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Kathleen Neel - Summit County Recorder

**SPRING CREEK RANCH PLANNED UNIT DEVELOPMENT**

This Planned Unit Development Designation, to be known as the Spring Creek Ranch Planned Unit Development, originally approved on December 17, 1979 and originally recorded under Reception Number 204557, hereinafter referred to as the "Designation", and subsequently amended on the September 11, 2018, 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 ("Plan"), development standards and conditions which must be adhered to by the owners of such real property legally described as Spring Creek Ranch Subdivision, Filing 1, Phase 1; Lot 2, Block 2; Lot 3, Block 2; Lot 5, Block 2; Lot 6, Block 2; Lot 2, Block 3; Lot 4R, Block 3; Lot 1, Block 4; Lot A; Lot B Amended; Lot C; Lot D; Lot E; Lot F; Lot G and hereinafter which may amended per the terms set forth in this PUD and the Development Code, collectively referred to as "Owners" and any subsequent successors, heirs, or assigns of the same, and any agents or representatives of such, including but not limited to the Spring Creek Ranchers Association Inc ("SCRA"). This designation also specifies improvements that must be made and conditions which must be fulfilled in conjunction with this Designation by the both the SCRA and the Owners. It is expressly acknowledged by all parties to this Designation that the obligations placed upon SCRA as the primary applicant and developer of this Property, and the dedications and improvements associated therewith, including without limitation all subdivision improvements, acquisition and dedication of trail easements, establishment of covenants and deed restrictions, and other such matters primarily related to the future subdivision and platting of the Property, are significantly distinct and called out from the specific obligations herein of the Owners.

**RECITALS**

This Spring Creek Ranch Planned Unit Development Agreement dated September 11, 2018, (the "Agreement") is made and entered by and between the Board of County Commissioners of Summit County, Colorado (the "County"), and the Spring Creek Ranchers Association, Inc., a Colorado nonprofit corporation ("SCRA").

WHEREAS, the Spring Creek Ranch Planned Unit Development was originally approved by the County on December 17, 1979 and is recorded at Reception Number 204557 in the records of the Summit County Clerk and Recorder (the "Designation"), and

WHEREAS, the Designation is applicable to the property comprising the Spring Creek Ranch Subdivision Phase 1 Filing 1 (the "Property"), which Property is located in Township 2S, Range 80W, Sections 5, 6, 7 and 8, in Summit County, Colorado and more specifically described and depicted in the land survey plat dated September 11, 2002 and recorded at reception number 695428 in the records of the Summit County Clerk and Recorder, (the "Plat"), which is attached hereto as Exhibit B and incorporated herein by this reference; and

WHEREAS, the District Water Court, Water Division No. 5, State of Colorado, issued "Findings of Fact, Conclusions of Law, Judgment and Decree" on September 22, 2005 in Case No. 93CW213, approving a water augmentation plan that authorizes SCRA's provision of water service to 14 single family units in the Spring Creek Ranch subdivision; and

WHEREAS, the applicant is the board of directors of the SCRA, who are the duly elected board of directors of the SCRA vested with the powers and duties necessary to conduct, manage

and control the affairs of the association pursuant to §§ 38-33.3-101, et seq., C.R.S., as confirmed by the order of the Summit County District Court in district court case number 99CV277 dated January 22, 2002; and

WHEREAS, SCRA has submitted an application to amend the Designation to establish and clarify a maximum density of 14 dwelling units within the Property and other related uses (the Amendment”); and

WHEREAS, County is willing to approve the Amendment subject to the terms and conditions of this Agreement.

### OBJECTIVES

This PUD applies to certain real property located in Summit County and described in attached Exhibit A hereinafter referred to as the “Property”. The Property consists of individual lots referenced by (Lot and Block) and Lots A-G, as depicted on Exhibit A and further evidenced by metes and bounds descriptions.

This PUD establishes the land uses and density that shall be permitted within the Property, a general development plan as evidenced by Exhibit B (Development Plan), and Exhibits C, C-1, C-2 and C-3, development standards and conditions that must be adhered to by individual Lot Owners and or the SCRA or any successors and assigns of the individual Lots, such individual lot owners shall hereinafter be referred to as the “Owner/Developer”. The current configuration of the lots, as of the date of adoption of this PUD, is attached as Exhibit C. The Development Plan attached as Exhibit B represents a more ideal lot layout where the lots are more uniform in size and the lots are less irregular as currently platted. Any adjustment of lot lines within the Spring Creek Ranch Subdivision should conform to the lot layout as depicted in Exhibit B, to the greatest extent practicable.

The PUD specifies improvements which can be made, timing of said improvements and conditions which must be fulfilled in conjunction with the development of the Property. Where this PUD does not address a specific development standard or requirements 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 PUD addresses a specific development standard or requirement, the provisions of this PUD shall supersede the provisions of the Development Code. Use and development of the Property shall be in accordance with the specific requirements of this PUD and in substantial compliance with the PUD Development Plan attached hereto as Exhibit B, and the following goals and objectives:

- The prime objective for the Spring Creek Ranch Subdivision is to pursue a conservation oriented approach to development which emphasizes the historic ranching or agricultural character of the Property and the Lower Blue Basin and promotes a land stewardship approach to future development.
- Future residential development in the Property should be compatible with and respect the diversity of natural features, wildlife habitats and vegetation types that exist on the Property.

All Lots greater than 6 acres shall contain restricted Building Envelopes located and depicted on Exhibit B. All areas outside the Building Envelopes shall be essentially free from development with the exception of minimal disturbance for roads, utilities, agricultural fencing, agricultural

uses, including but not limited to horse-keeping and associated uses, ponds, roads and trails utilized or created for the removal of beetle kill and other forestry-related enhancements, designed to create and/or support wildlife habitat or necessary to serve the permitted uses. Any exceptions to disturbance shall be listed in Section B Development Standards.

**A. Density, Permitted Uses, Accessory Uses and Caretaker Units**

**1. Permitted Density and Uses**

The following are the permitted density and uses of the Property:

a) A Maximum of fourteen single family units and accessory uses on the following lots:

- |                    |                    |
|--------------------|--------------------|
| i) Lot 2 Block 3   | viii.) Lot A       |
| ii) Lot 4R Block 3 | ix.) Lot B Amended |
| iii) Lot 1 Block 4 | x.) Lot C          |
| iv) Lot 5 Block 5  | xi.) Lot D         |
| v) Lot 2 Block 2   | xii.) Lot E        |
| vi) Lot 6 Block 2  | xiii.) Lot F       |
| vii) Lot 3 Block 2 | xiv.) Lot G        |

No size restrictions pertain to any single family residence. Regardless of lot size, no additional density shall be permitted in this PUD beyond the permitted fourteen dwelling units. However, lot lines may be adjusted to create more consistency among lot sizes, but in no way may the adjustment of lot lines create a means to add additional density to the PUD. Any Lot Line Adjustments shall conform to the lot layout as depicted in Exhibit B, to the greatest extent practicable.

- b) The existing single family residences may be remodeled, renovated, expanded, removed, relocated or replaced so long as no more than 14 single family residences are created on the Property.
- c) All of the areas outside of the Building Envelope shall remain open and free from development except for agricultural uses of the Property shall be consistent with the historical agricultural and ranching use of the Property and are permitted and/or limited as follows:
- i. **Agricultural Operations:** Operations associated with the growing and harvesting of crops and timber, and raising of livestock and enhancement of support for fisheries and wildlife habitat including such activities as lumbering, plowing, planting, scarifying soils, construction and cleaning of irrigation ditches, construction of roads, buildings, corrals, stock ponds, fishery improvements and other wildlife habitat within farm or ranch boundaries. Pastures may be created on the individual lots provided that irrigation of such pastures complies with the water use limitations set forth in the water court decree.
  - ii. **Agricultural Buildings:** Structures designed and constructed to house and/or control or store farm implements, equipment and recreational vehicles, hay, grain, poultry, livestock or other horticultural products. These structures shall not be places of human habitation or places of employment where agricultural products are processed, treated or packaged (except for harvesting and storage which are expressly

authorized); nor shall they be places used by the public. These improvements shall be located within the Building Envelopes on the Lots.

