



**THE TIMBERS LODGE  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as The Timbers Lodge Planned Unit Development, originally approved on the 21<sup>st</sup> day of December 1998 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," is hereby revised on the 26<sup>th</sup> day of April, 2005 for certain real property located in Summit County and described in the 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 Howard Bowen and William Harvin 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**

A total of 29 multifamily dwelling units are permitted on the property as per the conceptual development plan (Exhibit B).

The base net density on the Property may not exceed 25 equivalent units per net developable acre, as designated in the Snake River Master Plan Community & Neighborhood Program Table for the River Run Neighborhood.

If in the future any of the units are combined, the resulting reduced density shall never be considered or utilized for a density transfer off of the Property.

**2. Accessory Uses**

Accessory and conditional uses shall be regulated under the provisions for such uses in the R-6 zoning district as now in effect or hereinafter amended.

**B. DEVELOPMENT STANDARDS**

**1. Building Height**

Building heights shall not exceed 58 feet as defined in the Uniform Building Code.

**2. Setbacks**

- USFS property lines      10 feet
- Private property lines    10 feet
- Snake River                25 feet from edge of bank
- Wetlands                    35-foot minimum buffer zone on each side of a delineated wetland

**3. Parking**

1 space/one bedroom  
1.5 spaces/2+ bedrooms

**4. Snow Storage**

Snow storage areas shall be provided adjacent to paved areas and other areas to be plowed in compliance with Section 3705.2(F) of the Summit County Land Use and Development Code. The proposed recreational trail shall not be utilized for snow storage from the proposed road.

**5. Architectural Design Standards**

Exterior materials shall primarily consist of wood (i.e. beveled, T&G, board & batten), stone (synthetic and/or natural using muted colors is acceptable), logs, heavy timbers, and shingles. The following types of siding are not acceptable; plywood including T-1-11, ferro cement, block, brick, angled siding, composite board/hardboard, concrete. Building exteriors shall be subdued and use natural colors (either painted or stained), and shall be finished so as to be non-reflective. High contrast color schemes are prohibited. Mirrored or highly reflective glass shall be prohibited and outside lighting limited to driveways and walkways.

The Owner/Developer shall obtain a restrictive covenant or easement, enforceable by the County and approved by the Summit County Attorney, which insures at least 50 feet of separation between buildings upon the subject property and the nearest building upon the adjacent KRED property. Owner/Developer shall also obtain KRED's agreement to incorporate such provisions into the Keystone Resort PUD in connection with the next amendment request that KRED may initiate.

**6. Signage**

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

**7. Lighting**

The site plan submittal shall include detailed design information about the location of all exterior lighting fixtures proposed to be used on the property, including building, walkway and parking area lighting.

## **8. Landscaping**

Landscaping within the development shall be installed in accordance with a detailed landscaping plan approved by the County with site plan review. The Landscape plan shall identify significant existing stands of trees and seek to protect existing trees where possible.

Landscape planning should generally focus on restoration of the native landscape thereby restoring wildlife habitat and eliminating the need for irrigation after the initial grow-in period. In areas where a more "formal" landscape is desired, such as the entrance way, native plants shall be used and water conserving irrigation methods shall be utilized.

## **9. Wetlands**

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer shall comply with all conditions imposed by the Army Corps of Engineers in its verification letter dated October 7, 1998. If such verification expires prior to construction on the Property, the applicant shall provide the Community Development Department with final U.S. Army Corps approval prior to the issuance of a building permit for construction. Wetland areas should remain free of development other than roads, bridges, utilities and similar incursions authorized by the Army Corps of Engineers and Summit County. The site plan submittal shall contain a wetland protection plan and mitigation measures for approval by the Summit County Engineer prior to the issuance of any building permit, which shall address the mitigation of potential impacts to adjacent wetlands, including:

- a. Time grading and construction to minimize soil exposure during periods of snowmelt and rainy periods;
- b. Retain and protect natural vegetation; strip only the area required for construction in stages;
- c. Infiltrate runoff from impervious surfaces by locating infiltration trenches below driplines, walkways, parking areas and driveways;
- d. Minimize length and steepness of exposed slopes by designing with the natural topography; prevent erosion on exposed slopes by placing barriers, such as straw bale dikes;
- e. Keep runoff velocities low to prevent high erosive powers by using flow barriers (vegetation, rip-rap, etc.);
- f. Protect drainageways and outlets from increased flows by using rip-rap;
- g. Trap sediment on-site by straw bales, filter fences and sand bags;
- h. Any disturbed areas must be replanted with native vegetation;
- i. Natural hydrologic flows will be maintained through the site;
- j. Minimize earth movement by minimizing cut and fill slopes to the extent feasible;
- k. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety;

