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Cheri Brunvand – Summit County Recorder 4/28/2008 9:37 DF:0.00



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**COUNTY COMMONS
(Formally the Summit County Library and Service Center)
PLANNED UNIT DEVELOPMENT DESIGNATION**

The County Commons Planned Unit Development Designation, approved the 23rd day of January, 1995 and revised on March 27, 1995, September 23, 1996, October 15, 1996, and January 19, 2004 by the Board of County Commissioners of Summit County, Colorado, is hereby revised this 25th day of March, 2008, as indicated in Exhibit B. This designation establishes uses permitted on the property, its development plan and phasing, and specific development regulations which must be adhered to by the Board of County Commissioners of Summit County, Colorado and their successors and assigns, who is the owner and developer, 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 Conceptual Development Plan and Land Use Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

PARCELS 1 – 3

- Open Space and landscape buffering
- Passive recreation uses
- Public trails
- Underground utilities
- Storm water Management facilities
- Access

PARCEL 4: (4.95 ACRES)

- State Patrol facilities (density limited to the existing 20,900 sq. ft.)
- Animal Control Operations, including:
 - Office
 - Animal Shelter
 - Fenced outdoor small animal runs
 - Wildlife rehabilitation center
 - Animal crematorium
- Community Service Facilities & Offices including but not limited to a community center, assisted living, social and human services. No additional industrial or maintenance facilities shall be allowed.

Overall density for this parcel is limited to 64,682 sq. ft. of gross floor area.

The future development of housing as a use on this parcel may occur where supported or endorsed by the Board of County Commissioners of Summit County to be in the best interest of the Summit County community. Any future development of housing on this parcel will be subject to a PUD amendment process. The exact nature and design standards for housing on this parcel will be determined as part of this amendment process.

PARCEL 5: (3.16 ACRES)

- Multiple family residential units with an overall density not to exceed 30 units.

PARCEL 6: (3.50 ACRES)

- Fire training facility
- Summit County Road & Bridge Operations
 - Short term outdoor equipment storage
 - Short term salt, sand, and recycled asphalt storage
- Colorado Department of Transportation Operations
 - Short term outdoor equipment storage
 - Short term salt, sand, and recycled asphalt storage
- Transportation Operations Center
 - Short term outdoor equipment storage

Overall density on this parcel is limited to 30,660 sq. ft. No development is allowed within the no disturbance/tree preservation zone for parcel 6 as designated on Exhibit B.

PARCEL 7: (23.2 ACRES)

- 215,000 square feet of floor area for community facilities and institutional uses, hospital facilities, medical offices, professional/business offices, health services, as well as any services and uses that are ancillary, accessory or customarily associated with those uses listed above.
- Two Helipads and a 3,000 sf. heliport and/or maintenance facility The heliport shall be located and designed to buffer noise from helicopter operations. The County may require the installation of a sound wall at the edge of clear zone around the helipads.
- Community Service Facilities & Offices

PARCEL 8: (4.20 ACRES)

- Community Service Facilities & Offices including but not limited to County offices, social and human services. No industrial or maintenance facilities shall be allowed.

Overall density on this parcel is limited to 30,000 sq. ft. Density may be transferred between parcels 8 – 10 as part of the site plan review process.

PARCEL 9: (5.80 ACRES)

- Community Service Facilities & Offices including but not limited to County offices, social and human services. No industrial or maintenance facilities shall be allowed.

Overall density on this parcel is limited to 30,000 sq. ft. Density may be transferred between parcels 8 – 10 as part of the site plan review process.

PARCEL 10: (7.90 ACRES)

- Summit County Library and Administrative Services:
 - Library
 - Community Service Facilities & Offices
- Community Service Facilities & Offices including but not limited to social and human services. No industrial or maintenance facilities shall be allowed.

Overall density on this parcel is limited to 47,300 sq. ft. Density may be transferred between parcels 8 – 10 as part of the site plan review process.

PARCEL 12: (15.78 ACRES)

- Transportation Operations Center, including:
 - Bus barn maintenance
 - Summit Stage office
 - Summit Stage crew offices and lounge
- Summit County Road and Bridge Operations, including:
 - Office
 - Vehicle maintenance garage
 - Outdoor equipment storage
 - Salt and sand storage
- Emergency Services facility, including:
 - Ambulance offices
 - Crew quarters
 - Ambulance bays/garages
 - Communications
- Colorado Department of Transportation Operations, including:
 - Operations office
 - Outdoor equipment storage
 - Road maintenance facilities
 - Salt and sand storage
- Community Service Facilities & Offices including but not limited to social and human services.
- Overall density on this parcel shall not exceed 162,255 sq. ft.

PARCEL 13: (4.45 ACRES)

- Public rights-of-way for the interior roads serving the project, pedestrian walkways, bikeways, and bus stops:
 - Minor re-alignment of the main loop road may occur at the site plan review stage to assure the roadways are constructed in a grade sensitive alignment that minimizes site disturbance and potential visual impacts.

