



RESOLUTION NO. 2006 - 59

**BOARD OF COUNTY COMMISSIONERS
OF THE
COUNTY OF SUMMIT
STATE OF COLORADO**

A RESOLUTION APPROVING PLANNING CASE #06-009, A MINOR PUD MODIFICATION TO THE MONROE PUD IN ORDER TO 1.) RELOCATE BUILDING ENVELOPE #2; 2.) RELOCATE THE BARN ENVELOPE 3.) DECREASE THE SIZE OF BUILDING ENVELOPE #1 AND; 4.) MODIFY THE BOUNDARIES OF THE EXISTING PUD AND OTHER MATTERS RELATED THERETO. (Applicant: Jon Gunson)

WHEREAS, Jon Gunson has applied to the Board of County Commissioners for a minor PUD modification to the Monroe PUD in order to 1.) Relocate building envelope #2; 2.) Relocate the barn envelope 3.) Decrease the size of building envelope #1 and; 4.) Modify the boundaries of the existing PUD and other matters related thereto; and,

WHEREAS, the minor PUD modification was referred to the Upper Blue Planning Commission for comments as required by the provisions of the Summit County Land Use and Development Code; and,

WHEREAS, the Planning Department has reviewed the application and recommends approval of the application to the Board of County Commissioners; and,

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on July 11, 2006, with public notice as required by law and considered the evidence and testimony presented at the hearing; and,

WHEREAS, the Board of County Commissioners finds as follows:

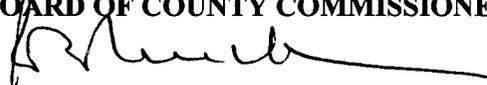
1. The modification is consistent with the efficient development and preservation of the entire planned unit development because many of the existing PUD provisions will remain unchanged, and the proposed modifications will preserve the intent of the PUD.
2. The modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest. The property is not highly visible from adjacent properties or the public right-of-way.
3. The modification is not granted solely to confer a special benefit upon any person because the proposed building envelope #2 is in a better-suited, less visible location.
4. The modification is consistent with the findings for final PUD approval listed in Section 12206 of the Code:
 - a. Is in general conformity with the applicable Master Plans.
 - b. Is consistent with the purpose and intent of the County's zoning regulations.
 - c. Is consistent with the County's rezoning policies, when the policies are applicable (Section 3200 et seq.)
 - d. Is compatible with present area development, and will not have a significant, adverse effect on the surrounding area.
 - e. Is consistent with public health, safety, and welfare, as well as efficiency and economy in the use of land and its resources.

- f. Is justified either by the fact the original zoning was in error because there is a more suitable location for building envelope #2.
5. The proposed amendment is not substantial and conforms to the intent and integrity of the original planned unit development. There will be no increase in total number of units, no new use is requested and no decrease in open space is requested.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO THAT: THE BOARD OF COUNTY COMMISSIONERS HEREBY APPROVES A MINOR PUD MODIFICATION TO THE MONROE PUD IN ORDER TO 1.) RELOCATE BUILDING ENVELOPE #2; 2.) RELOCATE THE BARN ENVELOPE 3.) DECREASE THE SIZE OF BUILDING ENVELOPE #1 AND; 4.) MODIFY THE BOUNDARIES OF THE EXISTING PUD AND OTHER MATTERS RELATED THERETO.

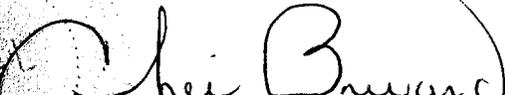
ADOPTED THIS 11th DAY OF JULY 11, 2006.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

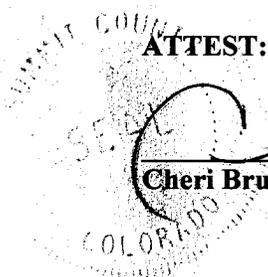


Robert H. S. French, Chairman

ATTEST:



Cheri Brunvand, Clerk & Recorder



**MONROE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Monroe Planned Unit Development was originally approved the 27th day of October and is hereby revised on the 11 day of July, 2006 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 Monroe 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 compliance with the specific requirements of this PUD Designation. The Development Plan, attached as Exhibit B hereto, sets forth the overall concept for development of the property. The development plan and the objectives set forth below shall be used as a guide in locating future development as permitted in this PUD.

