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Cheri Brunvand - Summit County Recorder 5/2/2008 16:46 DF:0.00



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HIGHLAND MEADOWS PLANNED UNIT DEVELOPMENT DESIGNATION

The Highland Meadows Planned Unit Development Designation, hereinafter referred to as the "Designation", was originally approved on the 26th day of November, 1990, and subsequently amended on the 24th day of November, 1997, the 14th day of June, 1999, the 25th day of June, 2001, and the 26th day of April, 2004 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," is hereby further revised this 8th day of April, 2008. This Designation establishes the land uses and density that shall be permitted within the Property, a general development plan, development standards and conditions that must be adhered to by Farmer's Korner Inc., 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. This planned unit development Designation applies to certain real property located in Summit County and described in the attached Exhibit A, hereinafter referred to as the "Property."

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 Development Code. Use and development of the Property shall be in accordance with the specific requirements of this Designation and in substantial compliance with the PUD Plan attached hereto as Exhibit B.

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

The overall goal of the Highland Meadows PUD is to provide a rural, low density, single family residential development while preserving the open meadows and wetlands that are located in the easterly portion of the site. Permitted uses shall include:

- a. A maximum of 30 single-family residential estates lots.
- b. Caretaker units meeting the applicable criteria of the Development Code.
- c. Accessory apartments are expressly prohibited.

All development shall be limited to platted building envelopes on the individual lots. With the exception for construction of driveways, installation of utilities, and limited landscaping as provided for below in Section 2d, no uses or site disturbance of any kind, including fencing, shall be located outside of platted building envelopes. All areas within platted lots but outside platted building envelopes are considered private open space. Operation of snowmobiles, ATV's, dirt bikes, or any other motorized vehicles outside of building envelopes or on any tracts of open space is prohibited.

Overall Design Standards

Final, specific locations of residential building envelopes and their encompassing lots, roads, common driveways, utility corridors, etc. shall be determined and approved by the County at the time of preliminary and/or final plat review for each stage of development. The following design guidelines/criteria will serve to guide the detailed planning for each subsequent phase of development.

a.) Building Envelopes

- All building envelopes shall be compact to minimize to the greatest extent possible site disturbance on individual lots and in no event shall exceed 10,000 sq.ft. in size.
- All building envelopes shall be designed to maximize use of existing stands of trees to screen the structure from neighboring uses to the east and the Highway 9 view corridor. The intent of this provision is to design the envelopes so that the structures are located in clearings surrounded by existing trees that can be retained for screening purposes to the greatest extent possible. Where existing trees outside of platted building envelopes must be removed for utility installation, they shall be identified on the applicable site plan or subdivision plat and shall be replaced using a ratio of 1:1 based on tree caliper. For example, an existing 8" caliper tree shall be replaced by any combination of new trees with a cumulative caliper of 8", so long as all replacement trees have a minimum caliper of 2".
- All envelopes shall maintain a minimum 25 foot no-soil disturbance buffer around any wetlands within the area to be platted for single family lots. A 300 foot buffer shall be maintained between any building envelope and the wetlands within the main meadow area. Under no circumstances shall there be any encroachment into the 25 foot buffer except in those instances where it is necessary to construct driveways and/or utility corridors, and only when such construction can be conclusively proven to minimize overall site disturbance to a significant degree. Under no circumstances shall any encroachment be allowed into the 300 foot wetland buffer.
- All building envelopes shall avoid areas with slopes in excess of 30% natural grade. Notwithstanding the foregoing, if such slopes of 30% or more cannot be reasonably avoided in the present location of any situated building envelope, an Owner may modify the building envelope location. Said modification to the building envelope location may infringe on areas with 30% slopes or greater, provided such location and design further important master plan goals, minimize visual impacts to the highest degree feasible, and otherwise comply with all standards and guidelines set forth in this PUD.
- Building envelopes shall be designed so that natural drainage patterns are not altered.
- Roof, deck, and other similar overhangs must stay within platted building envelopes.
- Fences, privacy screens, and dog runs shall be incorporated into the architectural design of the residence and be attached to the residence. Fences shall not exceed 42 inches in height and shall be designed to comply with Colorado Division of Wildlife standards for wildlife permeable fencing.
- Barb wire, electrified wire, chain-link, or chicken wire fencing is prohibited. To ensure the viability of the wetlands and wildlife movement corridor(s) for continued use by wildlife populations in the area, electronic dog fencing shall be located where it restricts dog use to the area encompassed in the platted building envelope.