PARCEL 14: (12.79 ACRES)

- State Highway 9 right-of-way dedication

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed the following height limits as defined in the Summit County Land Use and Development Code, Section 3505.06 et.seq.

- Parcels 4 & 5 35 feet. No building on parcel 5 shall be higher than 40 feet above the elevation at the center of the intersection of Miners Creek Road and Bob White Way.
- Parcel 6: 35 feet with the exception of the fire training tower which shall not exceed 50 feet
- Parcel 7: 75 maximum feet for one 3 story hospital structure, and 50 feet maximum for two story medical office structures.
- Parcels 8 – 10: 45 feet

- Parcel 12: 37 feet with the exception of any existing structures whose current height shall be deemed conforming. Architectural components or appendages for solar collection comprising no more than 20% of the roof area may be permitted up to a maximum of 46 feet

For any building taller than 35 feet, appropriate design measures will be employed to insure that the structure is compatible with neighboring uses, in harmony with the natural setting, and inviting to pedestrians and the public. Measures to minimize the appearance of mass and height may include, but are not limited to:

- Having stepped building facades
- Using pitched roofs to add interest and to be reflective of typical mountain architecture
- Not allowing large expanses of exterior walls which are not broken up both vertically and horizontally
- Using grading and berming to minimize the apparent height of the building

2. Setbacks

Minimum building and parking area* setbacks shall be as follows:

- From the ROW of Highway 9: 50 feet
- From the ROW of the interior loop road: 35 feet
- From the ROW of all other interior roads: 25 feet
- From the main recreation pathway and Miner’s Creek Road: 50 feet
- Parcel 5 shall be further restricted by the setbacks shown on the approved site development plan.

*Parking area setbacks for Parcel 7 and 12 shall be determined at the site plan review stage

Regardless of these minimum setback requirements, development, with the exception of construction of utilities, infrastructure, stormwater management facilities, roads, trails, and Recreation pathways, shall be restricted to its appropriate development parcel as indicated in Section A.1 of this Designation and shown in Exhibit C.

3. Parking

Parking shall be required as follows:

- Library & Community Services Offices: 4 spaces/1,000 sq. ft. gross floor area
- Hospital: 1 space per licensed bed +
1 space per employee at peak shift +
1 space per Outpatient Treatment Room +
1 space per physician (at peak shift)
- Medical/office: 5 spaces/1000 s.f.
- Transportation Operations Center: 1 space/employee/maximum shift
- County Maintenance Facility: 1 space/employee/maximum shift; 2 spaces/maintenance bay
- Fleet Storage 1 space/vehicle stored on the parcel
- Residential 2 spaces/unit

4. Snow Storage

All site development plans shall comply with the snow storage requirements set forth in Section 3505.19 et.seq. of the Summit County Land Use & Development Code and

incorporate best management practices to minimize the potential impact of road sand and salt contaminated snowmelt on water quality in the area. Snow Storage is permitted on all parcels.

5. Site Coverage

Site coverage limits shall be as follows:

- Parcels 1-3 & 7: NA
- Parcel 4: Existing uses are limited to the existing structures and impervious surface; Total building coverage is limited to 20% and impervious surface to 65% for any combination of new and/or existing uses. Building and impervious surface standards for possible future uses not specified under Section A.1 of this PUD Designation will be determined as part of a PUD amendment process.
- Parcel 5: 25% building & 50% impervious surface
- Parcel 6: 10% building & 65% impervious surface: an additional 5% impervious will be allowed if the building is set into the hillside.
- Parcel 7: 45% building & 85% impervious surface
- Parcel 8: 20% building* & 65% impervious surface
- Parcel 9: 30% building* & 65% impervious surface
- Parcel 10: 15% building* & 65% impervious surface
- Parcel 12: 25% building & 85% impervious surface

*This standard is subject to change as required by any density transfers approved between Parcels 8-10 as part of the site plan review process.

6. Walls & Fences

Height for walls and fences shall be as follows:

- Parcels 4 & 7: Maximum height 6 feet
- Parcel 7: Maximum height 8 feet, 10 feet or other approved height if in conjunction with noise mitigation for the helipads/heliport
- Parcels 8-10: Maximum height 5 feet
- Parcel 12: Maximum height 8 feet with the exception of the Wildlife Rehabilitation Center which shall have a 9 foot maximum height.

7. Open Space Areas

The open space area west of Miners Creek Road as shown on Exhibit B shall be reserved by Summit County exclusively for Open space, passive recreation uses, underground utilities and storm water management facilities.

8. Wetlands

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer is required to obtain 404 permits as required by the U.S. Army Corps of Engineers wherever necessary for roads and utilities. Wetland areas shall remain free of development other than roads and utilities.

9. Signs and Lighting

Sign control within the PUD shall be regulated by an approved sign program in accordance with the standards and requirements of Section 9000 et. Seq. Of the Summit County Land Use & Development Code. Any signs, with the exception of public safety signs shall comply with

the adopted sign program for the PUD as now in effect or hereafter amended. All lighting shall fully comply with Section 3505.07 of the County's Land Use and Development Code. All interior lighting shall be shielded to minimize offsite visibility to the maximum extent practicable.