## **2. Accessory Uses**

Accessory uses associated with the single family residential dwellings shall be permitted within the required Building Envelope on any Lot. Restrictions are as follows:

- a) Private attached or detached garage or garages limited to the size permitted by Section 3505.18 of the Development Code and as subsequently amended.
- b) Home occupations in accordance with Section 3810 of the Development Code.
- c) Storage buildings/shed limited to 2,000 square feet of floor area.
- d) Residential outdoor storage, including but not limited to, storage or parking of recreational vehicles, boats, utility trailers in accordance with Section 3815 of the Development Code.
- e) For Lots 20 acres or greater, other residential accessory uses shall be permitted as allowed by Development Code in the A-1 Zoning District and subject to the lot size limitations set forth in the Development Code for such uses. For all lots less than 20 acres, accessory uses shall be allowed per those permitted by the Zoning District with the most similar lot size allowances.

## **3. Caretaker Units**

Caretaker units do not count towards density since such units are allowed as an accessory use to the single family residential dwellings. Thus, there is no density associated with these units that can be transferred out of the PUD, nor can such units be converted to market rate dwelling units.

Caretaker units shall be permitted on all Lots as an accessory use subject to the review process set forth in the Development Code and subject to meeting the following requirements:

- a) Acquisition of adequate water rights must be demonstrated. At the time of adoption of this PUD, the water court decree does not permit caretaker units. However, should a property owner or the SCRA acquire supplemental water rights to the satisfaction of the Office of the State Engineer, then caretaker units may be permitted as an accessory use in the PUD.
- b) Should adequate water rights be obtained to allow for caretaker units, then the Owner/Developer shall ensure compliance with the State of Colorado Water Quality Control Division requirements for the community water system.
- c) Caretaker units shall be occupied by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaking services on the property. Caretaker units shall not be used as guest quarters, offered to or used as rental units by the general public, or rented on a short-term basis. Where a caretaker unit is established, the primary unit may be owner-occupied, rented short or long term, or vacant.
- d) Approval of a caretaker unit shall include the requirement that the property owner record a covenant restricting use of the unit to members of the property owner's family or employees of the owner in accordance with this section. The covenant shall grant enforcement power to Summit County.
- e) On parcels of 35 or more acres, a caretaker unit may be located in a freestanding residence separate from the property owner's residence or may be incorporated into the primary dwelling or a garage serving the primary dwelling. On parcels of less than 35

acres, a caretaker unit shall be incorporated into the primary dwelling or a garage serving the primary dwelling.

- f) Residences which contain caretaker units shall retain a single family character in both function and design and meet the following standards:
  - (1) Entrances: A caretaker unit may have a separate entrance from that of the residence with which it is associated, however if the unit is located above a detached garage, an outside stairway shall not be allowed in order to preserve the single-family appearance of the neighborhood.
  - (2) Roof Lines: If the caretaker unit is not located within the primary dwelling unit and located above the garage then the roof lines shall be similar to the primary dwelling unit's design in regards to roof pitch and roofing materials.
  - (3) Building Materials: The building materials used in conjunction with the additional unit shall be of the same type and color scheme as contained in the primary dwelling unit.
  - (4) Landscaping: All parking areas associated with the caretaker unit shall be landscaped to buffer the parking area from surrounding land uses, with the final landscaping reviewed and approved on-site prior to the issuance of a Certificate of Occupancy ("CO") to help mitigate the potential negative visual impacts of the additional parking. Where landscaping is required, a financial guarantee may be required in order to receive a CO per the financial guarantee provisions listed in Section 3600.
  - (5) Detached Garages: Caretaker units located above detached garages are only allowed on Lots equal or greater than 20,000 square feet. A caretaker unit over the garage or barn is allowed only if the unit does not extend beyond the basic footprint of such structures. Cantilevering or extending the caretaker unit beyond the footprint of a barn or a garage is not permitted, except for minor encroachments outside of the footprint for bay windows, roof eaves, chimneys, and other similar appurtenances as may be approved by the Review Authority. A garage shall not be expanded by a storage area, shop or other similar addition to allow for more floor area for the caretaker unit above so that the buildings mass and the character of the area is maintained.
  - (6) Number of Bedrooms: The number of bedrooms shall be limited to a maximum of three (3) bedrooms.
  - (7) Size of Units: On parcels of 35 or more acres the size of the caretaker unit shall not exceed 1,200 square feet. On parcels of less than 35 acres a caretaker unit shall not exceed 1000 square feet.

## **B. Development Standards**

Residential development constructed after the Effective Date shall comply with the following development standards:

1. Development Areas and Building Envelopes
  - a) Each of the 14 single family residences permitted by Section A.1 above and any related caretaker units shall be located within a Building Envelope, if depicted on the Development Plan or respect any setbacks set forth in this PUD if no building envelope is

depicted on such lot. All development shall be subject to site plan review per the process set forth in the Development Code, and the development criteria as outlined in Section B (Development Standards) of this PUD. For any adjustment of lot lines that is approved on a Lot 6 acres or greater, a Building Envelope shall be established on the plat for each of the newly configured Lot(s).

- b) **Building Envelopes:** All Lots greater than 6 acres shall contain a restricted Building Envelope located and depicted on Exhibit B. Residential structures and residential uses must be located within a legally defined area. For certain lots in the PUD, Building Envelopes are depicted on Exhibit B. The building envelope location for Lot BR is reflected in Exhibit C. Lots: AR, F, G, & 2R Block 3 have been modified and are depicted in Exhibits C-2 and C-3. For those lots that do not include a Building Envelope on Exhibit B, those Lots shall conform with the setbacks set forth in Section 2 below. All residential uses and associated accessory uses shall be located entirely within the Building Envelope, including but not limited to roof driplines, decks, garages, sheds, and septic leach field systems. No soil disturbance or tree removal is allowed outside of the building envelope unless for buried utilities (excluding septic systems), beetle kill removal, fire mitigation, forest management, driveway or roadway construction, agricultural operations, animal keeping, or other improvements expressly provided for herein. Agricultural uses as outlined in Section 1 A(d) above can be located anywhere outside of the Building Envelope shown in Exhibit B or as subsequently established, however all building improvements must be within the Building Envelopes, subject to meeting the requirements of this PUD.
- c) **Moving Building Envelopes:** Building Envelopes on Lots A, B, C, D and F and any Building Envelopes established subsequent to the adoption of this PUD Amendment may be moved or established so long as the new Building Envelope does not encroach upon an existing building or established Building Envelope on the Development Plan. The process for applying for a modification to an established building envelope or the establishment of a new building envelope shall be by the process set forth in the Development Code. In reviewing the relocation or establishment of a building envelope, the Review Authority shall consider the goal of preserving natural features, such as but not limited to wetlands, steep slopes, ridge-lines, rock outcrops, areas subject to geotechnical hazards and treed or natural cover on the site. The relocation or establishment of building envelopes should also consider visual impacts to adjacent properties, shall attempt to preserve healthy trees, and shall minimize environmental impacts.
- d) In the event a Building Envelope is moved the new Building Envelope shall not increase in size from that established in the Development Plan. For any new Building Envelopes created after the adoption of this PUD Amendment, the Building Envelope shall not exceed 10% of the lot size.
- e) Prior to the issuance of any grading or building permits for Lot BR, a subdivision exemption plat reflecting the revised location of the building envelope, as approved under the PUD amendment approved on December 10, 2013, shall be reviewed, approved, and recorded.

