

**CAPOSOLE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Caposole PUD is approved this 14th day of August, 1995 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," for certain real property located in Summit County and described in the attached Exhibit A, hereinafter referred to as the "Property." This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Lorraine Caposole 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.

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

Tract D1: One single family residence, one garage, one detached caretaker's unit, one bathhouse, two horses, and any accompanying facilities necessary for the non-commercial keeping of two horses

Tract D2: One single family residence, one garage, up to two horses with approval of a conditional use permit, and any accompanying facilities necessary for the non-commercial keeping of horses

2. Accessory and Conditional Uses

Accessory and conditional uses allowed under the RE zoning district as specified in the Summit County Land Use & Development Code.

3. Animal Keeping

Animal keeping other than horses as regulated under Section A.1 shall be restricted to that allowed for the RE zoning district as set forth in the Summit County Land Use & Development Code.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed two stories or a maximum of 28 feet as defined in Section 3505.06(A) of the Summit County Land Use & Development Code.

2. Setbacks

Except for existing uses that are allowed to remain under the provisions of this PUD Designation all structures shall maintain a minimum 50 foot setback from the right-of-way of County Road #30 and 35 feet from all other property lines with the exception that any residence on Tract D2 must maintain a minimum 195 foot setback from the property line separating the two parcels and any associated structures must maintain a minimum 100 foot setback from this same boundary.

497059 1995-08-29 12:26 11pg
Doris L Br111 - Summit County Recorder

499738 1995-09-26 10:35 12pg
Doris L Br111 - Summit County Recorder

Referenced to include Exhibit B

3. Parking

At least two (2) parking spaces shall be required for each residence along with two additional spaces for the caretaker's unit on Tract F 1. No parking shall be permitted on County roads.

4. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. Wetland areas shall remain free of development.

5. Site Specific Design Criteria

- a. All single family residences are limited to a maximum size of 2,400 sq.ft.
- b. Garages shall be limited in size to 800 sq.ft. and barns to 400 sq.ft.
- c. All outdoor lighting shall be limited to a low level luminescence type with neither the lighting or mounting structure exceeding ten (10) feet above ground level
- d. All buildings shall be of similar exterior, utilize earth tones, and be of a country/western character
- e. All fencing must be non-opaque and restricted to no more than eight (8) feet in height

6. Development Schedule/Removal of Structures

- a. The single family residence that currently encroaches into the right-of-way of County Road #10, and its adjacent garage, shall be removed from the site with the disturbed ground revegetated and restored to its natural condition to the satisfaction of the Community Development Division prior to the issuance of the first certificate of occupancy for any structure constructed on Tract D2. The ten (10) "cabin" units intended for demolition shall be removed from the site to the satisfaction of the Community Development Division prior to the issuance of the first certificate of occupancy for any structure constructed on Tract D2. The subdivision improvements agreement required prior to recordation of the subdivision exemption plat creating Tracts D1 & D2 shall include the following provisions; 1) the County shall have the right to enter the property and complete any required demolition and reclamation if the owner/developer defaults on the agreement, 2) the owner/developer shall be required to pay any related court costs in case of a default, 3) the bond shall be for 115% of the total estimated cost for such work.⁵ In addition, prior to recordation the owner/developer shall sign a covenant prohibiting any and all occupancy of Tract D2 until all required structures are removed.
- b. The County Assessor's Office has estimated the market value of the "horse barn" immediately north of the single family residence to be removed to be \$1,400.⁶ Based on the model amortization program set forth in Section 14202.04(B) of the Summit County Land Use & Development Code the applicant shall have a period of two (2) years from the date of recordation of this PUD Designation to relocate or remove such structure so that it complies

⁵ Based on information provided by several local contractors with the ability to do such work it appears that a reasonable cost estimate for the cost of removal of all required structures is approximately \$15,000. At 115% the total bond would have to be for \$17,250 to cover all required subdivision improvements.

⁶ Using the model amortization program set forth in Section 14202.04(B) the Owner/Developer of this property shall have a period of one year for every \$750 of market value to remove/relocate the subject horse barn so that it complies with the setback requirements of Section B.2 of this PUD Designation. Under the County Assessor's estimate of market value (\$1,400) such a program would allow the subject barn to remain in place for up to two (2) years from the date that the PUD zoning becomes effective (date PUD Designation is recorded)

with the 50 foot front setback and 35 foot setback from all other property lines as required under Section B.2 of this PUD Designation.

