



**SECOND AMENDED
LAKE SPRINGS RANCH PLANNED UNIT DEVELOPMENT
PLANNED UNIT DEVELOPMENT GUIDE**

I. INTRODUCTION

The purpose of this Second Amended Lake Springs Ranch Planned Unit Development Guide ("PUD Guide") is to serve as the governing regulations which will control use of land and establish development standards, supplemental regulations and guidelines for the development and properties within the Lake Springs Ranch Planned Unit Development ("PUD"), the Preliminary Plan for which was approved by Garfield County (the "County") on _____ 2016, by _____. This PUD Guide constitutes the zone district regulations for the PUD and defines, without limitation, the permitted use of land and limitations or restrictions on the use of real property contained within the PUD, provides for open spaces, and includes additional supplementary regulations. All development within the PUD shall be administered by the County in accordance with the Land Use Development Code, as amended ("LUDC") and this PUD Guide. In the event of a conflict, the terms of this PUD Guide will control. It is acknowledged that prior to review by the County of any development applications governed by the Second Amended Declaration of Covenants, Conditions, Restrictions and Easements for Lake Springs Ranch PUD, Filing ___ recorded in Reception No. _____ in the office of the Clerk and Recorder of Garfield County (the "Covenants"), the Development Review Committee (the "DRC") shall first approve any such applications.

II. PURPOSE

This PUD Guide establishes the zoning standards, restrictions and regulations that govern development and use of land and all development within the PUD in accordance with the PUD Zone Map incorporated as Exhibit B to this document. This PUD Guide intends to ensure that the PUD is developed as a comprehensive planned community that will encompass such beneficial features as a balance of residential uses and opportunities for recreational uses, preservation of significant and important open space and agriculture, creation of aesthetically pleasing environmental features and promotions of high standards of development quality through stringent site planning and controls. The Berkeley Family Limited Liability Limited Partnership, LLLP hereby makes, declares and establishes the following limitations, restrictions, and uses upon all real property contained within the PUD, running with the land and binding upon all future owners of any part of the land within the PUD, so long as these standards, restrictions and regulations and the PUD remain in effect.

III. GENERAL LAKE SPRINGS RANCH PUD DESCRIPTION

The PUD is a rural residential planned unit development, the approvals for which allow 194 single-family lots and 12 multi-family units on 459.38 acres. At the time this PUD Guide was amended, 76 of the 194 single-family lots had been sterilized through

conservation easements. The property is located in Spring Valley which is a broad, shallow valley located above and to the east of the Roaring Fork River Valley in eastern Garfield County. Most of the single-family residential lots are situated on a west-facing slope overlooking the valley floor which extends to the northwest toward the rural resort town of Glenwood Springs. Much of the valley floor in the area of the Lake Springs Ranch property is currently used for agricultural and grazing purposes and provides an attractive rural setting for the subdivision. The single-family lots are arranged among the site's many natural features including existing ponds, sage meadows, and stands of pinion juniper and Gambles oak. Most of the lots offer expansive views of the valley and the surrounding mountains. The lots themselves are 0.6 to 1.7 acres in size and are served by a winding street system that passes through large open space areas. The subdivision includes nearly 265 acres of open space and agriculture preserve which is carefully distributed among the residential lots and occupies much of the valley. The open space system also preserves areas of significant wildlife habitat and most of the site's important natural features. The open space system offers numerous opportunities for trails and other passive recreational facilities such as a central picnic facility, overlook/rest areas and wildlife interpretive stations. Most of the lots within the subdivision either abut or are across the street from designated open space. The subdivision also includes a neighborhood of multi-family housing units located in an area of the property that overlooks expansive adjacent ranch lands. The subdivision is served by a private central water system and a sewage treatment facility run by the Spring Valley Sanitation District.

IV. DEFINITIONS

The following are the definitions for the terms contained in this PUD Guide.

