



**SUMMERWOOD
PLANNED UNIT DEVELOPMENT DESIGNATION**

The Summerwood Planned Unit Development Designation, hereinafter referred to as the "PUD Designation", originally approved the 21st day of April, 1981 by the Board of County Commissioners of Summit County, Colorado, and revised on the June 18, 1984, December 12, 1988, June 26, 1989, October 23, 1995 and June 14, 2005, is hereby revised on the 11 day of April, 2006. This PUD Designation is for certain real property located in the County as described in attached Exhibit A, hereinafter referred to as the "Property".

The PUD Designation establishes uses permitted on the Property, its development plan and phasing, and specific development regulations which must be adhered to by C-Triple G, Inc. and his successors and assigns, who is owner and development, 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". Where this PUD Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code (the "Code"), the provisions of the Code shall apply. Where the PUD Designation addresses a specific development standard or requirement, the provisions of this PUD Designation shall supersede the provisions of the Code.

A. USES PERMITTED AND DEVELOPMENT PLAN

Use and development of the Property shall be in accordance with the specific requirements of this PUD Designation, and in substantial compliance with the PUD Plan attached hereto as Exhibit B.

1. Permitted Uses and Density

a. Numbers of Units and Density¹

The permitted uses for the Property shall be 118 residential dwelling units and a 7,500 square foot sports facility, with a project density of 1.39 units per acre. The 118 residential dwelling units shall consist of:

1. 41 single family dwellings
2. 27 duplexes (54 units)
3. 19 multi-family dwellings
4. 4 employee housing units (these units are not counted in density calculation).

b. Sports Facility and Maintenance/Storage Building

The permitted use of the Property shall include the following uses in locations as shown on Exhibit B: 1) a 7,500 square foot sports facility that may include lounge, changing rooms, pool, jacuzzi, tennis courts, a sauna, racquetball court, exercise room and conference area, with the use of such facility limited to the Owner/Developer and guest of the Owner/Developer staying in the Property; and 2) a 1,000 sq. ft. maintenance shop/structure. If the maintenance shop/structure is less than 1000 sq. ft. and utilizes matching materials to that of the existing Sports Facility the use shall not be subject to site plan review by the Planning Commission and shall be conducted by the Planning Department. .

¹ The permitted uses and density section was amended in order to reflect the revisions to the PUD that occurred on May 29, 1990 (Reception number 388645) that were not included in the October 23, 1995 and June 14, 2005 PUD amendments.

c. Employee Housing

The Summerwood Planned Unit Development allows for the development of four employee-housing units as part of the overall limit of 118 dwelling units in the Summerwood PUD. Any unit built using this allowance for employee housing through a covenant between the Owner/Developer and the County, in form satisfactory to the County, to be executed prior to Certificate of Occupancy of the employee unit

d. Caretaker Units

Caretaker units shall be permitted in single family units in the Summerwood PUD subject to the criteria in this section. Caretakers units are not to be offered or used as rental units. Caretakers units are intended for the use of persons related to the property owner by blood or marriage, guests of the owner or employees of the owner who exchange security and/or caretaker services for housing. Caretakers units shall comply with the following criteria:

1. Each caretakers unit shall be provided with at least one parking space in addition to the parking spaces required for the single family unit.
2. The property owner shall pay additional water and/or sewer tap fees and charges for the caretakers unit of so required by the supplier of water and/or sewer service.
3. The floor area of the caretakers unit shall not exceed 750 square feet.
4. The use of the caretakers unit shall be restricted to members of the property owner's family, or guests or employees of the property owner by a covenant recorded against the property. The covenant shall grant enforcement power to Summit County.
5. Units which contain caretakers units shall retain a single family character in both function and design.
6. Each single family unit shall have no more than one caretaker unit.

In addition to the above criteria, a caretakers unit may have a separate kitchen and may have a separate entrance from that of the single family unit with which it is associated. It is the property owner's responsibility to insure the use and occupancy of a caretakers unit located on his property complies with the requirements of this section. Each caretakers unit shall be administratively reviewed and approved by the Summit County Planning Department concurrent with the County's review of building permits per the applicable provisions of the Code prior to issuance of building permits or occupancy of the unit.

