

**FULLER/BERLIN PLACER
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Fuller/Berlin Placer Planned Unit Development is approved this 10th day of June, 1996 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 James Ferguson 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 Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Three single family residential lots ranging in size from 2.0 to 2.9 acres and 7.76 acres of open space.

2. Accessory and Conditional Uses

The only accessory and conditional uses allowed on the three development parcels shall be limited to those allowed in the RE zoning district. The review procedures and approval process for such accessory and/or conditional uses shall be the same as those outlined in the regulations for the RE district.

3. Animal Keeping

The keeping of dogs and cats shall comply with the regulations applicable to the RE zoning district. The keeping of livestock and poultry is prohibited due to the fact that water for these residences will be provided from domestic exempt wells and domestic exempt well permits do not allow any outside irrigation or other outside use of water from such wells.

4. Transfer of Development Rights

The Owner/Developer shall pay to Summit County Open Space upon final approval and recording of this designation in the real property records of Summit County, Colorado, the sum of \$17,000 to be used by said payee to acquire land located elsewhere in the Upper Blue River area with existing development rights equal to or greater than two (2) single family residential dwelling units. This payment is made in lieu of and in satisfaction of a requirement that the Owner/Developer provide for the acquisition of, and transfer to, the property the right to develop an additional two (2) residential dwelling units to offset the impact of a corresponding increase in the total currently allowed residential dwelling units provided for under the existing A-1 zoning applicable to the Property.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in Section 3505.06 et.seq. of the Summit County Land Use and Development Code.

2. Setbacks

Building setbacks shall be consistent with the building envelopes established on the submitted development plan.

3. Parking

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

4. Designated Open Space Areas/Public Use Areas

- a. **Open space areas:** The open space areas as shown conceptually in Exhibit B shall remain open and free from all improvements except implementation of a vegetation management/fuel modification plan as approved by the Colorado State Forester.
- b. **Public use areas:** Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer is required to provide public use areas. The requirement for public use areas shall be met by the payment of fees in the amount of \$75/single family lot prior to recordation of the final plat.

5. Wetlands

It is the intent of this PUD to preserve wetlands from development. No development within any wetland area found on-site shall be allowed.

6. Signs and Lighting

All signs shall comply with the Summit County Sign Regulations as now in effect or hereafter amended.

7. Site Plan Review

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by a driveway off of the Charter Ridge access which meets all requirements of the County's Road & Bridge standards for such driveways.

2. Water Systems

Water for the development shall be provided by three, individual on-site wells. Use of these wells shall be in compliance with the conditions established under permits #164686, #177865, and #177866 as included in Exhibit D.

3. Sewer Systems

Sewage disposal for the development shall be provided by the Breckenridge Sanitation District in full compliance with all applicable District standards and requirements.

4. Fire Protection

The entire property is located within the Red, White & Blue Fire Protection District. All development on the property shall meet all fire protection requirements of the District.

5. Vegetation Management

A vegetation management/fuels modification program to reduce wildfire hazard and susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the entire 15 acre property shall be prepared by the applicant. The plan shall be reviewed and approved by the Colorado State Forest Service and submitted concurrent with the final plat for the project. The subdivision improvements agreement accompanying the final plat shall include a financial guarantee adequate to cover the entire cost of such plan implementation. The plan, once approved by the Colorado Forest Service shall be fully implemented prior to the issuance of any certificate of occupancy within the PUD.

6. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the final plat.

7. Landscaping

Landscaping improvements shall be required as part of any site plan required pursuant to Summit County Regulations. Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading & Excavation Regulations.

8. Trash Collection

Prior to the issuance of any certificate of occupancy for a particular lot the owner of such lot shall provide the Planning Department with proof of purchase of bear-proof trash containers as approved by the Colorado Division of Wildlife.

D. IMPLEMENTATION

1. Platting Requirements

A preliminary and final plat shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Summit County Land Use and Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

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 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

James Ferguson
1130 Sylvertis
Waterford, MI 48328

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 Fuller/Berlin 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.

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

[Handwritten Signature]

Gary M. Lindstrom, Chairman

Approved as
to form
[Handwritten Signature]
Legal

ATTEST:

Doris L. Brill

Doris Brill, Clerk and Recorder

James Ferguson

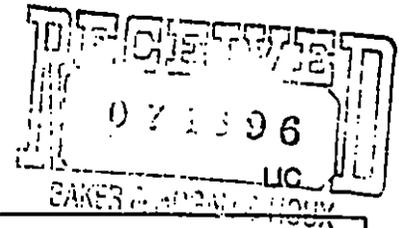
James Ferguson

ATTEST:

Form No.
GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 868-3581



WELL PERMIT NUMBER 195136
DIV. 5 CNTY. 59 WD 36 DES. BASIN MD

APPLICANT

Lot: Block: Filing: Subdiv: BERLIN PLACER

APPROVED WELL LOCATION
SUMMIT COUNTY

NW 1/4 SE 1/4 Section 5
Twp 7 S RANGE 77 W 6th P.M.