- A. **Lake Springs Ranch PUD.** The Lake Springs Ranch PUD (the "PUD") is a Planned Unit Development zone district authorized by the County, Resolution No. 79-64, No. 79-153 (Reception No. 300121), No. 2012-80 (Reception No. 823748), and No. 2016 - __ containing the property described on the attached Exhibit A, which may be amended from time to time.
- B. **Building Envelope.** The Building Envelope is that portion of each lot which is depicted and designated as the Building Envelope on a Plat. All structural improvements shall be located within the Building Envelope on a lot, except that driveways, walks, pathways, other similar features, fences, underground utilities, irrigation and drainage systems, and landscaping may be located outside the Building Envelope.
- C. **Building Height.** The distance, measured vertically, from the undisturbed or natural ground surface at the mid-point between the front and rear walls of a building to the top of a flat roof or mansard roof or to the mid-point between the eave line and the peak of a gable, hip, shed or similar pitched roof.
- D. **Building Setback.** The minimum distance of a required yard.

E. **Design Guidelines.** Design Guidelines are defined in the Covenants. The Design Guidelines establish architectural and building material standards, landscape design, site design standards and a design review process for development within the PUD and are adopted by the Design Review Committee ("DRC") and may be amended from time to time. The Design Guidelines shall be administered by the DRC. In addition to the Design Guidelines, the County may still retain certain jurisdiction for review of compliance with the Building Code.

F. **Lot Coverage.** The portion of a lot which is covered or occupied by buildings, structures, parking and drives or any other impervious surface.

G. **Lot Size.** The total horizontal area, being the area of the horizontal plane within the lot lines of a lot.

V. APPROVAL OF CONSTRUCTION PLANS

A. **Design Guidelines.** The DRC shall apply the Design Guidelines when reviewing proposed improvements on a lot. The Design Guidelines shall not be inconsistent with the Covenants, but shall more specifically define and describe the development standards for the PUD. The Design Guidelines may be modified or amended from time to time by the DRC to establish reasonable criteria, including, without limitation, requirements relating to design, scale and color, as the Association may deem appropriate in the interest of preserving the aesthetic standards of the PUD. Further, the DRC, in its sole discretion, may excuse compliance with the Design Guidelines that are not necessary or appropriate in specific situations. Compliance with the Development Review process shall not be a substitute for compliance with applicable governmental building, zoning and subdivision regulations. Each owner shall be responsible for obtaining all approvals, licenses and permits as may be required before commencing construction.

B. **Development Review Committee.** The DRC shall consist of a minimum of three (3) members, each of whom shall either be (i) a representative of Declarant, (ii) an owner of a lot in the PUD or (iii) a local architect, landscape architect or engineer.

C. **Pre-submission Conference.** Every owner proposing to make improvements to a lot shall meet in a pre-submission conference with the DRC to discuss the general nature and scope of the contemplated improvements, the Design Guidelines and the DRC's procedures prior to owner's expenditure of significant design fees.

D. **Development Review.** The DRC shall review, study and either approve or reject proposed improvements, in compliance with the Covenants and the Design Guidelines. Each application for Development Review shall include such plans and specifications and other information as may reasonably be required by the DRC. In any Development Review, the DRC shall exercise its best judgment to see that all improvements conform and harmonize with any existing structures as to external design, quality and type of construction, materials, color, location of improvements, height, grade



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and finished ground elevation and all aesthetic considerations set forth in the Covenants and in the Design Guidelines. The DRC may avail itself of technical and professional advice as it deems appropriate. The DRC shall make reasonable Rules and Regulations as it may deem appropriate to govern in such proceedings. The DRC's exercise of discretion in approval or disapproval of plans or with respect to any other matter before it shall be conclusive and binding on all parties, however it shall not excuse any part from compliance with applicable government building, zoning and subdivision regulations.

E. **Development Review Expenses.** The DRC shall have the right to recover the reasonable costs and expenses of any technical and professional advice required to properly consider the application from the applicant.

F. **Decision of Committee.** Any decision of the DRC shall be made within forty-five (45) days after receipt by the DRC of all materials and information required by the DRC, unless such time period is extended by mutual written agreement. The decision shall be in writing and if the decision is not to approve the proposed improvements, the reasons therefor shall be stated. The decision of the DRC shall be promptly transmitted to the owner at the address furnished by the owner. Any written request for approval of proposed improvements shall be deemed approved, unless written disapproval or a request for additional information or materials is transmitted to the owner within sixty (60) days after the date of receipt by the DRC of all required materials and information, unless such time period is extended by mutual written agreement.

