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Doris L Br111 - Summit County Recorder

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

This Planned Unit Development Designation, to be known as the Waymire/Fuller Placer PUD, is approved this 8th day of January, 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 Tom Waymire 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**
One single family dwelling, with a maximum floor area of 5,000 square feet.
2. **Accessory and Conditional Uses**
Garage as an accessory use; accessory apartment as a conditional use.
3. **Animal Keeping**
Animal keeping shall be restricted as follows: Dogs must be contained by outdoor runs or electronic collars.
4. **Trash Handling**
All trash shall be disposed of in a bear-proof trash container.

B. DEVELOPMENT STANDARDS

1. **Building Height**
Building heights shall not exceed 10,444 feet in site elevation as illustrated in Exhibit C. Site plans, floor plans and elevations for a the permitted residence shall be accompanied by a profile plan of the proposed residence to ensure any building height does not exceed the finished floor elevations of Rockridge Townhouses. This development standard may limit building height from 22 feet to 28 feet as defined in the Summit County Land Use and Development Code, Section 3505.06.
2. **Setbacks**
Setbacks for the residence shall be 50 feet for front and rear and 30 feet on the sides, which is illustrated in Exhibit B. In no event shall pavement be allowed within 35 feet of the eastern property line.
3. **Parking**
At least 2 parking spaces shall be required for the residence.
4. **Lighting**
All lighting glare shall be low level confined to the site, and all lighting shall be shielded from adjacent properties.

5. Site Plan Review

The Owner/Developer of the property will submit the site plan, floor plans, elevations and a side profile per the Development Standards of this PUD designation for Planning and Engineering Department approval.

6. Landscaping/Buffering

The Owner/Developer of the PUD shall maintain a 35 foot forested buffer between the proposed driveway and the eastern property line adjacent to Rockridge Townhomes.

7. Development on Steep Slopes

The Owner/Developer shall step the residence down the hillside to avoid excessive cut and fill slopes that are foreign to the natural landform.

C. REQUIRED IMPROVEMENTS

1. Access

Roadways: Access to the property and to all building sites shall be provided by roads built to applicable County standards. The access off Dunkin Drive will meet the access requirements of the County Engineering Department and the Red, White and Blue Fire Protection District.

2. Water Systems

Water supply for the development shall be provided by a well; the Owner/Developer shall submit a well permit from the State Engineer prior to the issuance of a Grading and Excavation Permit.

3. Sewer Systems

Sewage for the development shall be provided by the Breckenridge Sanitation District.

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. Vegetation Management

A vegetation management program to reduce wildfire hazard and susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the property shall be prepared. The plan shall be reviewed by the Colorado State Forest Service and submitted prior to the issuance of a Grading and Excavation Permit for the project. The plan, once approved by the Colorado Forest Service shall be implemented prior to recordation of any final plat for the property or guaranteed in the subdivision improvements agreement.

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 and Excavation Regulations.

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

Tom Waymire
6920 E. Hillside Place
Denver, CO 80224

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 Waymire/Fuller 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:

[Handwritten Signature]
Doris L. Brill, Clerk and Recorder

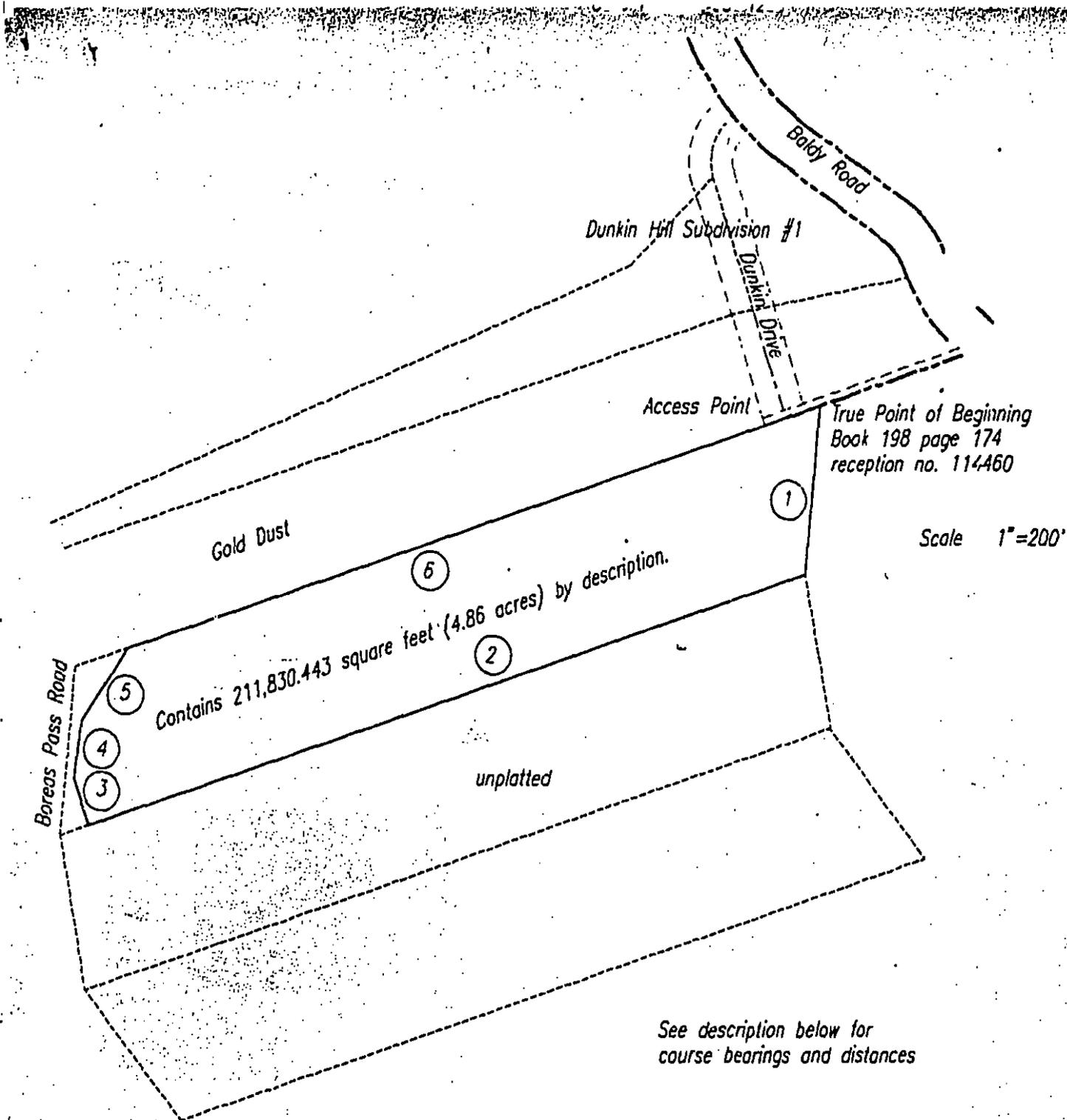
Tom Waymire, Owner/Developer

[Handwritten Signature]
Tom Waymire



[Handwritten Signature]
Dorothy L. Schleiter
Notary Public
My Comm exp 8-7-99

WAYMIRE PUD
January 8, 1996



PARCEL DESCRIPTION

The northerly 5 acres, except that portion that lies within the Right of Way of "Boreas Pass Road" Summit County Road No. 10, of a 15 acre tract of land described in a Quit Claim deed recorded in Book 198 Page 174 at Reception No. 114460 in the records of the Office of the Clerk and Recorder of Summit County, Colorado:

Additionally described as BEGINNING at the "true point of beginning" of that 15 acre tract of land described in Book 198 Page 174, Reception No. 114460; thence the following six (6) courses:

- 1.) S06°02'38"W a distance of 217.81 feet;
- 2.) S72°43'38"W a distance of 1047.32 feet;
- 3.) N18°21'36"W a distance of 64.33 feet;
- 4.) N09°01'37"E a distance of 75.13 feet;
- 5.) N35°37'31"E a distance of 113.31 feet;
- 6.) N72°43'38"E a distance of 1011.09 feet to return to the "true point of beginning".

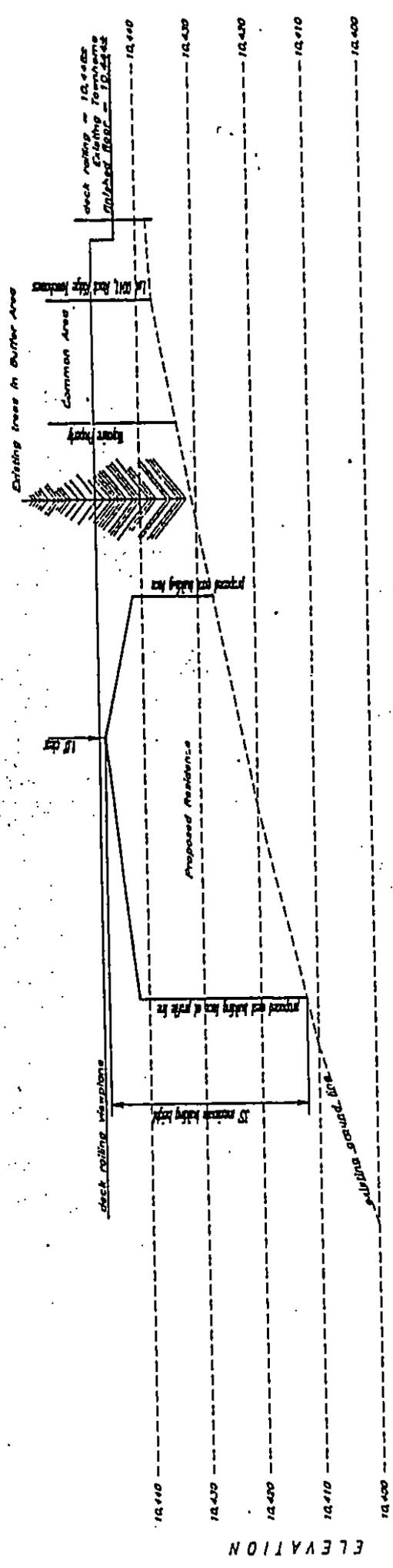
Contains 211,830.443 square feet (4.86 acres) by description.

