



GASSMAN PLANNED UNIT DEVELOPMENT

This Planned Unit Development Designation, to be known as the GASSMAN PUD is approved this 8th day of October, 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 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 Ed Gassman 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

The Gassman PUD shall divide the 10.1 acre parcel into three individual parcels.

- Parcel A: A 2.85 acre parcel that would support one single-family lot that is a rural, low density, residential development;
- Parcel B: A 4.11 acre parcel to be dedicated to the United States Forest Service;
- Parcel C: A 2.02 acre open space parcel to be dedicated to Summit County Open Space and Trails Department.

No later than two years after the recordation of the final plat, and prior to the issuance of any permits for the residential building lot created, the applicant shall convey the 4.11 acre open space parcel created to the USFS, and must also convey the 2.02 acre open space parcel created to the County Open Space and Trails Department. The applicant shall provide all trail and trailhead easements to the satisfaction of the Open Space and Trails Department. This shall be done in lieu of payment of public use fees.

1. Permitted Uses

One single-family residence and accessory uses as permitted in the R-1 zoning designation. If the use requires a building permit, it must be located within the defined building envelope.

2. Animal Keeping

Animal keeping shall be restricted as follows:

Because of the close proximity to wildlife, NO animals, livestock, poultry, etc., other than pets for household enjoyment, and not for commercial purposes shall be kept or maintained on any building site.

If dogs are to be located on the subject parcel, they must be under control at all times so as not to cause undue stress to migrating elk in the area.

B. DEVELOPMENT STANDARDS

The following design guidelines/criteria shall be used to guide the development of the PUD plan:

1. Building Height

The maximum building height shall be 35'-0" and shall be measured as defined by the zoning ordinance at the time any construction is proposed.

2. Building Envelopes

The lot shall have a building envelope size as specified in Exhibit B as 3200 sq. ft. This building envelope shall be described on the final plat. All building construction, requiring a building permit (including roof overhangs, building projections, and decks) shall be constructed within the established building envelope.

3. Parking

No parking shall be permitted on County roads. Two parking spaces are required for the single family unit, (as required in the Summit County Development Code). The parking of vehicles shall be consistent with the R-1 zoning district as defined in Section 3815.04 of the County's Land Use and Development Code.

4. Fences

Fences – repair, replacement, and new fences shall be constructed to wildlife-friendly standards as specified by the Colorado Division of Wildlife.

5. Snow Storage

Snow storage shall be totally contained on the lot.

6. Trash

Because of the close proximity to wildlife, all trash shall be contained within the garage or in enclosed, secured, covered containers not visible to the public except on collection days.

7. Exterior Storage Areas

The outside storage requirements shall be consistent with the R-1 zoning district and as defined in Section 3815.02 of the County's Land Use and development Code.

8. Landscaping

Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading and Excavation Regulations, Section 3600 of the County's Land Use and Development Code.

9. Erosion Control

Erosion control and revegetation should be included in any new landscape plan proposed. Temporary erosion control measures during any construction are required per section 7101.01.

C. REQUIRED IMPROVEMENTS

1. Access

A) Roadways: Access to the property and to all building sites is provided by existing roads built to applicable County standards.

B) Driveways: The proposed lot will be accessed by a single driveway located in such a way as to minimize site disturbance. Driveway design shall be to the satisfaction of the County Engineer. The driveway shall be a maximum of 8% slope and 12'-0" to 18'-0" wide and should further comply with the driveway standards outlined in Section 5107 of the Development Code.

2. Water Systems

Water supply for the development is provided by a domestic well permit.

3. Sewer Systems

Sewage for the development is to be provided by a septic field to be reviewed and approved by the Summit County Environmental Health Department.

4. Fire Protection

The entire property is located within the Lake Dillon 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 needed for all utilities shall be shown on the subdivision exemption plat.

D. IMPLEMENTATION

1. 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.

2. Site Plan Review:

Any development proposed for the project shall comply with Section 12600 of the Summit County Land Use and Development Code. A wetlands assessment is to be completed, reviewed and approved by Planning Staff during final site plan review. Further, Staff also requires that any site plan submitted be subject to section 7105 of the Development Code, maintaining setbacks for any wetlands that may be identified in the applicant's assessment prior to the final site plan approval.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the planned unit designation and the development plan relating to the use of land 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 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), unless such amendment is determined to be minor in nature.

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 Developer

Ed Gassman
1038 Ptarmigan Run
Loveland, CO 80538

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. 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 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

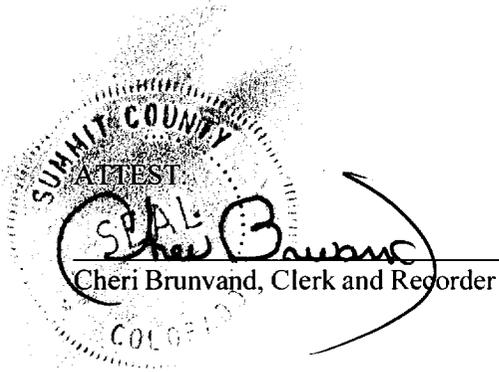
The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and shall insure that information necessary for the periodic review is made available to the County 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

William C. Wallace
William C. Wallace, Chairman

Approved as
to form
FC
Legal



Cheri Brunvand, Clerk and Recorder

OWNER/DEVELOPER:

[Signature]
Owner/Developer

[Signature]
ATTEST:

Exhibit A

A parcel of land located in the northeast $\frac{1}{4}$ of Section 7, Township 5 South , Range 77 West of the 6th P.M., County of Summit, State of Colorado, and being more particularly described as follows:

Beginning at the north $\frac{1}{4}$ corner of said Section 7, said point being a 3-1/4" BLM brass cap, from whence the center north $\frac{1}{16}$ th corner of said Section 7, said point being a 3-1/4" BLM brass cap, bears S00°25'53"W a distance of 1,305.03 feet, said line forming the Basis of Bearings for this description;

thence S 89°57'03" E along the north line of the northeast $\frac{1}{4}$ of said Section 7 a distance of 347.00 feet to a point on the east line of that parcel of land described in Book 182, Page 401, Summit County Records; thence S 00°00'00" E continuing along said east line a distance of 325.04 feet to a point on the northerly right-of-way of Colorado Interstate 70;

thence S 58°27'15" W a distance of 418.70 feet to the center north $\frac{1}{16}$ th corner of said Section 7;

thence N 00°29'07" E along the north-south centerline of said Section 7 a distance of 327.58 feet to the center-south-north-north $\frac{1}{256}$ th corner of said Section 7, said point being a 3-1/4" GLO brass cap;

thence N 00°24'48" E continuing on along the north-south centerline of said Section 7 a distance of 977.45 feet to the Point of Beginning, containing 9.64 acres, more or less, in Summit County, Colorado.