10. Development Schedule

- 1995+--Phase I: Parcels 10, 12, 13, 14 & all necessary utility, infrastructure and road improvements including improvements to State Highway 9 and utility, infrastructure and road improvements necessary to support the development of these parcels. More specifically, public roadway improvements to be provided in Phase I include all roadway improvements to Highway 9 as required by CDOT. The main interior roadway shall be improved to accommodate both through and turning traffic that will be generated by development of Phase I. In any case the left turn lane into the Nordic Center/USFS access will be provided as part of Phase I. Access to Bills Ranch will also be provided in Phase I as shown in Exhibit D.
- 1997—Phase II: Parcels 6, 11 & 12 (on-going) and utility, infrastructure and road improvements necessary to support the development of these parcels.

11. Historical Features

Historical features shall be considered prior to development of any site plan. When a historical feature of local importance is identified, the Owner/Developer shall consult with the Summit Historical Society and plan development to be compatible with the historical resource.

12. Walks & Trails

The Owner/Developer shall construct all paved or dirt trails and pedestrian walkways as indicated on the conceptual master plan shown in Exhibit C. All trails shall be open to the public and shall connect to USFS, Town of Frisco, and Summit County trailheads where feasible.

13. Trash Collection and Recycling Facilities

To effectively eliminate the attractive nuisance created when bears have access to unprotected trash receptacles all trash collection and storage facilities within this PUD shall incorporate bear-proof designs approved by the Colorado Division of Wildlife as part of any site plan submittal.

The Owner/Developer acknowledges the need for a recycling center in the Frisco area and has indicated on Exhibit B four (4) possible locations for a recycling center within this PUD. The intent of designating these locations is to allow for one recycling center within the PUD in the event that it cannot be located within the Town of Frisco. If a suitable site within Frisco is not readily available, the Owner/Developer may choose one of the sites identified in Exhibit B for a recycling center. The locations shown on Exhibit B are not meant to be exact boundaries of the recycling site; rather they are general locations for the site to be located. At the time of site plan review, the exact boundary of the site will be determined based on site constraints, minimization of site disturbance, and preservation of existing vegetation. Additional landscaping and berms may be required to buffer the site from adjacent uses. The site plan review for the recycling center will be a class 4 application.

14. Animal Regulations

Any future implementation of residential uses within the PUD shall include a total prohibition on the keeping of dogs on the property.

15. Site Specific Development Standards

- Parcels 1-3: The intent of this PUD is to preserve existing open space and enhance existing trails.
- Parcel 4: The streetscape shall be compatible with established Summit County Library and Service standards – Initial screening and streetscape improvements shall be made while CDOT and the State patrol remain on the parcel—Color schemes compatible with the natural landscape and consistent throughout Parcel 4 shall be used.
- Parcel 5:
 - Building type shall be limited to two story townhome construction, with a maximum of 4 units per building.
 - The residential development will be kept in scale to complement the surrounding neighborhood.
 - The color of the housing unit shall be consistent with the natural landscape.
 - No exterior lighting shall be installed which produces direct glare to neighboring properties or nearby pedestrian and vehicular traffic.
 - Parking will be clustered on the site adjacent to the dwelling units. The number of parking spaces will be adequate for the intended use but not excessive in order to minimize the loss of tree coverage and impervious surfaces.
 - Existing tree coverage in setback areas will be retained in order to maintain a buffer between the residences and adjoining uses.
 - Pedestrian access will be provided from the site to the bike path.
 - Attention will be given to views both to and from the site.
 - The project is intended to fit in with the beauty of the natural environment, and to take advantage of the solar and view potential of the property.
 - No outdoor storage (boats, trailers, etc.) shall be allowed on the property.
- Parcel 6: Color schemes which are compatible with the natural landscape and consistent throughout parcels 6 & 12 shall be used.
- Parcel 7:

The following design guidelines shall be applied to the development of the subject parcel:

Design Consistency:

 - The medical office building shall be designed in a manner that is reasonably consistent with the design other buildings on the hospital campus. However, all architecture and finish design of the exterior of all improvements and signage of the medical office building shall be consistent with the design required in the PUD designation, however it shall be distinct from the hospital in its exterior design and finish. All structures shall be generally consistent with the aesthetics as reflected on the submitted conceptual building rendering.
 - The hospital and the medical office building shall be designed and site planned in a manner that will allow the users of the hospital and the medical office building to access both facilities in a convenient, efficient and economical manner.

Building Mass and Design:

 - Break up the mass of buildings by utilizing variation in rooflines and building facades
 - Structures shall utilize mountain vernacular architecture and utilize indigenous materials of the region. This issue shall be determined at site plan review.
 - The medical oriented structures shall not promote a monotonous style. Specifically, the hospital and the medical office building need to be visually

diverse. The structures shall utilize architectural features and accent colors to provide variation, interest and focal points.