G. **Prosecution and Completion of Work After Approval.** Following an approval of any proposed improvements, the proposed improvements shall be completed by the owner: (a) in compliance with the Design Guidelines and with all applicable laws, regulations and codes, (b) in strict conformance with all plans and specifications and other materials presented to and approved by the DRC; and (c) in accordance with any and all conditions imposed by the DRC. All improvements approved by the DRC shall be completed, including issuance of a Certificate of Occupancy and the removal of all construction equipment, materials and debris within twenty-four (24) months from the date of approval of such improvements by the DRC, provided, however, that any and all landscaping approved by the DRC which is related to the initial construction of a residence on a lot shall be completed no later than six (6) months immediately following the issuance of the Certificate of Occupancy for such residence. Any member or agent of the DRC may, at any reasonable time enter, without being deemed guilty of trespass, upon any lot, after reasonable notice to the owner, in order to inspect improvements constructed or being constructed on such lot, to ascertain whether such improvements have been or are being built or changed in compliance with the Design Guidelines, the approvals granted by the DRC, and the Covenants.

H. **Limitation of Liability.** The DRC shall use reasonable judgment in accepting or rejecting plans and specifications submitted to it for Development Review. Neither the Association, Declarant, nor any officer, Executive Board member, DRC member or individual Association member shall be liable to any person for any act of the Association concerning submitted plans and specifications, except for wanton and willful

acts. Approval by the Association does not necessarily assure approval by any governmental authority having jurisdiction. Notwithstanding Association approval of plans and specification, neither the Association nor any of its members shall be responsible or liable to any Owner, developer or contractor with respect to any loss, liability, claim or expenses which may arise because of approval of the construction of the Improvements. Neither the Executive Board, the DRC, the Association, nor Declarant, nor any of their employees, agents or consultants shall be responsible in any way for any defects in any plans or specifications submitted, revised or approved in accordance with the provisions of the Covenants, nor for any structural or other defects in any work done according to such plans and specifications.

VI. CONSTRUCTION AND ALTERATION OF IMPROVEMENTS

A. General. The Design Guidelines and the provisions set forth in the Covenants shall govern the right of an owner to construct, reconstruct, refinish, alter or maintain any improvement upon, under or above any of the Property, and to make or create any excavation or fill on the Property, or make any change in the natural or existing surface contour or drainage, or install any utility line or conduit on or over the Property. In order to protect the Harrington's penstemon and other native vegetation, all construction activity, storage of materials, fill and debris, parking of vehicles and equipment shall occur within the Building Envelopes and shall be done in accordance with all other provisions of the Covenants, including the preservation and protection of Harrington's penstemon.

B. Approval Required. No improvement in the PUD shall be erected, placed, reconstructed, replaced, repaired or otherwise altered, nor shall any construction, repair or reconstruction be commenced until plans for such improvement shall have been approved by the DRC; provided, however, that improvements and alterations which are completely within a structure may be undertaken without such approval.

C. Underground Utility Lines. With respect to the new construction of any improvements within the PUD or the extension of any utilities, all utility pipes or lines within the limits of the PUD shall be buried underground beneath roads and driveways, or in such other locations that shall seek to avoid the Harrington's penstemon, and not be carried on overhead poles or above the surface of the ground. Any natural vegetation disturbed by the installation of utility lines shall be revegetated within twelve (12) months of completion of any improvement by and at the expense of the owner causing the installation of such utilities.

D. Size Restrictions of Dwellings. The minimum living area of the dwelling on any lot shall be 1,800 square feet, exclusive of all areas utilized for garages, decks and open porches.

E. Specific Requirements for Dwellings. The maximum building height shall be as set forth herein. All construction materials shall be new, except for the limited use of antique treatments, fixtures and accessories. Log homes which are to be erected on a

log by log basis on a lot which may have been originally fitted together at a place other than the lot may be approved by the DRC. Without limiting the generality of the foregoing or the right of the DRC to impose additional limitations and conditions, reflective materials shall not be permitted on the exterior of structures within the PUD without the prior written approval of the DRC. No mobile homes shall be allowed on any lot.