- c. In light of the fact that the caretaker's unit, bathhouse, and woodshed on Tract D1 do not comply with the setback requirements set forth in Section B.2 of this PUD Designation such uses shall not be expanded or enlarged. In addition, such structures shall not be repaired, restored, or replaced if the cost of such repair, restoration, or replacement is greater than 50% of the market value of such structure.

C. REQUIRED IMPROVEMENTS

1. Access

The current driveway entrance to the property does not meet the sight distance requirements of Section 5107.03(1) of the Summit County Land Use & Development Code. However, if the residence and accompanying garage currently encroaching into the right-of-way of County Road #30 is removed adequate sight distance from this intersection will be available. Prior to recordation of any subdivision exemption plat a subdivision improvements agreement and accompanying bond for 115% of the estimated cost of removing all required structures shall be reviewed and approved by the County Engineer for compliance with Sections 8607 et.seq. and 8404.07 of the Summit County Land Use & Development Code.

2. Water Systems

The water supply for the development shall be provided by either spring water from the Mumford Spring or on-site well(s). Prior to recordation of the subdivision exemption plat the Owner/Developer shall submit a copy of the title to 0.0222 cfs of spring water from the Mumford Spring via the Plandel Pipeline. Prior to the issuance of any certificate of occupancy for Tract D2 an easement for any water supply serving that property that must cross Tract D1 shall be formally established. Adequate fire flows shall be provided as determined by the Lake Dillon Fire Protection District.

3. Sewer Systems

Sewage for the development shall be provided by on-site individual sewage disposal systems complying with all applicable requirements of the Summit County Environmental Health Department.

4. Fire Protection

The entire property is located within the Lower Blue Volunteer Fire 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 exemption plat.

6. Landscaping

Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading and Excavation Regulations.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Subdivision Exemption Plat:** A subdivision exemption 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 (a) 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

Lorraine Caposole
5554 CR #30
Silverthorne, CO 80498

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

7. Effective Date

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

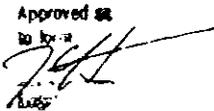
8. PUD Review Requirements

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

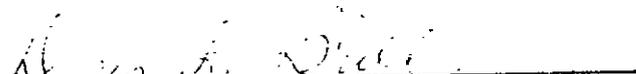
IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first written above.

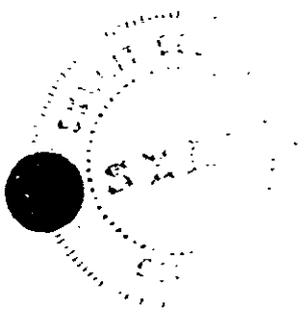
BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Marsha W. Osborn, Chairman

Approved as to by: 

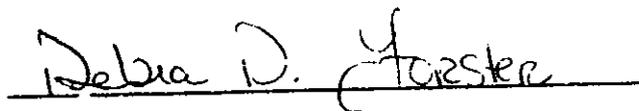
ATTEST:


Doris L. Brill, Clerk and Recorder




Lorraine Caposole

ATTEST:



Expires: 06/27/1998

EXHIBIT "A"

