



**WILDERNEST
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Wilderdest Planned Unit Development Designation, originally approved the 1st day of September 1981, by the Board of County Commissioners of Summit County, Colorado, is hereby revised on the 8th day of May, 2007. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Wilderdest Associates, a Colorado partnership, and its successors and assigns, who is owner and development, and is 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 attached Exhibit A, hereinafter referred to as the "Property."

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the Property shall be in accordance with the Master Development Plan attached as Exhibit B to the extent that Exhibit B is consistent with this designation hereto and the following requirements:

1. Permitted Uses

The permitted uses for the Property are indicated on a lot-by-lot basis in the table below. All residential uses include single family and multifamily dwellings. Commercial uses are restricted to Lots 1, 2 and 3, Filing 1, Block 2 and may include:

- a. retail stores and services for the convenience of the residents of the Wilderdest Subdivision (e.g., laundromat, grocery, liquor, restaurants);
- b. short-term lodging management;
- c. offices;
- d. recreational facilities; and
- e. operations and maintenance facilities.

Management uses are restricted to Lot 4B-R and may include:

- f. management, operations and administrative offices;
- g. housekeeping, maintenance and other property management functions and facilities (excluding heavy equipment storage);
- h. screened outdoor storage (not to exceed 1,500 sq. ft.; firewood not to exceed ten cords); and,
- i. deliveries and loading access shall be located only on the west and north sides of the building.

Use of Lot 4B-R shall be restricted to those uses specifically noted in A.1.f-h above. Outdoor activity on Lot 4B-R shall be limited to outdoor storage as noted in A.1.h above, parking and delivery/pickup of materials. There shall be no outdoor construction, maintenance or repair activities permitted, except for those required for the building landscaping and other site improvements located on Lot 4B-R. Administrative offices for property management activities, which occur outside of the Wilderdest Subdivision, are permitted. No other uses, which support property management activities outside the Wilderdest Subdivision (as specified in g through h), are permitted.

UNITS/DENSITY TO BE BUILT				
FILING/BLOCK	LOT	ACRES	DENSITY	USE
Filing 1, Block 2	2 & 3	3.47	20,000 sq. ft.	Commercial
Filing 1, Block 3	1 & 5	1.61	12 units	Residential
	12 (western most 129 feet) ¹		garages accessory to Lot 15, Filing 1, Block 3	Accessory to residential
	15	0.86	6 units	Residential
	16 & 17	1.30	17 units	Residential
Filing 2	3	4.80	52 units	Residential
	4A-R	4.00	52 units	Residential
	4B-R	0.22	2,200 sq. ft.	Management
	4C-R	0.28	0	Open space
	8	3.48	45 units	Residential
	12	4.43	98 units	Residential
	13	5.10	54 units	Residential
	14	4.15	30 units	Residential
	19,22,24,25	15.30	106 units	Residential
	21 & 23*	6.23	11 units	Residential
	28	10.00	140 units	Residential
	31	4.71	76 units	Residential
	32	4.64	48 units	Residential
	33 & 34	8.48	88 units	Residential
Estates @ Wildernest	A,I,J	0.73	3 units	Residential
Resub Block 5		5.20		Residential

¹Minor PUD modification and lot line adjustment regarding Lots 12 and 15, Filing 1, Block 3 approved pursuant to Board of County Commissioner resolutions 96-103 and 96-104, respectively.

* Minor PUD modification regarding density on lots 21 & 23. Density reduction: Lot 21 had density of 38 units assigned; Lot 23 had density of 36 units assigned; total density of 74 units assigned. See Planning Case #00-015, reduction of 63 units for a total for both lots of 11 units now assigned. For Site Plan information, see Planning Case 98-186.

UNITS/DENSITY TO BE BUILT				
FILING/BLOCK	LOT	ACRES	DENSITY	USE
	1b		2	Residential
	1c		4	Residential
	2		5	Residential
	3		3	Residential
	5		3	Residential
	6		2	Residential
	7		2	Residential
	8/9		1	Residential
	12		2	Residential
	13		2	Residential
	14		2	Residential
	16		2	Residential
	1.8		3	Residential
	19		6	Residential
TOTALS		94.54	999 eq. units*	

* For the purposes of this PUD each 1000 square feet of commercial space shall be equivalent to 1 dwelling unit.