F. **Fireplaces and Stoves.** No open hearth solid fuel fireplaces shall be allowed. One (1) new solid-fuel burning stove as defined by C.R.S. 25-7-401, et. seq. and the regulations promulgated thereunder will be allowed in any dwelling unit. All dwelling units will be allowed an unrestricted number of gas burning stoves and appliances.

G. **Fences and Hedges.** The type and location of all fences and hedges will be subject to the approval of the DRC prior to installation. Only wooden fences shall be permitted within the Property, with limited exceptions for small gardens, kennels, play areas for small children or otherwise and only in circumstances where a wooden fence would not serve the required purpose. Barbed wire fencing shall be prohibited. The DRC shall consider the effect on wildlife activity prior to approving any requested fencing. Wood fencing shall not exceed forty-two (42) inches in height, shall not have more than two (2) horizontal rails with spacing of at least eighteen inches (18") between rails and with the bottom rail at least twenty-four inches (24") above the ground. Lot boundary perimeter fencing shall not be allowed.

H. **Landscaping.** No landscaping shall be performed on any lot unless a landscaping plan therefor has received the prior written approval of the DRC. A landscaping plan for each lot must be approved by the DRC before construction is commenced on the residence on that lot. In each instance, an approved landscaping plan shall be fully implemented and performed within the six (6) month period immediately following (i) the issuance of a Certificate of Occupancy for a residence constructed on a lot, or (ii) the approval of the landscaping plan by the DRC in all instances not involving the construction of a residence on a lot. Notwithstanding the foregoing, no review or approval shall be required for the replacement or replanting of the same or similar kind of trees, or plants, or flowers, or other vegetation that has been previously approved by the DRC for the lot in question, in the previously approved location therefor. Any material change in the type or location of approved landscaping vegetation shall require the further approval of the DRC. Landscaping shall be primarily indigenous plant life from a plant list to be established by the DRC. Irrigation of landscaped areas shall be subject to guidelines promulgated by the DRC. Each Owner shall diligently maintain, trim, weed, cultivate, husband, protect, preserve and otherwise keep in a healthy and attractive condition the shrubs, trees, hedges, grass, planters, gardens and other landscaping upon the Owner's lot, including, without limitation, the removal of dead and diseased branches and brush and the performance of other tasks necessary to remove or eliminate material which constitutes or creates a fire hazard or nuisance, and shall keep the Owner's lot free of any prohibited plants. Each Owner shall cooperate with the Association in its fire protection husbandry program for reduction of fire hazard within the PUD. Each Owner



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shall also maintain all paved, concrete and other synthetically surfaced areas within the Owner's lot, including but not limited to, driveway and parking areas, in good condition and repair.

I. **Removal of Nonconforming Improvements.** The Association, after reasonable notice to the Owner, may remove any improvement constructed, reconstructed, refinished, altered or maintained violating the Covenants, and the Owner shall immediately reimburse the Association for all expenses incurred in such removal.

J. **Fire Protection District Recommendation.** Each Owner shall adhere to the recommendations of the Carbondale and Rural Fire Protection District and the Wildfire Hazard Review prepared for the PUD by Rocky Mountain Ecological Services, Inc. and dated April 2011.

K. **Design Criteria for Common Elements**

1. **Open Space.** Open space shall generally remain in a natural state and the Association shall perform necessary weed control and management. The open space shall be disturbed in the following areas:

- i. Cut and fill slopes from the proposed roads outside of the right of way as shown on the Preliminary Plan.
- ii. The Tank Road grading, water treatment building, and water storage tank shall be contained within an easement within the open space. The proposed design of the Tank Road is attached hereto as Exhibit C.
- iii. The existing water wells and well pumps and water supply lines shall be in an easement within the open space.
- iv. Various underground utilities shall be in an easement within the open space.
- v. Improved drainage channels shall be graded as necessary during each phase of the project within the open space.
- vi. "Utility Access Roads" to allow Spring Valley Sanitation District to access proposed manholes shall be within the open space. The proposed design of the Utility Access Roads is attached hereto as Exhibit D.
- vii. Relocated overhead electric lines shall be in easements within the open space.



viii. Sod farm irrigation operations shall continue to be based out of the existing pond within the open space.