Parking:

- Avoid locating parking immediately adjacent to buildings that acts to isolate buildings and provide barriers to pedestrian circulation
- Avoid large, unbroken, expansive parking areas
- Utilize landscaping and natural buffers to break up parking areas and provide screening and separation of parking from buildings and roads

Landscaping Materials:

- Landscaping shall be meet County's the Landscaping Regulations

- Parcel 8-10: The intent of this PUD is for development to reflect:
 - An appropriate sense of community pride
 - A sense of permanence
 - An appropriate mountain vernacular architecture
 - A sense of the importance of this government center
 - A sensitivity to pedestrian scale and detail
 - A connection between Parcels 8-10 which allows pedestrian access and flow
 - Consistency of colors and materials is encouraged on Parcels 8-10
- Parcel 12: The bus barn shall be located and designed to buffer noise from on-site operations including a drive-through facility to eliminate back-up beepers. The Owner/Developer, the Road & Bridge Department, CDOT, and Summit Stage shall coordinate site planning efforts to reduce backing movements and implement other operating procedures designed to minimize the noise created by normal operations on site. All outdoor storage shall comply with the standards and requirements for non-residential storage set forth in Section 3815, of the Summit County Land Use & Development Code. A minimum 50 foot buffer shall be maintained between the main access loop road right-of-way and any development on the north edge of Parcel 12. Color schemes consistent throughout Parcels 6 7 12 and compatible with the natural landscape shall be used. Additional landscaping shall be required to replace loss of existing vegetation.

C. REQUIRED IMPROVEMENTS

1. Access

- a. Access from Highway 9: Primary access to the PUD shall be provided from two points on Colorado State Highway 9. The western most access currently exists and will become a four-way intersection with the completion of the Water Dance subdivision. Signalization of this intersection will be required as part of the Phase I development. A new right-in/right-out only access shall be constructed about midway along the Highway 9 frontage. This access shall align directly across from the existing entrance to the Nordic Center/USFS Peninsula Campground. Implementation of this access shall include construction of a left turn land from southbound Highway 9 into the Nordic Center/USFS Peninsula Campground that meets all applicable County and State standards.
- b. Internal Access: Internal access shall be provided via a system of paved public and private roads as illustrated on the Land Use Plan shown in Exhibit C. The primary roadways shall be constructed to the standards set forth in Section 5103 et.seq. of the Summit County Land Use & Development Code for collector level roads including an 80 foot wide right-of-way.
- c. Access to Bill's Ranch: Access to Bill's Ranch shall be provided by a new road connecting with the primary loop road west of the road to Parcel 12. The exact location

and alignment of this road shall be determined through the site plan review process. The intersection of County Roads #1000 (Miners Creek Rd.), #1006 (Bill's Ranch Rd.) and #1004 (the road accessing the existing County facilities), may or may not be abandoned based upon consultation between the County, the public, and adjacent property owners during the site plan review process.

- d. **Medical Campus Primary Access Road:** The hospital developer shall design, construct and consent to the dedication of a collector level primary access road, in a location acceptable to County, for the purpose of providing public access, utilities, and proper traffic circulation through the Leased Premises to Highway 9 and shall include a signalized intersection at Highway 9. Prior to the issuance of the first certificate of occupancy associated with any structure on Parcel 7, the subject road shall be dedicated to the County and the County shall assume responsibility for the repair and the maintenance of the road, subject to the financial guarantees and requirements of Chapter 5 of the Development Code.
- e. **Medical Campus Secondary Access Road:** As shown on Exhibit B, a secondary access road serving Parcel 7 shall be constructed and dedicated prior to the issuance of a certificate of occupancy for the hospital. Upon dedication to the County, the County shall assume responsibility for the repair and maintenance of the road, subject to the financial guarantees and requirements of Chapter 5 of the Development Code. The use of such secondary road shall not be restricted. Utilization of said access road will be evaluated after one year of utilization to determine if traffic volumes on Bills Ranch Road have significantly increased as a result of the secondary access road. If traffic volumes have increased, the County may enact restricted access to the secondary access road to mitigate this issue. In the spring of 2004, the County shall conduct traffic counts associated with CR 1004, 1005, and Bills Ranch Road/miner creek road to assist in setting a baseline of traffic movements in this area in order to ascertain if the improvements associated with Parcel 7 are resulting in increased traffic flows that could effect the Bills Ranch neighborhood.

2. Water Systems

Water supply for the development shall be provided by the Town of Frisco. Construction of all components of the water supply system shall comply with the standards and regulations of the Town of Frisco. All existing water wells shall be abandoned, if required by State regulations, in compliance with those regulations as determined by the State Engineer's Office upon implementation of a central water supply within the PUD. Where appropriate, the site design shall incorporate the use of recycled water for landscaping and other appropriate uses to maximize water conservation. Adequate fire flows shall be provided as determined by the Frisco Fire Department.

3. Sewer Systems

Sewage disposal for the development shall be provided by the Frisco Sanitation District. Construction of all components of the sewage disposal system shall comply with the standards and requirements of the District. Within one year of implementation of a central sewage disposal system within the PUD the existing septic systems shall be abandoned in compliance with all County Regulations as approved by the Summit County Environmental Health Department¹ Where possible, wastewater from vehicle wash facilities shall be re-cycled using a wastewater re-cycling system approved by Environmental Health. Discharged effluent from industrial uses shall meet all applicable Frisco Sanitation District standards.

