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Cheri Brunvand - Summit County Recorder 10/22/2008 10:29 DF:0.00



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124



898185

Cheri Brunvand - Summit County Recorder 10/8/2008 14:36 DF:0.00

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* Reso and PUD designation is being re-recorded to include Exhibit B.

RESOLUTION NO. 2008 -

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

A RESOLUTION APPROVING PLANNING CASE 08-019, A MINOR PUD AMENDMENT TO THE GETZ PUD TO ALLOW FOR THE EXTENSION OF THE FENCE ALONG HWY 9 FRONTAGE ON LOT 1, GETZ SUBDIVISION ON 10.01 ACRES IN THE GETZ PUD, (Applicant: Marty Getz), and;

WHEREAS, Marty Getz has applied to the Board of County Commissioners for a Minor PUD Amendment to the Getz PUD to allow for the extension of the fence along Hwy 9 frontage on Lot 1, Getz Subdivision on 10.01 acres in the Getz PUD; and,

WHEREAS, the Planning Department has reviewed the application and recommend that it be approved; and,

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on May 13, 2008 with public notice as required by law and considered the evidence and testimony presented at the hearing; and,

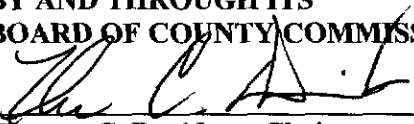
WHEREAS, the Board of County Commissioners finds as follows:

- A. The PUD modification is consistent with the efficient development and preservation of the entire PUD. The modification will only allow for an additional 200 feet of fence. The Colorado Department of Transportation no longer intends to build the wildlife crossing, therefore support the fence extension.
- B. The PUD modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest. The modification will not inhibit the ability of wildlife to cross the property.
- C. The PUD modification is not granted solely to confer a special benefit upon any person. The modification will allow for the extension of the existing fence to the South property line.
- D. The PUD modification is in general conformance with the goals, polices/actions and provisions of the Summit County Countywide Comprehensive Plan, the Joint Upper Blue Master Plan, and the Upper Blue Basin Master Plan.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies.
- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD. The PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

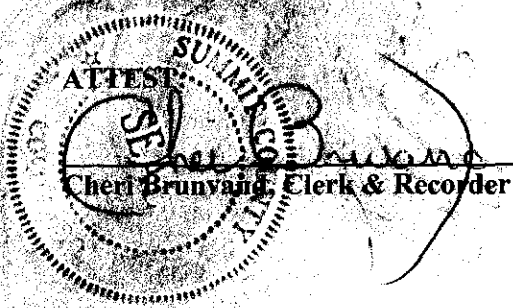
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT a Minor PUD Amendment to the Getz PUD to allow for the extension of the fence along Hwy 9 frontage on Lot 1, Getz Subdivision on 10.01 acres in the Getz PUD is hereby approved.

ADOPTED THIS 19TH DAY OF MAY 2008.

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



Thomas C. Davidson, Chairman


ATTEST

Cheri Brunvand, Clerk & Recorder

RESOLUTION NO. 2008 - 19

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

A RESOLUTION APPROVING PLANNING CASE 08-019, A MINOR PUD AMENDMENT TO THE GETZ PUD TO ALLOW FOR THE EXTENSION OF THE FENCE ALONG HWY 9 FRONTAGE ON LOT 1, GETZ SUBDIVISION ON 10.01 ACRES IN THE GETZ PUD, (Applicant: Marty Getz), and;

WHEREAS, Marty Getz has applied to the Board of County Commissioners for a *Minor PUD* Amendment to the Getz PUD to allow for the extension of the fence along Hwy 9 frontage on Lot 1, Getz Subdivision on 10.01 acres in the Getz PUD; and,

WHEREAS, the Planning Department has reviewed the application and recommend that it be approved; and,

WHEREAS, the Board of County Commissioners has reviewed the application at a public hearing held on May 13, 2008 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:

- A. The PUD modification is consistent with the efficient development and preservation of the entire PUD. The modification will only allow for an additional 200 feet of fence. The Colorado Department of Transportation no longer intends to build the wildlife crossing, therefore support the fence extension.
- B. The PUD modification does not affect, in a substantially adverse manner, either the enjoyment of land abutting upon or across a street from the PUD or the public interest. The modification will not inhibit the ability of wildlife to cross the property.
- C. The PUD modification is not granted solely to confer a special benefit upon any person. The modification will allow for the extension of the existing fence to the South property line.
- D. The PUD modification is in general conformance with the goals, policies/actions and provisions of the Summit County Countywide Comprehensive Plan, the Joint Upper Blue Master Plan, and the Upper Blue Basin Master Plan.
- E. The proposed PUD modification is consistent with the purpose and intent of the County's Zoning Regulations and Rezoning Policies.
- F. The proposed PUD modification is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
- G. The proposed PUD modification amendment is not substantial and conforms to the intent and integrity of the original PUD. The PUD modification has been determined to be a minor amendment in accordance with Section 12202.04.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SUMMIT, STATE OF COLORADO, THAT a Minor PUD Amendment to the Getz PUD to allow for the extension of the fence along Hwy 9 frontage on Lot 1, Getz Subdivision on 10.01 acres in the Getz PUD is hereby approved.

**GETZ
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the Getz PUD is approved this 26th day of August, 2002, and revised on May 13, 2008 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 the attached Exhibit A, here in after 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 Martin V. Getz and Jeanne J. Getz 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 residence and one caretaker unit as per the requirements stated in Section 3804 of the County's Land Use and Development Code.

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 defined in Section 3505.06 of the Summit County Land Use & Development Code.

2. Setbacks and Disturbance Limitations

The attached conceptual development plan (Exhibit B) establishes a building envelope and a disturbance envelope for the property. All buildings constructed upon the property shall be located wholly within the building envelope. Site disturbance outside of the disturbance envelope shall be limited to: (a.) grading and surfacing of the driveway; (b) installation of utilities; (c) installation of landscaping described herein; and (d) the construction of the entry feature and split rail fencing all as show on Exhibit B. A 25 foot building setback shall be maintained from all natural wetland areas and water bodies. Disturbance may occur within the manmade wetland areas associated with the Blue Danube Irrigation Ditch, and in such event, such disturbance shall be mitigated elsewhere on the property on a 1:1 ratio.

3. Parking

At least two (2) parking spaces shall be required for the residence. No parking shall be permitted on County roads. Parking for the caretaker unit shall comply with the parking requirements as stated in Section 3804.06 of the County's Land Use and Development Code.

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.

5. Open Space and Trails

A Public Use Area fee of \$575 is required prior to recordation of the plat. The pathway that exists in the Colorado State Highway 9 right of way adjacent to this property is part of the old Summit County bike path system. This is a potential location route proposed for winter recreational use. The proposed access to the property shall not disrupt the pavement surface level of the pathway.

6. Design Standards

The single family unit and accessory structures shall be designed with:

- ❖ natural materials and colors so that the structures blend visually with the forest;
- ❖ stepped building foundations on slopes 20% or greater so that buildings fit with the natural terrain to the greatest extent practicable;
- ❖ building mass that is broken into distinct, smaller forms including facades and rooflines;
- ❖ 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;
- ❖ lighting for the exterior of the buildings or any freestanding lights that comply with the Summit County Lighting Regulations as now in effect or hereinafter amended, 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 one (1) unit permitted under this Designation.

8. Landscaping

Landscaping shall include the construction of berming between the residential structure and Colorado State Highway 9, as shown on Exhibit B. The berm shall utilize the planting of sage, other native ground cover (at a density currently found naturally on the existing site), and the planting of evergreen trees for visual screening within the existing area of sparse trees in the area

as shown on Exhibit B. The berm shall be completed prior to the placement of the foundation walls in order to screen the construction phase of the proposed development. All areas disturbed by construction shall be revegetated free of weeds, as identified by the County as *invasive*, *noxious*, or otherwise, nuisance weed species prior to the issuance of any building permit except as provided in Section 3606.01 of the County's Land Use and Development Code.

9. Entry Feature/Fencing

The subject property is allowed one entry feature made out of natural material. Buck and rail fencing (top rail may not exceed 36" in height) may be utilized along the Highway 9 frontage.

10. Wildlife Protection

In order to ensure that a wildlife corridor is maintained through the property from east to west, a) no site disturbance, grading, or other activity that would inhibit or discourage wildlife from inhabiting such area shall occur; and, b) no structure shall be placed within the southerly 200 feet of the property. The foregoing notwithstanding, wetland areas may be expanded or created adjacent to the Blue River in the southerly 200 feet of the property. A fence which is approved by the Colorado Division of Wildlife and which meets all applicable parts of this PUD and of the Development Code may be permitted within this area.