2. Trail. A four foot wide pedestrian trail will be located within the open space. Trail grades will be between 5% and 10% with a maximum of 15% for short runs. Grade dips will be placed every 100 feet. Culverts will be placed beneath the trails in all major drainage ways to convey runoff. There will be no signage long the trails. Native rock will be used for slope retention where necessary. There will be no grading necessary where cross slopes are 5% or less along the trail. The proposed design of the trail is attached hereto as Exhibit E. The alignment of the trail as shown on the Preliminary Plan is approximate and the actual alignment shall be determined in the field to avoid disturbing the natural habitat and existing vegetation. The trail shall be maintained by the Association to a good and usable standard.

3. Road Right of Ways. All interior and secondary road right of ways shall be designed, constructed and revegetated in accordance with road standard approvals granted by the Garfield County Board of County Commissioners and included in Resolution No. 2016 - __.

VII. ZONE DISTRICTS

The PUD is divided into the following zone district classifications each of which is defined in detail herein:

| | |
|------------|--|
| PUD/R/S.F. | Residential / Single-Family District |
| PUD/R/C.H. | Residential / Cluster Housing District |
| PUD/AP. | Agricultural Preserve District |
| PUD OS | Open Space District |

These districts are graphically identified on the final plat for the PUD and on the PUD Zone Map.

A. PUD/R/S.F. PUD Residential / Single Family District

The uses permitted within the Residential / Single Family District, together with the regulations affecting the usage of the land contained therein, shall be as follows:

i. Uses, by right.

Single-Family dwelling and customary accessory uses including buildings for shelter or enclosure of small animals or property

accessory to use of the lot for single family residential purposes and fences, hedges, gardens, walls and similar landscape features.

Park and Greenbelt, along with trails and other passive recreational facilities.

Accessory building or structure necessary to agricultural operations, accessory uses to agricultural operations.

All agricultural uses described in the Deed of Conservation Easement recorded December 22, 2004 in the office of the Garfield County Clerk at Reception No. 665794 as subsequently amended and in the Deed of Conservation Easement recorded October 24, 2005 in the office the Garfield county Clerk at Reception No. 684872 as subsequently amended.

Existing sod farm operation and related landscape implement and materials dealer.

2. **Uses, Administrative Review.**
Accessory Dwelling Unit.
3. **Uses, Limited Impact Review.**
None
4. **Uses, Major Impact Review.**
None.
5. **Minimum lot area.**
.5 acre.
6. **Maximum lot coverage.**
15%
7. **Building setback.**
Front yard. 30 feet
Side yard. 20 feet
Rear yard. 50 feet
8. **Maximum Building Height.**
25 feet
9. **Off-Street Parking / Residential.**
Two parking spaces per dwelling unit.

B. PUD/R/C.H. PUD Residential / Cluster Housing District

The uses permitted within the Residential / Cluster Housing District, together with the regulations affecting the usage of the land contained therein, shall be as follows:

1. Uses, by right.

Single-family dwelling, duplex dwelling, triplex dwelling, townhomes and customary accessory uses including buildings for shelter or enclosure of small animals or property accessory to use of the lot for residential purposes and fences, hedges, gardens, walls, and similar landscape features.

Park and Greenbelt.

**2. Uses, Limited Impact Review.
None.**

**3. Uses, Major Impact Review.
None**

4. Minimum Cluster Housing lot area.
a. The Cluster Housing Lot shall be as shown on the PUD final plat.
b. Lots within a Cluster Housing Lot shall have no minimum lot area.

5. Maximum Coverage of the Cluster Housing District.
a. 20 percent of the total District area.
b. Lots with the R/C.H. District shall have no coverage limit except that the combined coverage of all internal lots shall not exceed the 20 percent maximum of the total District area.