2. Parking

Each residential unit shall have at least two parking spaces, and at most 65 parking spaces shall be provided for the sports facility. Parking shall satisfy any County parking regulations in effect at the time of development. Parking areas must be designed with back out areas which do not allow backing out into collector roads. Roads designed as cul-de-sacs, serving 15 units or less, must have direct off-street parking.

3. Common Open Space

Approximately 46 percent of the Property shall be reserved as common open space for passive open space uses and other uses as may be permitted by this PUD Designation for the residents of the Property, and shall be maintained by the Owner/Developer.

4. Public Use Areas

The Owner/Developer has dedicated to the County for public use a parcel of land adjoining US Highway 6, approximately 200 feet wide along the entire frontage of the Property (approximately 8.2 acres or 10 percent of the Property). The Owner/Developer has also constructed that portion of the Dillon-Keystone Recreational Pathway within the Property.

The Owner/ Developer has proposed, and shall dedicate to the County, a portion of Lot 2, Government Tract, T5S, R77W, Section 17, a 0.83-acre tract of land adjoining the Dillon Nature Reserve, prior to recordation of this PUD.

5. Timber Stand Clean-up and Improvement

The Owner/Developer shall initiate and carry out a systematic program of clean-up and inspection for beetle infestation within the timber stands on the Property. Methods approved by the County will be utilized each spring to control and eliminate any areas of infestation found to exist.

6. Setbacks and Disturbance Envelopes

Lot line setbacks shall be 20 feet between buildings.

Prior to the recordation of the preliminary and final subdivision plat for Lot 2, Government Tract, T5S, R77W, Section 17 and Lot 58A and Lot 59, Tract D of Summerwood PUD, disturbance envelopes shall be established in a location reviewed and approved by the Board of County Commissioners for the six units proposed on that site, in order to ensure that development avoids slopes greater than 30% to the greatest extent practical, to ensure that development is set deep enough into the forested area so that it is adequately screened from view, and to protect significant trees.

7. Building Height

All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105) shall be designed so the building is stepped with the terrain of the property, to the satisfaction of the Summit County Planning Department. The maximum building height shall be 35 feet per Section 3505.06 of the Development Code currently in effect or hereinafter amended.

8. Architectural Design Standards

a. Applicable Design Standards: Single-family units associated with Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105) shall comply with the design standards set forth in the Snake River Master Plan and the Summit County Land Use and Development Code, as currently in effect or hereafter amended. Compliance with the applicable design standards shall be ensured during site plan review for any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 (Planning Case #05-105).

b. Exterior Materials and Colors

(i) All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall be comprised of:

- natural materials and natural, earth-tone colors that mimic those found in the surrounding natural landscape; and
- non-reflective glass or non-reflective metal surfaces.

(ii) The primary construction materials shall mimic those found in the surrounding natural landscape, such as wood and stone, to the maximum extent practicable.

(iii) Non-combustible roofing materials shall be utilized to the greatest extent practicable due to the wildfire hazard rating of high. Fire retardant materials such as roofing materials shall be allowed, provided

these materials have a natural appearance to the maximum extent practicable, and are approved by the Planning Department during the building permit review process.

c. **Compatibility:** All single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall incorporate appropriate site design, setbacks, building height, and building mass in relationship to the surrounding properties, as determined at the time of site plan review.

10. Lighting

All exterior lighting shall comply with the applicable provisions of the Summit County Land Use and Development Code, and shall be downcast and non-glaring on adjacent properties. In the future, if any nonconforming light fixtures are ever damaged or replaced, the replacement fixtures shall comply with the lighting provisions set forth in this section (Section A.9) of the PUD.

11. Efficient Building

Single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 shall use technologies, products and practices, to the greatest extent practicable, which:

- Conserve water.
- Provide greater energy and materials efficiency.
- Reduce resource depletion and pollution.
- Protect indoor air quality; and
- Result in a more durable, comfortable home.

B. UTILITIES AND IMPROVEMENTS

Public utilities, improvements and services shall be provided as set forth in this section.

1. Water System

Water shall be provided by the East Dillon Water District or its successors or assigns.

