



**SUMMERWOOD  
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Summerwood Planned Unit Development Designation, hereinafter referred to as the "PUD Designation" originally approved the 21st day of April, 1981 by the Board of County Commissioners of Summit County, Colorado, and revised on the June 18, 1984, December 12, 1988, June 26, 1989, October 23, 1995, June 14, 2005, and April 11, 2006, is hereby revised on the 11<sup>th</sup> day of October, 2022. This PUD Designation is for certain real property located in the County as described in attached Exhibit A, hereinafter referred to as the "Property".

The PUD Designation establishes uses permitted on the Property, its development plan and phasing, and specific development regulations which must be adhered to by C-Triple G, Inc. and its successors and assigns, who is owner and developer, 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". Where this PUD Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code (the "Code"), the provisions of the Code shall apply. Where the PUD Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Code.

**A. USES PERMITTED AND DEVELOPMENT PLAN**

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

**1. Permitted Uses and Density**

**a. Numbers of Units and Density<sup>1</sup>**

The permitted uses for the Property shall be 118 residential dwelling units and a 10,000 square foot Sports Facility with two outdoor sports courts, with a project density of 1.39 units per acre. The 118 residential dwelling units shall consist of:

1. 41 single family dwellings
2. 27 duplexes (54 units)
3. 19 multi-family dwellings
4. 4 employee housing units (these units are not counted in density calculation).

**b. Sports Facility and Maintenance/Storage Building**

The permitted use of the Property shall include the following uses in locations as shown on Exhibit B: 1) an Association Clubhouse, Conference Room and Sports Facility, up to 10,000 square feet in total size, and associated accessory facilities and uses, including a lounge, changing rooms, pool, jacuzzi, sports courts, sauna, racquetball court, exercise room and conference area, dining area and three deed restricted employee housing units, if desired; with the use of such facility limited to

<sup>1</sup> The permitted uses and density section was amended in order to reflect the revisions to the PUD that occurred on May 29, 1990 (Reception number 388645) that were not included in the October 23, 1995 and June 14, 2005 PUD amendments.

the Association, any Owner/Developer or invitees of the Owner/Developer (the "Sports Facility"); and 2) a building and grounds maintenance facility for all operations, maintenance, storage and related uses, and a deed restricted employee housing unit per Section 3809 of the Summit County Land Use and Development Code.. Any construction, expansion, remodel or redevelopment of the subject Association facilities shall be subject to a Class 2 site plan review.

The deed restricted employee housing units to be contained within the Sports Facility shall comprise a total of up to 3,000 square feet and the deed restricted employee housing unit to be contained within the Maintenance/Storage Building shall comprise a total of up to 1,000 square feet.

**c. Employee Housing**

The Summerwood Planned Unit Development allows for, but does not mandate, the development of four deed restricted employee housing units as part of the overall limit of 118 dwelling units in the Summerwood PUD. Any unit built pursuant to this allowance for deed restricted employee housing, and restricted accordingly through a covenant between the Owner/Developer and the County, in form satisfactory to the County and executed prior to Certificate of Occupancy of said unit, shall not count toward the overall density allocation for the Property as set forth in sub-section a. above.

**d. Caretaker Units**

Caretaker Units shall be permitted in single family units in the Summerwood PUD subject to the criteria in this section. Caretaker Units are not to be offered or used as guest quarters, occupied by the property owner, or rented on a short-term basis. Caretaker Units shall be occupied on a full-time basis for a minimum of six (6) consecutive months by relatives or employees of the owner of the property where the unit is located, who provide security and/or caretaker services on the property, Qualified Occupant(s) as defined in the Summit County Housing Deed Restrictions Guidelines (Guidelines) as duly adopted and amended from time to time, long-term occupancy by relatives of the property owner, or persons meeting the eligibility criteria in the Guidelines. Caretaker Units shall comply with the following criteria:

1. Each Caretaker Unit shall be provided with at least one parking space in addition to the parking spaces required for the single-family unit.
2. The property owner shall pay additional water and/or sewer tap fees and charges for the Caretaker Unit if so required by the supplier of water and/or sewer service.
3. The floor area of the Caretaker Unit shall not exceed 750 square feet.
4. The property owner shall record a covenant against the subject property restricting use of the unit and granting enforcement power to Summit County. Said covenant must meet County requirements and be reviewed and approved by the County prior to recordation.
5. Units which contain a Caretaker Unit shall retain a single-family character in both function and design.
6. No single-family unit shall have more than one Caretaker Unit.

