



**BILL'S RANCH, BLOCK 8  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Bill's Ranch, Block 8 PUD is approved this 16th day of December, 2002 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 all parties designated as "Owner/Developers" as such term is defined and specified herein. This designation also specifies improvements which must be made and conditions which must be fulfilled pertaining to the Property in conjunction with the contents herein.

**A. OWNER DEVELOPER**

Owner developer shall be defined as all property owners of the lots on the Property subject hereto, as specifically enumerated herein, and their grantees, devisees, or successors in interest of any nature, and this designation shall apply to any such subsequent successors in interest with full force.

**B. PERMITTED USES AND DEVELOPMENT PLAN**

Use and development of the Property shall be in accordance with the Conceptual Development Plan/Subdivision Exemption Plat attached hereto as Exhibit B. Such use of the property shall be further subject to the following specific requirements:

**1. Permitted Uses/Density**

Per this Planned Unit Designation, the following lots shall be recognized as development parcels on the Property and subject to the following use/density restrictions:

- Lot 176R** - One single family residence
- Lot 177R** - One single family residence
- Lot 178R** - One single family residence
- Lot 179R** - One single family residence
- Lot 180R** - One single family residence
- Lot 182R** - One single family residence
- Lot 183R** - Open space as per the County's OS Zoning Designation
- Lot 185R** - One single family residence
- Tract A** - Open space as per the County's OS Zoning Designation
- Tract B** - Open space as per the County's OS Zoning Designation
- Tract C** - Open space as per the County's OS Zoning Designation
- Tract D** - Open space as per the County's OS Zoning Designation
- Tract E/Temple Trail** - Open space as per the County's OS Zoning Designation

**2. Accessory and Conditional Uses**

All lots provided for herein shall be subject to the standard allowances and restrictions regarding accessory and conditional uses as pertain to the R-2 zoning district, specified in Chapter 3 of the Summit County Land Use & Development Code ("Development Code").

**3. Development Code Restrictions**

In accordance with section 12201.01(C), any uses not specifically addressed in this designation shall be subject to all applicable provisions of the Development Code.

**C. DEVELOPMENT STANDARDS**

In addition to the use restrictions provided for herein, development of any lots on the Property shall be subject to the following standards:

**1. Building Height**

Building heights shall be a maximum of 35 feet as defined in Section 3505.06 of the Summit County Land Use & Development Code.

**2. Building and Wetland Setbacks**

- a. Building setbacks shall be 25 feet in the front, 25 feet in the rear, and 15 feet on the sides. Soil disturbance and structures are prohibited within 25 feet of wetlands.
- b. Notwithstanding the foregoing setback restrictions set forth in subsection (a) of this section, the following conditions shall be considered exceptions to such restrictions:
  1. driveway crossings that cannot avoid filling wetlands or the wetland setback, however, any filling of wetlands for such driveways shall require mitigation;
  2. the development of Lot 176, 177, 178, 179, 182 and 185 for single family development, which shall avoid the 25 foot wetland setback to the greatest extent practicable; and
  3. the sewer line serving the lots within the Property so long as such fill is not avoidable and is mitigated in accordance with Section 7105.05.
- c. Mitigation plans for wetland fill shall be prepared in accordance with the provisions of Section 7105.05 of the Development Code. A wetland delineation, using the wetland definition of the Development Code, shall be submitted concurrently with each development review.
- d. Utility lines shall follow driveway cuts. Soil disturbance and structures shall maintain a 25 foot setback where feasible from all natural wetland areas and water bodies delineated by the U.S. Army Corp. of Engineers.
- e. Where there is a conflict between the restrictions pertaining to standard setbacks and wetland setbacks, as such restrictions are set forth herein, then the standard setback may be reduced, to the minimum extent necessary, in order to provide for the prevalence of the wetland setback provisions.
- f. Wetland setback encroachments may be permitted for purposes of accommodating access and utility service to any of the lots subject to this designation, to the minimum extent necessary, when it is deemed that there is no other practicable alternative.

**3. Parking**

At least two (2) parking spaces shall be required per residence. Parking shall not be permitted on County roads, nor shall it be permitted on any of the Open Space parcels or on Temple Trail at any time.

**4. Interstitial Lands**

Interstitial lands west of Tract D in the Property, held by the County, may be disposed of or retained by the County in accordance with the Bill's Ranch County Policy on Land Sales, as set forth in the Bill's Ranch Master Plan.

**5. Open Space**

As per the attached conceptual development plan/subdivision exemption plat, Tracts A, B, and C shall be left in an undeveloped state while providing one or more of the following community benefits: buffers to developed areas, view corridors, and access to trails and trailheads. Tract D shall be oriented towards providing access to the National Forest. The Tracts shall be eligible for sale to adjacent property owners if such sales are deemed by the County to be in compliance with the Bill's Ranch Interstitial Land Sale policy, specified in the Bill's Ranch Master Plan.

