



(Attachment A)  
MOON VALLEY  
PLANNED UNIT DEVELOPMENT DESIGNATION

This Planned Unit Development Designation, to be known as the Moon Valley PUD Designation, hereinafter referred to as the "Designation", is approved this 13<sup>th</sup> day of September, 2004 by the Board of County Commissioners of Summit County, Colorado, (the "County"), for certain real property located in Summit County and described in the attached Exhibit A, (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 William McDonald, and his successors and assigns, who are the owners of the property within the PUD (the "Owner/Developer"). This Designation also specifies improvements, which must be made and the conditions which must be fulfilled in conjunction with this Designation by the Owner/Developer.

Where this PUD Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code as currently effected or hereafter amended (the "Development Code"), the provisions of the Development Code shall apply. Where the PUD Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Code.

**A. PERMITTED USES AND DEVELOPMENT PLAN**

Use and development of the property shall be in accordance with the following specific requirements:

**1. Permitted Uses**

One single-family dwelling unit only  
Home occupation as provided for in the Development Code

**2. Accessory, Conditional, and Temporary Uses**

Accessory, conditional and temporary uses as permitted under the R-1 Zoning District as specified in the Development Code, as currently in effect or hereafter amended.

**B. DEVELOPMENT STANDARDS**

**1. Building Height**

Building height shall be a maximum of thirty-five (35) feet as defined in the Development Code.

**2. Site Coverage, Open Space & Setbacks**

Site Coverage (as defined in Section 3505.15 of the Development Code):

Maximum allowable building coverage:	30% of lot area
Maximum allowable impervious coverage:	45% of lot area
Minimum open space requirement:	55% of lot area

The attached conceptual development plan (Exhibit B) establishes a building envelope for the property, which depicts the front, rear and side lot line setbacks as set forth below. All buildings,

structures and other improvements constructed or existing upon the property shall be located entirely inside the building envelope, outside of the required setbacks unless the provisions of the Development Code allow for such encroachment within the required setbacks. A twenty-five (25) foot building and site disturbance setback shall be maintained from all wetland areas and water bodies.

Setbacks (as defined in Section 3505.13 of the Development Code and depicted on Exhibit B):

West Property Line:	Per the building envelope depicted on Exhibit B, the west side setback is 15 feet, except for the already developed portion of the property where the west side setback shall follow the edge of the existing building, as depicted on Exhibit B. For any future development on the undeveloped portions of the Property, the west side setback shall be 15 feet, as depicted on Exhibit B.
East Property Line:	15 feet
North Property Line:	30 feet
South Property Line:	16 feet
Wetlands:	25 feet
Streams/Water bodies:	25 feet

**3. Parking**

At least two (2) parking spaces shall be required for the single-family dwelling, in accordance with the Parking Requirements set forth in the Development Code. Any additional parking that may be permitted in the future, in order to serve an accessory or conditional use, shall comply with the applicable County Parking Requirements.

**4. Wetlands/Water Quality**

Development of the Property shall comply with all requirements for wetland and water quality protection pursuant to Chapter 7 of the Development Code.

**5. Design Standards**

Any new construction on the Property shall be designed with:

- Natural materials, such as wood, stone, logs and heavy timber; natural, earth-tone colors that mimic those found in the surrounding natural landscape; and non-reflective glass or non-reflective metal surfaces. Fire retardant materials shall be allowed, provided these materials have a natural appearance, and are approved by the Planning Department during the building permit review process;
- variation in rooflines and building facades to break up the mass of building; and
- exterior lighting fixtures that are full cut-off luminaries, so that all direct rays are confined to the site and adjacent properties are protected from glare, with such lighting reviewed and approved during the building permit review for any structure and inspected by the Planning Department prior to the issuance of a certificate of occupancy.

**6. Landscaping**

All landscaping shall comply with the applicable County Landscaping Regulations for single-family development, as set forth in the Landscaping Regulations of the Development Code,

including but not limited to the revegetation of all areas disturbed by construction. All plantings shall be native, drought tolerant plants and all landscaping and revegetation shall be free of weeds, as identified by the County as invasive, noxious, or otherwise nuisance weed species.

Prior to the issuance of any building permits, a site survey of all existing vegetation and significant trees shall be submitted to the Planning Department. For the purpose of these regulations, significant trees are defined as conifers with a caliper of eight (8) inches or greater and deciduous trees with a caliper of four (4) inches or greater. Any significant tree that is removed or destroyed must be replaced by a 1:1 caliper ratio (e.g. one 12" caliper tree = three 4" caliper trees, etc.). Vegetation to be preserved, shall be protected by the following methods:

- a. During construction, significant trees that are to be preserved shall be protected for an area two feet (2') beyond their drip lines. Adequate protection devices shall be installed to ensure that trunks, branches, and root structures are not damaged by construction equipment.
- b. No equipment shall be driven or parked within the vegetation to be preserved or within 2 feet the drip line of trees to be preserved (i.e., the area the branch spread).
- c. Vegetation to be preserved shall also be protected by temporary fencing that is maintained throughout the construction process.

All replacement plantings shall be planted and irrigated in accordance with the County Xeriscaping Requirements, as set forth in Section 3604.B. of the Development Code.