Objectives:

The prime objective for the Monroe PUD is to pursue a conservation oriented approach to development which emphasizes ranching or agricultural character of the property and promotes a land stewardship approach to future development. Future residential development on the ranch should be compatible with and respect the diversity of natural features, wildlife habitats and vegetation types that exist on the property. Open meadows and wetland areas should be essentially free from development with the exception of minimal disturbance for roads, utilities, ponds, and other enhancements and structures related to the maintenance and control of natural water features designed to create and/or support wildlife habitat or necessary to serve the permitted uses.

1. Permitted Uses

- a. Residential Uses:** A total of three (3) single family dwelling units are permitted on the property as follows:

Building Envelope #1: One single family dwelling (existing) (2.0 acre)

Building Envelope #2: One single family dwelling (1.8 acre)

Building Envelope #3: One single family dwelling (2.5 acre)

- b. Accessory Uses:**

Building Envelope #4: Barn (existing) (1 acre)

The location of building envelopes are depicted on Exhibit B.

c. Animal Keeping:

As per the permitted uses as established under the A-1 zoning designation. Where there is an inconsistency between the zoning and the conservation easement, the more stringent application shall take precedence.

Garages, sheds, replacement or enlargement of the existing barn and corrals, and other recreational facilities including a swimming pool and/or tennis court. The swimming pool and/or tennis court may be placed within one of the three residential building envelopes as long as the location is consistent with the intent of the open space character of the property. Buildings and facilities for any private recreational use, located outside the residential building envelopes, may be built, placed or erected on the Property with the review and approval of the Upper Blue Planning Commission.

B. DEVELOPMENT STANDARDS

1. Development Criteria for single family dwellings: Location and development of new single family dwellings shall comply with the following design criteria:

- a. Envelopes.** Residential structures must be located within the defined building envelopes as shown on Exhibit B. Envelopes will not be readily visible to surrounding property.
- b. Building Orientation.** Preferred orientation of buildings is to maximize views, southern exposure and proximity to vegetation to screen and provide a sense of scale to the structure. Structures will be located in and along the forest edge so that buildings are screened, from the Highway 9 view corridor and so that the forest canopy can provide a sense of scale. Structures shall be shorter than the height of the adjacent tree canopy.
- c. Colors/Materials.** Structures shall have non-reflective roof material and colored so as to blend in with the surrounding landscape. Roof color values and hues should match the darkest values in the immediately adjacent landscape. Exterior walls should match the medium color values from the immediate background landscape.
- d. Fencing.** Existing fences may be repaired and replaced, and new fences may be built anywhere on the property without further permission from the County, so long as the materials and style used in constructing new fences are substantially similar to those currently utilized on the Property. The Owner shall not be required to erect any new fences for any purpose, including, but not limited to, controlling public access to the Property and fencing out livestock from riparian areas or other designated habitats.
- e. Slopes.** All building sites shall be located in areas with less than 30% slope.
- f. Utilities.** All utilities shall be placed underground in accordance with the Summit County Subdivision Regulations, except those already existing above ground, where the burying of which would require removal of trees.
- g. Wetlands.** No residential development will occur within 25 feet of defined wetland areas. Site disturbance within wetland areas shall be minimized to the fullest extent possible. The Owner is required to obtain

404 permits as required by the U.S. Army Corps of Engineers if necessary for roads and utilities.

- h. Land Management.** The commercial grazing and/or commercial housing of livestock on the property is prohibited and at no time may cattle be grazed upon the property for any purpose. Trees may be cut to control insects and disease, to promote habitat and tree growth, to prevent personal injury and property damage, for firewood for personal use on the Property, and the construction of fences on the Property. Trees may not be cut to clear land for cultivation or use by livestock. No commercial timber harvesting shall occur on the property.
- i. Codes.** Building sites shall meet applicable fire mitigation standards and all building code requirements.
- j. Access.** Existing ranch/mining roads shall be used to provide access except for a few stretches where modifications could improve safety, slope, grading drainage or other conditions. All access roads serving residential uses will meet the low volume road standards as outline in the Summit County Road and Bridge Standards.
- k. Trails.** The applicant/owner agrees to work with the County's Open Space and Trails Department to grant a trail easement for the Aspen Grove Trail and the Little Mountain Trail. The applicant/ owner also agrees to work with the County to realign the easement to accommodate a minor re-route of the Blue River Trail near the historic cabin to create a more sustainable alignment.
- l. Wildlife Protection.** All dogs, whether they are owned by residents or their guests, must be under the control of the owner at all times when they are outside individual dwelling units to prevent harassment of wildlife in the area.
- m. Trash Storage.** To prevent trash from becoming an attractive nuisance for bears and other wildlife, all trash containers shall be placed within wildlife proof structures until the day of pick-up.