2. Sewer System

Sewer service shall be provided by the Snake River Wastewater Treatment Plant or its successors or assigns.

3. Roads

All roads in the development shall be constructed to applicable County standards, and shall be maintained by the Summerwood Homeowners Association and not by the County.

4. Fire Protection

- a. Fire protection is to be provided through the Snake River Fire District or its successors or assigns. No Parking in Fire Lane Signage per figure d-103.6 of 2000 International Fire Code shall be provided on the drive serving Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 as requested by Lake Dillon-Fire and Rescue.

- b. All such single family units located in the area referenced in paragraph a directly above shall comply with the plans reviewed and approved by the Snake River Fire Department as a condition of site plan approval. .

5. Landscaping and Revegetation

A detailed landscaping and revegetation plan was submitted to and approved by the County as a part of the final plat approval

6. Utilities and Easements

- a. All new utility lines shall be buried underground and shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be properly designated and established on the final plat.
- b. In relation to any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17, the Owner/Developer shall dedicate all necessary easements for access, improvements, trails and any other necessary matters prior to recordation of the final plat for such parcel.

6. Easements

Except in relation to any new development on any single-family units located within Lot 58A, Lot 59, Tract D, Summerwood PUD and Lot 2, Government Tract, T5S, R77W, Section 17 the Owner/Developer has granted easements, as necessary, for water, sewer, gas, electrical, cable TV and other electronic or utility lines, and has also grant reasonable access easements to abutting National Forest Service lands as a part of the final plat and/or in the recorded Declaration of Covenants and Restrictions.

C. GENERAL PROVISIONS

1. Breach of Agreement

If at any time provision of this PUD Designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plats 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 applicant a reasonable opportunity to remedy the same.

2. Binding Effect

This PUD Designation shall run with the land and be binding upon the Owner/Developer and the County, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof. This PUD Designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

3. Notices

All notices required under this PUD 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
PO Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

Summerwood HOA
Summerwood HOA
Pmb 294. Box 10000

My commission expires _____

Witness my Hand and Seal.

Notary Public

APPROVAL OF AMENDMENTS

The foregoing planned unit development designation amends and supercedes the Summerwood Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on April 21, 1981, recorded under reception number 226004, and previously amended as follows:

Date of Modification Number	Reception Number	Resolution
June 18, 1984	281278	84-34
December 12, 1988	363989	88-72
June 26, 1989	372160	89-40
May 29, 1990	388645	90-41
October 23, 1995	503047	95-97
June 14, 2005	795700	05-47
April 11, 2006		

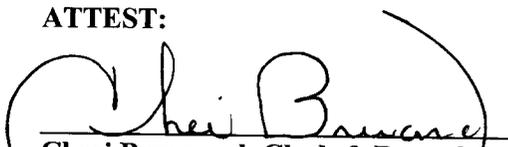
The foregoing planned unit development designation supercedes all previous planned unit development documents and designations covering the real property included within the foregoing. To the extent that the provisions of the foregoing are the same in substance to the provisions of earlier approved versions of such planned unit development designations, they shall be considered as continuations thereof and not new enactments. Copies of the original Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

ADOPTED THIS 11th DAY OF APRIL 2006.

**COUNTY OF SUMMIT
STATE OF COLORADO
BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS**


Robert H. S. French, Chairman

ATTEST:


Cheri Brunvand, Clerk & Recorder

Approved as
to form

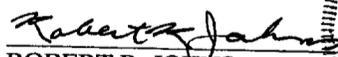
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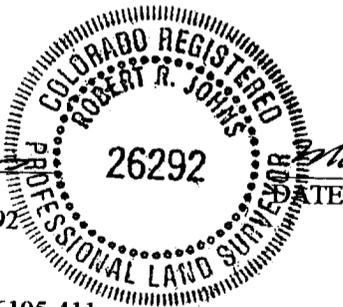
LEGAL DESCRIPTION
SUMMERWOOD PUD

