UPPER BLUE SANITATION DISTRICT
FARMERS KORNER PLANNED UNIT DEVELOPMENT DESIGNATION

This Planned Unit Development Designation, to be known as the Upper Blue Sanitation District Farmers Korner PUD is approved this 14th day of December 2010 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 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 substantial compliance with the Farmers Korner North Plant Expansion minor 1041 permit approval and the site plan review done in conjunction with that approval (PLN09-007), the Development Plan attached hereto as Exhibit B-1 and B-2 and the following specific requirements:

1. Permitted Uses

Domestic Wastewater Treatment Plant
Pumpback Station (provided all applicable land use regulations have been complied with)
Equipment/Vehicle Storage Facility relating to UPSD operations
Alternative Energy Facilities (ie. Wind turbine, solar panels, etc.)
One (1) employee housing unit with appropriate deed restriction per the Summit County Land Use and Development Code ("Code")

In general, all uses shall be related to the primary purpose of the property, that being a domestic wastewater treatment plant.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed fifty (50) feet as defined in the Summit County Land Use and Development Code ("Code").

2. Setbacks

There shall be a 30-foot setback from all property lines. The sole exception is where the existing building encroaches ten feet into the setback on the south side of the property along Swan Mountain Road. Any new structures or additions to the existing structure shall comply with the 30-foot setback.

3. Parking

One parking space shall be provided for each employee on the shift with the highest number of employees. All vehicles shall be parked in designated parking areas as noted in the attached Development Plan (Exhibit B-1 and B-2). Any new development shall include designated parking areas

based on its specific use.

4. Designated Open Space Areas/Public Use Areas

Prior to recordation of this PUD designation, the Owner shall dedicate a 30-foot wide public access easement across the property for the Old Highway 9 alignment extending between Swan Mountain Road and the north property line in order to provide continued public recreational access to Lake Dillon and the utility companies access to their facilities as noted in the attached Development Plan (Exhibit B-1 and B-2).

5. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. New soil disturbance and structures are prohibited within 25 feet of a wetland area as such term is defined in Chapter 15 of the Code. The Owner/Developer reserves the right to maintain and make minor modifications to structures that currently exist either within the 25-foot stream setback or within the stream itself per the requirements of the Code.

6. Signs and Lighting

All signs shall comply with the Code's Sign Regulations as now in effect or hereafter amended.

Unless otherwise dictated by State and/or Federal lighting requirements, all exterior lighting fixtures shall comply with the applicable provisions of the Code and shall be full cut-off fixtures. All existing lighting shall be retrofitted to comply with the applicable provisions of the Code prior to recordation of the PUD.

7. Outdoor Storage

Outdoor storage is permitted in the areas designated for outdoor storage. The outdoor storage areas shall be screened by landscaping and/or solid fencing per the Code.

8. Landscaping

Prior to the issuance of a certificate of occupancy for the North Plant Expansion, the Owner/Developer shall install the required landscaping as approved for the North Plant Expansion minor 1041 permit (PLN09-007). As well, prior to issuance of a certificate of occupancy, the landscaping shall be inspected and a financial guarantee will be required for the two-year warranty period as outlined in the Code.

9. Development Review Processes

The North Plant expansion of the wastewater treatment plant was approved Under Chapter 10 of the Development Code through the minor 1041 permit process (PLN09-007). Any change in the construction or operation of the North Plant expansion from that approved by the Board of County Commissioners as a part of the minor 1041 permit approval shall require either a 1041 permit amendment or a technical revision process as provided by the Code.

As allowed per the Code, a formal site plan review was not required for the North Plant expansion as the

minor 1041 permit included the same level of detail as a site plan review application would have required, including such items as the building's architecture, materials, colors and landscaping. Any proposed development of the Property that is not authorized by the approved 1041 permit for the Property shall be reviewed as follows:

1. If the proposed development is of such significance as to require a 1041 permit modification or a new 1041 review, the ensuing 1041 review process shall include all associated site planning review issues as provided by the Code and this PUD.
2. If the proposed development is *not* of such significance so as to require a 1041 permit modification or a new 1041 review, such proposed development shall be reviewed through the site plan review process for compliance with the Code and this PUD.
3. In addition, if the new development proposal includes a new land use or otherwise constitutes a significant change to the PUD, then such new use and/or PUD modification will be reviewed through either a minor or major amendment to this PUD designation.