b) Roads & Driveways

- All roads and common driveways shall be constructed by the Owner/Developer. All roads and driveways shall be built to applicable Summit County Road & Bridge standards. Roads shall be paved and driveways shall be surfaced with either paving, concrete, or concrete pavers.
- No road or driveway shall cross any open space tract or other lot, except as in easements shown on the approved final plat for this development.
- All road and common driveway cuts and fills shall maintain a maximum grade of 2:1 and be revegetated by the Owner/Developer as per the applicable requirements of the Development Code.¹ In areas where cuts and fills are visible from the Highway 9 view corridor or Lakeview Meadows, revegetation shall include planting trees as per a landscaped plan approved as part of any future subdivision application.
- All roads and driveways shall be sited on slopes less than 30% grade in accordance with applicable County regulations.
- All roads shall be paved by the Owner/Developer as part of the subdivision approval. Common driveways shall be surfaced as per the specifications stated above by the Owner/Developer following completion of each residence.
- Road cuts and fills shall be limited to a maximum width of 75 feet. Where existing topography will not allow such cuts and fills to be constructed within this 75 foot wide corridor while maintaining a 2:1 maximum slope, such slopes shall be retained in the following manner:
 - ◆ Retaining walls shall be constructed of either Wolmanized timbers (brown color only), indigenous boulders, drystack stone, or walls with stone veneer. Such walls shall be engineered by a registered professional engineer with acknowledged expertise in structural engineering.
 - ◆ Such retaining walls shall not exceed two (2) courses with a maximum height per course of four (4) feet where each terrace shall have a minimum width of four (4) feet with a maximum slope of 3:1.² Such terraces shall be landscaped and irrigated as per a landscape plan approved as part of any site plan or subdivision application that includes such walls.

c) Architectural Design Standards

- The design of individual residences shall reflect the Upper Blue Basin's mining and ranching history. Exterior materials shall primarily consist of wood (i.e. beveled, T&G, board & batten), stone (synthetic and/or natural using muted colors is acceptable), logs, heavy timbers, and shingles. The following types of siding are not acceptable; plywood including T-1-11, ferro cement, block, brick, angled siding, composite board/hardboard, concrete. Building exteriors shall be subdued and use natural colors (either painted or stained), and shall be finished so as to be non-reflective. High contrast color schemes are prohibited. Mirrored or highly reflective glass shall be prohibited and outside lighting limited to driveways and walkways. Exterior light fixtures, including but not limited to accent lighting and driveway lighting, shall be designed with full cut-off luminaires.
- Large, unbroken planes of a single material must be avoided. Recessed and projecting design elements (i.e. bays, covered entries, chimneys, roof projections, porches, etc. shall be used to

¹ 2:1 grades shall be defined as one (1) foot of vertical rise for each two (2) feet of horizontal run.

² 3:1 slope is defined as one (1) foot of vertical rise for each three (3) feet of horizontal run.

break up the elevations and create architectural/visual interest. Mansard, gambrel, or A-frame roofs are prohibited. Roof pitches must be between 4:12 and 12:12. Flat roofs, or roofs with a pitch of less than 4:12, may only be used only as a minor element to link major building components. Acceptable roof materials are either architectural grade composition shingles, cedar shake shingles, or factory finished, standing seam metal. All dormers shall either be gabled or in shed form.

- All units shall have at a minimum a two car garage but all garages are limited to a maximum square footage as permitted by the Development Code for single-family homes. No carports or carport type structures are allowed. Storage sheds, tarpaulin covered storage, or tree houses are prohibited. Recreational vehicles, boats, ATV's, and trailers shall be stored either inside or within a screened storage yard that lies within the platted building envelope. General storage in un-screened areas is prohibited. No structures, equipment, signage, or similar elements shall be nailed or mounted on trees.

