



**HUGHES
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Hughes Planned Unit Development Designation, hereinafter referred to as the "Designation", is approved this 23rd day of January, 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 Chris and Darci Hughes 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

Two single family residences per Exhibit B.

2. Accessory and Conditional Uses

Accessory and conditional uses allowed under the R-1 zoning district as specified in the Summit County Land Use & Development Code ("Development Code").

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 a disturbance envelope on Lot A and Lot B

All buildings constructed upon the property shall be located within the disturbance envelopes depicted on the attached development plan (Exhibit B). Site disturbance outside of the disturbance envelope shall be limited to: (a.) grading and surfacing of the driveway; (b) installation of utilities, except for well and septic, which should be located within the

driveway cut to the greatest extent practicable and located as shown on Exhibit B; (c) removal of trees for forest health with documentation from a certified forester, indicating the need for the tree removal, submitted to the Planning Department for review and approval; (d) removal of trees infested with Mountain Pine Beetle, with no approval from the County required; and (e) removal of trees for fire mitigation as determined by the County's Wildfire Mitigation Officer.

A 25 foot no soil disturbance and building setback shall be maintained from all natural wetland areas and water bodies on Lot B. On Lot A, the existing encroachments into the wetlands and streamside setback shall be considered a legal, non-conforming situation. However, any redevelopment or additions to the existing house on Lot A shall conform with meet the 25-foot wetland and 25-foot stream setback.

Disturbance of slopes 30% or greater is prohibited.

The well and septic system shall be located within the disturbance envelope on Lot B. The well on Lot A shall remain in the disturbance envelope on Lot A. The septic system on Lot A shall remain in the existing location, as depicted on Exhibit B. Any relocation of the well and septic system on Lot A shall be within the disturbance envelope, to the greatest extent practicable.

3. Parking

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

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 Summit County Land Use and Development Code.

On Lot B, soil disturbance within 25 feet of wetlands is prohibited, including disturbance for septic systems and wells. On Lot A, the existing encroachments into the wetlands and streamside setback shall be considered a legal, non-conforming situation. However, any redevelopment or additions to the existing house on Lot A shall conform with meet the 25-foot wetland and 25-foot stream setback.

5. Open Space and Trails

A Public Use Area fee per Section 8601 of the Code is required prior to recordation of the plat.

6. Design Standards

The single family unit and accessory structures shall be designed with:

- ❖ natural or naturally-appearing materials and colors so that the structures blend visually with the forest;
- ❖ retaining walls to avoid excessive cut-and-fill, with retaining walls over five feet in height stepped so as to prevent excessive retaining wall heights;
- ❖ non-mirrored glass;

- ❖ lighting for the exterior of the buildings or any freestanding lights that are full cut-off luminaires, with such lighting reviewed and approved during the Planning Department's site plan review for any structure. Any non-conforming light fixtures on the existing structure on Lot A shall be replaced with full cut-off luminaires if those fixtures are replaced, or if a new structure is built.
- ❖ roofing material that is non-reflective.

7. 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.

8. Driveways

Driveways shall be located in a manner that minimizes soil disturbance. Careful consideration to the location of the houses and the garages shall be evaluated in order to reduce the amount of disturbance necessary for driveway construction.

C. REQUIRED IMPROVEMENTS

1. Access

Access to Lot A shall be provided by the driveway off of Highway 9. Access to Lot B shall be provided off of Quandary Road.

2. Water Systems

- a. Prior to the recordation of the PUD, the Owner/Developer shall obtain the necessary water rights for the lots proposed under this Designation, with review and approval of those water rights by the State Engineer's Office and the County.
- b. Water for individual homesites will be provided by individual wells subject to approval by the State Engineer. A copy of a well permit shall be submitted concurrent with a building permit application for a new single family development.

3. Wastewater Disposal

Wastewater disposal will be provided by on site sewage disposal systems subject to approval by the Summit County Environmental Health Department through the application for an Individual Sewage Disposal Permit for new single family development. Soil disturbance for the installation of the septic system is prohibited within 25 feet of wetlands.

Administrative Relief from Section 8108.01C(6) has been granted for each of the lots within this Designation. However, should the sewer authority require any of the lots to connect to the sewer system, then this PUD designation must be amended and approval obtained for (a) any wetland disturbance necessitated by such connection compliance with Section 7105 et. al. of the Code, and (b) review and approval of the Owner/Developer's well permit and associated water rights to ensure that adequate water rights exist to allow for sewer service.

4. Fire Protection

The entire property is located within the Red, White and Blue Fire Protection 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 necessary for the installation of utilities shall be shown on the subdivision plat. Any new utility lines shall be buried underground.

D. IMPLEMENTATION

1. Platting Requirements

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.

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

Chris and Darci Hughes
P.O. Box 9526
Breckenridge, CO 80424

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

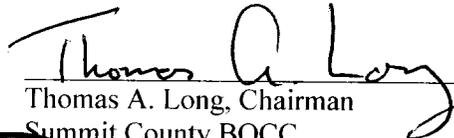
This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Hughes Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development 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

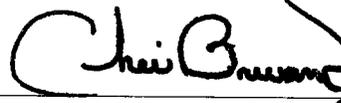
An action to approve a PUD shall become effective when the PUD designation is signed by the Chairman of the BOCC and by the property owner(s) or an agent(s), and recorded in the office of the Clerk and Recorder.