10. Building Architectural Design Standards

In general, any future development shall comply with the Code for building design standards as well as the architectural elements included in the North Plant Expansion minor 1041 permit approval (PLN09-007), keeping in mind that the current and intended use of the property and facilities are industrial in nature.

C. REQUIRED IMPROVEMENTS

1. Access

a. **Roadways:** Access shall be provided to the property and to all building sites by roads that are built to applicable County standards.
b. **Public access and utility easement:** Prior to recordation of the PUD, the Owner/Developer shall provide on their property a public access and utility easement extending between Swan Mountain Road and Lake Dillon in order to provide for the continued general public access to Lake Dillon and the utility companies access to their facilities. See item #4 above under Development Standards.

2. Water Systems

Water supply for the development shall be provided by the Town of Breckenridge via a new water line extension that was installed during construction of the North Plant Expansion project. Adequate fire flows shall be provided and maintained as determined by the Red, White and Blue Fire District.

3. Sewer Systems

Sewage for the development shall be provided by the Upper Blue Sanitation District.

4. Fire Protection

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

6. **Landscaping**

Landscaping improvements shall be required pursuant to the Code requirements.

D. GENERAL PROVISIONS

1. **Enforcement:** The provisions of the PUD 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 PUD designation and the development plan shall run in favor of the residents, occupants and owners of the PUD but only to the extent expressly provided in, and in accordance with the terms of, the PUD designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the PUD shall run in favor of the County.

2. **Breach of Provisions:** If at any time any provision or requirement stated in the PUD 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 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. **Modifications or Amendments:** Modifications or amendments to the provisions of a PUD designation shall be reviewed and acted upon in accordance with the provisions listed in Section 12202 et seq. of the Summit County Land Use and Development Code unless specific amendment provisions are drafted as part of a PUD.

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:	Notice to Owner/Developer
Board of County Commissioners P.O. Box 68 Breckenridge, CO 80424	Chairman of the Board Upper Blue Sanitation District P. O. Box 1216 Breckenridge, CO 80424

All notices so given shall be considered delivered three (3) days after the mailing thereof, excluding weekends and 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 Upper Blue Sanitation District Farmers Korner PUD, except as modified by subsequent action of the BOCC in accordance with procedures set forth in the Summit County Land Use and Development Code and the Colorado Planned Unit Development Act (C.R.S. § 24-67-106) for amending PUDs, and except that nothing contained herein shall be construed as waiving any requirements of the County's 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 BOCC 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. **Signature Block:**

IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

BY: _____
Chairman

ATTEST:

_____
Clerk and Recorder

_____
Owner PRESIDENT B. OF D.

ATTEST:

_____ Manager

ACKNOWLEDGEMENT:

STATE OF COLORADO)
)ss.
COUNTY OF SUMMIT)

The foregoing was acknowledged before me this _____ day of _____, 20___, by _____ as _____, of _____.
Witness my hand and official seal:
My commission expires:_____