d.) Landscaping

- Landscaping shall be located within the disturbance envelopes to the extent practicable. The planting of trees and shrubs is permitted outside of the disturbance envelope provided the holes are dug by hand and the trees are planted by hand. Revegetation of approved disturbances outside of the disturbance envelopes is permitted. Areas needing revegetating due to sparse ground cover is permitted provided such revegetation is with native vegetation, and all work is done by hand.
- No landscaping is permitted within the wetland setbacks or wetlands.
- All newly landscaped areas constituting of new trees and shrubs, shall be drip irrigated and a plan for such irrigation included in any required landscape plan. Grass areas or other formal planting areas within the disturbance envelope may be irrigated.
- All disturbed areas shall be revegetated in a timely manner with a mix of native grasses and flowers to be specified on any required landscape plan. On slopes in excess of 3:1, such revegetation shall include appropriate slope stabilization/erosion control measures and shall be included on any required landscaping plan.
- Xeriscape landscaping is encouraged using native plant materials. Minimum plant sizes shall be as follows; conifers, six feet in height, deciduous trees, 2" in caliper, shrubs, in five gallon sizes.
- Prior to the commencement of any site work on individual lots the limits of site disturbance shall be delineated by a minimum four foot high, high visibility fence. Existing trees and/or shrubs to be preserved as per any approved landscaping plan shall also be fenced up to their drip line. Such fencing shall be maintained in a functional condition during the life of the construction.
- Where necessary to preserve natural grade around existing trees and/or shrubs to be retained as per any approved landscaping plan, retaining walls meeting the requirements established under this PUD Designation shall be identified on said landscaping plans and constructed as part of the required site improvements.
- All landscaping shall comply with the applicable Landscaping Regulations of the Development Code relating to single-family development.

B. DEVELOPMENT STANDARDS

1. Building Height

Building and structure height shall be restricted to 30 feet as measured by the Development Code, including but not limited to the allowance for appendage height to exceed the maximum roof height by a set percentage.

2. Setbacks

Building envelopes meeting the criteria in Section A.2 of this PUD Designation shall be designated at the preliminary plat stage. Unless justified by the need to protect environmentally and visually sensitive areas, all building envelopes shall maintain a minimum 25 foot setback from all front and rear property lines and a 15 foot setback from all side property lines. The 300 foot wetland buffer on Lots 27-30 shall constitute a building restriction line. No soil disturbance, construction of any kind of structures, or installation of any kind of improvement including fencing is allowed within this buffer. Finally, a no soil disturbance zone based on a 25 foot setback from any other wetlands within the PUD shall be maintained at all times and incorporated into the design of all building envelopes subject to such a requirement.

3. Parking

At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Designated Open Space Areas

a. Open space areas: The open areas as shown conceptually in Exhibit B shall be remain exclusively as undisturbed open space and shall be maintained as part of a open visual corridor. No development of any kind is allowed in these areas with the exception for the construction of roads and utility lines consistent with the conceptual development plan shown in Exhibit B.

b. Public use areas: Pursuant to Section 8601 of the Development Code, the Owner/Developer is required to provide lands for public use or pay an in-lieu-of fee of \$575 per lot or as hereinafter amended. Dedication of such lands and/or payment of fees is required prior to recordation of a final plat for the site.

5. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer is required to obtain 404 permits as required by the U.S. Army Corps of Engineers where necessary for construction of roads, common driveways, and utilities as indicated in the conceptual development plan shown in Exhibit B. All other wetland areas, and their associated buffers as identified in this document, shall remain free of any and all development/site disturbing activities. Construction of said roads, common driveways, and utilities shall comply with applicable Corp of Engineer specifications for maintaining the

viability of such wetlands. Finally, all plans for such construction shall include Colorado Division of Wildlife approved measures for precluding future beaver activity in areas with culverts and/or susceptible to ponding.

6. **Animal Restrictions**

Animals are permitted as accessory uses for the private use and enjoyment of single family homeowners subject to regulations established in the Development Code for the R-1 zoning district, with the exception that the keeping of horses, other livestock, or poultry is prohibited. Due to the proximity of Highland Meadows to critical elk range and other important wildlife habitat, the Owner/Developer shall develop rules and regulations in cooperation with the Colorado Division Wildlife which, at a minimum, shall require that any animal on the Property shall be kept on a leash when outside its owner's house and include requirements for dog runs. Pets shall be prohibited from construction sites. Said rules and regulations shall be incorporated into the protective covenants for the Highland Meadows PUD at the time the final plat is approved and shall authorize both the homeowners association, the Colorado Division of Wildlife, and the County to enforce said rules and regulations pertaining to dog ownership, including the imposition of fines for violations of said rules and regulations.

7. **Trash Storage**

To prevent trash from becoming an attractive nuisance for bears in the area all outdoor storage of trash, with an exception for the day of pick-up, is prohibited.