UNITS/DENSITY BUILT OUT			
Filing 1, Block 2	Lot 1	7,128 sq. ft.	Commercial
	Lot 23	10 units	Residential
Filing 1, Block 3	Lot 18	24 units	Residential
Resub Block 5	Lot 1a	Fire station	
	Lot 11	2 units	Residential
	Lot 17	2 units	Residential
TOTALS		44.562 units	

2. Development Criteria

All future development in the PUD shall meet the following criteria:

- a. no disturbance of wetland areas;
- b. no disturbance of slopes greater than 30%;
- c. maximum of 50% impervious site coverage;
- d. landscaping plan, which minimizes wildfire hazard and maximizes protection of existing cover;
- e. minimal physical impact and disturbance to the land;
- f. maximizes light, privacy and open space through site and building design;
- g. protects views of existing development;
- h. considers and minimizes visual impact of project from off site.

A density bonus of up to 25% may be granted if both the following criteria are met:

- i. provision of on-site services and amenities for residents, including one or more of the following: tennis court, swimming pool, recreation building or dedicated indoor recreation space of at least 2,000 square feet. Inclusion of spas and/or hot tub areas alone is not sufficient for a density bonus.
- j. provision of on-site employee housing to include a minimum of one manager's unit plus ten percent of the total number of units. At a minimum, employee units shall contain 600 square feet. Employee units shall be included in the 25% density bonus calculation.

3. Building Height and Setbacks

Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code. Front and rear setbacks shall be at least 25 feet and side yard setbacks shall be at least ten feet.

4. Parking

Parking shall be provided in accordance with County parking regulations in effect at the time of construction.

5. Trail Facilities

The Owner/Developer has satisfactorily completed the construction of all required trail and trailhead facilities for use by the general public as specified in the original Wilderrest PUD Designation and subsequent amendments. Said trailhead facilities shall be maintained by the Owner/Developer or Buffalo Mountain Metropolitan District if such trailheads are in the public road right-of-way.

6. Public Use Areas Fee

Public use areas fees in lieu of land dedication, as required by the County's Land Use and Development Code, shall be paid at the time of site plan approval for individual lots.

7. Development Schedule

The Wilderdest Subdivision includes properties that are zoned R-25 and R-6 which are not part of this PUD. Including these properties and those within the PUD, as of the date of this designation, there are a total of 1,527 units (including commercial area at 1000 sq. ft. equivalent to one unit) constructed within the overall Wilderdest Subdivision. It is projected that the total number of units in the Wilderdest Subdivision at full development will be approximately 2600. It is anticipated that development within the PUD will take place over a five to ten year period.

A road improvements agreement dated December 21, 1981 (Reception No. 234534) has previously been entered into by the County and the Owner/Developer. The agreement specified certain road improvements to be completed at three different phases of development within the Wilderdest Subdivision. It is understood that the Owner/Developer has satisfactorily completed all required road improvements specified through Phase 2 in the agreement. Road improvements required by Phase 3 of the agreement shall be replaced and superseded by the requirements of Section B(3) of this PUD.

8. Site Plans

Approval of a site plan pursuant to all requirements of the Summit County Land Use and Development Code is required prior to operation of any commercial, residential or recreational uses or any construction which requires a building permit.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services shall be provided as set forth in this section. Detailed specifications and time schedules for construction shall be set forth in the improvements agreement required as a condition of each final plat/site plan approval.

1. Water System

Water service shall be supplied through the Buffalo Mountain Metropolitan District.

2. Sewer System

Sewer service shall be provided through the Buffalo Mountain Metropolitan District sewer system.

