

**SNAKE RIVER VILLAGE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Snake River Village, approved the 26th day of June, 1995, and revised on April 14, 1997 is hereby revised on March 8, 1999, 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 Norse, Inc. 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

45 townhome units, one single family dwelling and four affordable housing units.

B. DEVELOPMENT STANDARDS

1. Building Height

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

2. Setbacks

The setbacks shall be 20 feet from all property lines. The existing single family dwelling shall be considered a legal nonconforming structure with regard to setbacks. All additions or reconstruction of the existing dwelling must meet current setbacks.

3. Parking

At least two parking spaces shall be required for each unit. No parking shall be permitted on County roads.

4. Public Use Areas

Pursuant to Section 8601 of the Summit County Land Use and Development Code, the Owner/Developer is required to provide lands or pay fees in lieu for public use. Dedication of land or payment of fees is required prior to recordation of a final plat for the site or issuance of building permits.

5. Animal Restrictions

Animals are permitted in accordance with Section 3802 of the Summit County Land Use and Development Code for the R-6 zoning district.

6. Trash Restrictions

Bear-proof trash dumpsters shall be required in perpetuity.

7. Signs

All signs shall comply with the Summit County Sign Regulations in the Land Use and Development Code.

8. Affordable Housing

Four 2 bedroom units of affordable housing shall be provided in phase II in accordance with Exhibit B. This housing shall comply with the following provisions and be recorded as a covenant between the County and the developer, its heirs, successors or assigns:

- a. The initial offering price of the units shall be affordable to a family of three with median income limits as determined by HUD.
- b. The initial purchaser is or will be a local resident household who falls within the 100% median income adjusted for family size.
- c. With the initial offering, units must be owner occupied. With all subsequent sales, units must be owner occupied or occupied under a rental agreement where the minimum term of occupancy is for a period of six (6) months or more.
- d. Units must be occupied by a person who will be a resident of Summit County with principal employment being within Summit County and be employed at least 30 hours per week on an annual basis.

C. REQUIRED IMPROVEMENTS

1. Access

Access to the property and to all building sites shall be provided by a private driveway built as approved by the Board of County Commissioners. Owner/Developer to provide driveway access to the platted single family home and to place water, sewer, and gas laterals to the property line.

2. Water Systems

Water supply for the development shall be provided by the Snake River Water District. Adequate fire flows and hydrants shall be provided as determined by the Snake River Fire District.

3. Sewer Systems

Sanitary sewer service is to be provided by the Snake River Waste Treatment District.

4. Fire Protection

The entire property is located within the Snake River Fire District. All development on the property 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 with the Snake River Townhome site plan or subdivision approval with the condition that removal of existing trees shall be minimized to the maximum extent possible.

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 final plat.

7. Required Improvements

The employee units shall be built within four years of the initiation of Phase II as part of phase II and prior to the issuance of a certificate of occupancy for building No. 7.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Preliminary and final plats:** A preliminary and final plat shall be approved by the County prior to any development that involves the conveyance of any interest in the property to others.

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 CRS24-67-106(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

Norse Inc./Peter Stalland
275 Market Street
Minneapolis, MN 55405

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 Snake River Village 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**

/S/Gary M. Lindstrom
Gary M. Lindstrom, Chairman

ATTEST:

/S/Cheri Brunvand

Cheri Brunvand, Clerk and Recorder

/S/Peter Stalland

Norse Inc.
By: Peter Stalland, President

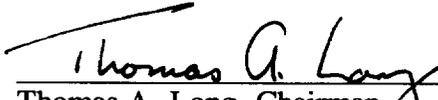
APPROVAL OF AMENDMENTS

The foregoing document is the Snake River Village Planned Unit Development Designation as amended and approved by the Summit County Board of County Commissioners on the 8th day of March, 1999, by Resolution No. 99-25.

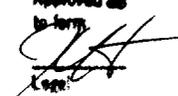
The planned unit development document dated the 26th day of June, 1995 and recorded at Reception No. 553500 and revised to incorporate the amendments approved as noted above shall remain in force as revised. The foregoing document is issued as a continuation of the original document. Copies of the original Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 8th day of March, 1999 .

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Thomas A. Long, Chairman

Approved as
to term

Clerk

