

PROPOSED PUD DESIGNATION

**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 ___ day of _____ 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 that 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 Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Domestic Wastewater Treatment Plant
Pumpback Station
Equipment/Vehicle Storage Facility
Alternative Energy Facilities (ie. wind turbine, solar panels, etc.)
Employee Housing

In general, all uses shall be related to the primary purpose of the property, that being a 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, Section 3505.06.

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 per the shift with the highest number of employees. All vehicles shall be parked in existing designated parking areas as noted in the attached Development Plan (Exhibit B). 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/Developer shall dedicate a 30-foot wide public access easement on their portion of the property for the old Highway 9 alignment extending between Swan Mountain Road and Lake Dillon in order to provide continued public recreational access to Lake Dillon as noted in the attached Development Plan (Exhibit B). The Upper Blue Sanitation District is held harmless in the event of any accidents that may be incurred by the public while using this portion of easement that occurs on UBSD's property. Summit County government shall be responsible for maintenance and snow removal along this portion of easement in addition to the access that continues north to the lake.

5. Wetlands/Streams

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

6. Signs and Lighting

All signs shall comply with the Summit County 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 Summit County Land Use and Development Code and shall be full cut-off fixtures. Parking area lighting, walkway lighting, pathway lighting and street lighting shall also be full cut-off, downcast and confined to the site. All existing lighting shall be retrofitted to comply with the applicable provisions of the Summit County Land Use and Development Code prior to recordation of the subject PUD.

7. Outdoor Storage

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

8. Landscaping

Prior to the issuance of a certificate of occupancy for the North Plant Expansion, the Owner/Developer shall install the required landscape as shown in the attached Development Plan. As well, prior to the issuance of a certificate of occupancy, the landscaping shall be inspected in accordance with Section 3607 of the Code, and a financial guarantee will be required for the two-year warranty period as outlined in Section 3608 of the Development Code.

9. Site Plan Review

The North Plant Expansion of the wastewater treatment plant has been reviewed through the

minor 1041 permit process. Therefore, per Section 12602.01 of the Code, a formal site plan review is not required for said expansion because these two development review processes include the same detail as the site plan process. Any future expansions may be reviewed as an amendment to this PUD designation unless the expansion is significant enough to trigger a development review through the County's 1041 process.

Any future development shall be reviewed in accordance with the Summit County Land Use and Development Code for Planned Unit Developments.

10. Development Schedule

The Owner/Developer intends to develop the North Plant Expansion project as noted on the attached Development Plan within ___ months of approval of the subject PUD.

11. Building Architectural Design Standards

In general, any future development shall comply with the Summit County Land Use and Development Code for building design standards, keeping in mind that the current and intended use of the property and facilities is 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. **Future easement:** The Owner/Developer agrees to provide on their portion of property a public access easement extending between Swan Mountain Road and Lake Dillon in order to provide continued public access to Lake Dillon. See item #4 above under Development Standards.

2. Water Systems

Water supply for the development shall be provided by Town of Breckenridge via the 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 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 Fire 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 Summit County Regulations for any future development based on its use.

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:

Board of County Commissioners
P.O. Box 68
Breckenridge, CO 80424

Notice to Owner/Developer:

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 (name of PUD) 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

ATTEST:

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