3. Road System

All roads within the Wilderdest Subdivision are public roads. Those roads that have been paved are constructed to County standards, and are maintained by the Buffalo Mountain Metropolitan District pursuant to the modified service plan of the Buffalo Mountain Metro District approved by Resolution No. 80-31 of the Board of County Commissioners. The Owner/Developer is responsible for constructing all remaining, dedicated roads to County standards including paving at such time as building development occurs on lots served by those roads. Private drives shall intersect the public roads only at locations expressly approved by the County at site plan approval. It is recognized that Summit County, the Buffalo Mountain Metropolitan District and the Owner/Developer (Wilderdest Associates) may, from time to time, enter into an agreement (or agreements) separate from this PUD for maintenance of roads providing access to and within the

Wilderness Subdivision including Buffalo Mountain Drive and the I-70 frontage road (aka Wilderness Road). Any such agreement or agreements shall supersede and replace maintenance provisions in the December 31, 1981 Wilderness Road Improvements Agreement.

It is understood that the Owner/Developer shall complete the following improvements no later than December 31, 1997:

- a. pave Buffalo Mountain Road 24 feet wide, plus four foot shoulders, from Ryan Gulch Road to Buffalo Drive (first Wilderness entrance) where not already accomplished by others;
- b. widen and pave the remainder of Buffalo Mountain Drive and Royal Buffalo Drive to 24 feet plus appropriate shoulders and ditches up to 20 Grand Drive (Firehouse Road; second Wilderness entrance);
- c. add 12 feet of road width and re-grade to flatten the intersection of Royal Buffalo Drive, Firehouse Road and Shootingstar Way, to provide a left turn lane into Wilderness;
- d. install stop signs and intersection warning signs in Mesa Cortina along Buffalo Mountain Drive and Royal Buffalo Drive on minor streets; install curve and speed limit signs as determined to be necessary;
- e. Pave 20 Grand Drive in Wilderness between Ryan Gulch Road and Royal Buffalo Drive.

It is further understood that, should the County or other entity decide to proceed with any of the above improvements prior to December 21, 1997, the Owner/Developer shall provide funding for the improvements on a pro rata basis according to the following formula:

Funding Level = $a/537^2$ x total cost of improvements; the rationale for this formula is:

a = units constructed in the Wilderness Subdivision after date of this designation

Total build-out in Wilderness Subdivision = 2,600

Current build-out in Wilderness Subdivision = 1,527

Total build-out to occur in five to ten years

4. Fire Protection

Fire protection shall be provided by the Silverthorne Fire Protection District. In addition, a new fire substation has been constructed for the use of the District.

C. 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.

²Total buildout of subdivision = 2,500; current units in subdivision = 1,527; 2,600 less 1,527 = 1,073; 1,073 ÷ 2 = 536.5 (or 537); Wilderness Associates unit balance (1,073) is divided by two based on a projected 10 year buildout occurring in five years.

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).

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

Wilderness Associates
PO Box 1649
Silverthorne, CO 80498

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 Wilderness 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. 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 enactment's. Where provisions of this revised PUD Designation conflict with earlier approved versions of the Wilderrest PUD Designation the provisions of this revised PUD Designation shall supersede and replace such provisions.

8. Effective Date

This revised 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.

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/ Tor A. Brunvand

Tor A. Brunvand, Chairman*

ATTEST:

/S/ Arlys H. Ward

Arlys H. Ward, Clerk and Recorder*

WILDERNEST ASSOCIATES

/S/ Joe Lacy

Joe Lacy, General Partner*

*Denotes the original signatories to the Wilderrest PUD Designation, originally approved on September 1, 1981.