- l. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills must be permanently stabilized at the earliest practicable date;
- m. No activity may substantially disrupt the movement of those species of aquatic life indigenous to the waterbody, including those species which normally migrate through the area, unless the activities primary purpose is to impound or transmit water; and,
- n. Heavy equipment working in wetlands must be placed on mats or other measures must be taken to minimize soil disturbance.
- o. Any other appropriate measure as deemed necessary by the County Engineer, a regional planning commission, or the Board of County Commissioners.

The applicants/homeowners association shall be responsible for the maintenance and clean out of sediment buildup in the sediment level spreaders.

#### **10. Wildlife Impacts:**

There shall be no fences on the property (other than privacy fencing for hot tubs) to avoid restrictions to wildlife movements. Stray dogs and cats are prohibited on the premises due to the potential negative impacts on local wildlife. Contractors shall be prohibited from bringing dogs to the construction sites, even if animals would be kept inside vehicles. There shall be no outside storage of trash or garbage, unless it is contained within a bear-proof container which meets CDOW specifications.

Owner/Developer shall comply with the pre-survey requirements of the Draft Boreal Toad Mitigation Plan for the Schick Property prepared by Western Ecosystems, Inc., dated February, 1998, and the additional recommendations contained in the letter dated August 25, 1998, from Western Ecosystems, Inc., to the Owner/Developer.

#### **11. Water Quality**

An erosion control plan for the site which meets the standards set forth in Sections 7101.01.A through 7101.01.C and 7101.01.F of the County's Land Use and Development Code shall be prepared by a registered engineer having knowledge and experience in civil engineering and hydrology. Approval of the erosion control plan shall be obtained from the County Engineer prior to issuance of any grading or building permits for the site. The Engineering Department shall inspect the site periodically during construction to ensure compliance with the approved plan and must inspect and approve long-term erosion control measures before a certificate of occupancy is granted.

A revegetation plan which meets the standards set forth in Section 7101.01.D of the County's Land Use and Development Code shall be prepared by an individual having a degree in landscape architecture, and sufficient experience in landscaping installation and maintenance to ensure the success of the plans they propose. Approval of the

revegetation plan shall be obtained from the Engineering Department prior to issuance of any grading or building permits for the site. The Engineering Department shall inspect the site periodically for four years from the date revegetation work is done to ensure compliance with the plan.

An urban run-off plan which meets the standards set forth in Section 7101.01.B, 7101.01.C and 7101.01.E of the County's Land Use and Development Code shall be prepared by a registered engineer having knowledge and experience in civil engineering and hydrology. Approval of an urban run-off control plan shall be obtained from the County Engineering Department prior to issuance of any grading or building permits for the site. The Engineering Department shall inspect the site periodically during construction to ensure compliance with the approved plan and must inspect and approve long-term urban run-off control measures before a certificate of occupancy is granted.

The erosion control and run-off plans shall address the following best management practices to the satisfaction of the Summit County Engineer:

1. The increase in peak stormwater discharges will be attenuated to maintain predevelopment drainage conditions to meet the requirements of the Summit County Land Use and Development Code.
2. Regional stormwater infiltration or detention facilities will be used where practical, to reduce on site detention needs and minimize both land costs and maintenance expenses.
3. Wet detention or extended detention facilities will be used where feasible for flood control and water quality enhancement.
4. Unlined open channels and roadside swales will be emphasized to: (a) convey fully developed flood flows, (b) avoid problems with freezing often experienced with buried conduits in extreme winter conditions, and (c) improve water quality.
5. Stormwater facilities, where required, will be designed and constructed to maintain public safety and ensure the conveyance of 25 year flows from both on site and off site tributary basis. Construction of stormwater facilities will generally be phased concurrently with other development improvements to achieve a congruous system that accounts for potential impacts from upland basins and to receiving streams below the proposed improvement.
6. Riparian corridors will be preserved to the greatest extent feasible to maintain stable natural channels, minimize potential impacts to wetlands, and provide for conveyance of flows without inundation of adjacent buildings and private property.
7. The stability of natural channels will be a goal. Where natural channels are affected by development, improvements will be constructed to control velocities, and reduce scour. The potential for debris flow and other geologic hazards will be considered.