4. Fire Protection

All development on the property shall meet the requirements of the Lake Dillon Fire Protection District and, where applicable, the Red, White & Blue Fire Protection District.

5. Vegetation Management

It is the intent of this PUD to implement a vegetation management program that reduces wildfire hazard and susceptibility to mountain pine beetle infestation while enhancing wildlife habitat and tree vigor on the property. Such a plan shall be prepared by the County in conjunction with the Colorado State Forest Service and Division of wildlife. This plan shall be submitted concurrently with the site plan for Phase I. The plan, once approved by the State Forest Service and Division of Wildlife shall be implemented on a phased basis prior to completion of the appropriate development phase or guaranteed in the site plan improvements agreement for that Phase. Because of the important role of seedling/sapling areas, dead standing trees, the aspen component of the conifer/aspen habitat, and the presence of openings within forested areas play in enhancing biological diversity/wildlife habitat and forest health, the vegetation management plan shall include best management practices, as approved by the State Forester's Office and Division of Wildlife, to protect these natural resources within the PUD.

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 submitted site plans.

7. 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. Landscape planning shall generally focus on restoration of the native landscape thereby restoring wildlife habitat and eliminating the need for irrigation after the initial growing period.

8. Water Quality & Phosphorous Mitigation

All development proposals within the PUD shall implement "best management practices" (BMP's) for control of runoff and stormwater on a permanent basis, stormwater and erosion during construction, and wastewater generated as a result of industrial operations on-site. In keeping with the County's policies regarding phosphorous mitigation development, the Owner/Developer shall be required to mitigate non-point source phosphorous on a pound to pound basis. Using the phosphorous mitigation model incorporated into the Keystone Base I PUD it appears that the phosphorous credits provided by connecting the existing County facilities served by on-site septic systems to a central sewer system will more than off-set the amount of non-point source phosphorous generated by the level of development anticipated in this PUD. In addition to abandoning all on-site County septic systems, BMP's shall also be incorporated into any site design to mitigate the potential introduction of unacceptable levels of phosphorous into the Lake Dillon Watershed either during construction or through ongoing operations on-site. Appropriate BMP's shall include but not be limited to; incorporating phosphorous removal design into all stormwater detention facilities, paving of all roads and parking areas, appropriate detention of runoff from sand and snow storage on-site, minimizing the erosion potential by limiting cut slopes and fill areas through the use of retaining walls and incorporating appropriate revegetation measures in the landscaping plan, limiting the use of phosphorous containing herbicides and fertilizers and ensuring that areas requiring the use of such substances have runoff directed to impervious surfaces where it can be routed to the

appropriate drainage control facilities, encouraging the use of detergents and other substances that are phosphorous free, and minimizing site disturbance through site sensitive design.

9. Air Quality

Where appropriate, site design shall incorporate measures that promote the use of alternative modes of transportation to help reduce the impact of this PUD on air quality in the area. Wood burning devices are prohibited within the PUD. All buses and diesel driven winter maintenance and snowplowing equipment/vehicles shall be stored inside.² As part of the site plan review process, the Owner/Developer shall prepare operation standards designed to reduce the level of emissions generated on-site.

10. Noise

As part of the site plan review process, the Owner/Developer shall incorporate design features and operation standards intended to minimize the level of noise generated by normal on-site operations into the site design. To the maximum extent practicable (weather, safety or other factors beyond a pilots control) the Flight for Life helicopter shall avoid flying over the Bills Ranch and Water Dance residential areas.

11. Environmental Testing

Prior to the implementation of the first phase of development, a minimum of a Phase I Environmental Audit shall be completed by an environmental engineer or scientist with recognized expertise in the field and approved by the County Engineer and the Environmental Health Department. A mitigation/remediation program shall be prepared under the direction of the County Engineer and adopted by the Board of County Commissioners for any contaminated sites with the PUD prior to any site disturbance activity related to development of that specific site.

D. IMPLEMENTATION

1. Site Plan Review

The project shall comply with Section 12600 of the Summit County Land Use and Development Codes. All development shall undergo site plan review and approval by the County prior to the issuance of building permits. All site plans shall be in compliance with the applicable sections of the Summit County Land Use & Development Code now in effect or hereafter amended. At the time of site plan review, offsite improvements included in this PUD such as major road work, recreational pathways, and utilities may be required.

2. Platting Requirements

Platting of property within the PUD is not required as long as Summit County remains the Owner/Developer. Should any portion of the site be sold by the Owner/Developer platting will be required in compliance with the county's Subdivision Regulations set forth in Chapter 8 of the Summit County Land Use & Development Code now in effect or hereafter amended.

E. GENERAL PROVISIONS

1. Administration and Enforcement

Administration and enforcement of the terms of this PUD shall be in accordance with "Chapter 14: Administration and Enforcement" of the Summit County Land Use & Development Code.