In addition to the above criteria, a Caretaker Unit shall have a separate kitchen, with cooking appliances consisting of, at a minimum, a fixed cooktop and may have

a separate entrance from that of the single-family unit with which it is associated. It is the property owner's responsibility to ensure the use and occupancy of a Caretaker Unit located on the property owner's property complies with the requirements of this section. Each Caretaker Unit shall be administratively reviewed and approved by the Summit County Planning Department concurrent with the County's review of building permits per the applicable provisions of the Code, prior to issuance of building permits for the single-family unit.

**e. Mailroom Facility.**

The Association presently owns and operates a mail room facility at the entrance to the subdivision Property adjacent to US Highway 6. That location was established to facilitate USPS delivery, and said facility is 238 square feet and situated as set forth on Exhibit B.2. This subject mail room facility may continue to be used, operated and maintained in its existing location, but may not be expanded from its present footprint. The mail room facility may also be relocated to the area where the Sports Facility is located if desired by the Association, as an additional allowed structure within such area, and subject to all approvals and permitting under the Code.

**2. Parking**

Parking shall satisfy any County parking regulations reflected in the Summit County Land Use and Development Code in effect at the time of development. The Sports Facility shall have approximately 65 parking spaces, more or less, depending upon reasonable necessity. Parking areas must be designed with back out areas which do not allow backing out into collector roads. Roads designed as cul-de-sacs, serving 15 units or less, must have direct off-street parking.

**3. Common Open Space**

Approximately 46 percent of the Property shall be reserved as common open space for passive open space uses and other residential and association uses as may be permitted for the residents of the Property, and shall be maintained by the Owner/Developer. Such common open space shall remain private open space and is not required to be dedicated to the County. Such open space uses may include, but are not limited to, landscaping, pathways and walkways, limited common element yard space, unpaved parking areas or access roads, Association support uses, including storage and snow storage, and any other reasonable use that does not create any permanent development, structures, or facilities on the site.

**4. Public Use Areas**

Pursuant to that certain Easement Dedication Agreement dated June 11, 1990 and recorded in the real property records at Reception No. 388550 on June 12, 1990, the Owner/Developer dedicated to the County for public use a parcel of land adjoining US Highway 6, approximately 200 feet wide along the entire frontage of the Property (approximately 8.2 acres or 10 percent of the Property) (referenced herein as the "Dedication Area"). The Owner/Developer has also constructed that portion of the Dillon-Keystone Recreational Pathway within the Property.

The Owner/ Developer has dedicated to the County, a portion of Lot 2, Government

Tract, T5S, R77W, Section 17, a 0.83-acre tract of land adjoining the Dillon Nature Reserve, prior to recordation of this PUD.

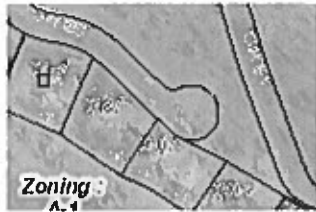
## 5. Timber Stand Clean-up and Improvement

The Owner/Developer shall initiate and carry out a systematic program of clean-up and inspection for beetle infestation within the timber stands on the Property. Methods approved by the County will be utilized each spring to control and eliminate any areas of infestation found to exist.

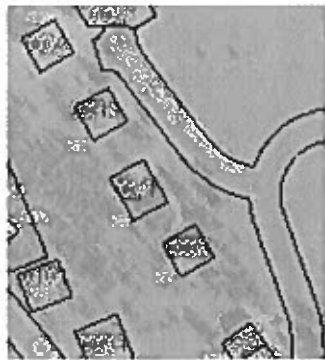
## 6. Lots and Setbacks

### a. Definitions:

- i. Conventional Lot - shall mean a platted lot with a common lot line with another Conventional Lot and a contiguous lot line with common open space and/or a roadway.



- ii. Footprint Lot - shall mean a platted lot surrounded by common open space that represents the maximum allowable footprint of a dwelling (including associated structures e.g., decks, overhangs, patios, sheds, garage).