## 2. Setbacks

For any Lot that does not have an established Building Envelope, the following setbacks apply:

Front:	25 feet
Rear:	25 feet

Side: 15 feet

### **3. Building Height**

Residential Structures: The maximum building height for residential structures, including but not limited to accessory structures associated with residential uses, shall not exceed 35 feet per the methodology set forth in Section 3505.06 of the Development Code and as subsequently amended.

Agricultural Structures: Building heights for agricultural structures shall not exceed 50 feet per the methodology set forth in Section 3505.06 of the Development Code and as subsequently amended.

### **4. Colors/Materials**

Structures and roofs shall utilize colors that reflect the natural environment and shall utilize natural or naturally appearing materials. Non-reflective roof materials and non-reflective glass shall be utilized.

### **5. Fencing**

Fencing shall be permitted for agricultural, ranching and equestrian purposes. All fences or walls shall be constructed to effectively hold livestock while allowing for the passage of wildlife. Areas that may be fenced shall be limited to the immediate area of site disturbance around the principal structure and areas for livestock. The maximum height for fences and walls shall be the same as for residential zoning districts as outlined in Section 3505.17.A.2 of the Development Code provided that such fencing shall also comply with the requirement regarding wildlife friendly fencing outlined above.

Fencing shall be open post and rail fencing, livestock fencing or other fencing typical of a ranching application. Other types of fencing may be allowed by the County for unique situations, such as enclosed pet runs that may be required to minimize adverse impacts on wildlife, and for guardrails along roadways as required for safety. Fencing for dog or pet runs are excluded from this provision.

### **6. Environmental Standards**

Wildlife: To minimize impacts to wildlife, (i) every dwelling unit in the PUD shall use bear-proof trash containers or dumpsters; and (ii) not allow dogs or cats to freely roam unless under direct supervision and voice control, with animal runs or other means used to ensure that they are contained when kept outside and not supervised.

### **7. Topography and Building Forms**

- a) Topographic Benches: Development within Lots A, B, and C shall meet the following standards:
  - i) Buildings shall be located and designed so that the existing visual dominance of the natural landform, vegetation and topography is maintained.
  - ii) To the extent practicable, development shall not penetrate the skyline on the bench as viewed from any public road, trail, open space or recreation area.

- iii) Buildings shall be set back from the edge of the bench slopes so they do not appear to protrude or hang over the edge of ridgelines and slopes.
- b) Topography
- i) All development shall minimize the need for grading, earth moving, vegetation removal and site disturbance to the maximum extent practicable.
  - ii) To the extent practicable, buildings shall be stepped to fit with the natural terrain.
  - iii) Building mass shall be broken into distinct, smaller forms including facades and rooflines. Breaking the mass into smaller forms, which may involve repeating similar forms, is required over large blocks or building masses.
  - iv) The horizontal and vertical extent of road and driveway cuts shall be limited. Retaining walls constructed with natural materials such as timbers or rocks are encouraged, and exposed concrete retaining walls are prohibited. Terraced retaining walls shall be used instead of larger retaining walls.
  - vi) No disturbance is allowed on slopes 30% or greater.

## **8. Landscaping**

Landscaping for new single family development after the Effective Date and any disturbance on any lots shall provide for the application of topsoil and revegetation with a native grass seed mix in establishing finished grades and in accordance with the applicable provisions set forth in the Development Code. Any berms shall meet the applicable requirements of the Development Code. Trees within the disturbance envelope not removed for construction (including but not limited to septic systems, wells, utilities, finished grade and driveways), forest management or fire mitigation, shall be preserved to the extent practicable. Please also refer to the forest management and fire mitigation requirements in Section C.5 below.

## **9. Water Quality**

All development shall comply with the applicable County's Water Quality Control Regulations outlined in Chapter 7 of the Development Code.

## **10. Lighting**

All exterior lighting shall meet the lighting requirements of the Development Code to prevent off-site glare and adverse impact to wildlife.

## **11. Parking**

At least 2 parking spaces shall be required for each single family residence. At least two parking spaces shall be required for each caretaker unit. Garage spaces shall be counted toward meeting these parking requirements.

## **12. Animal Keeping**

Animal keeping shall meet the requirements for the A-1 district outlined in the Development Code. Animal keeping shall also be in accordance with the Water Court Decree for Spring Creek Ranch. Commercial boarding horses is not permitted. However, community boarding facilities are permitted.

## **13. Site Plan Review**



The location of all new residential homesites shall be subject to site plan review pursuant to the site plan review process outlined in the Development Code. All other new or modified structures are subject to site plan review by the County in accordance with the provisions of the Development Code.

## **C. UTILITIES AND IMPROVEMENTS**

### **1. Water**

Water for individual homesites will be provided by community well. The SCRA shall reserve an easement parcel, 50' by 50' on Tract B for a water storage tank as depicted on Exhibit A. Said easement shall be owned by the SCRA and any such tank size shall be in the sole discretion of the SCRA future needs if any. The PUD is subject to the terms and conditions set forth in the Water Court Decree and Water Augmentation Plan.

Per the requirements of the State of Colorado Department of Public Health and Environment, if at any time the water system begins to serve 25 or more persons per day for at least 60 days of the year, or 15 service connections, their office must be notified.

### **2. Wastewater Disposal**

For Lot 4R Block 3, Lots 2, 3, 5, 6 Block 2, wastewater disposal will be provided by sewer lagoon system currently owned by the SCRA, located in the designated Pond and ROW in the northeasterly section of Lot A, with a maximum allowable usage of 2,000 gallons per day. In the event that the average usage exceeds 2,000 gallons a day then the SCRA sewer lagoon system shall be upgraded to meet any state requirements, management and reporting then in existence by State Regulation.

All Lots A-G, Lot 1 Block 4, and Lot 2 Block 2 shall use on-site wastewater treatment system and be managed privately. Any other lot in the PUD may utilize an on-site wastewater treatment system should it be approved by the Summit County Environmental Health Department.

As a condition of the lagoon system permit issued by the Summit County Environmental Health Department, the Owner/Developer is required to report water usage annually.

### **3. Utilities**

- a) All electrical utilities shall use the same system and above ground poles along Spring Creek Road. Poles will have to be established to service Lot D and C at the expense of said Owners. Depending on the span to service certain Building Envelopes poles are allowed. All electrical utilities shall be within an easement and be clear of trees pursuant to electric providers requirements at the time of construction.
- b) All utility extensions including electrical, phone, water shall be the responsibility of the individual Lot Owner and shall be sized to accommodate any other Lot that requires service and costs shall be allocated appropriately between Lot owners and reimbursable to the first to construct at the time of the later owners securing a Building Permit.
- c) A perpetual non-exclusive utility easement shall apply upon, across, above, over, under, and through Block 2 Lot 5, Block 4 Lot 1, Lot C and Lot D as depicted on the

Development Plan, for the purpose of ingress to and egress from the installation, repair, replacement, operation and maintenance of all electrical and communication lines, equipment and guying. The rights reserved in this utility easement are subject to the specific easements dedicated by this Development Plan to Spring Creek Ranchers Association and Mountain Parks Electric, Inc., Qwest, and Comcast.

