbance outside of the disturbance envelope shall be limited to: (a.) grading and surfacing of the driveway; (b) installation of utilities, including the well and septic system; (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; (d) removal of trees infested with Mountain Pine Beetle, with no approval from the County required; and (e) removal of trees for fire mitigation as determined by the County's Wildfire Mitigation Officer.

Prior to the issuance of a grading permit for the residence, a slope stability report shall be submitted to the County Engineer. Any recommendations made in the report or by the County Engineer shall be followed.

3. Parking

Two (2) parking spaces shall be required for the primary residence and two (2) parking spaces shall be required for the caretaker unit or accessory apartment. 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

The applicant has agreed to dedicate a trail easement to the County for the ditch crossing the property. This easement is to be dedicated prior to any certificate of occupancy being issued for the property, and shall be to the satisfaction of the County Open Space and Trails Department.

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;
- ❖ roofing material that is non-reflective.

7. 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.

8. Driveways

Driveways shall be located in a manner that minimizes soil disturbance. Careful consideration to the location of the structures shall be evaluated in order to reduce the amount of disturbance necessary for driveway construction.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property shall be provided from the driveway off of Summit Gulch Road, County Road 352.

2. Water Systems

- a. Water will be provided by a well subject to approval by the State Engineer. A copy of the well permit shall be submitted concurrent with a building permit application for the single family development.
- b. Any additional water rights required for other uses shall be obtained prior to the commencement of such use, and if any type of development review is required for such use, proof of adequate water rights will be submitted as part of the review.
- c. The well is permitted to be located outside the building or disturbance envelope.

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. Soil disturbance for the installation of the septic system is prohibited within 25 feet of wetlands. The septic system is permitted to be located outside the building or disturbance envelope.

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 new utility lines shall be buried underground. The applicant shall dedicate an easement for Summit Gulch Road, County Road 352, to the satisfaction of the County Engineer.

D. GENERAL PROVISIONS

1. Enforcement

The 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

Jeff Goodenbour
P.O. Box 1773
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

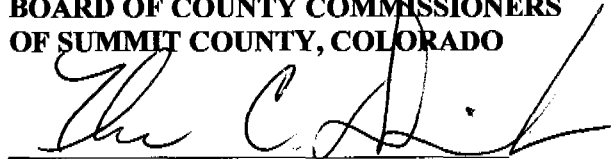
This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Storms Placer Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development 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

An action to approve a PUD shall become effective when the PUD designation is signed by the Chairman of the BOCC and by the property owner(s) or an agent(s), and recorded in the office of the Clerk and Recorder.

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 C. Davidson, Chairman
Summit County BOCC

ATTEST:

Kathleen Neel
~~Cheri Brunvand~~, Clerk and Recorder



Jeff Goodenbour
Owner

Exhibit B

A TOPOGRAPHIC SURVEY OF
A PORTION OF THE STORMS PLACER, USMS 575B
SUMMIT COUNTY, COLORADO
SEC. 15, T6S, R77W, 6TH P.M.

HEADLIGHT SUBDIVISION
LOT 2

WETSTONE
IMPROVEMENT

FLUME
FEATHERS

PERFORMANCE
ENVELOPE

10 FEET
BUILDING ENVELOPE

PERFORMANCE
ENVELOPE

BUILDING ENVELOPE

8700

870

8700

8700

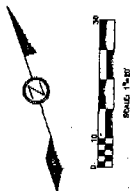
8700

8700

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8700

NOTES:
1. THIS SURVEY WAS MADE AT THE REQUEST OF THE STORMS PLACER, USMS 575B, BY THE SURVEYING FIRM OF HEADLIGHT SURVEYS, INC., 1000 N. 10TH ST., DENVER, CO. 80202.
2. THE SURVEY WAS MADE ON THE 6TH DAY OF APRIL, 1988, AT AN ELEVATION OF 8700 FEET.
3. THE SURVEY WAS MADE AT THE REQUEST OF THE STORMS PLACER, USMS 575B, BY THE SURVEYING FIRM OF HEADLIGHT SURVEYS, INC., 1000 N. 10TH ST., DENVER, CO. 80202.
4. THE SURVEY WAS MADE AT THE REQUEST OF THE STORMS PLACER, USMS 575B, BY THE SURVEYING FIRM OF HEADLIGHT SURVEYS, INC., 1000 N. 10TH ST., DENVER, CO. 80202.
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CARDINAL LAND SURVEYS, INC.		DATE: 3-28-88	SCALE: 1"=50'
A PORTION OF THE STORMS PLACER, USMS 575B		DATE: 3-28-88	SCALE: 1"=50'
SUMMIT COUNTY, COLORADO		JOB NO.: 07-040	SHEET 2 OF 5
DATE:	REVISIONS:		