- b. Conventional Lots shall have front, rear, and side setbacks of 10 feet.

c. In no case can lot line modifications made after the 2022 approval date of the PUD to a Footprint Lot result in a distance less than 20 feet from an adjacent Footprint Lot or 10 feet from an adjacent Conventional Lot lot line, unless the encroachment existed prior to the 2022 approval date of the PUD.

d. Encroachments on Conventional Lots into setbacks and encroachments on Footprint Lots into common open space that existed prior to the 2022 approval date of the PUD shall be considered existing nonconforming structures pursuant to Section 14103 of the Summit County Land Use and Development Code.

Prior to the recordation of the preliminary and final subdivision plat for Lot 2, Government Tract, T5S, R77W, Section 17 and Lot 58A and Lot 59, Tract D of Summerwood PUD, disturbance envelopes shall be established in a location reviewed and approved by the Board of County Commissioners for the six units proposed on that site, in order to ensure that development avoids slopes greater than 30% to the greatest extent practical, to ensure that development is set deep enough into the forested area so that it is adequately screened from view, and to protect significant trees.

## **7. Building Height**

All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105) shall be designed so the building is stepped with the terrain of the property, to the satisfaction of the Summit County Planning Department. The maximum building height shall be 35 feet per Section 3505.06 of the Development Code currently in effect or hereinafter amended.

## **8. Architectural Design Standards**

a. All development within the Property shall be subject to the design guidelines and design review as set forth by the Association, and subject to modification from time to time. The County shall not have any responsibility or interest in enforcing such private design standards.

b. Applicable Design Standards: Single-family units associated with Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105) shall comply with the design standards set forth in the Snake River Master Plan and the Summit County Land Use and Development Code, as currently in effect or hereafter amended. Compliance with the applicable design standards shall be ensured during site plan review for any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105).

c. Exterior Materials and Colors

(i) All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall be comprised of:

- natural materials and natural, earth-tone colors that mimic those found in the surrounding natural landscape; and
- non-reflective glass or non-reflective metal surfaces.

(ii) The primary construction materials shall mimic those found in the surrounding natural landscape, such as wood and stone, to the maximum extent practicable.

(iii) Non-combustible roofing materials shall be utilized to the greatest extent practicable due to the wildfire hazard rating of high. Fire retardant materials such as roofing materials shall be allowed, provided

these materials have a natural appearance to the maximum extent practicable, and are approved by the Planning Department during the building permit review process.

d. **Compatibility:** All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall incorporate appropriate site design, setbacks, building height, and building mass in relationship to the surrounding properties, as determined at the time of site plan review.

## **9. Lighting**

All exterior lighting shall comply with the applicable provisions of the Summit County Land Use and Development Code, and shall be downcast and non-glaring on adjacent properties. In the future, if any nonconforming light fixtures are ever damaged or replaced, the replacement fixtures shall comply with the lighting provisions set forth in this section (Section A.9) of the PUD.

## **10. Efficient Building**

Single-family units located within Lot 58A, Lot 59, Tract D in the Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall use technologies, products and practices, to the greatest extent practicable, which:

- Conserve water.
- Provide greater energy and materials efficiency.
- Reduce resource depletion and pollution.
- Protect indoor air quality; and
- Result in a more durable, comfortable home.

## **11. Adjustments to Conventional and Footprint Lot Lines**

a. It is recognized that some of the existing platted Conventional and Footprint Lots contain improvements that were constructed in error, leading to some issues of encroachment or misplacement of infrastructure, driveways, or accessory structures in limited circumstances into the common open space. In an effort to rectify the past errors, the Association is allowed to convey, and homeowners are allowed to acquire, limited areas of the existing common open space to facilitate the corrections or redevelopment of said Lots, provided the provisions of this PUD are complied with to ensure that this allowance is reasonably and judiciously exercised.

b. In order to address these nonconformity's, a General Subdivision Exemption process shall be utilized to replat the existing Conventional and Footprint Lots to encompass the actual dwelling built upon said lot, and afford a limited additional area around such existing footprint of the dwelling to allow for typical reasonable use and enjoyment of the Conventional or Footprint Lot property interests and improvements thereon.

c. No replatting effort for any Lot shall at any time, either in one step or cumulatively over time, provide for an expansion of lot size greater than 25% of the original area for such Lot. The original area of any Footprint Lot shall be based upon the preexisting recorded plats recorded in the real property records of the Summit County

Clerk and Recorded on June 19, 1981 under Reception No. 224981, May 10, 1982 under Reception No. 256207, March 1, 1984 under Reception No. 273696, and October 10, 1984 under Reception No. 285568.

d. The Association conveyance of common open space for the purposes set forth herein will result in a reduction of the common open space, but shall not result in a violation of the minimum 46% common open space limit mandated by this PUD.