DISTANCES FROM SECTION LINES

1950 Ft. from South Section Line
2450 Ft. from East Section Line

BLAIN KERTON
4445 FOREST AVE
WATERFORD MI 48328-

(810)673-5955

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 18.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(II)(A) as the only well on a residential site of 7.7 acres described as that portion of the SE 1/4, Sec. 5, Twp. 7 South, Rng. 77 West, 6th P.M., Summit County, more particularly described on the attached exhibit A. The issuance of this permit hereby cancels permit no. 164686.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

JD 5-17-96

OWNER'S COPY

APPROVED
JD2

He D. Simpson
State Engineer

By Jeff Decker

Receipt No. 0399463

DATE ISSUED MAY 20 1996

EXPIRATION DATE MAY 20 1998

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND WITHIN THE FULLER PLACER U.S.M.S. 86
SECTION 5, TOWNSHIP 7S
RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN
SUMMIT COUNTY, COLORADO

RECEPTION # 387658
RECEPTION # 388370
RECEPTION # 389978

Form No. GWS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 866-3581

EXHIBIT D

OWNER'S COPY 1009

WELL PERMIT NUMBER 164686

DIV. 5 CNTY. 59 WD 36 DES. BASIN MD

APPLICANT

Lot: Block: Filing: Subdiv:

APPROVED WELL LOCATION

COUNTY SUMMIT

NW 1/4 SE 1/4 Section 5

Twp 7 S, Range 77 W, 6th P.M.

DISTANCES FROM SECTION LINES

1950 Ft. from South Section Line

2450 Ft. from East Section Line

BLAIN KERTON
4445 FOREST
PONTIAC, MI 48054

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT

CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
- 3) Approved pursuant to CRS 37-82-602(3)(b)(II)(A) as the only well on a residential site of 7.7 acres described as that portion of the SE 1/4 of Sec. 5, Twp. 7 S., Rng. 77 W. of the 6th P.M., Summit County, being more particularly described on the attached exhibit 'A'.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling and the watering of the user's noncommercial domestic animals. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through an individual waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

PERMIT EXPIRATION DATE EXTENDED

Jun 11 1995
hmd 5/25/94

APPROVED:
DWM

Hal D. Simpson
State Engineer (Acting)

Bruce E. DeBene
By

Receipt No. 0337119

DATE ISSUED JUN 11 1992

EXPIRATION DATE JUN 11 1994

Form No.
GW3-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

618 Commercial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 863-1581

APPLICANT

WELL PERMIT NUMBER <u>177865</u>	
DIV. 5	CNTY. 59 WD 36 DES. BASIN MD

Lot: Block: Filing: Subdiv.

JAMES L FERGUSON
4445 FOREST
WATERFORD MI 48328

(313)873-5955

APPROVED WELL LOCATION
SUMMIT COUNTY

NW 1/4 SE 1/4 Section 5
Twp 7 S RANGE 77 W 6th P.M.

DISTANCES FROM SECTION LINES

1828 Ft from South Section Line
1523 Ft from East Section Line

PERMIT TO CONSTRUCT A WELL:

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
- 3) Approved pursuant to CRS 37-92-602(3)(b)(I)(A) as a reapplication for expired permit no. 157737, and as the only well on a residential site of 5 acres described as that portion of the SE 1/4 of Sec. 5, Twp. 7 South, Rng. 77 West of the 6th P.M., Summit County, being more particularly described on the attached exhibit "A". Issuance of this permit hereby expires permit no. 157737.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through a waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

JD 5-10-94

OWNER'S COPY

APPROVED
JLJ

Hal D. Lujan
State Engineer

Greg Denton
By

Receipt No. 0367104A

DATE ISSUED MAY 12 1994

EXPIRATION DATE MAY 12 1995

Permit No.
WS-25

OFFICE OF THE STATE ENGINEER
COLORADO DIVISION OF WATER RESOURCES

818 Centennial Bldg., 1313 Sherman St., Denver, Colorado 80203
(303) 226-3581

388

WELL PERMIT NUMBER 177866
DIV. 5 CNTY. 59 WD 36 DES. BASIN MD

APPLICANT

Lot: Block: Filing: Subdiv.

JAMES L FERGUSON
4445 FOREST
WATERFORD MI 48328

(313)673-5955

APPROVED WELL LOCATION

SUMMIT COUNTY

NW 1/4 SE 1/4 Section 5
Twp 7 S RANGE 77 W 6th P.M.

DISTANCES FROM SECTION LINES

1725 Ft. from South Section Line
2386 Ft. from East Section Line

PERMIT TO CONSTRUCT A WELL

ISSUANCE OF THIS PERMIT DOES NOT CONFER A WATER RIGHT
CONDITIONS OF APPROVAL

- 1) This well shall be used in such a way as to cause no material injury to existing water rights. The issuance of the permit does not assure the applicant that no injury will occur to another vested water right or preclude another owner of a vested water right from seeking relief in a civil court action.
- 2) The construction of this well shall be in compliance with the Water Well Construction and Pump Installation Rules 2 CCR 402-2, unless approval of a variance has been granted by the State Board of Examiners of Water Well Construction and Pump Installation Contractors in accordance with Rule 17.
- 3) Approved pursuant to CRS 37-92-802(3)(b)(II)(A) as a reapplication for expired permit no. 157738, and as the only well on a residential site of 2.5 acres described as that portion of the SE 1/4 of Sec. 5, Twp. 7 South, Rng. 77 West of the 6th P.M., Summit County, being more particularly described on the attached exhibit 'A'. Issuance of this permit hereby expires permit no. 157738.
- 4) The use of ground water from this well is limited to ordinary household purposes inside a single family dwelling. The ground water shall not be used for irrigation or other purposes.
- 5) The maximum pumping rate shall not exceed 15 GPM.
- 6) The return flow from the use of this well must be through a waste water disposal system of the non-evaporative type where the water is returned to the same stream system in which the well is located.
- 7) This well shall be constructed not more than 200 feet from the location specified on this permit.

JD 5-10-14

OWNER'S COPY

APPROVED
JD2

Hal D. Simpson
State Engineer

Bill Deaton
By

Receipt No. 0367104B

DATE ISSUED MAY 12 1994

EXPIRATION DATE MAY 12 1996