

**KEYSTONE COTTAGES
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Keystone Cottages PUD, is approved this 24th day of June 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 Keystone Cottages LLC 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

13 actual single family townhouse units with a maximum of approximately 15,848 square feet of "living space" (11.32 equivalent units).

2. Accessory and Conditional Uses

14 detached garage units in four buildings.

3. Animal Keeping

Animal keeping shall be restricted as follows: Any pets allowed on the property shall be restrained at all times through runs, chains, leashes or any other acceptable method. In any event, domestic pets shall not be allowed to run free.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in the Summit County Land Use and Development Code, Section 3505.06.

2. Building and Parking Setbacks

<u>Building</u>		<u>Parking</u>	
Front:	25 feet	Front:	10 feet
Rear:	10 feet	Side:	5 feet
Side:	20 feet	Rear:	10 feet

3. Parking

At least two (2) parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Environmental and Design Criteria

Steep Slopes

All development on the site, including grading and excavation, shall not disturb the natural slopes 30% or greater, including the removal of any trees unless required by the forest management plan or the Fire Mitigation Program. Disturbance of the man-made slopes on the site, 30% or greater, shall follow the requirements of Section 7102 et seq of the Summit County Land Use and Development Code.

Building Design Criteria

All buildings on the site shall use a simple architecture to create a cabin community with the following design components:

- ◆ Small rustic cabins with two floors, simple roofs of gable or clipped gable form with dormers, brackets and columns
- ◆ Natural materials such as wood, stone and logs
- ◆ Natural colors that blend into the surrounding forest cover, such as muted forest hues with muted burnt rustic tones and accents
- ◆ Rough sawn siding in horizontal tongue and groove and board and batten configurations
- ◆ Where possible, the use of stepped foundations and retaining walls to fit the buildings to the steeper slopes on the lot and avoid excessive cuts and fills

Landscaping

Landscaping improvements shall be required as part of any site plan required pursuant to Summit County Regulations. Revegetation of all disturbed areas shall be required in accordance with Summit County Landscaping and Grading and Excavation Regulations, including the following site specific requirements:

- ◆ The Snake River Planning Commission shall approve of the final landscaping plan during site plan review. Such landscaping plan shall be designed to retain the visual dominance of forested areas as outlined on page 28 of the Snake River Master Plan. Such a plan shall include the installation of a landscaping screen for the parking areas, primarily using fir's, spruces and aspens, and a minimum of two (2) evergreens (spruce or fir) and three (3) deciduous trees per unit (narrowleaf cottonwood or aspens) in the core of the development. Existing individual trees to be saved on the site shall be indicated on the landscaping plan. Prior to the issuance of any grading or building permits, the applicant shall prepare and sign an agreement, acceptable to the Planning Director and the County Attorney, requiring the Owner/Developer to replace any existing trees designated to be retained on the approved landscaping plan that are damaged or destroyed during construction activities with an equivalent length of trees (e.g. One 30 foot conifer destroyed will have to be replaced with three 10 foot trees, or four 8 foot trees...). Forty percent (40%) of the coniferous trees shall be eight (8) feet in height, and 20% of the deciduous trees shall have a two (2) inch minimum caliper.
- ◆ Existing trees to be saved shall be protected by temporary fencing at the trees' dripline per the requirements of Section 3604.01 of the Summit County Land Use and Development Code. Such fencing shall be inspected prior to the issuance of a building permit and periodically throughout project construction. No equipment shall be driven or parked within the dripline of trees to be saved.
- ◆ The three parking areas shall be screened from Tennis Club road using a mix of existing trees and new plantings.
- ◆ The southern side of the site shall be landscaped to develop a screen or buffer between the high intensity development to the south and the single family townhomes on-site.
- ◆ All new plantings shall be watered on a regular basis by the homeowner's association, preferably using a drip irrigation system.
- ◆ All disturbed areas shall be replanted with a native grass seed and wildflower mix on top of the finish grades. Finish grades shall be set such as to include the application of topsoil in meeting spot elevations on contours shown on the approved site plan.