APPROVAL OF AMENDMENTS

The foregoing planned unit development designation amends and supercedes the original Wildernest Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on September 1, 1981 and recorded at Reception Number 228582, and as amended by the Summit County Board of County Commissioners as follows:

Resolution #82-32 Block 5, Filing 2	Adopted April 29, 1982	Reception No. 238903
Resolution #82-50 Lots 1,2,3, Block 2, Filing 1	Adopted June , 1982	Reception No. 241693
Resolution #86-36 Lily Pad Trail	Adopted June 16, 1986	Reception No. 319912
Resolution #88-28 Fire Station	Adopted June 13, 1988	Reception No. 414861
Resolution #92-50 Portions of R-25 to PUD	Adopted August 10, 1992	Reception No. 431846
Resolution #2000-16 Lot 21 & 23 Density Reduction	Adopted February 28, 2000	Reception No. 618700
Resolution #2001-26 Lot 33 & 34, Filing 2 Density Reduction	Adopted March 26, 2001	Reception No. 650752
Resolution #2003-30 Lots 8 & 9, Block 5, Filing 2 Density Reduction	Adopted April 14, 2003	Reception No. 715533
Resolution # <u>39</u> Lot 23R, Block 2, Filing 1 Density Reduction	Adopted May 8, 2007	Reception No. <u>861584</u>

The planned unit development document dated the 1st day of September, 1981 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 Wildernest Planned Unit Development Designation and the amendments noted above are available from the Summit County clerk and Recorder.

Adopted this 14th day of April, 2003.

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

By: Thomas A. Long
Thomas A. Long, Chairman



WILDERNEST PLANNED UNIT DEVELOPMENT DESIGNATION

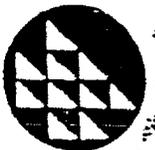
EXHIBIT A

WILDERNEST SUBDIVISION³:

Filing 1	Block 2	Lots 1, 2 and 3 (Lots 3-9)
	Block 3	Lots 1, 5, 15, 16, 17, 18, 23 and 24
Filing 2		Lots 3, 4A-R and 4B-R (Lot 4A)
	Block 5	Lots 1a, 1b, 1c, 2-19 (Resub of Lots 6 and 7)
		Lots 8, 12, 13, 14, 19, 21, 22, 23, 24, 25, 28, 31, 32, 33 and 34
		Lots A, I and J, Estates at Wildernest (Resub of Lot 30)

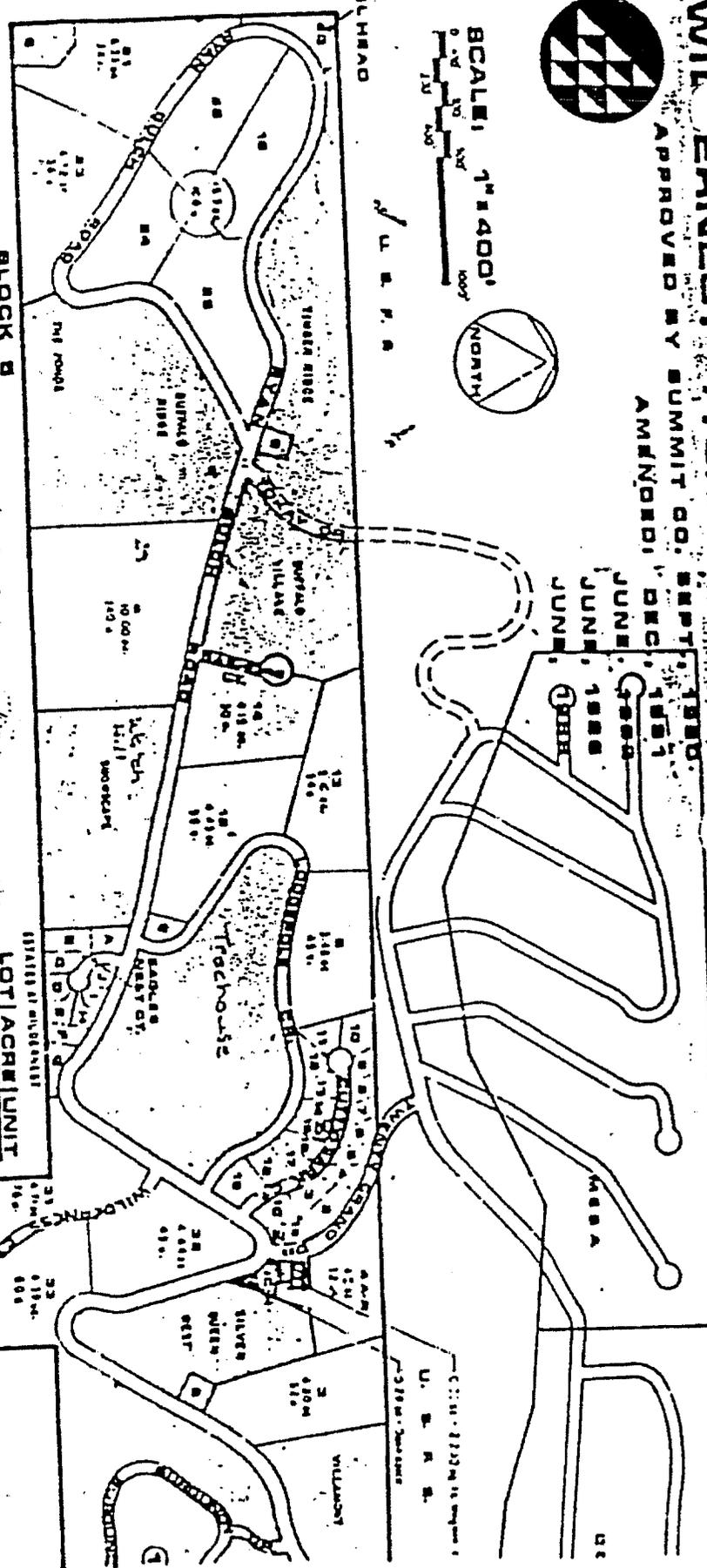
³Parenthesis indicate original Wildernest Subdivision Block and Lot numbers where changes have been made.