Once electrical and communication utilities are installed in such utility easement(s), no structure or other parallel utility line (gas, water or sewer) shall be allowed closer than ten feet from any primary voltage power or communication lines or within ten feet around any above ground equipment. No grade changes (cut or fill) in excess of six inches are permitted in the utility easement without prior written authorization from Mountain Parks Electric, Inc.

#### **4. Access**

- a) Existing Subdivision roads Spring Creek Rd from CR 10 and up to Shadow Creek Subdivision and Blue Spruce Rd and a Common Driveway will generally be used to provide access to permitted single family and caretaker units or driveways. Spring Creek Rd and Blue Spruce Rd. shall be designated as low volume road standards as outlined in the Summit County Development Code and maintained by the SCRA. Rights-of-way for Spring Creek Rd and Blue Spruce Rd shall be public. Except for the specialized road standards as provided in this subsection, or as otherwise approved by the County Engineer, where an access road other than Spring Creek Rd and Blue Spruce Rd, serves two units or less, it shall be designed using the driveway design standards as outlined in the Development Code or this PUD.
- b) To reduce the environmental impact of these road improvements, the County has approved the following unique road and driveway standards:
  - i) There is no maximum length of a cul-du-sac, provided that sprinklering is provided in each new residence and any caretaker unit .
  - ii) Specific grading plans and applicable permit applications shall be submitted to the County and the Lake Dillon Fire Protection District for review and action prior to the commencement of any road or driveway improvements. Prior to the issuance of any grading or building permits for an individual lot, driveway designs must meet County standards.
  - iii) Travel Lane widths for low volume roads shall be a minimum of 10', with a total width of 20 feet.
  - iv) In the chance that Lot D and E or Lot F share driveways, then the total width of the shared portion of driveway shall be 18 feet. Each Lot owner shall provide the necessary easements for utilities, ingress, and egress and maintenance access.
  - v) The County Engineer approves of the existing road grades to exceed the 8% maximum grade to minimize the amount of cut and fill and the number of switchbacks, provided: (i) the maximum length of approved grades in excess of 8%, as measured along the road, shall not exceed 500 feet; and, (ii) public safety is protected.
- c) Prior to October 2010 a top cover of gravel shall be put on both shoulder widths of Spring Creek Rd and Blue Spruce Rd.
- d) Paving of the roads and driveways shall be minimized to the extent practicable. Paving of driveways and around residences shall be permitted.

- e) Driveway locations shall be in substantial conformance with those shown on Exhibit B. Alternative locations to access lots that deviate from the access depicted on Exhibit B may be considered if such access provides a means to reduce overall site disturbance and environmental impact.

**5. Forest Stewardship Plan and Fire Mitigation**

- a) A forest stewardship plan which emphasizes long-term health and sustainability of the forest resource on the Property has been prepared for the Property by the SCRA and has been adopted by the SCRA membership as a policy (See Exhibit D). The forest stewardship plan has begun to be implemented by the Owner/Developer. Although the Federal, State and County have not come up with a financially feasible plan, the Owner/Developer of the Property will continue to implement the forest stewardship plan on the ranch, including but not limited to: removal of diseased trees (pine beetle, dwarf mistletoe, etc.), and thinning as financially reasonable. Trees within the Property shall be preserved to the extent practicable unless tree removal is for development permitted by this PUD, forest management or fire mitigation.
- b) All future residential development in the Property shall comply with the County's wildfire hazard mitigation requirements concurrent with the building permit process.

**6. Fire Protection**

- a) The Property is located within the Lower Blue Fire Protection District ("District"). A District approved and District tested fire sprinkler system shall be installed in each new single family residence and caretaker unit located on Lots A-G built after the Effective Date, and each modification to existing structures subject to such requirement per the Building Code, with a self contained storage tank within the Residence that is appropriate for the size residence and accessory buildings but not less than 300 gallons – solely supporting the sprinkler system.
- b) SCRA shall establish a perpetual easement 100' by 100' on Lot 5 Block 2 in the location depicted on Exhibit B for future fire protection at the discretion of the SCRA. Any construction or plans shall be submitted to Summit County Planning Dept and review by the District.

**D. IMPLEMENTATION**

**1. Subdivision Requirements**

- a) Densities of development indicated in this PUD represent maximum permitted densities and levels of use and each proposed individual development must meet all applicable standards and requirements as contained in the Development Code unless such standards and requirements are specifically waived or modified by the terms of this PUD.
- b) Lot Lines may be adjusted in accordance with the provisions set forth in Chapter 8 of the Development Code so long as the lot line adjustment does not create any additional density. Minimum lot size of any newly created or modified lot shall be 6 acres.

**E. GENERAL PROVISIONS**

**1. Enforcement**

The provisions of this PUD and its development plan relating to the use of land and the shall run in favor of the 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 this PUD 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 this PUD 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**

If at any time any provision or requirement stated in this has been breached by the SCRA, an individual 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 that property owned by such Owner/Developer, 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 SCRA and Owner/Developer in writing and afforded the SCRA and Owner/Developer a reasonable opportunity to remedy the same.

**3. Binding Effect**

This PUD shall run with the land and be binding upon the SCRA and Owner/Developer, its 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 PUD may be modified through a PUD amendment in accordance with the procedure stated in the Development Code. This PUD 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 this PUD shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for rezoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3) (b), unless such amendment is determined to be minor in nature in accordance with the provisions outlined in the Development Code.

**5. Notices**

All notices required by this PUD 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  
PO Box 68  
Breckenridge, CO 80424

Notice to SCRA:

PO Box 16130  
Golden, CO 80402

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

**6. Entire PUD**

This PUD contains all provisions and requirements incumbent upon the SCRA and Owner/Developer relative to the Spring Creek Ranch Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with the procedures set forth in the 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 Development Code or other regulations otherwise applicable to the development of the Property.

**7. Relationship to Original PUD and Previous Amendments**

This PUD governs all property within the Spring Creek Ranch Subdivision and supersedes any and all previous PUD agreements, Development Agreements or Final Plats and Colorado Land Surveys.

**8. Effective Date**

To be legally effective and binding, this PUD must be recorded by the Summit County Clerk and Recorder. The date of such recording is referred to herein as the "Effective Date."

**9. PUD Review Requirements**

Chapter 12 of the Development Code includes procedures and requirements for review of all Planned Unit Developments. The SCRA and Owner/Developer shall be on notice of these requirements. If the County and the SCRA and Owner/Developer enter into a development agreement to vest property rights pursuant to CRS 24-68-101 and Section 12800 et seq of the Development Code, then the PUD review requirements shall apply as outlined in any development agreement.

**10. Legality of Provisions**

In the case one or more of the provisions contained in this PUD, or any application hereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this PUD and the application thereof shall not in any way be affected or impaired thereby.

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

Spring Creek Ranchers Association Inc.

          /S/ Robert Swenson  
By: Robert C Swenson, President

Original signatories to the PUD, and all amendments thereto, are on file with the Summit County Planning Department, as well as recorded and filed in the Office of the Clerk and Recorder.

**APPROVAL OF AMENDMENTS**

The foregoing document is the Spring Creek Ranch Planned Unit Development Designation and supersedes the Spring Creek Condominium Ranch Planned Unit Development Agreement , which was originally approved by the Summit County Board of County Commissioners (Resolution #80-34)(and Recorded at Reception Number 204557), and evidenced by an agreement entitled Spring Creek Condominium Ranch Planned Unit Development Agreement dated December 17, 1979 (Recorded at Reception Number 204557).