To prevent water quality impacts from the de-icing and traction application to the proposed road, appropriate controls for runoff from the proposed road shall be

reviewed at the time of site plan review by both the Engineering Department and the Summit County Water Quality Committee.

Prior to the issuance of any building permits, the existing septic system shall be removed to the satisfaction of the Summit County Environmental Health Department. Mitigation is required for total phosphorus loads on a pound-for-pound basis.

**12. Public Use Fees:**

The Owner/Developer shall dedicate a public non-motorized recreational trail easement to be developed as a recreational single track trail in accordance with Exhibit H - Trails Plan and Exhibit L - Pathway Design Standards Matrix of the Keystone Resort PUD. The easement shall be dedicated concurrent with the recording of final plats for development. Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer shall be given appropriate credit toward Public Use Area Fees for the dedication of the public trail easement.

**C. REQUIRED IMPROVEMENTS**

**1. Access**

A special use permit shall be obtained from the USFS for the proposed access road and submitted to the Community Development Department for review prior to the recordation of the resolution and PUD designation. All the mitigation requirements as outlined in a letter dated January 14, 1998 from Tere O'Rourke, District Ranger, and/or imposed by the special use permit shall be complied with. In addition, the applicant shall provide the Community Development Department the appropriate easement for the access road that crosses the Keystone Real Estate Property to the east of the subject property with any site plan applications. Access to the property, and to all building sites, shall be provided by a driveway built to applicable County standards. The appropriate drainage improvements and signage shall be reviewed and approved by the County Engineer and the Road and Bridge Department to address the safety issue related to the access road and East Keystone Road. Any required retaining walls over four feet in height shall be designed by a registered professional engineer.

**2. Water Systems**

Water supply for the development shall be provided by the Snake River Water District. Construction of all water lines shall be in conformance with the regulations of the district. Adequate fire flows shall be provided as determined by the Snake River Fire District.

**3. Sewer Systems**

Sewer service for the development shall be provided by the Snake River Sewer District. Construction of all sewer lines shall be in conformance with the regulations of the 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. 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.

**D. 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

Howard Bowen & William Harvin  
10931 Crabapple Road  
Roswell, GA 30075

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 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 as established in Chapter 12.

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/ William C. Wallace  
William C. Wallace, Chairman

ATTEST:

/S/ Cheri Brunvand  
Cheri Brunvand, Clerk and Recorder

OWNERS:

/S/ Howard Bowen  
Howard Bowen

/S/ William Harvin  
William Harvin

/S/ Lynn Anne Donovan  
ATTEST:  
Lynn Anne Donovan

\* Denotes the original signatories to the Timbers Lodge PUD Designation, originally approved on December 21, 1998.

APPROVAL OF AMENDMENTS

The foregoing planned unit development designation amends and supercedes the original Timbers Lodge Planned Unit Development Designation as approved by the Summit County Board of County Commissioners on December 21, 1998 and recorded at Reception Number 592926, and as amended by the Summit County Board of County Commissioners as follows:

Resolution #2005-33

Adopted April 26, 2005

Reception No.

# EXHIBIT A

## LEGAL DESCRIPTION THE SCHICK PARCEL

A PARCEL OF LAND BEING A PORTION OF THE SE1/4, NW1/4, SECTION 19, TOWNSHIP 5 SOUTH, RANGE 76 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SUMMIT COUNTY, COLORADO, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE C-S-S-NW 1/256 CORNER OF SAID SECTION 19, A B.L.M. BRASS CAP; THENCE N02°39'20"E A DISTANCE OF 646.79 FEET TO THE C-N-S-NW CORNER OF SAID SECTION 19, A B.L.M. BRASS CAP; THENCE S88°12'52"E A DISTANCE OF 207.00 FEET TO A REBAR WITH ALUMINUM CAP (PLS. 15242); THENCE S01°47'08"W A DISTANCE OF 644.41 FEET TO A REBAR WITH ALUMINUM CAP (PLS. 15242); THENCE N88°49'25"W A DISTANCE OF 216.86 FEET TO THE POINT OF BEGINNING; CONTAINING 136,805 SQUARE FEET, OR 3.14 ACRES MORE OR LESS.

PREPARED BY:

*Robert R. Johns*

ROBERT R. JOHNS, P.L.S.