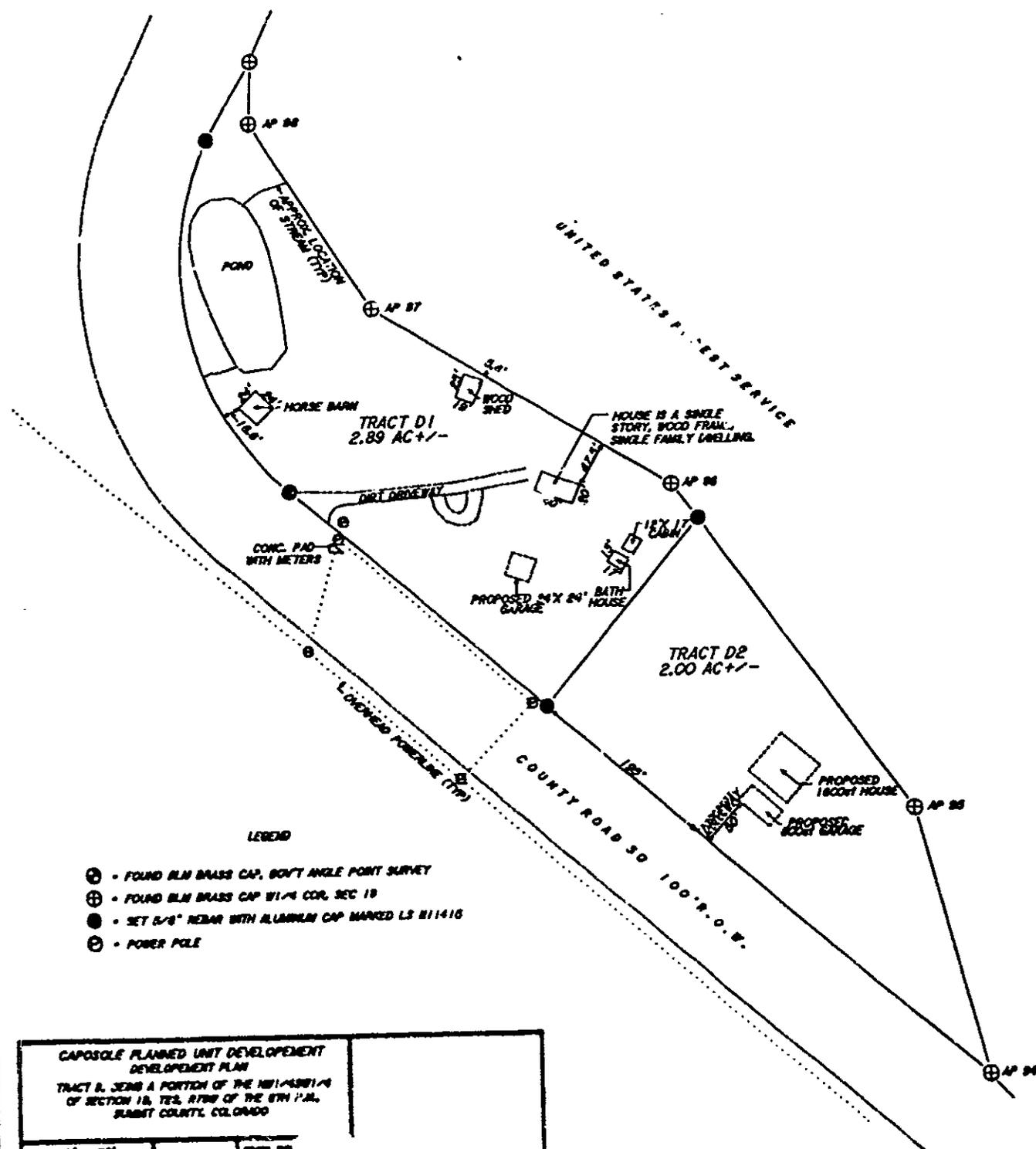
A parcel of land being a part of the NW1/4 of the SW1/4 (or Lot 11) of Section 19, T2S, R79W (6th P.M.) described by metes and bounds as follows:

Beginning at Corner No. 1, whence the W1/4 Corner of Section 19, T2S, R79W of the 6th P.M. bears N80°34' W375.0 feet,
thence S0°55' East 69.4 feet, to Corner No. 2,
thence S32°5' East 227.8 feet to Corner No. 3,
thence S58°25' East 347.5 feet to Corner No. 4,
thence S34°59' East 406.4 feet to Corner No. 5,
thence S14°17' East 275.5 feet to Corner No. 6,
thence S41°23' West 1.2 feet to Corner No. 7, being a point on the
Northeasterly right-of-way line of State Highway No. 9,
thence along said right-of way line N48°37' West 907.8 feet to Corner No. 8,
thence on a regular curve to the right with a radius of 308.1 feet, 392.9 feet
to Corner No. 9,
thence N24°27' West 95.7 feet to Corner No. 1 or place of beginning, together
with all water rights thereon owned by the grantor.