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).

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
PO Box 68
Breckenridge, CO 80424

Notice to Owner/Developer

County Manager
Summit County
PO Box 68
Breckenridge, CO 80424

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 Summit County Library & Service center 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 (CRS24-67-106) 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 Summit County Library & Service Center PUD Designation, the provisions of this revised PUD Designation shall supersede and replace such provisions.

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.

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 written above.

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

By: /s/ Gary M. Lindstrom*
Gary M. Lindstrom, Chairman

ATTEST:

By: /s/ Doris L. Brill*
Doris L. Brill, Clerk and Recorder

SUMMIT COUNTY GOVERNMENT
OF SUMMIT COUNTY, COLORADO

/s/ Robert Taylor*
Robert Taylor, County Manager

ATTEST:

/s/ Dori J. Webb*
Dori J. Webb, Deputy Clerk

*Denotes the original signatories to the County Commons PUD Designation, originally approved on January 23, 1995.

APPROVAL OF AMENDMENTS

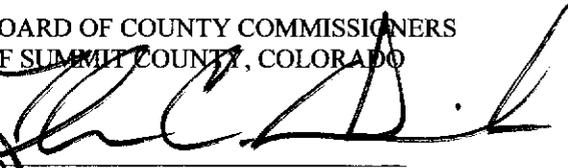
The foregoing document is the Summit County Library & Service Center Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 15th day of October, 1996 and recorded at Reception No.527313 and as amended by the Summit County Board of County Commissioners as follows:

Resolution No.	Reception No.	Date
95-4	486069	1/23/95
95-26	489118	3/27/95
96-95	524428	9/23/96
96-100	527312	10/15/96
04-08	744689	1/19/2004
08-16	886379	3/25/2008

The planned unit development document dated the 23rd day of January, 1995 and recorded at Reception No. 486070 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 Summit County Library & Service Center Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 25th day of March, 2008.

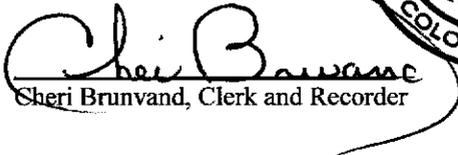
BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO



Thomas C. Davidson, Chairman



ATTEST:



Sheri Brunvand, Clerk and Recorder

EXHIBIT A

**LEGAL DESCRIPTION
HOMESTAKE LAND EXCHANGE PARCEL NO. 4
SUMMIT COUNTY SHOPS**

**A TRACT OF LAND LOCATED IN SECTION 35 AND SECTION 36,
TOWNSHIP 5 SOUTH, RANGE 78 WEST OF THE SIXTH PRINCIPAL
MERIDIAN, SUMMIT COUNTY, COLORADO. BEING DESCRIBED AS THE
FOLLOWING GOVERNMENT LOTS IN SAID SECTIONS 35 AND 36.**

SECTION 35, TOWNSHIP 5 SOUTH, RANGE 78 WEST

GOVERNMENT LOT 22, GOVERNMENT LOT 23

SECTION 36, TOWNSHIP 5 SOUTH, RANGE 78 WEST

**GOVERNMENT LOT 11, GOVERNMENT LOT 13, GOVERNMENT LOT
15, GOVERNMENT LOT 18**

SAID GOVERNMENT LOTS CONTAIN 130.3 ACRES MORE OR LESS.