2. Building Height:

- a. Residential Structures:** Building heights for residential structures, including accessory structures associated with residential uses, shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.
- b. Accessory Uses:** Building heights for ranching structures shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.

3. Residential Homestead Lot Standards:

Building envelopes for residential lots shall be no larger than 2.5 acres. Residential homesites shall be located within building envelopes as shown on the development plan (Exhibit B) and in conformance with the development criteria contained in Section B.1 of this designation. Any construction in building

envelope #3 shall maintain a no soil disturbance with 25 feet of any designated wetland boundary.

C. UTILITIES AND IMPROVEMENTS

1. Water

Water for individual home sites will be provided by individual wells subject to approval by the Colorado State Engineer.

2. Sewage Disposal

Sewage disposal will be provided by on site individual sewage disposal systems subject to approval by the Summit County Environmental Health Department.

3. Access

Access will be provided by private roads meeting all applicable standards as noted in this designation and in the Summit County Road and Bridge Standards.

4. Other Utilities

All other utilities necessary to serve development on the property are the responsibility of the owner/developer, his successor and assigns.

D. 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), 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

James Monroe
1735 19th Street
Denver, CO 80202

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 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 as established in Chapter 12.

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

Gary M. Lindstrom, Chairman

ATTEST:

Cheri Brunvand, Clerk and Recorder

APPROVAL OF AMENDMENTS

The foregoing planned unit development designation, approved on _____, 2006 under Resolution Number ____ - ____, and recorded under Reception Number _____ amends and supercedes the original Monroe Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on October 27, 1997 and recorded under Reception Number 551102.

The planned unit development document dated the 27th day of October 1997 and hereby revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Antler's Gulch Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

ADOPTED THIS ____ DAY OF _____, 2006.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**

Robert H.S. French, Chairman

ATTEST:

Cheri Brunvand, Clerk & Recorder

EXHIBIT A

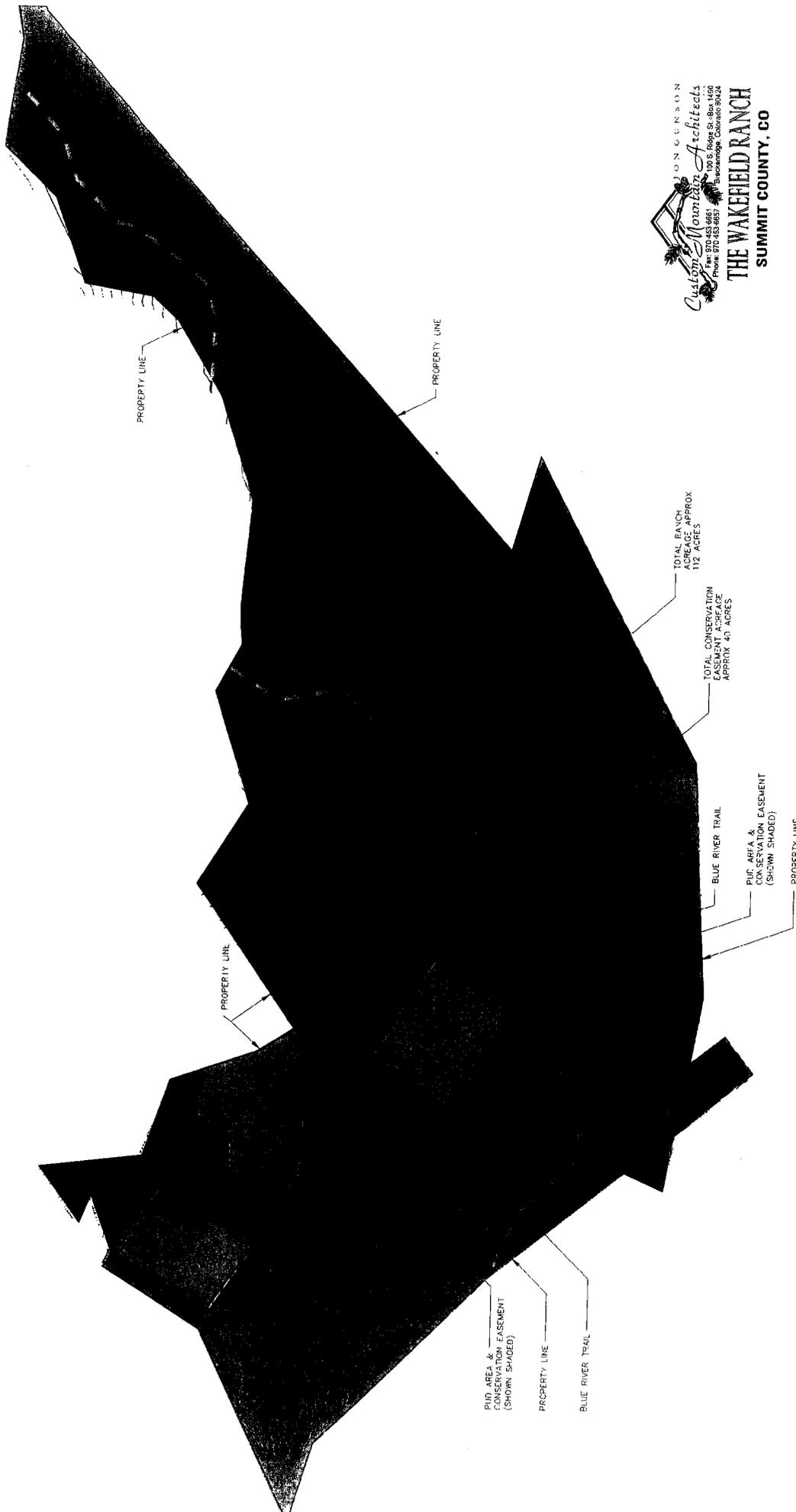
PROPERTY DESCRIPTION FOR REVISED MONROE P.U.D. AND CONSERVATION EASEMENT

A TRACT OF LAND LYING WITHIN SECTIONS 5, 6, 7 & 8, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN, SUMMIT COUNTY COLORADO, BEING A PART OF THE LITTLE CALLY LODE U.S.M.S. 5654; THE HANNIBAL & ST. JOE LODE U.S.M.S. 5654; ALL OF THE NELLIE PLACER LOT 1 U.S.M.S. 7108; ALL OF THE IRON LODE U.S.M.S. 7617; A PART OF THE ST. LOUIS LODE U.S.M.S. 7617; A PART OF OF THE LUCKY LODE U.S.M.S. 7617; A PART OF THE SCOTT LODE U.S.M.S. 7618; A PART OF THE CLIFF LODE U.S.M.S. 7618; A PART OF THE VANDALIA LODE U.S.M.S. 7618; A PART OF THE GROUSE LODE U.S.M.S. 7618; A PART OF THE LITTLE TOM LODE U.S.M.S. 7618; ALL OF GOVERNMENT LOT 76 OF SECTION 5; ALL OF GOVERNMENT LOT 33 OF SECTON 6 AND A PART OF GOVERNMENT LOT 5 OF SECTION 8, THE BOUNDARY OF SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CORNER No. 1 OF SAID VANDALIA LODE WHENCE THE SOUTHWEST CORNER OF SECTION 5 BEARS N 62°39'58" W, 303.56 FEET; THENCE N 72°42'36" E ALONG THE 1-6 LINE OF SAID VANDALIA LODE TO A POINT ON THE 6-1 OF SAID VANDALIA LODE; THENCE S 03°09'51" W, 75.99 FEET ACROSS SAID GOVERNMENT LOT 5 OF SECTION 8 TO A POINT; THENCE S 36°54'54" E, 80.72 FEET TO CORNER 17 OF SAID GOVERNMENT LOT 5; THENCE N 36°33'00" E, 148.90 FEET ALONG THE 17-18 LINE OF SAID GOVERNMENT LOT 5 TO CORNER 18 OF SAID GOVERNMENT LOT 5; THENCE N 78°37'30" E, 200.97 FEET ALONG THE 18-19 LINE OF SAID GOVERNMENT LOT 5 TO A POINT ON THE 18-19 LINE OF SAID GOVERNMENT LOT 5 FROM WHICH CORNER 19 BEARS N 78°37'30" E, 60.79 FEET; THENCE N 11°22'30" W, 145.01 FEET ACROSS LOT 5 TO A POINT ON THE 1-6 LINE OF SAID LITTLE TOM LODE FROM WHICH POINT CORNER 6 OF THE LITTLE TOM LODE BEARS N 72°42'36" E, 10.33 FEET; THENCE N 72°42'36" E, 10.33 FEET ALONG THE 1-6 LINE OF SAID LITTLE TOM LODE TO CORNER 6 OF SAID LITTLE TOM LODE; THENCE N 05°14'36" E, 94.85 FEET ALONG THE 6-5 LINE OF SAID LITTLE TOM LODE TO CORNER 5 OF SAID LITTLE TOM LODE; THENCE N 35°24'54" E, 520 FEET ALONG THE 5-4 LINE OF SAID LITTLE TOM LODE TO A POINT; THENCE N 54°35'06" W, 370.00 FEET ACROSS SAID LITTLE TOM LODE, SAID GROUSE LODE AND A PART OF SAID VANDALIA LODE TO A POINT; THENCE N 24°12'59" W, 690.47 FEET ACROSS SAID VANDALIA LODE, SAID SCOTT LODE, SAID CLIFF