## **C. REQUIRED IMPROVEMENTS**

### **1. Access**

Access to the Property is currently provided by a driveway access easement (recorded at Reception Numbers 305361 and 304966), which provides access from Wild Irishman Road (CR 165) to the Property across the adjacent Wild Irishman Condominiums Property to the east. Any future driveway construction/extension must comply with all applicable County Road and Bridge Standards.

### **2. Water Systems**

The Property is within the boundaries of the Snake River Water District ("Water District"), and is served by the Water District for its domestic, irrigation, and fire protection water with the Owner/Developer complying with the requirements of the Water District and paying all applicable fees.

### **3. Sewer System**

The Property is within the boundaries of the Snake River Sewer Fund (the "Sewer Fund"), and the Sewer Fund currently provides sewage disposal for the existing single-family dwelling. Additional sewer taps may need to be purchased upon review of construction drawings by the Sewer Fund during any future building permit review process.

### **4. Fire Protection**

The entire Property is located within the Snake River Fire District (the "Fire District"). All development on the Property shall meet all fire protection requirements of the Fire District.

## **5. Utilities and Easements**

All new utility lines and/or relocated utility lines shall be installed underground and in full accordance with the standards of each utility provider and County Regulations.

## **D. GENERAL PROVISIONS**

### **1. Enforcement**

The provisions of the Planned Unit Development Designation and the Development Plan relative to the use of land and the location of any structures or improvements shall run in favor of the residents, occupants and the 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 Designations**

If at any time, any provision or requirements stated in the Planned Unit Development Designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for with 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, representative and assigns, and all persons who may hereinafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified, including amending the PUD 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, subject to the County's procedures for zoning amendments under Section 12208 of the Development Code and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS §24-67-106(3)(b), or in accordance with any other statute or regulation then in effect and applicable to the Property.

### **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  
PO Box 68  
Breckenridge, CO 80424

Notice to Owner/Developer:

William McDonald  
8019 Greenwich Woods Drive  
McLean, VA 22102

All notices so given shall be considered delivered three (3) days after the mailing thereof. Either party, by notice so given, may change the address to which future notice shall be sent.

#### **6. Entire Designation**

This designation contains all provisions and requirement incumbent upon the Owner/Developer relative to the Moon Valley Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with 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. Effective Date**

The effective date of the PUD will be when the PUD designation is signed by the Board of County Commissioners and by the property owner or his or her agent and recorded in the office of the Summit County Clerk and Recorder.

#### **8. PUD Review Requirements**

The 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 their potential impact should new design guidelines be established.

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

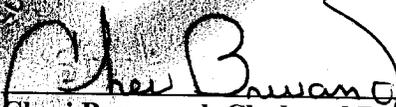
**BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO**

  
BY: **William C. Wallace, Chairman**

Approved as  
to form

  
Legal

ATTEST:

  
**Cheri Brunvand, Clerk and Recorder**

**OWNER/DEVELOPER**

  
**William McDonald, Owner**

EXHIBIT A

LOT 15, MOON VALLEY NO. 1, COUNTY OF SUMMIT, STATE OF COLORADO, together with an adjoining metes and bounds parcel described in warranty deed recorded June 23, 1972 in Book 221, Page 231, collectively and more particularly described as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE QUARTER OF SECTION 23, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO. SAID TRACT OF LAND BEING RECORDED IN THE OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER IN BOOK 282 AT PAGES 820 AND 821 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT ALSO BEING THE NORTHWEST CORNER OF LOT 1, WILD IRISHMAN SUBDIVISION, A SUBDIVISION AS FILED FOR RECORD UNDER RECEPTION NO. 157620 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER, THENCE ALONG THE BOUNDARY OF SAID LOT 1 FOR THE FOLLOWING TWO COURSES:

- 1) S 00°00'41" W A DISTANCE OF 106.49 FEET;
- 2) S 89°52'20" W A DISTANCE OF 10.00 FEET;

THENCE S 00°00'41" W ALONG SAID BOUNDARY OF LOT 1 AND THE BOUNDARY OF WILD IRISHMAN CONDOMINIUMS AS FILED UNDER RECEPTION NO. 131831 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER A DISTANCE OF 117.00 FEET TO THE NE CORNER OF LOT 7, WILD IRISHMAN 11 SUBDIVISION AS FILED UNDER RECEPTION NO. 239468 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE S 89°50'56" W ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 114.07 FEET TO THE NW CORNER OF SAID LOT 7 ALSO BEING A POINT ON THE EASTERLY LINE OF THE GREEN AREA OF KEYSTONE MEADOWS SUBDIVISION AS FILED UNDER RECEPTION NO. 165663 IN SAID OFFICE OF THE SUMMIT COUNTY CLERK AND RECORDER; THENCE ALONG THE BOUNDARY OF SAID GREEN AREA FOR THE FOLLOWING TWO COURSES:

- 1) N 18°13'08" E A DISTANCE OF 171.22 FEET;
- 2) N 49°05'03" E A DISTANCE OF 93.42 FEET TO THE POINT OF BEGINNING, CONTAINING 16798 SQUARE FEET OR 0.3856 ACRES, MORE OR LESS.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS BETWEEN KEYSTONE INTERNATIONAL, INC., AND FLETCHER BYROM RECORDED AT RECEPTION NO. 305361.