Domestic pets shall not be allowed to run loose on the property and shall be kept indoors or within a fenced area at night; pet food shall not be left outside; garbage shall be kept indoors or in animal proof containers; no feeding of wildlife, other than songbirds, shall occur without the approval of Summit County; bird feeders shall be placed out of reach by other wildlife species; and all gardens shall be fenced to guard against wildlife.

C. REQUIRED IMPROVEMENTS

1. Access

Access shall be provided by a driveway as shown on the conceptual development plan meeting all County standards.

2. Water Systems

Domestic water supply shall be provided by an individual well permitted by the State Engineer. Prior to execution and recording of this designation, the applicants shall obtain approval of an augmentation plan and water court decree which provides a guarantee of adequate domestic water supply for the intended use.

3. Sewer Systems

Sewage disposal shall be provided by the Breckenridge Sanitation District. Sewer systems shall be designed to minimize the removal of existing trees to the greatest extent practicable, with such plans reviewed and approved by the County concurrent with its plat review.

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.

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.

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

Martin and Jeanne Getz
880 Beachwalk Blvd.
Conroe, TX 77304

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 Getz 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/ Thomas A. Long, Chairman
Thomas A. Long, Chairman
Summit County BOCC

ATTEST:

/s/ CHERI BRUNVAND, CLERK & RECORDER
Cheri Brunvand, Clerk and Recorder

/s/ MARTIN V. GETZ
Martin V. Getz
Owner

/s/ JEANNE J. GETZ
Jeanne J. Getz
Owner

APPROVAL OF AMENDMENTS

The foregoing document is Getz Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 26th day of August, 2002, and recorded at Reception No. 728832 and as amended by the Summit County Board of County Commissioners as follows:

Resolution No.
08-

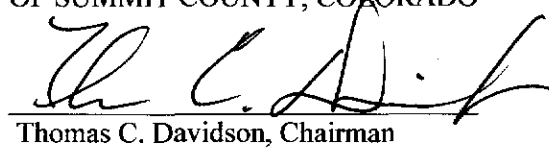
Reception No.

Date
May 13, 2008

The planned unit development document dated the 26th day of August, 2007, and recorded at Reception No. 728832 and 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 Getz Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 13th day of May, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Thomas C. Davidson, Chairman

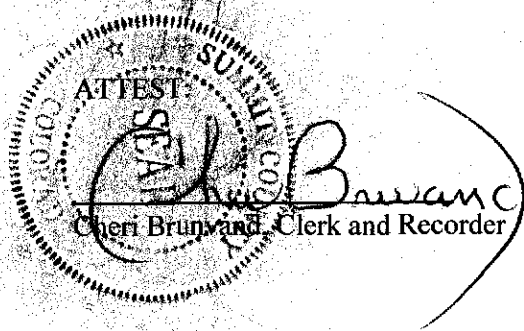


Exhibit A

TRACTS D TRACT E: A PORTION OF THE MONROE PLACER M.S. 1150 AND A PORTION OF TRACT 9, SECTION 6, TOWNSHIP 6 SOUTH, RANGE 77 WEST OF THE 6TH PRINCIPAL MERIDIAN, SITUATED IN THE COUNTY OF SUMMIT, STATE OF COLORADO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH ¼ CORNER OF SAID SECTION 6, WHICH POINT IS IN FACT THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 42' 11" WEST 348.37 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF COLORADO STATE HIGHWAY NO. 9; THENCE NORTH 37 DEGREES 37' 00" WEST 800.62 FEET ALONG SAID RIGHT OF WAY; THENCE SOUTH 89 DEGREES 42' 11" EAST 831.02 FEET TO A POINT ON LINE 4 – 5 OF SAID MONROE PLACER; THENCE SOUTH 16 DEGREES 44' 04" EAST 495.34 FEET ALONG SAID LINE 4-5 TO CORNER NO. 5 OF SAID MONROE PLACER; THENCE SOUTH 38 DEGREES 16' 46" EAST 196.34 FEET; THENCE SOUTH 89 DEGREES 17' 33" WEST 258.25 TO THE TRUE POINT OF BEGINNING.