## **B. UTILITIES AND IMPROVEMENTS**

Public utilities, improvements and services shall be provided as set forth in this section.

### **1. Water System**

Water shall be provided by the East Dillon Water District or it's successors or assigns.

### **2. Sewer System**

Sewer service shall be provided by the Snake River Wastewater Treatment Plant or its successors or assigns.

### **3. Roads**

- a. All roads within the Property ("Roads") were platted as privately owned and maintained roads, in accordance with section 5003.04 of the Summit County Land Use and Development Code.
- b. All Roads shall remain subject to the access and allowances in the recorded plats.
- c. It is expressly recognized by the Owner/Developer that the Roads as constructed did not meet the alignments of such Roads as reflected on the original plat for the Property, which has created a significant management issue for the Association. In order to rectify this condition, a General Subdivision Exemption process shall be utilized to correct the platted alignment of the Roads in order to reflect the existing alignment of the Roads, as constructed and improved. Said platting effort may also propose adjustment to affected lot lines, variances, easements and/or setback adjustments, if needed, to properly rectify the long-standing errant Road alignment provided all permissions and authorization are obtained from the affected property owners.

### **4. Fire Protection**

- a. Fire protection is to be provided through the Lake Dillon Fire District or its successors or assigns. No Parking in Fire Lane Signage per figure d-103.6 of 2000 International Fire Code shall be provided on the drive serving Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 as requested by Lake Dillon Fire and Rescue.
- b. All such single family units located in the area referenced in paragraph

a. directly above shall comply with the plans reviewed and approved by the Lake Dillon Fire Department as a condition of site plan approval.

## **5. Landscaping and Revegetation**

A detailed landscaping and revegetation plan was submitted to and approved by the County as a part of the final plat approval.

## **6. Utilities and Easements**

- a. All new utility lines shall be buried underground and shall be installed in full accordance with the standards of each utility provider and the Summit County Land Use and Development Code. Easements for all utilities shall be properly designated and established on the final plat.
- b. In relation to any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17, the Owner/Developer shall dedicate all necessary easements for access, improvements, trails and any other necessary matters prior to recordation of the final plat for such parcel.

## **7. Easements**

Except in relation to any new development on any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 the Owner/Developer has granted easements, as necessary and as applicable, for water, sewer, gas, electrical, cable TV and/or other electronic or utility lines, and has also granted reasonable access easements to abutting National Forest Service lands as a part of the final plat and/or in the recorded Declaration of Covenants and Restrictions.

## **C. GENERAL PROVISIONS**

### **1. Breach of Agreement**

If at any time provision of this PUD Designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plats or the issuance of any or all building permits applied for on the Property until such breach has been remedied. Provided, however, that the County shall not take any affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the applicant a reasonable opportunity to remedy the same.

### **2. Binding Effect**

This PUD Designation shall run with the land and be binding upon the Owner/Developer and the County, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof. This PUD Designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.



### 3. Notices

All notices required under this PUD 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  
Breckenridge, CO 80424

**Notice to Owner/Developer:**

Summerwood HOA  
C/O Basic Property Management  
PO Box 4844  
Dillon, CO 80435

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. Either party, by notice so given, may change the address to which future notices shall be sent.

### 4. Entire Designation

This PUD Designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Summerwood Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the 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 Code or other regulations otherwise applicable to the development of the Property.


Where this PUD Designation does not address a specific development standard or requirement of the Code, the provisions of the Code shall apply. Where the PUD Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Code.

**5. Effective Date**

This PUD 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.

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

  
\_\_\_\_\_  
Tamara Pogue, Chair

ATTEST:

  
\_\_\_\_\_  
Kathleen Neel, Clerk and Recorder