A TRACT OF LAND LOCATED IN SECTIONS 17, 20 AND 21, TOWNSHIP 5 SOUTH, RANGE 77 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 21, THENCE S89°59'49"E ALONG THE NORTH LINE OF THE NW¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 1,305 FEET TO THE NORTHEAST CORNER OF THE NW¼ OF THE NW¼ OF SAID SECTION 21; THENCE S89°58'12"E ALONG THE NORTH LINE OF THE NE¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 163.04 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF US HIGHWAY NO. 6; THENCE S46°31'53"E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 434.90 FEET; THENCE S43°28'07"W A DISTANCE OF 200.00 FEET; THENCE S46°31'53"E A DISTANCE OF 50.00 FEET; THENCE N43°28'07"E A DISTANCE OF 200.00 FEET TO A POINT ON THE AFOREMENTIONED SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID US HIGHWAY NO. 6; THENCE S46°31'53"E ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1,367.78 FEET; THENCE N89°51'24"W PARALLEL TO THE SOUTH LINE OF THE NE¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 291.49 FEET; THENCE N46°19'29"W A DISTANCE OF 473.55; THENCE S43°23'53"W A DISTANCE OF 132.71 FEET; THENCE S44°14'47"E A DISTANCE OF 148.11 FEET; THENCE S02°37'54"W A DISTANCE OF 195.30 FEET; THENCE N89°51'24"W PARALLEL TO THE SOUTH LINE OF SAID NE¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 217.46 FEET TO A POINT ON THE WEST LINE TO THE EAST ½ OF THE SE¼ OF THE NW¼ OF SAID SECTION 21; THENCE S00°01'10"E ALONG SAID SECTION LINE A DISTANCE OF 413.42 FEET; THENCE N75°51'10"W A DISTANCE OF 84.22 FEET; THENCE S00°01'10"E PARALLEL TO THE AFOREMENTIONED WEST LINE OF THE EAST ½ OF THE SE¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 207.14 FEET TO A POINT ON THE NORTHERLY END OF THE PROPERTY OWNED BY THE CITY AND COUNTY OF DENVER, BOARD OF WATER COMMISSIONERS; THENCE N62°38'25"W ALONG SAID NORTHERLY LINE A DISTANCE OF 125.07 FEET; THENCE N74°12'25"W A DISTANCE OF 285.80 FEET; THENCE N67°30'10"W A DISTANCE OF 197.89 FEET TO A POINT ON THE WEST SECTION LINE OF THE SE¼ OF THE NW¼ OF SAID SECTION 21; THENCE S00°13'40"E ALONG SAID WEST LINE A DISTANCE OF 97.49 FEET; THENCE N66°26'40"W A DISTANCE OF 588.12 FEET; THENCE N20°06'01"W A DISTANCE OF 297.66 FEET TO A POINT ON THE SOUTH LINE OF THE NW¼ OF THE NW¼ OF SAID SECTION 21; THENCE S89°59'59"W ALONG SAID SOUTH LINE A DISTANCE OF 348.11 FEET TO THE SW CORNER OF THE SE¼ OF THE SW¼ OF THE NW¼ OF THE NW¼ OF SAID SECTION 21; THENCE N00°03'07"E A DISTANCE OF 328.99 FEET TO THE NW CORNER OF THE SE¼ OF THE SW¼ OF THE NW¼ OF THE NW¼ OF SECTION 21; THENCE N89°59'58"W A DISTANCE OF 328.44 FEET TO THE SW CORNER OF THE NW¼ OF THE SW¼ OF THE NW¼ OF SAID SECTION 21; THENCE N00°10'34"E ALONG THE WEST LINE OF THE NW¼ OF THE NW¼ OF SAID SECTION 21 A DISTANCE OF 328.99 FEET TO THE SW CORNER OF THE NW¼ OF THE NW¼ OF SAID SECTION 21; THENCE N89°17'11"W A DISTANCE OF 333.45 FEET TO THE SW CORNER OF THE SE¼ OF THE NE¼ OF THE NE¼ OF SECTION 20; THENCE N00°09'22"E A DISTANCE OF 329.06 FEET TO THE NW CORNER OF THE SE¼ OF THE NE¼ OF SAID SECTION 20; THENCE N00°08'11"E A DISTANCE OF 329.12 FEET TO THE SW CORNER OF THE NW¼ OF THE NE¼ OF THE NE¼ OF SAID SECTION 20; THENCE S89°15'55"E ALONG THE NORTH LINE OF THE NE¼ OF THE NE¼ OF SAID SECTION 20 A DISTANCE OF 228.64 FEET; THENCE N42°03'06"E A DISTANCE OF 656.00 FEET; THENCE S00°04'57"W A DISTANCE OF 492.73 FEET TO THE POINT OF BEGINNING, CONTAINING 83.61 ACRES MORE OR LESS.