This PUD is hereby revised to incorporate the approved amendments as noted above, and shall remain in force as revised. Copies of the original and all amendments and modifications are available from the Summit County Clerk and Recorder. The PUD is amended by the Summit County Board of County Commissioners as follows:

Resolution Number	Reception Number
80-034	204557 (Resolution and PUD)
10-048	952449 (Resolution) and 979570 (PUD)
13-086	1055813 (Resolution) and 1084544 (PUD)
18-55	1180177

**ADOPTED THIS 11th DAY OF SEPTEMBER , 2018**

**COUNTY OF SUMMIT  
STATE OF COLORADO  
BY AND THROUGH ITS  
BOARD OF COUNTY COMMISSIONERS**



**Dan Gibbs, Chair**

**ATTEST:**

  
**Kathleen Neel, Clerk & Recorder**

**Exhibit A**

Spring Creek Ranch Subdivision, Filing 1, Phase 1: Lot 2 Block 3, Lot 1 Block 4, Lot 5 Block 5, Lot 2 Block 2, Lot 6 Block 2, Lot 3 Block 2 as platted under Reception No. 207217.

Spring Creek Ranch Land Survey Plat: Lot A, Lot C, Lot D, Lot E, Lot F, and Lot G as recorded under Reception No. 695428.

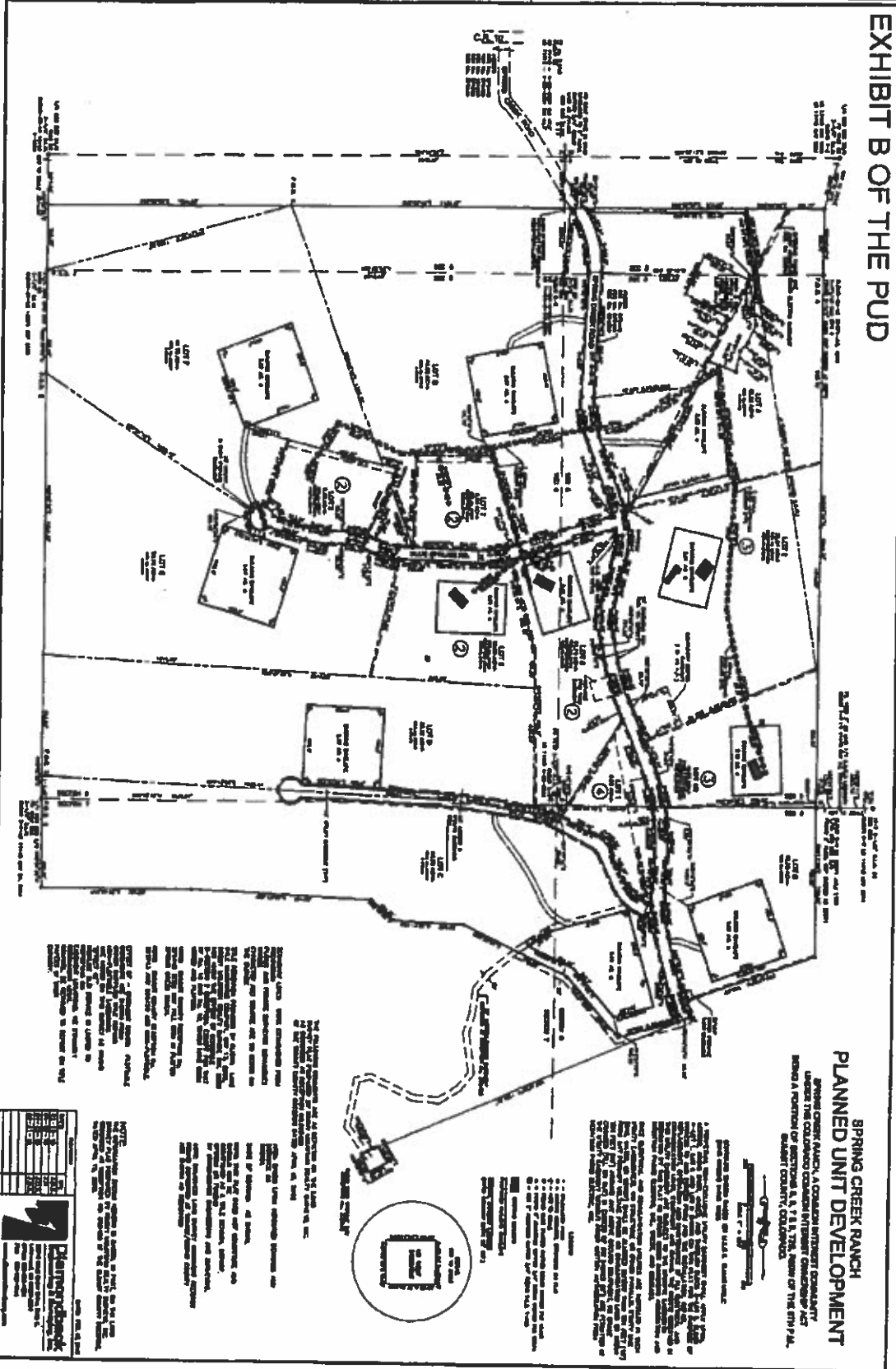
Spring Creek Ranch Lot 4R Block 3 and Lot B Amended as recorded under Reception No. 934376.

Lots in the Spring Creek Ranch PUD may be modified per the provisions set forth in the PUD.





# EXHIBIT B OF THE PUD



**SPRING CREEK RANCH  
 PLANNED UNIT DEVELOPMENT**  
 SPRING CREEK RANCH, A COMMUNITY DEVELOPMENT, CONSISTING OF  
 SEVERAL TRACTS OF LAND, SITUATED IN SECTION 10, T.18N., R.10E.,  
 SHERMAN COUNTY, OREGON.