EXHIBIT B - LINDSEY
WIL ERNEST P. U.D.
 APPROVED BY SUMMIT CO. SEPT. 1980
 AMENDED: DEC. 1981
 JUNE 1988
 JUNE 1988
 JUNE 1988



SCALE: 1"=400'
 0' 10' 20' 30' 40' 50' 60' 70' 80' 90' 100'

U.S.P.S.

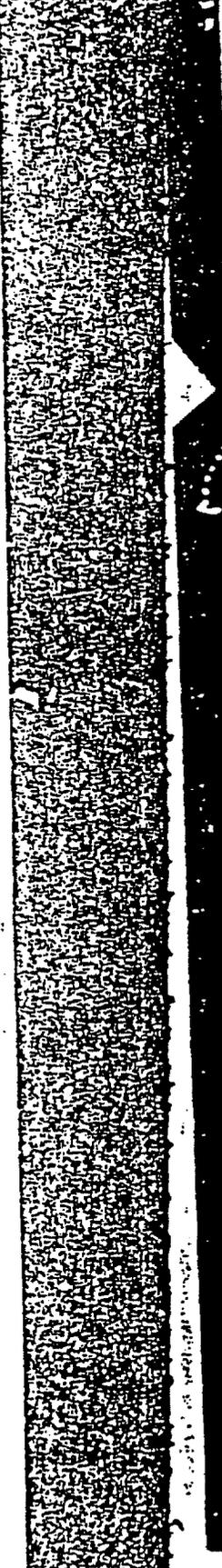


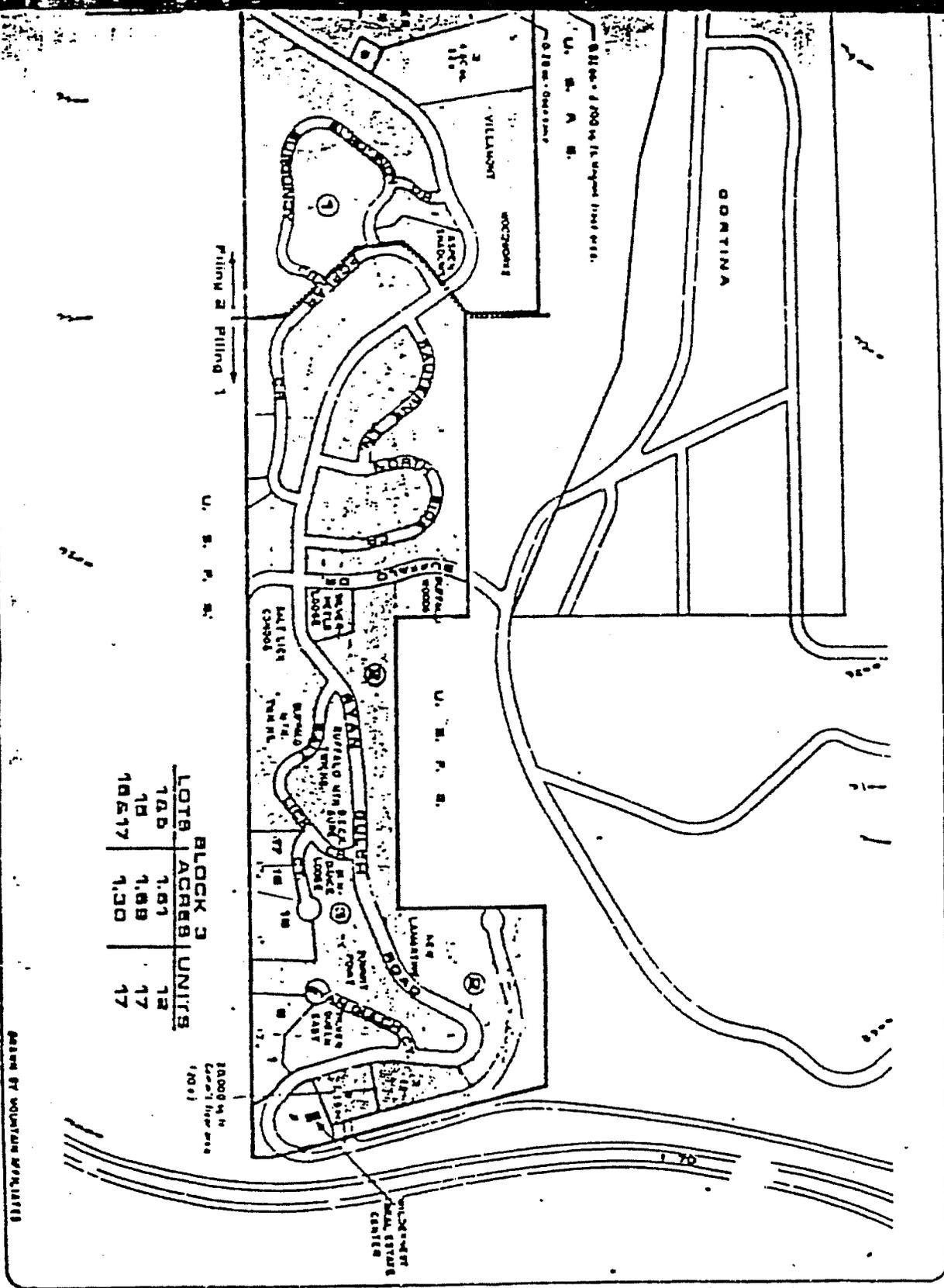
LOT	ACRES	UNIT	LOT	ACRES	UNIT
18	.884	8	10	.300	8
19	.408	4	11	.388	8
20	.610	4	12	.888	8
21	.247	3	13	.848	8
22	.388	3	14	.808	8
23	.334	3	15	.388	8
24	.888	8	16	.388	8
25	.888	8	17	.878	8
26	.888	8	18		
27	.888	8	19		
28	.888	8	20		

LEGEND

- - Lot Center
- ⊙ - Fire Station
- ⊙ - Water Tank Site
- ⊙ - Operation/Medical Center
- ⊙ - Condition/Management Area

LOT	ACRE	UNIT
1	.38	1
2	.87	1
3	.78	1





U. S. N. M.
 6188 - 6200
 U. S. N. M.

Paving of Piling 1

U. S. N. M.

U. S. N. M.

LOT#	ACRES	UNITS
16	1.81	12
17	1.88	17
18	1.30	17
19	1.30	17

3000 N. W.
 Grant Highway
 1001

DESIGNED BY QUANTUM MECHANICS