PREPARED BY:


ROBERT R. JOHNS
COLORADO PLS NO. 26292



March 1, 2006

PROJECT NO. 16105-411
PREPARED FOR: SUMMERWOOD, LLC

5615/Y/146

SUMMERWOOD PUD
EXHIBIT C

This contains a listing of the number and type of units permitted on each lot in the Summerwood PUD. It is based on the approved development plan as amended by the Board of County Commissioners on April 11, 2006, and is intended to be consistent with the data shown on that plan.

<u>Tract</u>	<u>Lot</u>	<u>Permitted Use</u>	<u>Units</u>
A	1	Single Family Unit	1
	2	Single Family Unit	1
	3	Duplex	2
	4	Duplex	2
	5	Duplex	2
	6	Duplex	2
	7	Duplex	2
	8	Duplex	2
	9	Single Family Unit	1
	10	Single Family Unit	1
	11	Duplex	2
	12	Single Family Unit	1
	13	Single Family Unit	1
	14	Single Family Unit	1
	15	Single Family Unit	1
	16	Condominium (Ridge Condo)	4
	17	Condominium (Summer Ridge)	6
	18	Part of Lot 47	
	19	Duplex	2
	20	See Footnote #1	
	21	Single Family Unit	1
	22	Duplex	2
	23	Single Family Unit	1
	24	Single Family Unit	1
	25	Single Family Unit	1
	26	Duplex	2
	27	Single Family Unit	1
	28	Single Family Unit	1
	29	Single Family Unit	1
	30A	Single Family Unit	1
	30B	Single Family Unit	1
31	Single Family Unit (2)	1	
32	Duplex	2	
33	Duplex	2	
34	Duplex	2	
B	35	Duplex	2
	36	Duplex	2
	37	Duplex	2
	38	Duplex	2
	39	Duplex	2
	40	Duplex	2

SUMMERWOOD PUD
Exhibit C

, 2006

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<u>Tract</u>	<u>Lot</u>	<u>Permitted Use</u>	<u>Units</u>
C		Sports Complex	
		Property Manager Unit	1 (Does not count towards density)
D	41	Duplex	2
	42	Duplex	2
	43	Duplex	2
	44	Duplex	2
	45	Duplex	2
	46	Single Family Unit	1
	47	Condominiums (Torrey Ridge)	9
	48	Single Family Unit	1
	49A	Single Family Unit	1
	49B	Single Family Unit	1
	49C	Single Family Unit	1
	50A	Single Family Unit	1
	50B	Single Family Unit	1
	51	Single Family Unit	1
	52	Single Family Unit	1
	53A	Single Family Unit	1
	53B	Single Family Unit	1
	53C	Single Family Unit	1
	54	Single Family Unit	1
	55	Duplex	2
	56A	Single Family Unit	1
	56B	Single Family Unit	1
	56C	Single Family Unit	1
	57	Single Family Unit	1
	58B	Duplex	2
	60	Duplex	2
Lot 2, Government Tract (T5S, R77W, Section 17) Lot 58A and Lot 59		Single Family Units	6 (Per Planning Case 05-105)

TOTAL UNITS 115 (4)
Employee Housing Units(3) 3
118

- (1) Lot 20 never platted. Original allocation showed 1 unit for each of Lots 19 and 20. Allocation was combined and assigned to Lot 19 as duplex
- (2) Formerly a duplex lot restricted to one unit by plat filed at Reception No. 337441
- (3) Employee housing units are a permitted use within the Summerwood PUD and are not mandatory. As of this date, one employee housing unit has been developed as the property manager unit in the sports complex, and three employee housing units have not been developed.
- (4) 114 units count towards density because the property manager unit on Tract C is an employee-housing unit and does not count towards density.