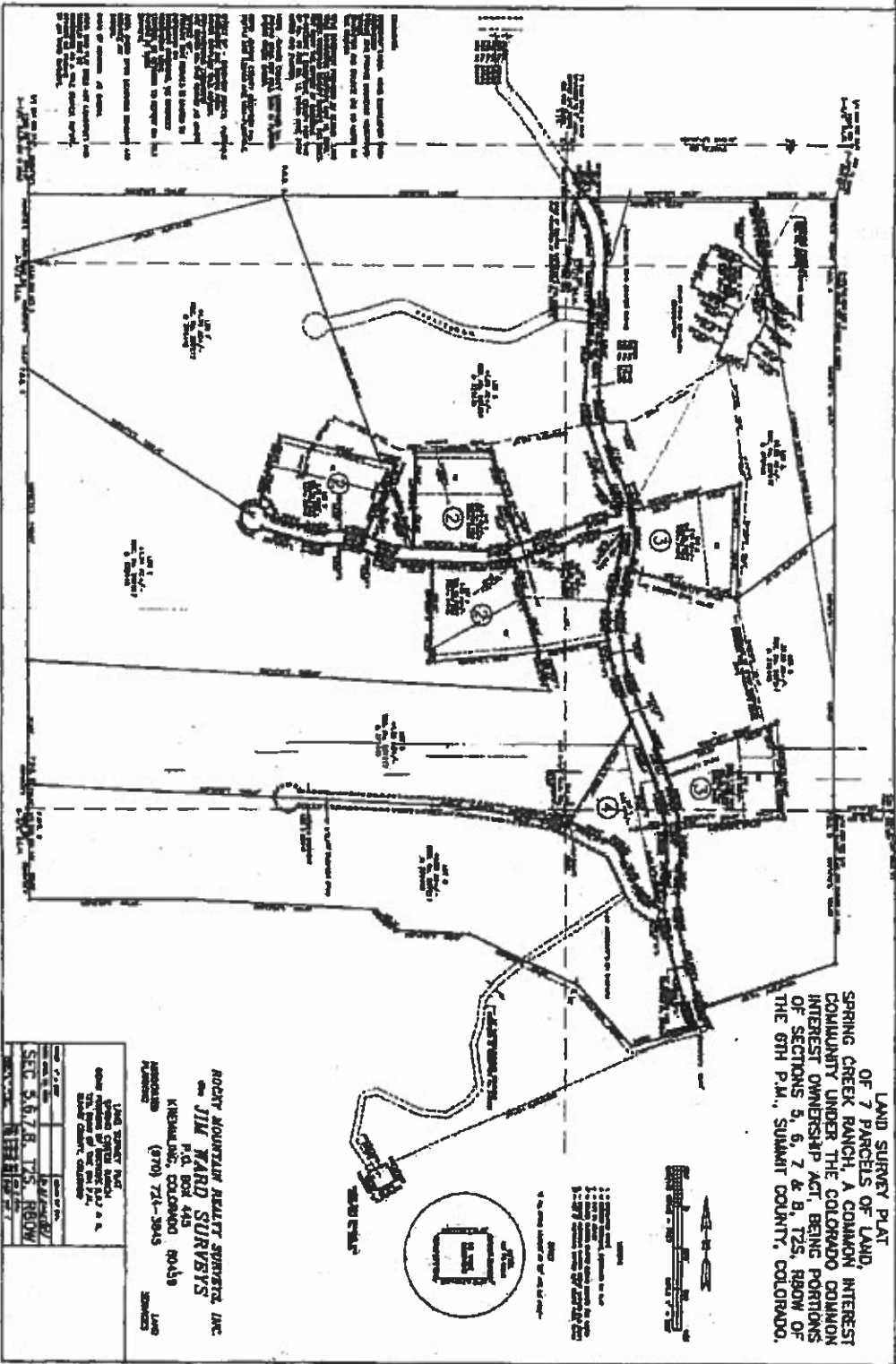
THE PLANNED UNIT DEVELOPMENT (PUD) IS A COMMUNITY DEVELOPMENT  
 WHICH PROVIDES FOR A MIXTURE OF RESIDENTIAL AND COMMERCIAL  
 USES. THE PUD IS DESIGNED TO PROVIDE FOR A HIGH QUALITY  
 LIVING ENVIRONMENT WITH ACCESS TO RECREATION AND OPEN SPACE.  
 THE PUD IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT  
 AND THE STATE OF OREGON.

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 LIVING ENVIRONMENT WITH ACCESS TO RECREATION AND OPEN SPACE.  
 THE PUD IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT  
 AND THE STATE OF OREGON.

NO.	DESCRIPTION
1	RESIDENTIAL LOT
2	RESIDENTIAL LOT
3	RESIDENTIAL LOT
4	RESIDENTIAL LOT
5	RESIDENTIAL LOT
6	RESIDENTIAL LOT
7	RESIDENTIAL LOT
8	RESIDENTIAL LOT
9	RESIDENTIAL LOT
10	RESIDENTIAL LOT
11	RESIDENTIAL LOT
12	RESIDENTIAL LOT
13	RESIDENTIAL LOT
14	RESIDENTIAL LOT
15	RESIDENTIAL LOT
16	RESIDENTIAL LOT
17	RESIDENTIAL LOT



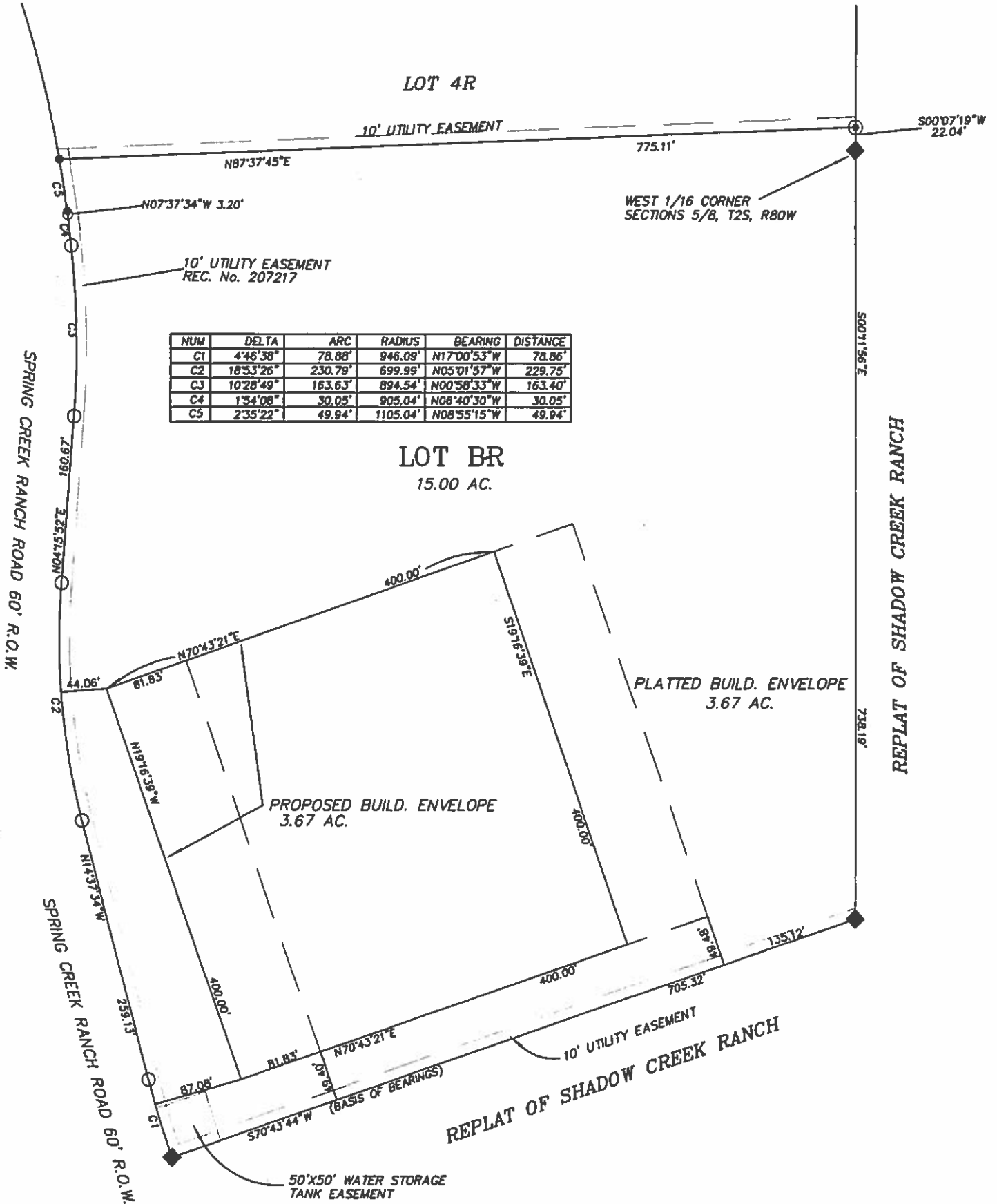


LAND SURVEY PLAT  
 OF 7 PARCELS OF LAND,  
 SPRING CREEK RANCH, A COMMON INTEREST  
 COMMUNITY UNDER THE COLORADO COMMON  
 INTEREST OWNERSHIP ACT, BEING PORTIONS  
 OF SECTIONS 5, 6, 7 & 8, T25, R80W OF  
 THE 6TH P.M., SUMMIT COUNTY, COLORADO.