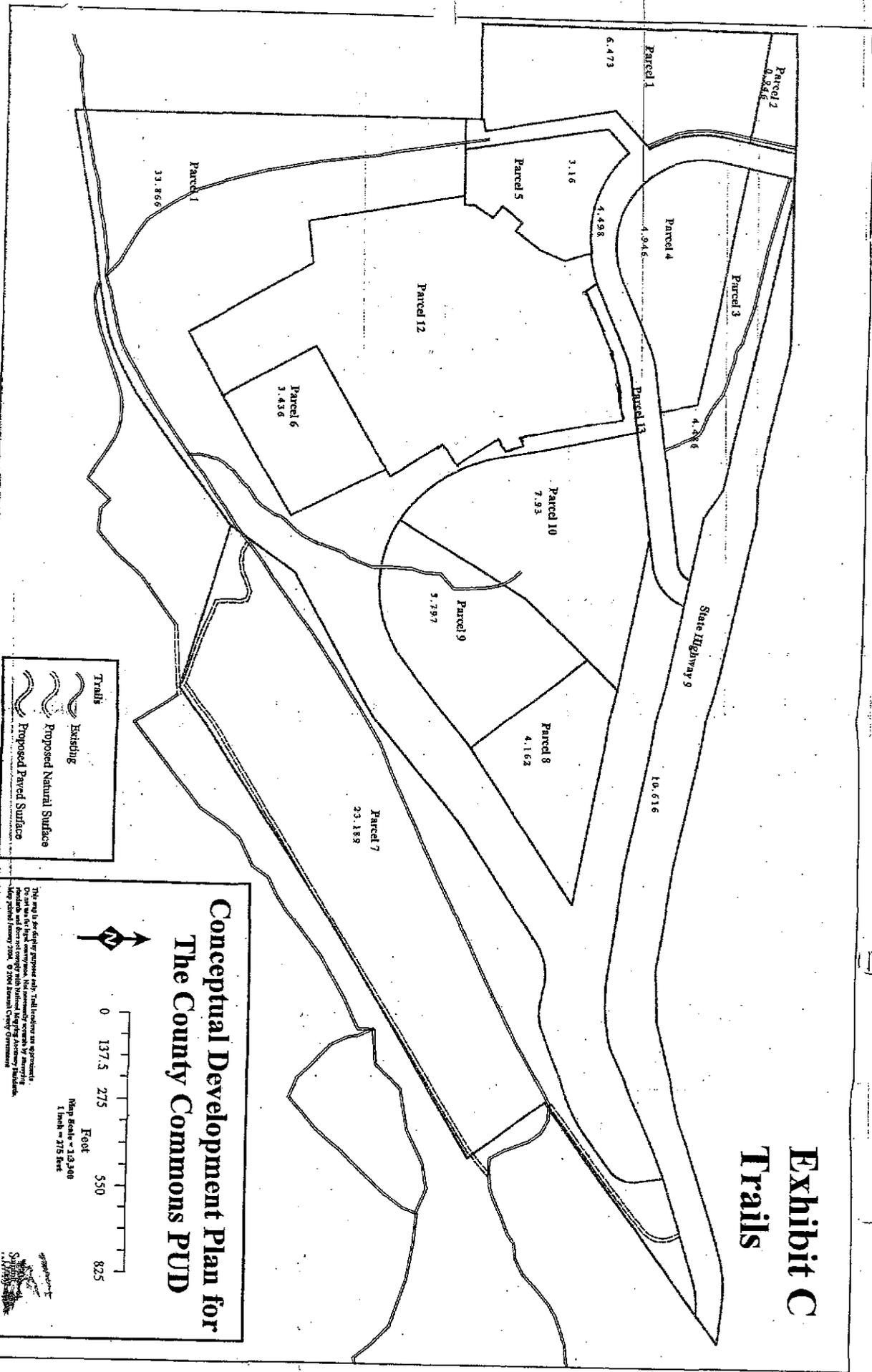


County Commons PUD
Exhibit B

Legend

-  Possible Recycling Sites
-  Parcel lines

Exhibit C Trails



Conceptual Development Plan for The County Commons PUD

This map is for display purposes only. Trail locations are approximate. Consult the final plan documents for the County Commons PUD for accurate trail locations. Map published January 2008. © 2008 Summit County Planning and Zoning Department.

Map Scale = 1:24,300
1 inch = 215 feet

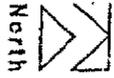
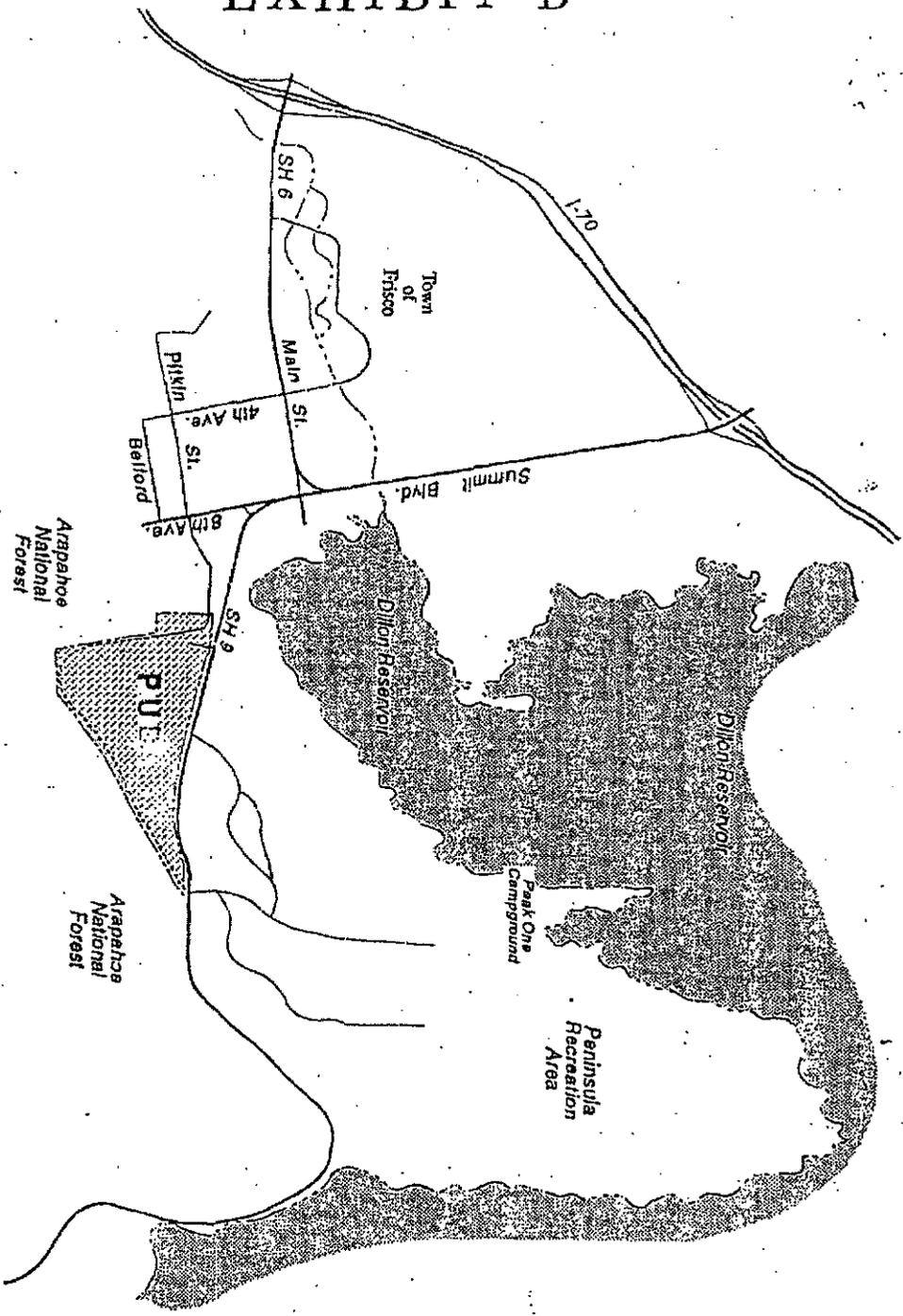


