



Cheri Brunvand-Summit County Recorder 8/22/2001 15:12 DF:



Cheri Brunvand-Summit County Recorder 7/13/2001 16:15 DF:



## **BLIGHT PLACER PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Blight Placer PUD is approved this 16<sup>th</sup> day of April, 2001 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 Need formal title Denver Water 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 PUD Conceptual Development Plan attached hereto as Exhibit B and the following specific requirements:

#### **1. Permitted Uses**

**Tract 'A'** (36.52 acres total): (10.52 acres in Tract 'A1' and 26.0 acres in Tract 'A2') one single-family residence per lot (maximum two) and accessory uses as allowed under the OS (namely trailheads) and A-1 zone; provided, however, all ranching, wild game ranches, dude ranches, shooting range, schools, minor utility facilities, snow mobile operations, communication towers, sawmills, mining operations, lumbering, milling, small scale hydro plant, commercial greenhouses, agricultural operations, group residences, packing and outfitting operations, and equestrian uses shall be prohibited under this PUD Designation. The owner of Tract A shall have the ability to place the development rights for Tract 'A' into the Density Transfer Bank established by this PUD Designation.

**Tract 'B'** (8.9 acres): Open Space uses as defined in the proposed Open Space (OS) zone designation including passive recreational uses as of the date of adoption.

**Tract 'C'** (43.4 acres): Denver Water Operations and Open Space uses. Denver Water Operations uses including all maintenance and emergency uses for the operation of the Roberts Tunnel. Open Space uses as defined in the proposed Summit County Open Space (OS) zone designation, including passive recreation uses, associated accessory uses, and natural resource management uses. Gravel excavation and mining uses will be prohibited on Tract 'C', except for the purposes of reclamation (clean-up, removal, and/or disposal) of fill material currently stockpiled on the tract. This allowed use includes pulling the gravel piles back from the Snake River corridor.

#### **2. Density Transfer Bank**

(33) Transferable Development Rights (TDR's). This TDR bank is established to hold certain development rights for the "Property" to be transferred to other properties in the Snake River Basin in accordance with the transfer of development rights regulations in the Summit County Development Code. The Blight Placer Density Bank Table is attached as Exhibit C and shall be used to track /account for density transfers.

Re-recorded to add signature and Exhibit B.

## **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**

Setbacks shall be a minimum of 35 feet from all County roads and 15 feet from all other property lines. A 50 foot setback shall be maintained from all wetland areas and water bodies.

### **3. Parking**

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

### **4. Architecture**

The single family residences located on Tracts A-1 and A-2 shall promote a sense of place and reflect the history and indigenous materials of the region. The structures shall utilize native materials, including wood, stone, logs, heavy timbers and shingles. Building mass and architectural style shall compliment and provide a connection to, rather than compete with or ignore, the natural setting. Specifically, the structures shall fit the land and avoid excessive cuts and fills by stepping buildings down sloping sites and use retaining walls to minimize cut and fill slopes.

### **5. 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.

## **C. REQUIRED IMPROVEMENTS**

### **1. Access**

Access shall be provided by driveways meeting all County standards. A common driveway shall serve future residences on Areas 'A1' and 'A2' as shown on the PUD conceptual development plan (Exhibit B), and shall be approved prior to or concurrent with the recording of a final plat for any of the residential lots in the PUD.

### **2. Water Systems**

Domestic water supply shall be provided by individual wells permitted by the State Engineer. Prior to execution and recording of this designation, the applicants shall provide evidence of approval of an augmentation plan and water court decree which provides a guarantee of adequate domestic water supply for three single family homes.

### **3. Sewer Systems**

Sewage treatment for the development shall be provided by individual septic sewer systems and shall meet the requirements of the County's Environmental Health Department.

#### **4. Fire Protection**

All development on the property shall meet all fire protection requirements of the Snake River Fire Protection District.

#### **5. Utilities and Easements**

All new utility lines shall be under grounded and 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.

#### **6. Landscaping**

Revegetation of disturbed areas of the site in association with the reclamation improvements described below.

#### **7. Reclamation**

Reclamation of upland areas by off-site removal or on-site re-grading of all stock piled material on Tract 'C' (gravel and dirt piles). A landscape plan shall be provided for County approval prior to the issuance of grading permits. Cut or fill slopes greater than 2:1 shall receive erosion control netting.

### **D. IMPLEMENTATION**

#### **1. Platting Requirements**

- a. 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 except for transfers of development rights.

### **E. GENERAL PROVISIONS**

#### **1. Enforcement**

The provisions of the planned unit designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the planned unit development designation and the development plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the planned unit development shall run in favor of the County.

#### **2. Breach of Provisions of PUD Designation**

If any time, any provision or requirements stated in the planned unit development designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on 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 80424N

Notice to Owner/Developer

Denver Water  
1600 West 12 Avenue  
Denver, CO 80254  
Woodside, CA 94062

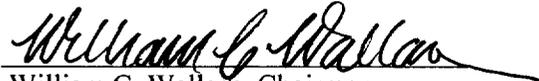
All notices so given shall be considered delivered three days after the mailing thereof. Either party, by notice so given, may change the address to which future notices shall be sent.

### **6. Entire Designation**

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Blight 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.

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

  
William C. Wallace, Chairman

ATTEST

  
Cheri Brunvand, Clerk and Recorder

  
Denver Water

**Exhibit A**

Blight Placer, USMS #7850, T5S, R76W, Section 22, Summit County, Colorado



**LEGEND**

TOTAL AREA OF THE PROPERTY = 98.83 ACRES

— DW PROPERTY LINE

— § ROBERTS TUNNEL

PROPOSED PUD AREAS

— BROWNSVILLE (3 AREAS)

— SNAKE RIVER / FISHES

— WETLANDS IN SNAKE RIVER

— WATER PROPERTY (23.16 ACRES)

— SCORES OVER 30%

**PUD AREAS**

PUD TRACT A - 38.52 ACRES

PUD TRACT B - 10.92 ACRES

PUD TRACT C - 28.00 ACRES

PUD TRACT D - 43.4 ACRES

CONTR. ROAD DEDICATION AREA = 8.87 ACRES

(ROAD ELEMENT AREA = 1.37 ACRES (BY NOW ASSUMED))

NOTE: ALL DIMENSIONS AND PERCENTAGES ARE APPROXIMATE AND THE EXACT LOCATION OF THE PROPERTY LINE SHALL BE DETERMINED BY A SURVEYOR.

**BLIGHT PLACER PROPERTY SUMMIT COUNTY, COLORADO**  
DENVER WATER

**Exhibit B - DRAFT PUD CONCEPTUAL DEVELOPMENT PLAN**

DESIGNWORKS/STP

NOVEMBER 1, 2000