ROCKY MOUNTAIN REALTY SERVICES, INC.  
 aka JIM FARD SURVEYS  
 P.O. BOX 443  
 KREMHLING, COLORADO 80448  
 APPROVED (870) 741-3945  
 LAND SURVEY

DATE OF SURVEY	APPROVED BY
DATE OF RECORDING	DATE OF RECORDING
SECTION 5, 6, 7 & 8, T25, R80W	SECTION 5, 6, 7 & 8, T25, R80W

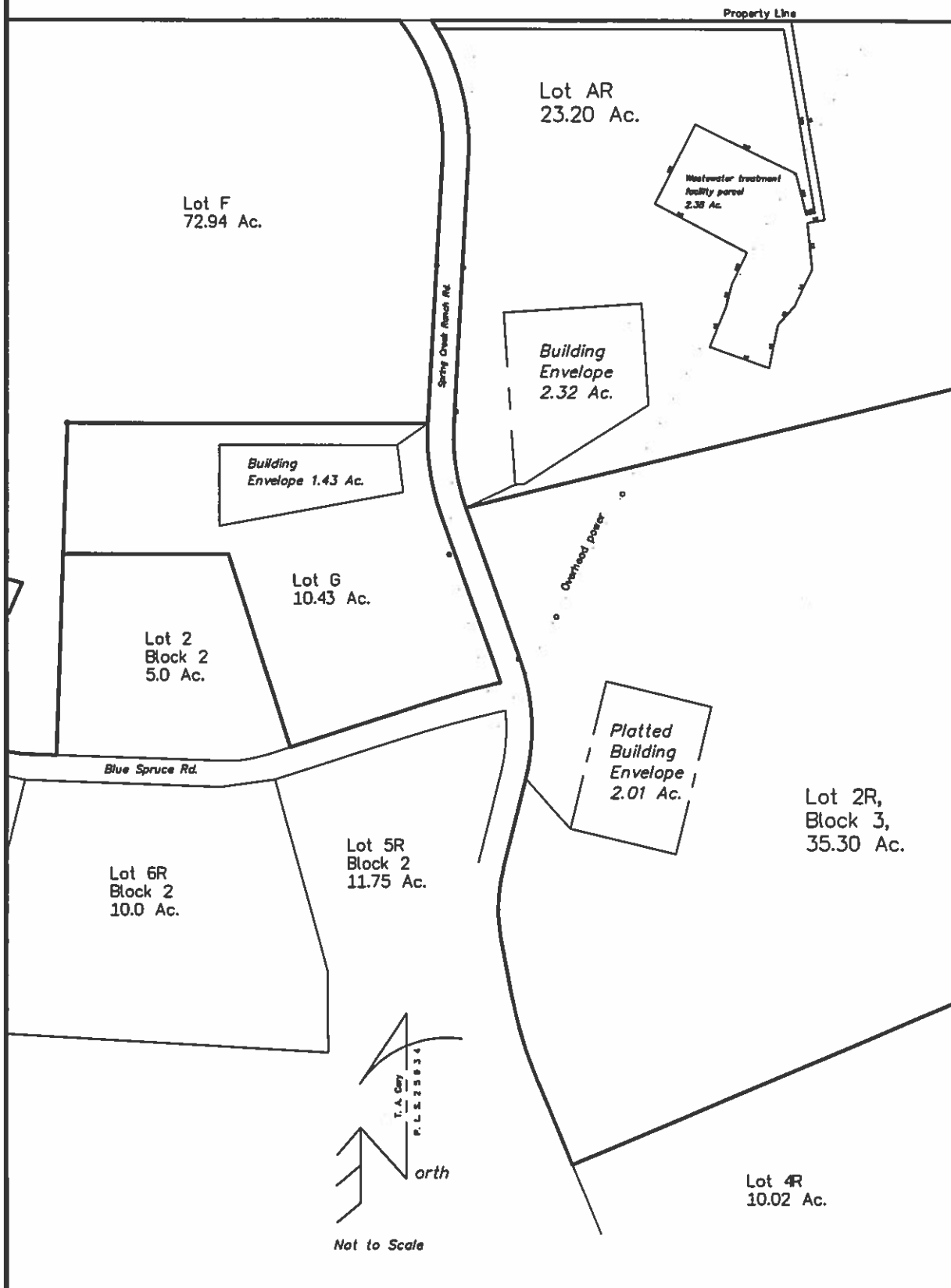
EXHIBIT C-1  
LOT BR



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	4°46'38"	78.86'	946.09'	N17°00'53"W	78.86'
C2	18°53'26"	230.79'	699.99'	N05°01'57"W	229.75'
C3	10°28'49"	163.63'	894.54'	N00°58'33"W	163.40'
C4	1°34'08"	30.05'	905.04'	N08°40'30"W	30.05'
C5	2°35'22"	49.94'	1105.04'	N08°55'15"W	49.94'

LOT BR  
15.00 AC.

Exhibit C-2  
Lot AR & 2R, Block 3



Thomas A. Cary  
305 CR 1933 POB 122  
Kremmling, CO. 80459-0122  
970.724.2912 / 509.0185

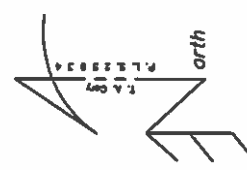
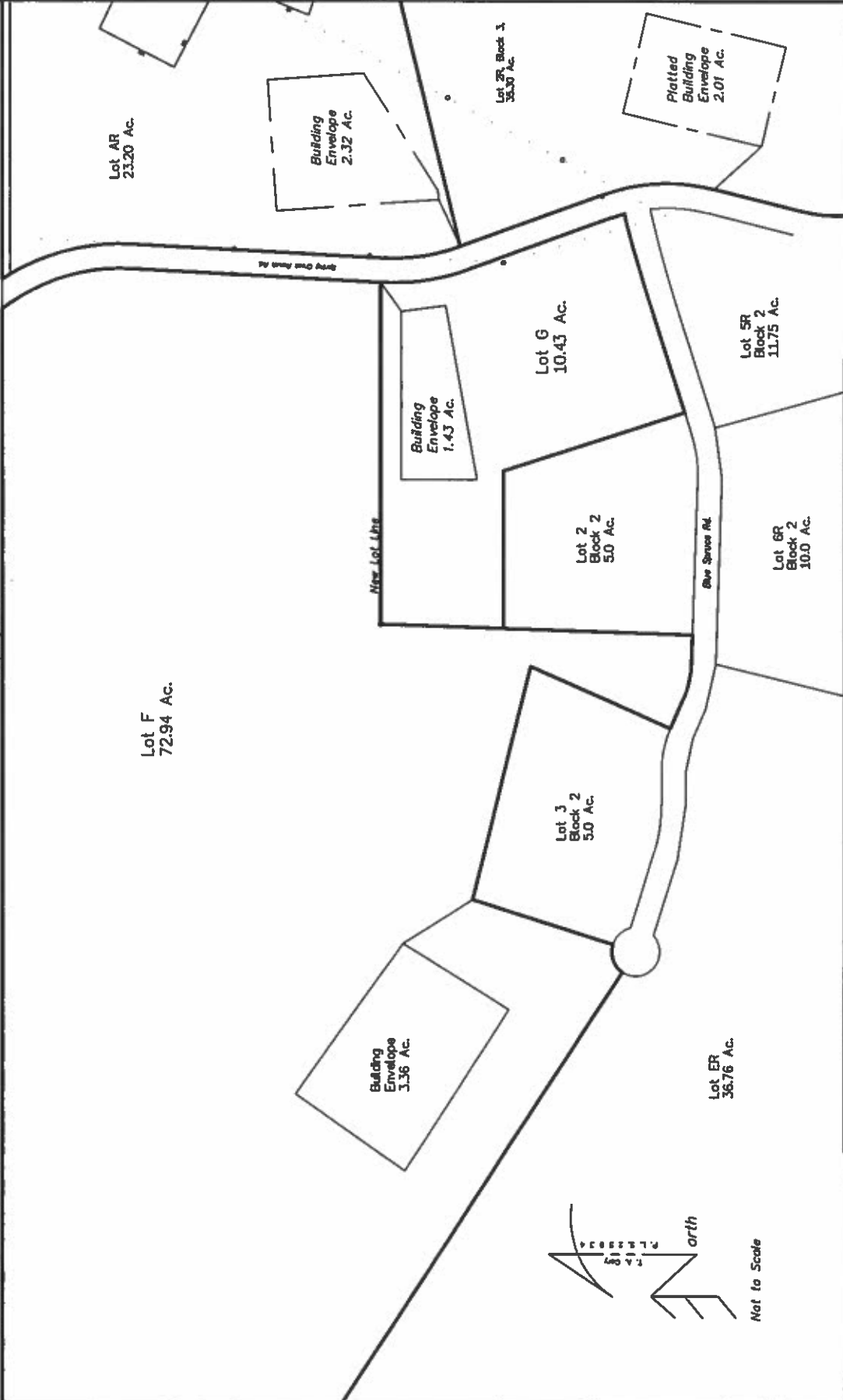
Field Work: 5/14/2018  
Dwg: 8/13/2018  
MSCAD2016  
PLS 25934  
Loosehorse56@gmail.com

