



**ROSSETTER
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Rossetter Planned Unit Development Designation, hereinafter referred to as the "Designation", is approved this 13th day of March, 2007 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 land uses and density that shall be permitted on the Property, a general development plan, development standards and conditions which must be adhered to by Steve and Laura Rossetter and any subsequent successor's, heir's, or assigns, collectively hereinafter referred to as the "Owner/Developer". This designation also specifies improvements that must be made and conditions, which must be fulfilled in conjunction with this Designation by the Owner/Developer.

Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code currently in effect or hereinafter amended, hereinafter referred to as the "Code", the provisions of the Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this 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 Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Lot 65A - One single-family residence and uses listed as accessory to residential uses in the R-2 Zoning District as stated in the County's Land Use and Development Code.

Lot 66A - One single-family residences and uses listed as accessory to residential uses in the R-2 Zoning District as stated in the County's Land Use and Development Code.

2. Conditional Uses

Conditional uses allowed under the R-2 zoning district as specified in the Summit County Land Use & Development Code ("Development Code"). The existing cabin may be utilized as an accessory apartment with approval of a conditional use permit, provided that the accessory apartment complies with applicable requirements of the Development Code, specifically Sections 3801.09, 3801.10 and 3801.11

B. DEVELOPMENT 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. Setbacks and Disturbance Limitations

The attached development plan (Exhibit B) establishes building envelopes and disturbance lines for the property. All buildings constructed upon the property shall be located wholly within the building envelope. Site disturbance outside of the building envelope shall be limited to: (a.) grading and surfacing of the driveways; (b) installation of utilities; (c) installation of landscaping; (d) minor structures and uses as listed in Section 3503.13 E3 of the Summit County Land Use and Development Code. Site disturbance shall not be permitted beyond the limits of disturbance lines.

The front setback for Lot 65A is hereby decreased from 25 feet to 20 feet in order to better accommodate a single-family residence within the building envelope. The building envelope presented on the attached development plan (Exhibit B) shall supersede the building envelope noted on the Subdivision Exemption Plat recorded under Reception Number 824297.

An indemnification agreement shall be signed prior to the issuance of a certificate of occupancy for any improvements located in the County's standard 25-foot front yard setback for Lot 65A.

2. Parking

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

3. Wetlands/Water Quality

Any building or earth disturbance associated with Lot 65A shall be completed in accordance with the Wetlands Setback Mitigation Plan located in Planning Case File #06-024 and in accordance with the Summit County Land Use and Development Code. Prior to issuance of any building permits for Lot 65A, a wetlands setback disturbance plan shall be submitted and shall include the amount, location and acreage of wetlands setback disturbance, a grading and erosion plan, including a description of plant material to be used for re-vegetation and soil stabilization measures. The Summit County Planning and Engineering Departments shall be responsible for reviewing and approving the wetlands setback disturbance plan prior to the issuance of a grading or building permit for Lot 65A. Wetland protection and construction fencing shall be installed and inspected prior to the issuance of building permits for Lot 65A, due to the reduction in the County's 25-foot wetlands setback.

4. Floodplain

All new construction and substantial improvements within the building envelopes for Lots 65A and 66A shall be designed in accordance with Section 4107 of the Summit County Development Code.

Per a floodplain analysis report completed by Tetra Tech Engineering, the building envelopes identified in Exhibit B are within a shallow flooding area. The Summit County Engineer has stated in a letter dated January 3, 2006 (Exhibit C) that construction in this area will not have an effect on the upstream or downstream flood elevations. As such, construction is permitted provided that it complies with all aspects of the regulations regarding construction in a floodplain.

5. Landscaping

All areas disturbed by construction shall be revegetated with a Summit County native grass seed mix, or returned to a natural state, and be free of weeds, as identified by the County as invasive, noxious, or otherwise, nuisance weed species prior to the issuance of a Certificate of Occupancy, unless an adequate financial guarantee is posted as provided in Section 3608.01 of the Summit County Land Use and Development Code.

6. Driveways

Driveways shall be located in a manner that minimizes soil disturbance. Careful consideration to the location of the structures shall be evaluated in order to reduce the amount of disturbance necessary for driveway construction. Two driveways are permitted on Lot 66A in order to access the single family residence from Stellar Jay Road and to access the cabin from Ophir Lake Road provided that such a plan would result in the minimal amount of disturbance and the maximum amount of separation between the driveways. The location of the driveways shall be approved by the Summit County Engineering Department.

C. REQUIRED IMPROVEMENTS

1. 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. A copy of a well permit shall be submitted concurrent with a building permit application for a new single-family development.

2. Wastewater Disposal

Wastewater disposal will be provided by the Frisco Sanitation District.

3. 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.

4. 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 new utility lines shall be buried underground.

E. GENERAL PROVISIONS

1. Enforcement

The 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 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).

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

Steve and Laura Rossetter
PO Box 5384
Frisco, CO 80443

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 Rossetter 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.

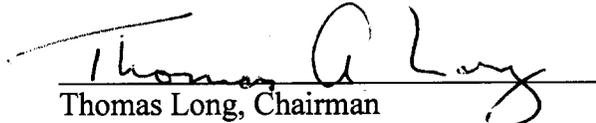
8. PUD Review Requirements

The Summit County Land Use and Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The

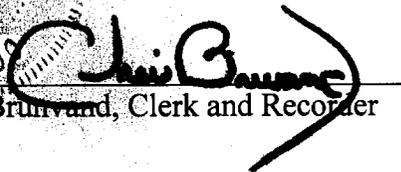
Owner/Developer shall be on notice of these requirements and their potential impact should new guidelines be established.

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


Thomas Long, Chairman
Summit County BOCC




Cheri Brunvand, Clerk and Recorder


Steve Rossetter
Owner


Laura Rossetter
Owner

Exhibit A

Lot 65A and 66A, Bills Ranch, as platted under reception number 824297 and recorded in the Office of the Clerk and Recorder.

Re: Submittal Requirement #7 for Subdivision - Exemption for Rossetter
Property Bills Ranch information about flooding in

ENGINEERING DEPARTMENT



Summit
ESTABLISHED 1861
County
COLORADO

Exhibit C

970-668-4200
Fax 970-668-4225

Post Office Box 5660
0037 SCR 1005

Frisco, Colorado 8044

January 3, 2006

Laura Rossetter
Box 5384
Frisco, CO 80443

Dear Laura,

I have reviewed the floodplain analysis report from Tetra-Tech Engineering and had a discussion with Peggy Bailey from Tetra-Tech. We do not see any problems with the construction of single family homes on Lots 65 & 66 Bills Ranch in the area labeled shallow flooding outlined in the floodplain report. Construction in this area will not have any affect on the upstream or downstream flood elevations and is valid in all cases including subdivision exemption.

This statement is with the understanding that construction must comply with all aspects of the regulations regarding construction in a floodplain.

Call me at 970-668-4210 if you have any questions.

Respectfully,



Kenrick Pocius, PE
County Engineer