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

ATTEST:


Cheri Brunvand, Clerk and Recorder




Chris Hughes
Owner

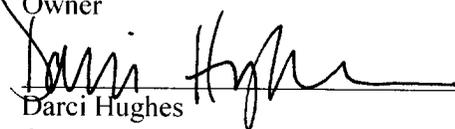

Darci Hughes
Owner

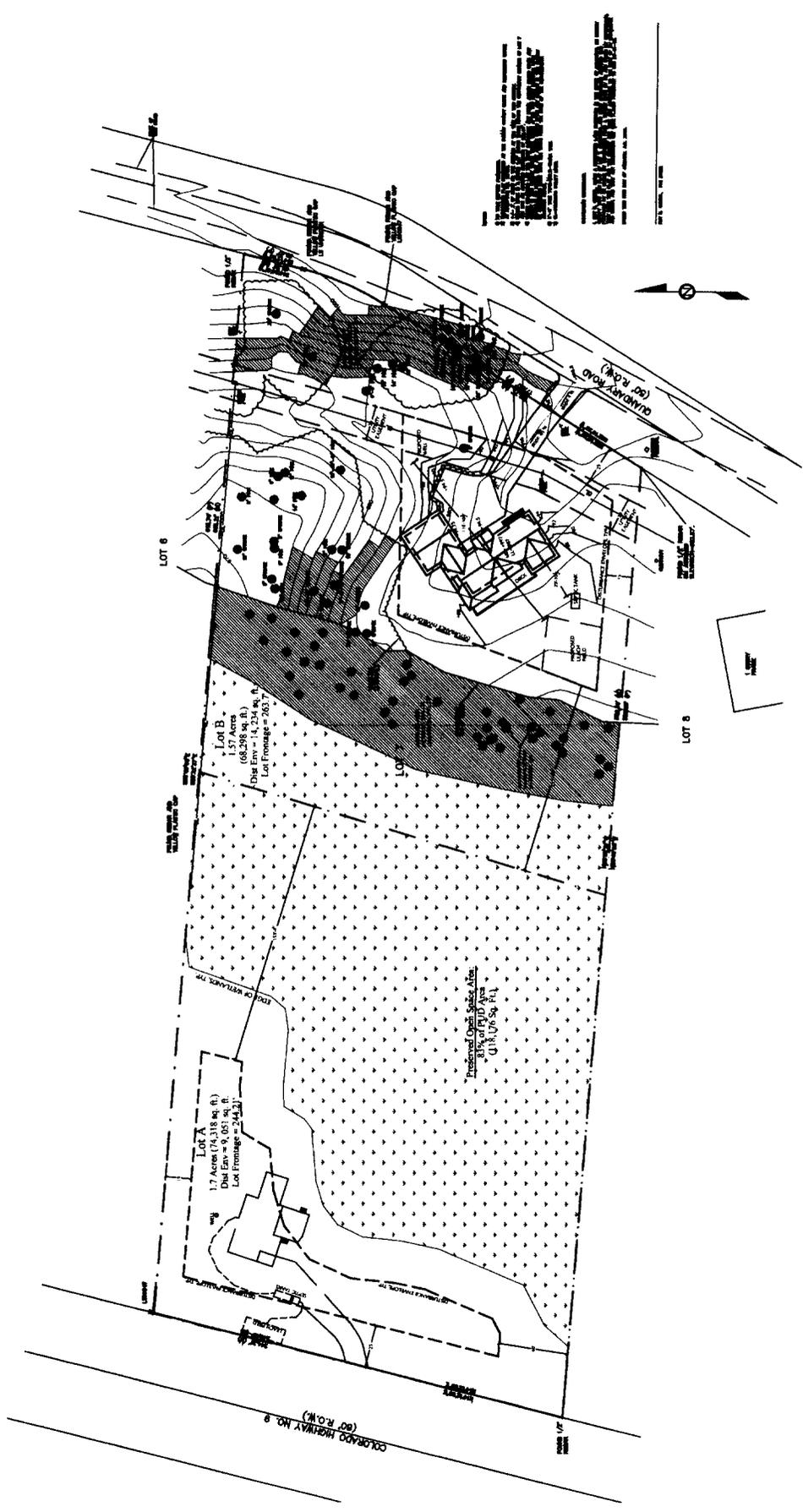
Exhibit A

Lot 7, Anaconda and Daisy Subdivision, as platted under reception number 95087 and recorded in the Office of the Clerk and Recorder.

EXHIBIT B

HUGHES PUD DEVELOPMENT PLAN

3.27 Acres (142,616 Sq. Ft.)



RIVERBEND
ARCHITECTURE & PLANNING

PROJECT NAME: The Hughes Rezoning
DRAWING TITLE: Lot 7 Anacoda & Daisy Subdivision, Summit County, CO
SITE PLAN_2_LOTS
SCALE: 1"=60' 0"
PROJECT NO. X2600
ISSUE DATE: 11.08.06

PHASE:
SHEET:
A1.1
RE:

0 15 30 60
SCALE 1" = 60' 0"
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