EXHIBIT B

CAPOSOLE PLANNED UNIT DEVELOPEMENT DEVELOPEMENT PLAN

TRACT D, BEING A PORTION OF THE NW1/4SW1/4 OF SECTION 19, T2S, R79W OF THE 6TH P.M., SUMMIT COUNTY, COLORADO

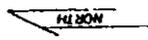
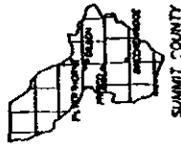


- LEGEND**
- ⊕ - FOUND 1/4" BRASS CAP, SOFT ANGLE POINT SURVEY
 - ⊙ - FOUND 1/4" BRASS CAP 1/4" COR. SEC 19
 - ⊙ - SET 5/8" REBAR WITH ALUMINUM CAP MARKED LS 811416
 - ⊙ - POWER POLE

CAPOSOLE PLANNED UNIT DEVELOPEMENT DEVELOPEMENT PLAN	
TRACT D, BEING A PORTION OF THE NW1/4SW1/4 OF SECTION 19, T2S, R79W OF THE 6TH P.M., SUMMIT COUNTY, COLORADO	
SCALE 1" = 40'	DATE JUNE 14, 1985
BY [Signature]	DATE [Signature]
SEC. 19, T2S, R79W	
COORD. - [Signature]	JOB # 79-13
SKETCH - [Signature]	SHEET 1 OF 1

*Not according to Colorado law, the BEST AVAILABLE COPY should be used. All other copies are subject to error. This map is not a warranty, and the user assumes all liability for any use of this map. The user should consult the original survey for all details. This map is not a warranty, and the user assumes all liability for any use of this map. The user should consult the original survey for all details.

