

**MILLER
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Miller Planned Unit Development Designation, approved this 26 day of May, 1987, and was previously revised on the 29th day of June 1987, the 25th day of January, 1988, the 25th day of July, 1988, the 9th day of January, 1989, the 10th day of August, 1990, the 25th day of March, 1996 and is hereby amended this 22nd day of June, 1998 by the Board of County Commissioners of Summit County, Colorado. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by Gary Miller and his 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 Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Permitted uses shall be as follows:

Lot	Use	Maximum Square Footage	Equivalent Units
Lot 1	25 unit lodge	18,993 sq. ft.	8.3
Lot 3	One Miller Condo	4,000 sq. ft.	9.1
	6 Condo units	8,750 sq. ft.	
Lot 4 & 5 A & C	Two duplex (4 units)	10,000 sq. ft.	7.1
Lot 4 & 5 B	Two Condo units	4,400 sq. ft.	3.1
	Commercial	2200 sq. ft.	2.2
Lot 6	4 Townhomes	5,600 sq. ft.	4
TOTAL	42 Units	48,243 sq. ft.	33.8 EQ's

One additional kitchen unit shall be allowed in conjunction with the Miller primary residence located on Lot 3. The additional kitchen unit shall never be utilized to accommodate the use of an additional dwelling unit as defined by the Summit County Land Use and Development Code.

The calculation of the permitted density does not include the following floor areas contained on Lot 1: stairs, elevator and mechanical, property management storage, mechanical rooms and laundry, conference rooms and setup room, lounge area.

2. Building Height

Building heights shall not exceed 50 feet as defined in the Summit County Land Use and Development Code, Section 3505.06.

3. Parking

All parking requirements as defined by use shall meet all parking standards as defined in the County's Land use and Development Code.

4. Public Use Areas

In accordance with the County's Subdivision Regulations, the owner/developer shall pay public use area fees in lieu of land dedication. The fees shall be paid prior to recordation of the final plat, or if the property is platted in phases, for each phase as it is recorded. Lot 3 shall be exempt from this requirement.

5. Building Material

All buildings in the Miller PUD shall be similar in architectural character to the River Run Village. Exterior materials shall consist of stucco, rough-sawn wood, native stone or other natural materials. Metal roofing material may be used provided it is nonreflective.

Uniform or harmonious colors, materials, landscaping, pavers and architectural treatments shall be used throughout to emphasize the "village" character of the development.

6. Setbacks

<u>Lot</u>	<u>Setbacks</u>
Lot 1	Front Yard 45 ft Rear Yard 25 ft East Side Yard 15 ft West Side Yard 35 ft
Lot 3 Miller	Front Yard 5 ft (to Lot 1) 10 ft (to River Run Road ROW) Side Yard (W) 10 ft Side Yard (E) 5 ft Rear Yard 15 ft
Garage	Front Yard 25 ft Side Yard 5 ft Rear Yard 50 ft
Lots 4 & 5 A	Front Yard: 1 foot Rear Yard: 18 feet Side Yard: 3.5 & 10 feet Garage N.E. 1 foot
Lots 4 & 5 B	Front Yard: 10 feet Rear Yard: 5 feet Side Yard: 15 feet
Lots 4 & 5 C	Front Yard: 1 foot Rear Yard: 18 feet Side Yard: 3.5 & 10 feet Garage N.W. 1 foot
Lot 6	Front Yard 25 ft Side Yards 15 ft Rear Yard 0 *

*Subject to building code requirements

7. Signs

All signs shall comply with the Summit County Sign Regulations now in effect or as hereafter amended.

8. Site Plan Review

Prior to the issuance of building permits for any lot within the Miller PUD, the County must review and approve site plans. Site plan reviews shall be conducted by the Snake River Planning Commission for all development within this PUD.

Site plan review shall be in accordance with Section 12600 of the Summit County Land Use and Development Code.

9. Platting

A final plat of the property shall be submitted to and approved by the County prior to development. Any further platting (i.e. duplex subdivisions and town house subdivisions) shall be reviewed and approved by the County in accordance with the provisions of Section 8300 of the Summit County Land Use and Development Code.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services are to be provided in the development of the property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the Improvements Agreement required as a condition of final plat approval.

1. Water System

Water is to be provided by the Snake River Water District. Construction of water mains shall be in conformance with the regulations of the District.

2. Sewer System

Sanitary sewer service is to be provided by the Snake River Sewer Fund. Construction of sewer mains shall be in conformance with the regulations of the utility.

3. Access

Access to the property is provided from Keystone Road by River Run Road, a partially constructed roadway. River Run Road shall meet all standards for a local access road as specified in the County Road and Bridge Standards.

Prior to issuance of occupancy permits for the lodge, River Run Road shall be paved to the east property line of Lot 1 with the remainder of the roadway having a gravel driving surface. Prior to the issuance of occupancy permits for the last lot developed in the Miller PUD, the remaining section of River Run Road must be paved except that, if development east of the Miller PUD requires paved roads, prior to buildout of the Miller PUD, the owner/developer must participate in the cost of paving River Run Road from Keystone Road to the east property line of Lot 6.

4. Fire Protection

Fire protection is to be provided by the Snake River Fire Protection District, and the owner/developer shall meet all fire protection requirements of the District.

5. Landscaping

Landscaping shall be installed in accordance with the detailed landscaping plan as approved by the County.

C. GENERAL PROVISIONS

1. Breach of Provisions of PUD Designation

If at any time any provision or requirement stated in this 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 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 owner/developer a reasonable opportunity to remedy the same.

2. Binding Effect

This planned unit development 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 C.3. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

3. Amendments

Amendments to the provisions of this planned unit development designation shall be reviewed and acted upon in the same manner as any 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 C.R.S.24-67-106(3)[1973 ed.].

4. Enforcement

The provisions of the planned unit development 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.

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 Applicant:

Gary Miller
PO Box 1884
Dillon, CO 80435

6. Entire Designation

This designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the 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 enactments. Where provisions of this revised PUD designation conflict with earlier approved versions of the Miller PUD designation, the provisions of this revised PUD designation shall supersede and replace such provisions.

8. 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.

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 above written.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY COLORADO

s/s Marsha W. Osborn

Marsha W. Osborn, Chairman

ATTEST:

/s/ Doris Brill

Doris Brill, Clerk and Recorder

/s/ Gary Miller

Developer

APPROVAL OF AMENDMENTS

The foregoing document is the Miller Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 22nd day of June 1998 by Resolution No. 98-77 and as amended by the Summit County Board of County Commissioners as follows:

Resolution #	Reception #	Date
87-32	345360	6/29/87
88-02	354730	1/25/88
88-44	414895	7/25/88
#89-3	366744	1/9/89
#90-52	391727	8/10/90
#96-26	513467	3/25/96
#98-77	569432	7-6-98

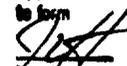
The planned unit development document dated the 26th day of May, 1987 under Resolution No. 87-22 and revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Miller Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 22nd day of June 1998.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO


William C. Wallace, Chairman

Approved as
to form


Legal

ATTEST:


Sheri Brunvard, Clerk & Recorder