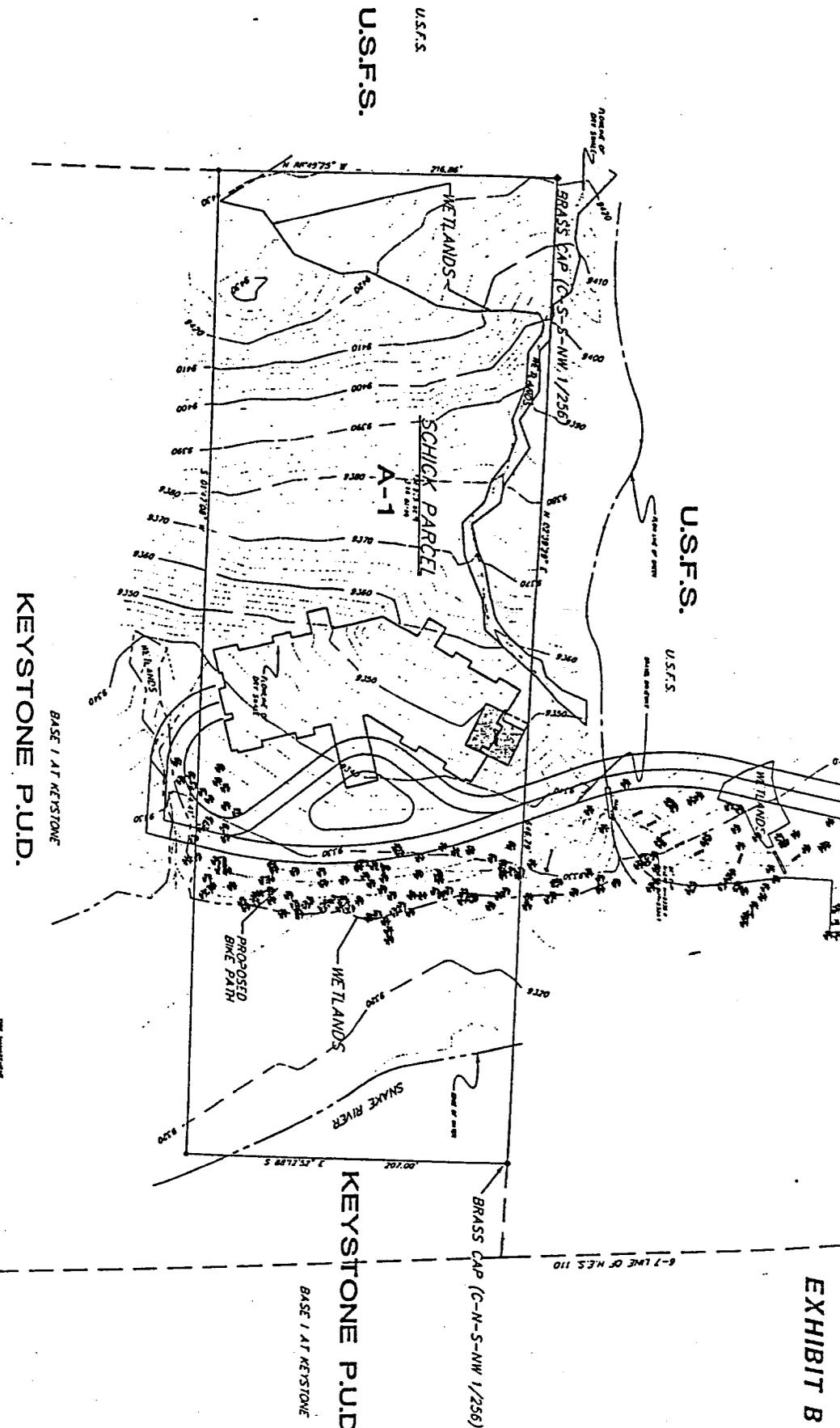
COLORADO LICENSE NO. 26292



*Sept. 26, 1997*

PREPARED FOR: BOWEN CONSTRUCTION SERVICES, INC.  
PROJECT NO.: 15009-411

4011757118



THE INFORMATION ON THIS PLAN, SPECIFICATIONS AND RELATED RECORDS, IS TO BE USED IN THE CONSTRUCTION OF THE PROJECT. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

No.	Revision	Date

**NORTHERN ENGINEERING SERVICES**  
 420 SOUTH HAWKS BUTTE RD., FT. COLLINS, COLORADO 80521  
 (970) 221-4158

Project: 9753.00 Plot Date:  
 SCALE: 1" = 50'  
 REVISION: NONE  
 PREPARED: 10/23/77

**SCHICK PROPERTY**  
**SITE PLAN**

Sheet 1 / 5