Lighting

- ◆ All lighting shall be designed and installed so all direct rays are confined to the site in accordance with Section 3505.07 of the Summit County Land Use and Development Code, including the provision for lighting in all parking areas and along walkways.

5. Site Plan Review

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes.

6. Bear-Proof Trash Dumpster

Trash shall be disposed of in bear-proof dumpster enclosure(s), the design of which shall be approved by the Snake River Planning Commission in accordance with Section 3505.03 of the Summit County Land Use and Development Code.

C. REQUIRED IMPROVEMENTS

1. Access

- a. **Roadways:** Access to the property and to the garage sites shall be provided by roads built to applicable County standards. The access off Tennis Club Road shall meet all requirements of the State Highway Department.
- b. **Existing easement:** The Owner/Developer agrees to continue providing a road and utility access easement extending between Tennis Club Road and the Arapaho National Forest to provide public access to the USFS trail system, and the Snake River Water District tank.

2. Water Systems

Water supply for the development shall be provided by Snake River Water District. Adequate fire flows shall be provided as determined by the Snake River Fire Protection District. Easements for water lines shall be provided by the Owner/Developer to the District.

3. Sewer Systems

Sewage for the development shall be provided by the Snake River Sanitation District. Easements for sewer lines shall be provided by the Owner/Developer to the District.

4. Fire Protection

The entire property is located within the Snake River Fire Protection District. All development on the property shall meet all fire protection requirements of the District.

5. Vegetation Management

A vegetation management program to reduce wildfire hazard and susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the property shall be prepared. The plan shall be reviewed by the Colorado State Forest Service and submitted concurrent with the townhouse plat for the project. The plan, once approved by the Colorado Forest Service shall be implemented prior to recordation of any final plat for the property or guaranteed in the subdivision improvements agreement.

6. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the townhouse plat. All utilities shall be located underground.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Townhouse Plat:** A townhouse 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.
- b. **Lot Line Vacation:** A lot line vacation between Tract A and Tract B must be approved by the Board of County Commissioners prior to any site plan approval on the property.

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), unless such amendment is determined to be minor in nature.

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

Keystone Cottages LLC
P.O. Box 85
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.

6. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the Keystone Cottages 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

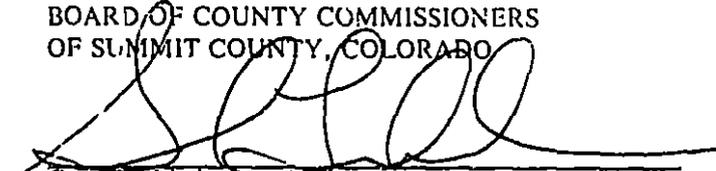
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

8. 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

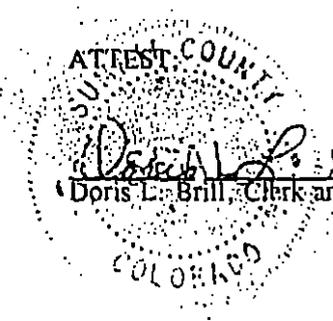


Gary M. Lindstrom, Chairman

Approved by:

to be:

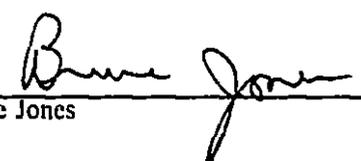
Legat





Doris L. Brill, Clerk and Recorder

Keystone Cottages, LLC



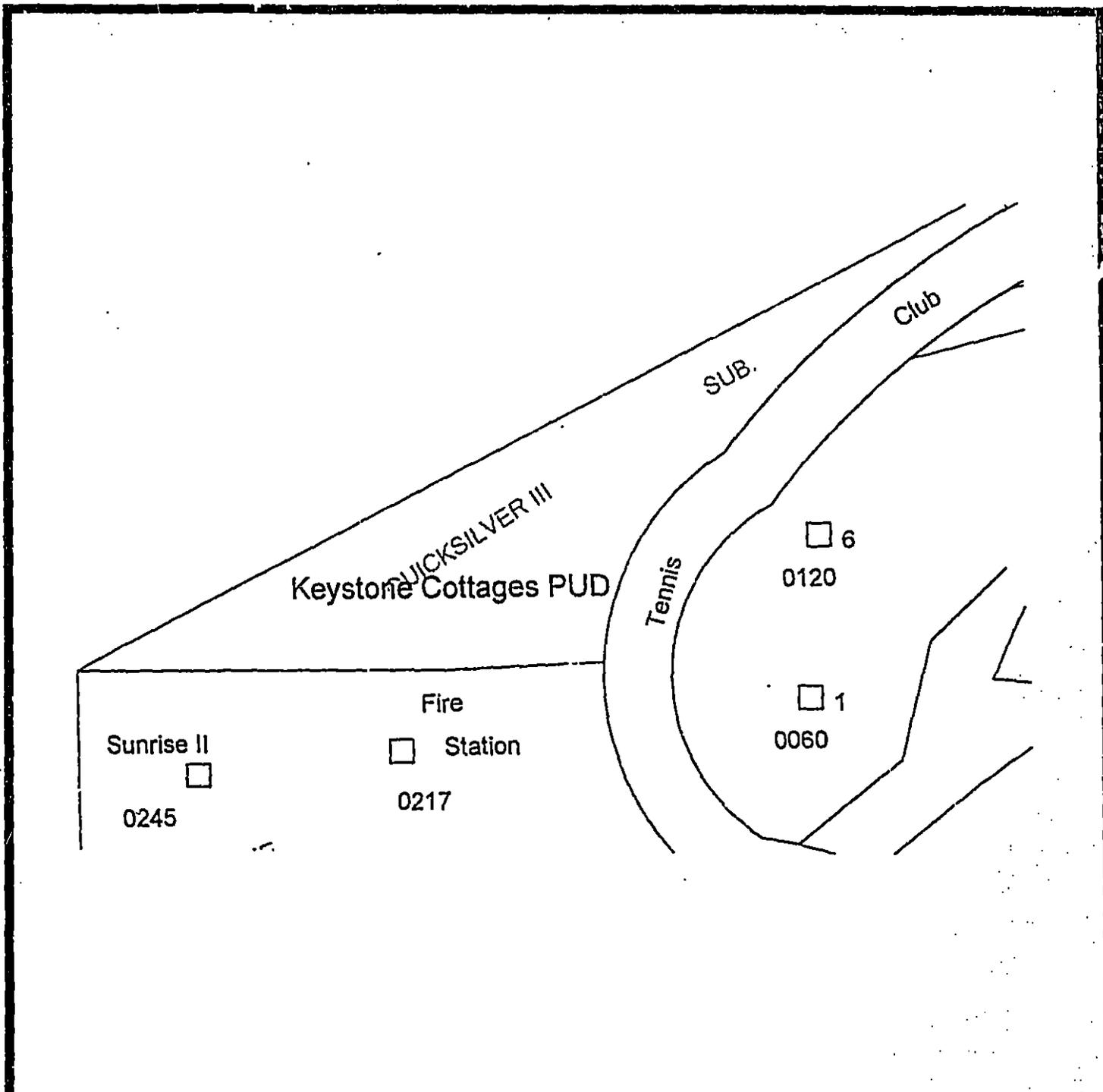
Bruce Jones

ATTEST:



EXHIBIT A
Legal Description

Quicksilver Subdivision, Filing #3, Tracts A and B



**SUMMIT
COUNTY**

OFFICIAL ZONING MAP

**FOR: Quicksilver Subdivision, Tracts A & B
ADOPTED BY THE SUMMIT COUNTY BOCC**

FOR:

DATE:
RESO#:

June 24, 1996

96-61

[Signature]
Gary M. Lindstrom, Chairman