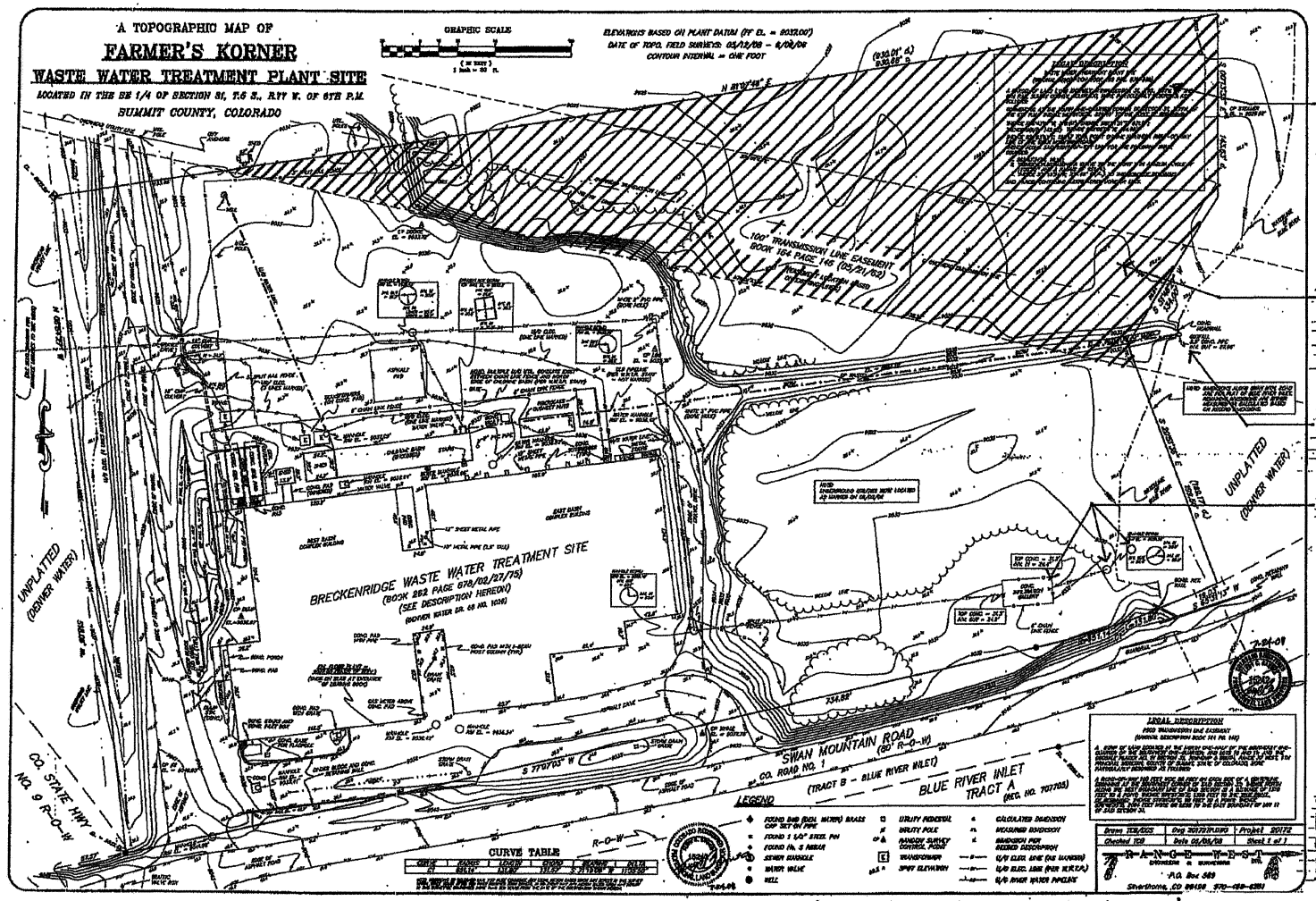
_____

Notary Public

Exhibit A

A parcel of land lying entirely within section 31, T5S, R77W of the 6th P.M., Summit County, Colorado, more particularly described as follows:
Commencing at the South one-quarter corner of section 31, R77W of the 6th P.M.; Thence N67 degrees 51' 30" E, 2226.40' to the point of beginning; Thence N06 degrees 43' 07" W, 518.07'; Thence N81 degrees 21' 21", 931.01'; Thence South 143.63', Thence S32 degrees 00' 00" W, 134.00'; Thence 20 degrees 83' 03" E, 199.17' to a point on the northern right-of-way line of the Swan Mountain rd; Thence along said right-of-way line for the following three courses:

1. S65 degrees 43' 34" W, 19.15';
2. Thence 131.80' along a curve to the right with a delta angle of 11 degrees 35' 50" and a radius of 651.14';
3. Thence S77 degrees 19' 24" W, 734.66' (+ or -) to the point of beginning; said parcel containing 9.8178 acres more or less.