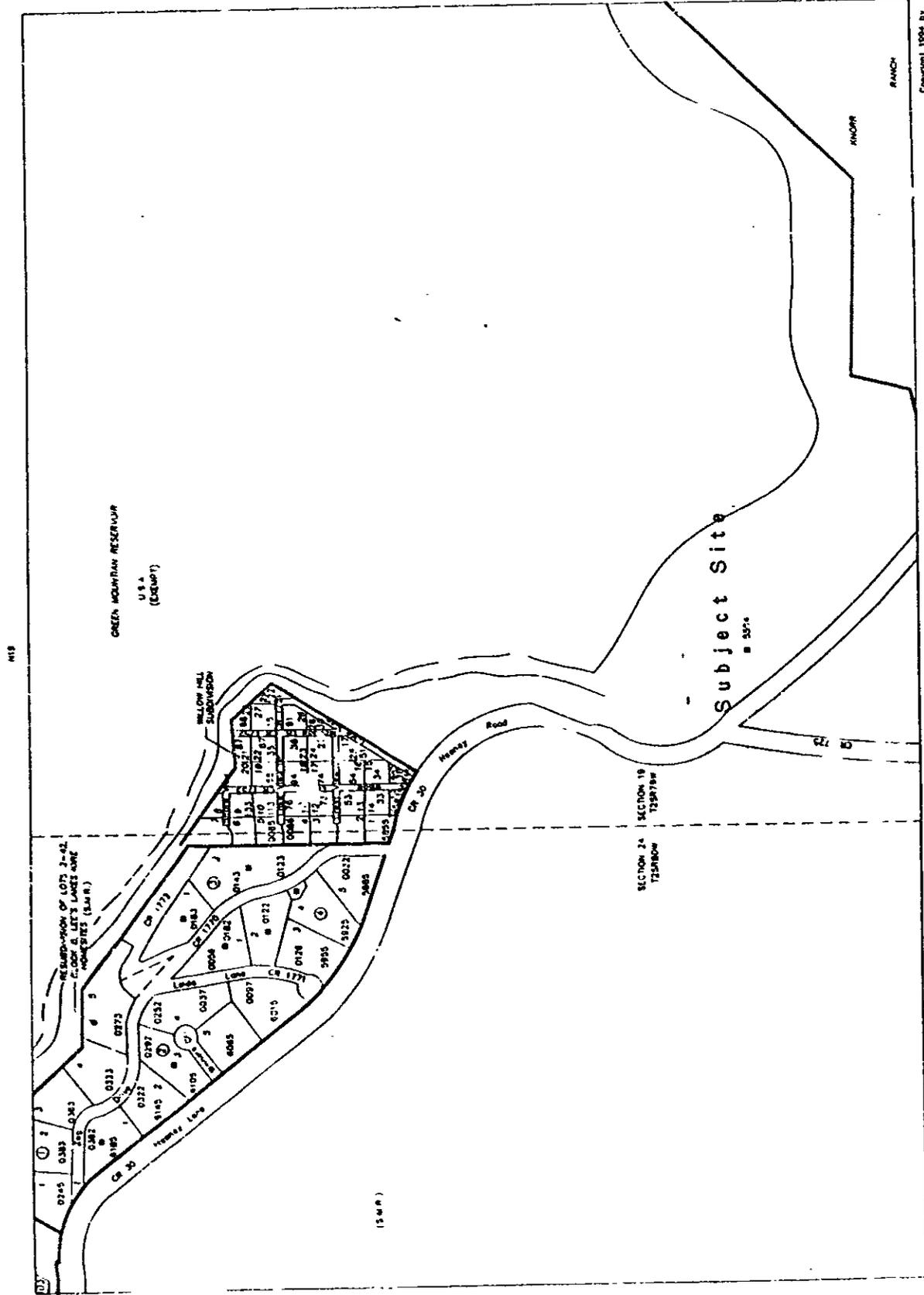
Vicinity Map



SCALE IN FEET
1" = 400'

RURAL
ADDRESS
MAP

N24



418

(S.W.R.)

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Summit County Government

This map is for address purposes
only. It is not necessarily accurate
to survey standards.

428

STATE OF COLORADO

OFFICE OF THE STATE ENGINEER
Division of Water Resources
Department of Natural Resources
1313 Sherman Street, Room 818
Denver, Colorado 80203
Phone (303) 866-3581
FAX (303) 866-3589



Roy Romer
Governor
James S. Lochhead
Executive Director
Hal D. Simpson
State Engineer

July 18, 1995

Alan Hanson
Summit County Community Development
P.O. Box 68
Breckenridge, CO 80424

RECEIVED
JUL 24 1995
COMMUNITY
DEVELOPMENT

RE: Caposole Exemption #95-88
W 1/4 SW 1/4, Section 19, T2S, R79W, 6th P.M.
Water Division 5, Water District 36

Dear Mr. Hanson,

We are in receipt of your subdivision exemption referral for a 4.85 acre tract located adjacent to Green Mtn. Reservoir. The applicant is proposing to split this tract into two parcels of approximately 2.0 and 2.85 acres. The proposed water supply source for the parcels is given as wells or decreed water rights from the Mumford spring.

The Colorado River system and its tributaries at this location are over-appropriated. As such, well permits applications in new subdivisions must be evaluated to determine if other water rights would be injured considering the cumulative effect of all proposed wells. It is likely that in many circumstances well permits could not be issued by our office without a water court approved plan for augmentation. However, under current statutes, if the Summit County Board of Commissioners approves this split by exemption as defined in Section 30-28-101(10)(d) C.R.S., our office must evaluate the well permit applications without consideration of the cumulative effects of the proposed wells.

Under current laws, Section 37-92-602 (b)(III)(A) C.R.S., and hydrologic conditions, it appears that our office could in this circumstance approve well permits for two of the tracts for ordinary household purposes inside a single-family dwelling provided that the well would be the only well on the individual parcel, return flows would be to the same stream system in which the wells are located via non-evaporative disposal systems, and that evidence is submitted showing that the County has approved the parcel as an exemption. Absolutely no outside uses, including irrigation and the watering of animals, are allowed under this type of permit.

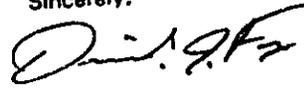
It appears that the Plandei Pipeline was decreed in C.A. 2371 in Summit County for domestic uses from the Mumford Spring. Provided diversions from the spring are made

Mr. Dave Michaelson, Planner
October 5, 1994

pursuant to the terms and condition of the decree and the historic uses are not expanded,
we have no objection to the use of the Mumford spring.

Should you have any questions regarding the water supply for this project, please contact
David Fox of this office.

Sincerely,



David J. Fox
Professional Engineer

DJF/df

cc: Orlyn Bell, Division Engineer
Scott Hummer, Water Commissioner