LODE, SAID HANNIBAL & ST. JOE LODE AND SAID LITTLE CALLEY LODE TO A POINT ON THE 6-5 LINE OF SAID LITTLE CALLEY LODE; THENCE S 17°45'38" W, 276.48 FEET ALONG THE 6-5 LINE OF SAID LITTLE CALLEY LODE TO THE INTERSECTION OF THE 12-11 LINE OF SAID HANNIBAL & ST. JOE LODE; THENCE S 47°57'18" W, 867.46 FEET ALONG THE 12-11 LINE OF SAID HANNIBAL & ST. JOE LODE TO CORNER 11 OF SAID HANNIBAL & ST. JOE LODE; THENCE S 41°49'02" E, 150.78 FEET ALONG THE 11-10 LINE OF SAID HANNIBAL & ST. JOE LODE TO CORNER 10 OF SAID HANNIBAL & ST. JOE LODE, BEING ALSO CORNER 7 OF SAID NELLIE PLACER LOT 1; THENCE S 54°25'00" W, 436.40 FEET ALONG THE 7-6 LINE OF SAID NELLIE PLACER LOT 1 TO CORNER 6 OF SAID NELLIE PLACER LOT 1; THENCE S 65°51'00" E ALONG THE 6-5 LINE OF THE SAID NELLIE PLACER LOT 1 TO CORNER 4 OF SAID IRON LODE; THENCE S 36°00'45" W, 1187.54 FEET ALONG THE 4-3 LINE OF SAID IRON LODE TO THE INTERSECTION WITH THE 16-17 LINE OF THE NELLIE PLACER LOT 2 U.S.M.S. 7108; THENCE 01°02'09" E, 139.99 FEET ALONG THE 16-17 LINE OF THE NELLIE PLACER LOT 2 U.S.M.S. 7108 TO THE INTERSECTION WITH THE 3-2 LINE OF SAID IRON LODE TO CORNER 2 OF SAID IRON LODE WHICH POINT IS ON THE 3-4 LINE OF SAID ST. LOUIS LODE; THENCE S 35°51'22" W, 3.70 FEET ALONG THE 3-4 LINE OF SAID IRON LODE TO A POINT; THENCE S54°00'12" E, 298.70 FEET ACROSS SAID ST. LOUIS LODE AND SAID LUCKY LODE TO A POINT ON THE 2-1 LINE OF SAID LUCKY LODE; THENCE N 35°59'48" E, 1353.06 FEET ALONG THE 2-1 LINE OF SAID LUCKY LODE TO CORNER 1 OF SAID LUCKY LODE; THENCE N 53°42'45" W, 149.49 FEET ALONG THE 1-4 LINE OF SAID LUCKY LODE TO CORNER 4 OF SAID LUCKY LODE WHICH POINT IS ALSO CORNER 2 OF SAID NELLIE PLACER LOT 1 AND ALSO A POINT ON THE 1-2 LINE OF SAID ST. LOUIS LODE; THENCE S 65°58'32" E, 236.41 FEET ALONG THE 2-1 LINE OF SAID NELLIE PLACER LOT 1 TO CORNER 1 OF SAID NELLIE PLACER LOT 1; THENCE N 05°32'55" E, 54.39 FEET ALONG THE 1-9 LINE OF SAID NELLIE PLACER LOT 1 TO CORNER 1 OF SAID VANDALIA LODE, THE POINT OF BEGINNING.

CONTAINING 1,773,063 square feet or 40.704 acres more or less

EXHIBIT D, MONIUE TML WINGPIMM V MII





 JON GUNSON
 Custom Mountain Architects
 100 S. Ridge St. - Box 1480
 Park City, UT 84302
 Phone: 870.433.8867
 Email: jon@custommountainarchitects.com
 THE WAKEFIELD RANCH
 SUMMIT COUNTY, CO

PROPOSED BUILDING ENVELOPE LOCATIONS
 SCALE: 1" = 300'-0"

 NORTH