PUD DEVELOPMENT PLAN

EXHIBIT B-1

REV	DATE	BY	DESCRIPTION
1	9/7/10		SHEET TITLE

DESIGNED
DRAWN
CHECKED
DATE JUNE 2010

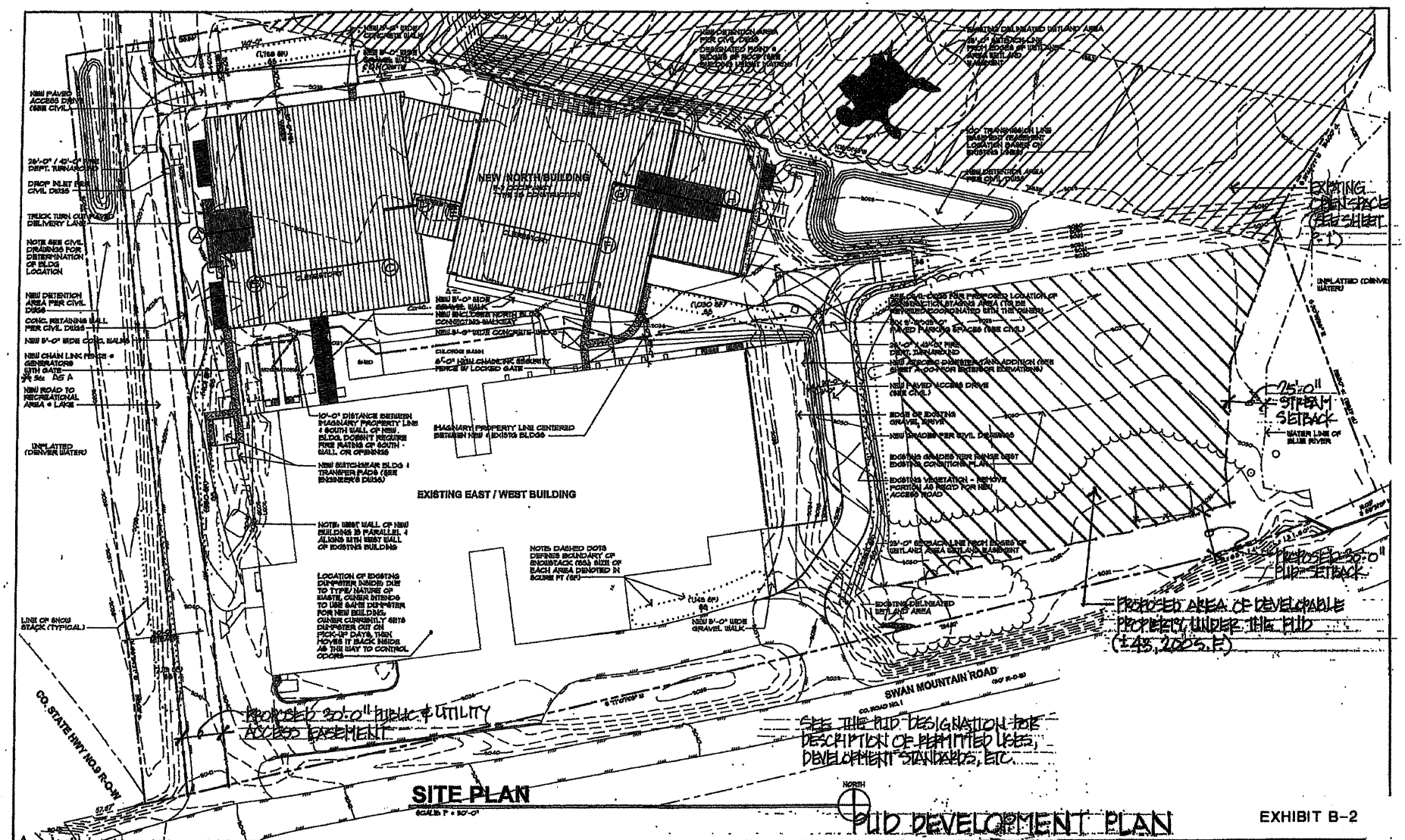
carollo

UPPER BLUE SANITATION DISTRICT
FARMERS KORNER NORTH PLANT
GENERAL
SITE TOPOGRAPHIC MAP
(FOR INFORMATION PURPOSES ONLY)

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

7984A.10
DRAWING NO. 01-G-008
SHEET NO. 6 OF 843

PROJECT NO. 7984A10 FILE NAME: 7984A10-01-G-008.dgn



SITE PLAN

SCALE: 1" = 30'-0"

PUD DEVELOPMENT PLAN

EXHIBIT B-2

REV	DATE	BY	DESCRIPTION
1	8/31/10		ACCESS & UTILITY EASEMENT
2	9/7/10		SHEET TITLE

DESIGNED
DRAWN JDP
CHECKED JW/BLB
DATE JUNE 2010

bhh Partners
P.O. BOX 681, 100 EAST ADAMS
BRECKENRIDGE, CO 80424 (970) 453-6855

UPPER BLUE SANITATION DISTRICT
FARMERS KORNER NORTH PLANT
SITE PLAN

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

JOB NO. 7894A.10
DRAWING NO. 01-A-002
SHEET NO. 01 OF 03