C. **REQUIRED IMPROVEMENTS**

1. **Access**

a. Roadways: Access to the property and platted building sites shall be provided by roads and driveways built to all applicable County Road & Bridge standards. The access off Highway 9 shall meet all requirements of the State Highway Department which may include combining the access with other accesses on the west side of the highway. In addition, those intersection improvements identified in the traffic impact analysis prepared by Feldsburg, Holt & Ullevig dated September, 1997 and attached as Exhibit D, or equivalent improvements as approved by the County Engineer, shall be included as part of any preliminary plat application with provisions for adequate financial guarantees as per the requirements of Section 8602 et.seq. of the Development Code.

b. Future easement: The Owner/Developer agrees to provide a road and utility access easement extending between Highway 9 and the Highland Meadows PUD and upper portion of the Alpensee #1 Subdivision as required to provide access to those areas at such time as the existing road access via Summit County Road 980 is no longer available.

2. **Water Systems**

Water supply for the lots in Highland Meadows shall be provided by a central water system. If such a system is provided by the Town of Breckenridge, construction of all system improvements shall comply with all applicable Town requirements. If central water service is provided through an independent water district, the Owner/Developer shall obtain written approval from the Colorado Health Department for construction and operation of a public water

system along with approval from the Board of County Commissioners pursuant to CRS 32-1-203(2.5) prior to the submittal of any preliminary plat application filed under the auspices of the Highland Meadows PUD. In either case, adequate fire flows shall be provided as determined by the Red, White and Blue Fire Protection District.

3. Sewer Systems

The site is located in the Breckenridge Sanitation District and all lots shall be served by central sewer. All sewage disposal facilities for the PUD shall meet all applicable requirements of the 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 the 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 submitted with any future preliminary plat application. Approval of the plan by the State Forester's Office shall be concurrent with approval of the preliminary plat application. The plan 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 each final plat. An access road which shall serve the upper lots of the Alpensee #1 Subdivision shall be dedicated as a public access easement.

D. IMPLEMENTATION

1. Platting Requirements

a. Preliminary and final plats: A preliminary and final plat shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Development Code unless such standards and requirements are specifically waived or modified by the terms of this Designation.

2. Site Plan Review

Site Plan reviews shall be conducted in accordance with the requirements of the Development Code.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of the Highland Meadows 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 requirement stated in the Highland Meadows 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 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 the Highland Meadows 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
PO Box 68

Notice to Owner/Developer

Farmer's Korner Inc.
Laurence E. Smith, President

Breckenridge, CO 80424

PO Box 127
Frisco, CO 80443

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 Highland Meadows planned unit development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the 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 Development Code or other regulations otherwise applicable to the development of the Property.

7. Relationship to the Original PUD Designation & Previous Amendments

To the extent the provisions of this revised PUD Designation are the same in substance to the provisions of earlier approved versions, they shall be considered as continuations thereof and not new enactments. Where provisions of this revised PUD Designation conflict with earlier approved versions, the provisions of this revised PUD Designation shall supersede and replace such provisions.

8. PUD Review Requirements

The 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 as established under Chapter 12.

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/ MARSHA W. OSBORN *

Marsha W. Osborn, Chairman

ATTEST:

/S/ COLLEEN RICHMOND*

Colleen Richmond, Clerk & Recorder

FARMER'S KORNER, INC.

/S/ LAURENCE E. SMITH *

Laurence E. Smith

* Denotes signatories to original PUD Designation

APPROVAL OF AMENDMENTS

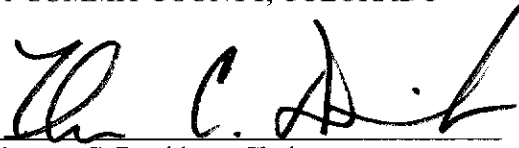
The foregoing document is the Highland Meadows Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on the 26th day of November, 1990 by Resolution No. 90-100 and recorded under Reception No. 398876 in the Office of the Summit County Clerk and Recorder November 26, 1990; Resolution No. 90-100, and as amended by the Board of County Commissioners as follows:

<u>Resolution No.</u>	<u>Date</u>	<u>Reception No.</u>
97-135	11/24/97	553522
99-75	6/4/99	600155
2001-67	6/25/01	687158
2004-40	4/26/04	755424
2008-21	4/8/2008	886848

The Planned Unit Development Designation dated the 26th day of November, 1990 and originally recorded at Reception No. 398876 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 8th day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


Thomas C. Davidson, Chairman

ATTEST:


Cheri Brunvand, Clerk and Recorder