Exhibit C-2  
Minor PUD  
Adjustments

Exhibit C-3  
Lot F & G

North Boundary Line Spring Creek Ranch Sub

Property Line



Not to Scale

<p>Exhibit C-3 Minor PUD Adjustments</p>	<p>Field Work: 5/14/2018 Dwg: 8/22/2018 RSCAD2016 PLS 25934 Loosehorse56@gmail.com</p>	<p>Thomas A. Cary 305 CR 1933 POB 122 Kremmling, CO. 80459-0122 970.724.2912 / 509.0185</p>
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## **SPRING CREEK RANCHERS ASSOCIATION, INC**

### **POLCICY FOR FIRE MITIGATION**

**September 25, 2009**

#### **PURPOSE**

This policy is meant to aid in the prevention and suppression of fires and lessen the hazards to structures from wild fires as well as the hazards to land from structure fires within Spring Creek Ranch Subdivision.

**EXCERPTS FROM SUMMIT COUNTY COMMUNITY WILDFIRE PROTECTION PLAN  
DATED NOVEMBER 16, 2006**

#### **THE GROWING PINE BEETLE EPIDEMIC**

“Over the last several years Summit County has experienced an epidemic of mountain pine beetles. The area and number of trees infected has increased significantly since 2002. In 2002 a cooperative aerial survey conducted by the US Forest Service and Colorado State Forest Service showed about 8,000 dead trees in just less than 6,000 acres. In 2003 the aerial survey showed over 26,000 dead trees in an area just less than 10,000 acres. For 2004 these estimates show over 100,000 trees on 38,000 acres and in 2005 104,000 trees on 45, 226 acres. For 2005 the estimated number of trees infected was 1-4,271 on 45, 227 acres.

This is the second pine beetle epidemic in the county over the last 20 to 25 years. The root cause of these epidemics is that the majority of the lodgepole pines in the County are over 120 years old and has reached or surpassed the mature age for lodgepoles. The stands of these lodgepoles are often dense and the average diameter of many of the trees is greater than 8 inches. These factors, combined with years of fire suppression and more recently drought make our lodgepole pine forest of Summit county highly susceptible to mountain pine beetle out breaks.

#### **Development in Wildlands**

Summit County’s population has more than doubled over the last 15 years and has increased over three fold over the last 25 years. Much of this residential growth has occurred in the WUI where private lands are adjacent to federal lands. These

forested interface areas have seen substantial residential growth, partly due to the beauty, recreational opportunities, solitude and scenery that these forests provide. As development in these areas continue to grow, there is a corresponding increase in the risk that wildfire presents to lives, property, and community resources.

As much Federal Land that surrounds Spring Creek Ranch, and the significant costs that are required to clear cut any specific area- with very little value to the logged timber- it is important to acknowledge the limited resources that are available, if any, from State, Federal or County level. In light of these scarce resources and the size of the problem the SCRA endeavors to manage the Subdivision from those Powers and Authority granted to the SCRA by the Covenants and Bylaws. Section 6 of the Covenants allows the Board of Directors to implement rules and such for the benefit of the Members. At this time the Fire Mitigation Plan of Spring Creek Ranch is a suggestion but may become an actual rule depending on the success of the following action items.

## **POLICY AND ACTIONS**

### **DEFENSIBLE SPACE**

The Defensible space is a designated area 30' in radius from all structures including residences, barns, garages and outbuildings. The following mitigation measures shall be provided:

- A. All slash and flammable debris shall be removed from all areas of a defensible space except firewood may be stored up to 200 cubic feet.
- B. All trees located within 10 feet of the structure shall be removed unless Defensible Space radius starts at the drip edge of the tree.
- C. All beetle kill (dead trees) including dead aspen trees shall be removed annually within the Defensible Space. No fire wood stacks or slash should remain on ground.
- D. It is recommended to thin all live trees adjacent to the Defensible Space to lessen a fuel source in close proximity to structures.

### **FORESTED AREAS**

Most of the 330 acres within the Subdivision have older logging roads that can facilitate access to beetle kill. In the heavily timbered sections of Lots A-F it is very difficult to drop trees without providing a landing area. It is suggested that no new roads be constructed but that neighbors cooperate with each other in order to reach infected areas. Smaller clear cut areas should be created to stage logs and slash for removal in addition to clear cutting specific building envelopes permitted pursuant the PUD.

### **Action**

Each large parcel (greater than 10 acres) contains a specific building envelope, which will ultimately contain an area considered "Defensible Space" around a future structure. An area that is greater than one acre with a maximum of two acres should be clear cut and stumps cut to grade to facilitate removal by equipment. Strategic trees of aspen or pine should be left to create a natural looking meadow. Most aspen groves will immediately repopulate in this area. This clear cut area can be utilized for piling slash and beetle kill removal and burning wood. All useable logs can be stacked for resale or removal. Burn permits must be obtained from Summit County and or the State of Colorado and all adjoining land owners with Spring Creek Ranch, Shadow Creek Ranch and Blue Valley Ranch shall be notified of the proposed burn. To the extent feasible due to the long haul cost, slash can be stored and burned in the third sewer pond.

### **STRATEGIC VISTAS**

All parcel and lot owners shall on an annual basis remove all beetle kill along Spring Creek Road and Blue Spruce Road within 20 feet of the edge of ROW. Wood should be cut to firewood length and stacked. Slash should be removed to the third pond or the nearest clear cut area.

Mountain Parks Electric should be contacted on an annual basis to remove all beetle kill that could disrupt electrical service. All infected trees should be marked with orange paint.

### **GRASS ACCUMULATION**

In 2008 and 2009 the spring snows and rains were substantial to the extent that the meadows and roadside were tremendously overgrown. It is recommended that arrangements be made to bring in livestock in a quantity that can graze the grass throughout the subdivision to an appropriate level. The subdivision is open fencing and this action would require the cooperation of all neighbors.