

**SELDOM ACRES  
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Planned Unit Development Designation, as Seldom Acres, approved on the 28th day of February, 1994 and revised on the 14<sup>th</sup> day of July, 1997, is hereby revised on March 8, 1999 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 Sam McCleneghan 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**

Four single family units and any of the permitted accessory and conditional uses of the RU zoning district as described in the Summit County Land Use and Development Code now in effect or hereafter amended.

**2. Outlot A**

Outlet A is for the possible future use of Lot 123, Leo #2 Subdivision. Outlot A will be zoned for open space and will require rezoning for any use to occur on site.

**B. DEVELOPMENT STANDARDS**

**1. Building Height**

Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code.

**2. Setbacks**

Building envelopes shall be designated at the preliminary plat stage, avoiding the 100 year floodplain and wetlands. There shall be a 25 foot setback from the Blue River. The RU zone district lot line setbacks of 50 feet for the front and 35 feet for the sides and rear shall be incorporated into the building envelope designation.

Lot 3 in Seldom Acres will be allowed to build a storage unit outside of the building envelope in order to preserve the large lodgepole pine trees on site. This storage unit shall be approved through Staff review of the site plan to insure that the structure meets all of the requirements of the PUD. This review will also confirm that the structure will have the same setbacks from the property line as the currently platted building envelope and that the structure will be screened from Highway 9. The storage building will be restricted to the south west portion of the lot and south of the driveway and will not exceed 800 square feet in size.

**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 common open space area as shown conceptually in Exhibit B shall be used exclusively for the enjoyment of the Seldom Acres residents. No development will be allowed in this designated area.
- b. **Public use areas:** Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer is required to provide lands for public use or pay a public use fee per unit. In lieu of providing lands for public use, payment of fees is required prior to recordation of the final plat for the site. Additionally, the property shall not be fenced or otherwise obstructed so as to prohibit individuals from navigating the Blue River. Fishing shall be allowed while individuals are navigating the Blue River in a floating vessel. In addition, access shall be allowed in accordance with the management plan attached and incorporated herein as Exhibit C.
- c. **Future recreational pathway right-of-way:** The Owner/Developer agrees to dedicate a right-of-way for a recreational pathway generally following the old railroad bed, the centerline of which is shown on Exhibit B, should the County determine that a need for such right-of-way arises in the future.
- d. **Private Open Space:** The area described as the north parcel of Government Lot 12 as shown on the second page of Exhibit A, will be retained as open space for use by the owner of Lot 4R in this PUD.

**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 wherever necessary for roads and utilities. Wetland areas should remain free of development other than roads and utilities. Building envelopes shall be designated on the preliminary plat avoiding the designated wetlands.

**6. Animal Restrictions**

Dogs and cats are permitted subject to the guidelines established by the Summit County Land Use and Development Code for the RU zone district. Given the proximity to the Blue River, the keeping of livestock and poultry shall be prohibited.

**7. Signs**

All signs must comply with the Summit County Sign Regulations in the Land Use and Development Code.

**C. REQUIRED IMPROVEMENTS**

**1. Access**

Access to the property and to all building sites shall be provided by a driveway built to applicable County standards. The access off Highway 9 shall meet all requirements of the State Highway Department.

**2. Water Systems**

Water supply for the development shall be provided by onsite wells. Adequate fire flows shall be provided as determined by the Red, White, and Blue Fire District.

**3. Sewer Systems**

Sewer service shall be provided by the Breckenridge Sanitation District in accordance with Section 8108.01.6. For the buildings not required to connect to the Breckenridge Sanitation

District sewer line, sewage disposal shall be provided by onsite septic.

**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 District.

**5. Landscaping**

Revegetation of all disturbed areas shall be provided in accordance with the Summit County Grading and Excavation Regulations.

**6. Vegetation Management**

A vegetation management program to reduce wildfire hazard and to enhance wildlife habitat and tree vigor on the property shall be prepared with the planning staff and applicant's agreement to be approved by the Colorado State Forester.