**6. Design Standards**

The single family units shall be designed in accordance with the following standards:

- a. natural materials and colors shall be utilized so that the structures blend visually with the forest;
- b. building mass shall be broken into distinct, smaller forms including facades and rooflines;
- c. retaining walls shall be utilized to avoid excessive cut-and-fill, with retaining walls over five feet in height stepped so as to prevent excessive retaining wall heights;
- d. non-reflective roofing material shall be utilized on all structures.

**7. Development Code Restrictions**

In accordance with section 12201.01(C), any uses not specifically addressed in this designation shall be subject to all applicable provisions of the Development Code.

**D. REQUIRED IMPROVEMENTS**

**1. Access**

- a. Vehicular access to the lots subject to this designation shall be provided by means of ingress and egress upon Temple Trail, as such access patterns have existed in the past, and according to the provisions of the Easement Agreement recorded under reception number 288633.
- b. Motorized vehicular access upon Temple Trail shall not be open to the general public, but shall be made available for purposes of emergency services, maintenance, and any other governmental or local residential access purposes.
- c. Notwithstanding the foregoing, the County reserves the right to establish an alternative means of access to the lots in the future. Should such alternative means of access be

established, then the County reserves the right to subsequently restrict vehicular access upon Temple Trail.

- d. Snowmobile access shall not be permitted as set forth in the deed conveying Temple Trail to the County.

## **2. Maintenance Agreement**

- a. Winter maintenance of Temple Trail , for purposes of egress and ingress to the lots, shall be provided by the owners of said lots, either collectively, individually, or by any other means established by the owner/developers. No winter maintenance of said Temple trail shall be provided by the County.
- b. The County shall maintain Temple Trail in non-winter months as a Bike Path and in accordance with applicable bike path standards. No maintenance for the purpose of ensuring vehicular use of Temple Trail shall be provided by the County.
- c. Damage and degradation caused to the bike path improvements on Temple Trail due to the winter maintenance of such pathway for ingress and egress to the lots shall be the responsibility of owner/developers, and any necessary repairs shall be implemented in a timely fashion.

## **3. Water Systems**

Domestic water supply for each lot shall be established by either an individual well permit for such Lot, valid and active as issued by the State Engineer, or by an approved municipal or private water source.

## **4. Sewer Systems**

Sewage disposal shall be provided by the Frisco Sanitation District, if available. If no such sewer services are available to the lots on the Property, sewage disposal must be established by utilization of an individual sewage disposal system in accordance with County Environmental Health standards and approved accordingly. Sewer systems shall be designed to minimize wetland areas and the removal of existing trees to the greatest extent practicable.

## **5. Fire Protection**

The entire property is located within the Lake Dillon Fire Protection District. All development on the property shall meet all fire protection requirements of the District.

## **6. Utilities and Easements**

All new utility lines shall be installed in full accordance with both the standards applicable to each utility provider and the County Subdivision Regulations. Utilities maybe installed within the Temple Trail area, subject to all applicable County Regulations, including those pertaining to R.O.W's. Homeowner and utility providers shall be responsible for all repairs to Temple Trail necessitated by the installation of such utilities. Any easements necessary for the installation of utilities shall be shown on the subdivision exemption plat or other appropriate mechanism.

# **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 Property, 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 Property shall run in favor of the County.

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

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 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), 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 Owner/Developer

Paul J. Veralli  
P.O. Box 38  
Frisco, CO 80443

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 Bills' Ranch, Block 8 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 such recordation.

**8. PUD Review Requirements**

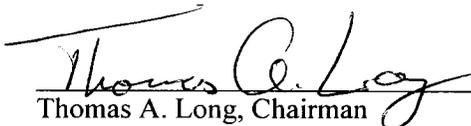
The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developers shall be on notice of these requirements and their potential impacts, and shall further be on notice that should new design guidelines be established for the County, the passage of such standards may affect the applicable provisions of this designation.

**9. Legality of provisions:**

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

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

  
Thomas A. Long, Chairman  
Summit County BOCC

Approved as  
to form  
  
Legal



*(Handwritten initials)*

*Paul J. Veralk*

Paul J. Veralk  
Owner

*Richard Summerfield*

Richard Summerfield  
Owner

*Jane Summerfield*

Jane Summerfield  
Owner

*Steven Ross Wilner*

Steven Ross Wilner  
Owner

*Laura Wilner*

Laura Wilner  
Owner

*Jamie Haass*

Jamie Haass  
Owner

*James W. Temple*

James W. Temple  
Owner

*Audrey Light Temple*

Audrey Light Temple  
Owner

VWM DEVELOPMENT CORPORATION

*(Handwritten signature)*

Elisa Voxland, President

*(Handwritten signature)*

Elisa Voxland  
Owner

**Exhibit A**

Bills Ranch, Block 8, Located in the South ½ Section 35, T5S, R78W