6. Building Setback from the Cluster Housing District Boundary.
a. 50 feet.
b. Lots within the R/C.H. District shall have no setback requirement.

**7. Maximum Building Height.
25 feet**

8. Off-Street Parking - Residential/Cluster Housing.

| | |
|-----------------|------------------------------|
| 1 Bedroom | 2 spaces per dwelling unit |
| 2 to 3 Bedrooms | 2.5 spaces per dwelling unit |

4 Bedrooms

3 spaces per dwelling unit

C. PUD /AP Agriculture Preserve District

The uses permitted within the Agricultural Preserve District, together with the regulations affecting the usage of the land contained therein, shall be as follows:

1. Uses, by right.

Agriculture, pedestrian trail, open space and wildlife preservation and all others specified in the Deed of Conservation Easement held by the Aspen Valley Land Trust and recorded December 22, 2004 in the office of the Garfield County Clerk at Reception No. 65794 as subsequently amended and in the Deed of Conservation Easement recorded October 24, 2005 in the office of the Garfield County Clerk at Reception No. 684872 as subsequently amended. Specifically included is the existing sod farm operation and related accessory uses including the landscape implement and materials dealer.

**2. Uses, Limited Impact Review.
None.**

**3. Uses, Major Impact Review.
None**

**4. Minimum lot area.
N/A.**

**5. Maximum lot coverage.
N/A**

**6. Building Setback:
Front Yard. 40 feet
Side Yard. 40 feet
Rear Yard 40 feet**

**7. Maximum Building Height.
25 feet**

D. PUD /O.S. Open Space District

The uses permitted within the Open Space District, together with the regulations affecting the usage of the land contained therein, shall be as follows:

1. Uses, by right.

Recreational including, hiking trails, picnic shelters, private stables, private riding arena, pasture, water impoundments and customary accessory uses including buildings for shelter or enclosure of animals or property employed in any of the above uses.

Utility facilities including wells, water storage tank, pump house, water and sewer lines, irrigation lines and equipment, and any roads necessary to access and maintain these facilities as shown on the approved subdivision plans.

Recreation Vehicle Storage.

Park and Greenbelt.

2. Uses, Limited Impact Review.
None.

3. Uses, Major Impact Review.
None

4. Minimum lot area.
.5 acres.

5. Maximum lot coverage.
15%

6. Building Setback.
Front Yard. 40 feet
Side Yard. 40 feet
Rear Yard 40 feet

7. Maximum Building Height.
25 feet

VIII. MODIFICATION AND AMENDMENTS.

Modification and amendment of this PUD Guide shall be done in accordance with the LUDC and Covenants. In as much as a modification or amendment to this PUD Guide also amends provisions in the Covenants, approval of the modification or amendment shall be approved by the members in accordance with the Covenants.

IX. RECORDING

Upon approval by the County, this PUD Guide will be recorded in the office of the Clerk and Recorder of Garfield County, Colorado.

X. ENFORCEMENT

A DRC and the Association shall have the responsibility for interpreting and enforcing this PUD Guide, provided, however, the County shall have the independent right and responsibility to enforce the provisions of this PUD Guide. The County expressly reserves the right to refuse to approve any application for a building permit or certificate of occupancy for the construction or occupancy of any building or structure if said building or structure fails to comply with this PUD Guide or any other applicable provisions of the LUDC or other applicable law, rule, or regulation or condition of approval of the project. This provision shall not be construed as a waiver by any appropriate party, including, without limitation, any owner, the Association, the DCR, or the developer, of any right to appeal, pursuant to the appeal rights otherwise applicable under the LUDC, County building codes or other applicable law.

XI. SEVERABILITY

If any provision of this PUD Guide, or its application to any person, entity or circumstance, is specifically held to be invalid or unenforceable by a Court of competent jurisdiction, the remainder of this PUD Guide and the application of the provisions hereof to other persons, entities or circumstances shall not be affected thereby and, to that end, this PUD Guide shall continue to be enforced to the greatest extent possible consistent with law and the public interest. This PUD Guide shall be modified as necessary to maintain the original intent of the PUD Guide.