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Kathleen Neel – Summit County Recorder

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**HEADWATERS  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Headwaters Planned Unit Development Designation, originally the SCS PUD, hereinafter referred to as the "Designation", was originally approved the 14th day of November, 2006, and subsequently amended on the 26<sup>th</sup> of April, 2011 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 John and DeAnn Matza 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 "Development Code", the provisions of the Development 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**

Three single family residences.

**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 measured in the Summit County Land Use & Development Code at the time of permit application.

**2. Setbacks and Disturbance Limitations**

The attached development plan (Exhibit B) establishes a disturbance envelope on Lot 2A, Lot 2B, and Lot 2C.

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, which should be located within the driveway cut to the greatest extent practicable and located as shown on Exhibit B; (c) a septic system and well for each lot, provided that soil disturbance within 25 feet of any wetland is avoided; (d) 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; (e) removal of trees infested with Mountain Pine Beetle, with no approval from the County required; and (f) 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. Disturbance of slopes 30% or greater is prohibited.

### **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.

Soil disturbance within 25 feet of wetlands is prohibited, including disturbance for septic systems and wells. Prior to the issuance of a grading or building permit, the homeowner may be required to submit a wetlands delineation or report for a wetland consultant to ensure that the installation of the well and septic will not be within 25 feet of a wetland.

### **5. Open Space and Trails**

A Public Use Area fee of \$575 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; and,
- ❖ roofing material that is non-reflective.

### **7. Transfer of Development Rights**

Prior to recordation of the rezoning resolution or this PUD Designation, the Owner/Developer shall have a development rights certificate issued by the County that meets the Transfer of Development Rights requirements listed in Section 3202.03 et seq. of the Development Code. Prior to recording this PUD Designation, the Owner/Developer shall purchase a development

right certificate from the County for the density needed to transfer in a total of one (1) unit to the PUD to allow the three (3) units permitted under this Designation.

## **8. 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.

## **9. 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. Retaining walls shall be used in lieu of excessive cut and fill for the driveways.

# **C. REQUIRED IMPROVEMENTS**

## **1. Access**

Access shall be provided by the driveway off of Highway 9 as permitted under the Colorado Department of Transportation (CDOT) Access Permit and as shown on the conceptual development plan. Through the variance approved by the County Engineering Department, the access shall be allowed to only meet driveway standards rather than road standards, as set forth in Chapter 5 of the Code.

## **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. The approved locations of the utility easements are depicted on the attached conceptual development plan (Exhibit B). The Owner/Developer shall be responsible for installing the utility lines to each lot within the PUD. If the utility lines are not installed prior to recordation of the plat, then the Owner/Developer will need to submit a performance bond to cover the cost of the installation.

**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. The plat must include Parcel I, Tordal Estates.

**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 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

John and DeAnn Matza  
P.O. Box 7399-459  
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 SCS 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**

Due to the fact that the rezoning necessitates a transfer of development, action shall become effective when the PUD designation is signed by the BOCC and by the property owner or his agent and recorded in the office of the Clerk and Recorder, and after a transfer of development rights has been recorded pursuant to Section 3202.03 C.7. The applicant shall transfer all required development rights to the property within three years of the Board of County Commissioners meeting where action was taken on the planned unit development. If the applicant fails to complete the transfer of development rights within that time period, the approval of the planned unit development shall expire and become null and void.

**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 their potential impact should new design guidelines be established.

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

/S/ ROBERT H.S. FRENCH \*

\_\_\_\_\_  
Robert H.S. French, Chairman  
Summit County BOCC

ATTEST:

/S/ CHERI BRUNVAND \*

\_\_\_\_\_  
Cheri Brunvand, Clerk and Recorder

/S/ JOHN MATZA \*

\_\_\_\_\_  
John Matza  
Owner

/S/ DEANN MATZA \*

\_\_\_\_\_  
DeAnn Matza  
Owner

\* Denotes signatories to original PUD Designation

**APPROVAL OF AMENDMENTS**

The foregoing document is the Headwaters Planned Unit Development Designation, originally the SCS Planned Unit Development, as approved by the Summit County Board of County Commissioners on the 14th day of November, 2006 by Resolution No. 2006-91 and recorded under Reception No. 878681 in the Office of the Summit County Clerk and Recorder January 21<sup>st</sup>, 2008; and as amended by the Board of County Commissioners as follows:

<u>Resolution No.</u>	<u>Date</u>	<u>Reception No.</u>
2011-24	April 26, 2011	9661063

The Planned Unit Development Designation dated the 14th day of November, 2006 and originally recorded at Reception No. 878681 is hereby revised to incorporate the approved amendments as noted above and shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

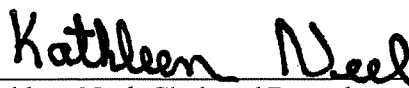
Adopted this 26th day of April, 2011.

BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO



  
Karn Stiegelmeier, Chair

ATTEST:

  
Kathleen Neel, Clerk and Recorder

**Exhibit A**

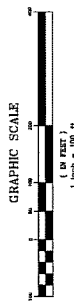
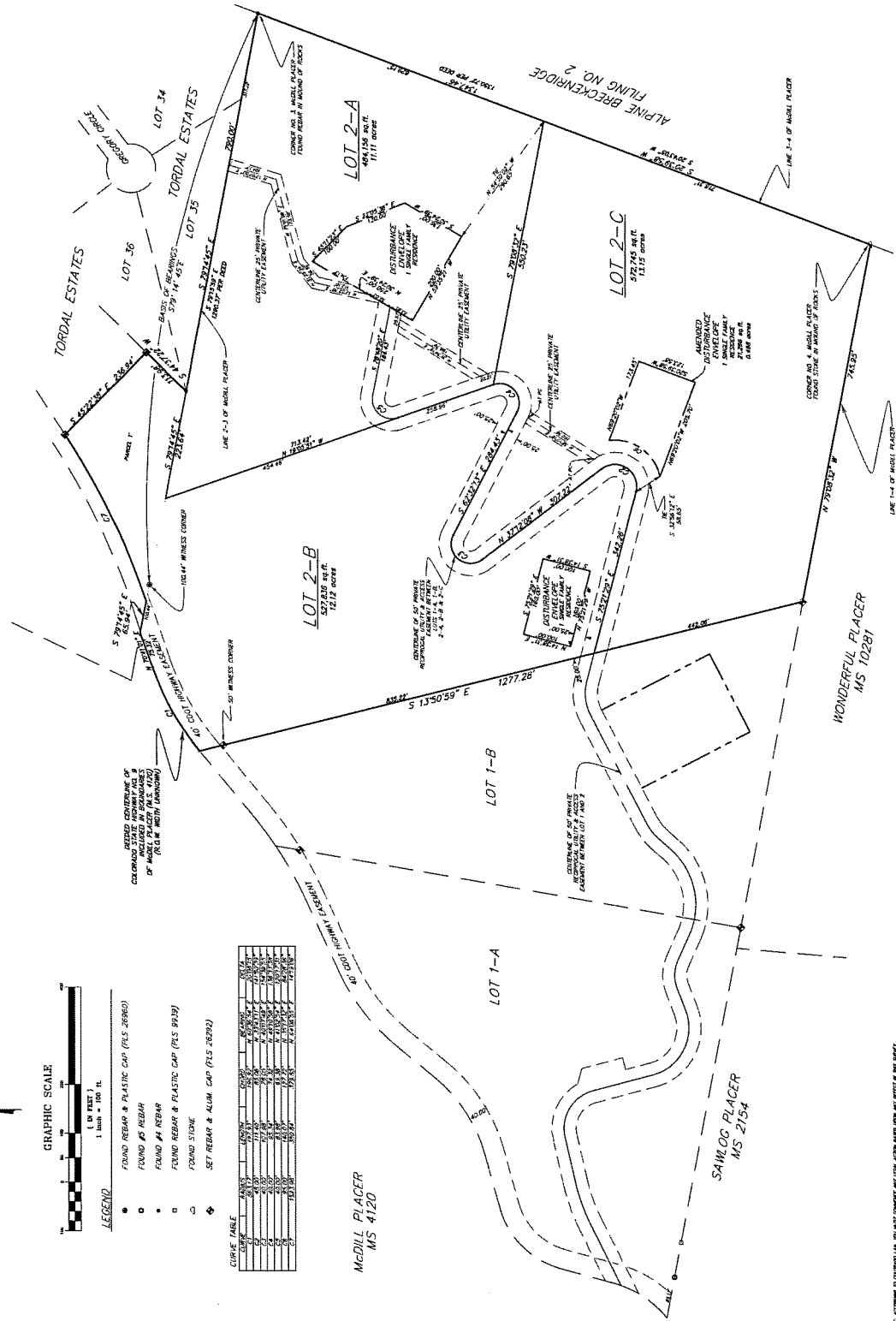
Lot 2-A, Lot 2-B, and Lot 2C, SCS PUD, a Resubdivision of Lot 2, McDill Placer East, a Portion of the McDill Placer, M.S. No. 4120 and Parcel I, Tordal Estates.



**EXHIBIT B OF THE HEADWATERS PUD**  
**LOT 2, McDILL PLACER EAST**  
**A PORTION OF THE McDILL PLACER, M.S. NO. 4120**  
**AND PARCEL 1, TORDAL ESTATES**  
 SUMMIT COUNTY, COLORADO



Project No.	4120
Client	McDILL PLACER
Surveyor	RICHARD W. S. S.
Scale	AS SHOWN
Date	10/20/21
Sheet	1 of 1



- LEGEND**
- FOUND REPAIR & PLASTIC CAP (P.L.S. 26260)
  - FOUND AS REPAIR
  - FOUND AS REPAIR
  - ◻ FOUND REPAIR & PLASTIC CAP (P.L.S. 59139)
  - ◇ FOUND STONE
  - ◆ SET REPAIR & ALUM CAP (P.L.S. 26292)

**CURVE TABLE**

STATION	CHORD BEARING	CHORD DIST.	TANGENT DIST.	CHORD CURVATURE	CHORD CURVATURE
1+00.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+10.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+20.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+30.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+40.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+50.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+60.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+70.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+80.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
1+90.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+00.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+10.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+20.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+30.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+40.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+50.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+60.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+70.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+80.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
2+90.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000
3+00.00	S 89° 51' 13" W	143.50	143.50	0.0000	0.0000

THIS PLAN IS PREPARED BY THE SURVEYOR ON THE BASIS OF FIELD NOTES AND DATA OBTAINED FROM THE SURVEY OF THE HEADWATERS PUD. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PUD PLAN SINCE IT WAS PREPARED. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE PUD PLAN SINCE IT WAS PREPARED.