**7. 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 the final plat.

**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 Summit County Land Use and Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

**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 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 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). Actions in any proposed amendment shall be taken by the Summit County Board of County Commissioners, after conducting a public hearing for which notice has been published at least 30 days prior in a newspaper of general circulation and mailed to all property owners within and abutting this planned unit development.

**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

Sarr McClenaghan  
P.O. Box 1012  
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 Seldom Acres 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**

This designation must be signed by both the Summit County Board of County Commissioners 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. Relationship to Original PUD Designation and Previous Amendments**

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

**9. 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 shall insure that information necessary for the periodic review is made available to the County within the time frames as may be established in Chapter 12. The Owner/Developer further understands that failure to provide the necessary information or to proceed with the review process may result in development approvals within the PUD being withheld.

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/ Rick Hum

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Rick Hum, Chairman

ATTEST:

/S/ Doris Brill

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Doris Brill, Clerk and Recorder

/S/ Sam McCleneghan

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Sam McCleneghan, Applicant

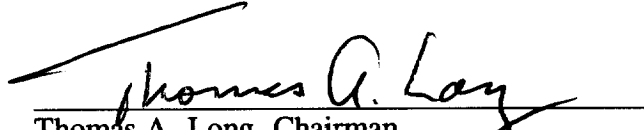
**APPROVAL OF AMENDMENTS**

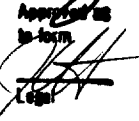
The foregoing document is the Seldom Acres Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 8<sup>th</sup> day of March, 1999, by Resolution No. 99-23.

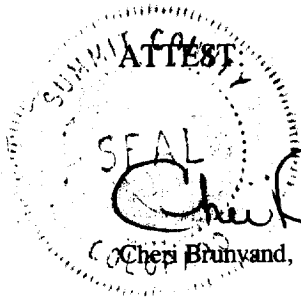
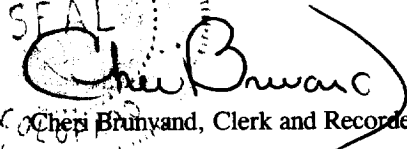
The planned unit development document dated the 26<sup>th</sup> day of May, 1994 and recorded at Reception No. 468738 and revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 8th day of March, 1999 .

**BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY, COLORADO**

  
Thomas A. Long, Chairman

Approved as  
to form  
  
Clerk

  
ATTEST:  
SEAL  
  
Cheri Brunvand, Clerk and Recorder



## EXHIBIT C

Regarding Seldom Acres Subdivision, the following is an outline of how the Owner/Developer shall manage a level of public fishing:

- 1) The Owner/Developer will pay for and erect appropriate signage designating fishing by written permission only, the Owner/Developer's phone number, property boundary, parking area and the like.
- 2) Direct interested fishermen to contact the Owner/Developer to receive their permission slips, dates for fishing, etc. As part of their written permission forms, will be a map of the property, instructions and a return survey form.
- 3) The Owner/Developer intends to start by limiting the number of fishermen to between two to four persons per day. Fly fishing only. Catch and release only except that children may keep trout as allowed by the Colorado Division of Wildlife. No fee will be charged and no outfitting will be allowed.
- 4) The Owner/Developer will tabulate response forms in order to judge how well or poorly the fishery is responding to the fishing pressure.
- 5) The Owner/Developer will do this program for at least a period of three years from the date of plat recordation. The Owner/Developer reserves the right to modify the program, to adjust for seasonal conditions and to maintain a quality fishery.
- 6) At the end of three years, the Owner/Developer will supply all data collected to Summit County for their use. The Owner/Developer will review the program at that time. Managed access will be controlled by the homeowners association and before the homeowners association makes its decision to modify, discontinue or expand the program, the homeowners association will consult with the County Recreation Planner and the Colorado Division of Wildlife officer for Summit County.