Exhibit A

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 t.m. stroede surveying

NOTICE: According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of completion of this survey.

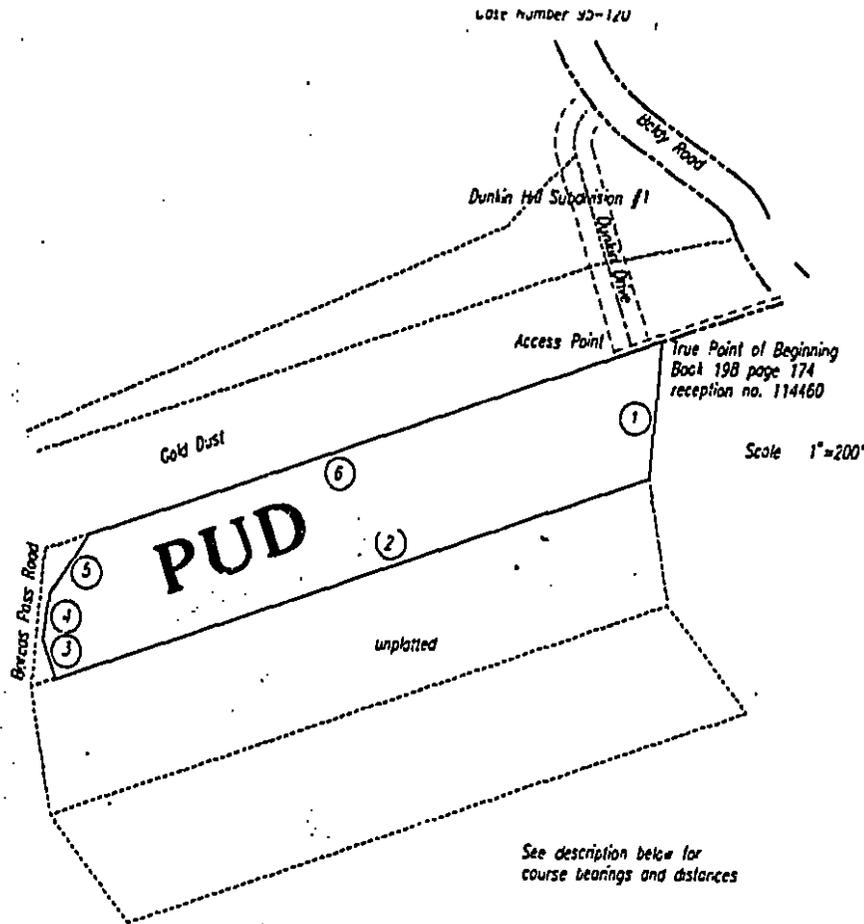
Exhibit C



- Note:
1. The profile line is taken at the north line of Lot 0041, Rock Ridge Townhomes extended west.
 2. The deck railing elevation is based on an assumed finished floor elevation of 10,444 feet which was interpolated from an aerial topo previously provided by Dunkin Group.
 3. The maximum building height will not exceed the actual deck railing elevation of Lot 0041.

SCALE
 H=1"=20'
 V=1"=20'

Viewplane profile from Rock Ridge Townhomes



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Additionally described as BEGINNING at the "true point of beginning" of that 15 acre tract of land described in Book 198 Page 174, Reception No. 114460; thence the following six (6) courses

- 1.) S06°02'36" W a distance of 217.81 feet;
- 2.) S72°43'36" W a distance of 1647.32 feet;
- 3.) N18°21'36" W a distance of 14.33 feet;
- 4.) N03°01'37" E a distance of 75.13 feet;
- 5.) N35°37'31" E a distance of 113.31 feet;
- 6.) N72°43'36" E a distance of 1611.02 feet to return to the "true point of beginning"



**SUMMIT
COUNTY**

OFFICIAL ZONING MAP

FOR:

Wavmire PUD Designation
ADOPTED BY THE SUMMIT COUNTY BOCC

DATE:

RESO#:

January 8, 1996
196.02
[Signature]
Marsha W. Osborn, Chairman
Gary M. Lindstrom