EXHIBIT L



OFFICIAL ZONING MAP



SUMMIT COUNTY

FOR:

ADOPTED BY THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS

DATE:

RESOLUTION NO.

Rick Hum, Chairman

EXHIBIT E

INTERGOVERNMENT AGREEMENT BETWEEN SUMMIT COUNTY GOVERNMENT AND THE TOWN OF FRISCO PERTAINING TO WATER

This Intergovernmental Agreement between the Summit County Board of Commissioners (hereinafter called the "Board,") and the Frisco Town Council (hereinafter called the "Council,") entails the mutually negotiated agreement pertaining to the Board's request for water service at the approximately 100 acre site commonly known as the "County Barns Site," and the Board's involvement with an amendment to the Summit County Agreement associated with the Town's revised water augmentation plan.

PREMISES

The Council acknowledges the leadership and assistance of the Board with respect to previous water planning activities that benefited the Town of Frisco, including particularly the Summit County Agreement and the Future Dillon Reservoir water provisions of the Clinton Reservoir - Fraser River Water Agreement.

The Board has requested from Frisco municipal water service for the County Barns Site to serve its proposed facilities, all of which are located outside the corporate boundaries of the Town of Frisco;

The Town of Frisco is seeking the approval of a water augmentation plan from the Water Court which requires an amendment to the Summit County Agreement ("Amendment") in order to utilize the "Future Dillon Reservoir Water." The Amendment requires the signatures of the Town of Frisco, the Board and City and County of Denver, acting by and through its Board of Water Commissioners, prior to final approval of the augmentation plan.

NOW THEREFORE, in consideration of the Premises, the adequacy of which is hereby acknowledged, the Board and the Council agree as follows.

1. The Board has approved the Amendment to the Summit County Agreement, attached as Exhibit "A".
2. Upon approval of the Amendment, the Council will take the following actions with respect to the County's request for water service at the County Barns Site:
 - a. The Council will charge the County "in-town" rates for water service at the County Barns Site, rather than the rate normally charged for water service to users outside the Town of Frisco's corporate boundary (which is double the "in-town" rate).
 - b. The Council will charge the County \$49,300 in tap fees for 23 water taps at the County Barns Site, which is the projected demand for the first phase of the County's proposed facility plan. The Board acknowledges

that the standard out-of-town tap fee is normally \$3,200 per tap. Payment for the tap fees shall be made upon issuance of a final certificate of occupancy (CO) for the facilities in phase one or within 18 months from the date of full building permit issuance, whichever occurs first. The Board shall notify the Council within 20 days of the date on which each facility in phase one is issued a final CO and shall concurrently submit payment for the pro rata share of tap fees which are attributable to such facility.

- c. The Council will waive the Town's requirement for the provision of water rights associated with the twenty-three (23) taps referenced in (b) above, which is the projected demand for the first phase of the County's facility plan;
- d. The Council will, with three (3) years of the date of this agreement, allow the Board to purchase up to an additional fifteen (15) water taps at the "in-town" rate for existing or proposed facilities at the County Barns Site. The following provisions shall apply to these 15 additional water taps.

(i) The Town's requirement for the provision of water rights associated with the projected demand of the fifteen taps will be waived, regardless of when purchased.

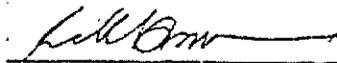
(ii) Once on line, the fifteen taps will be charged "in-town" rates for water service, as provided for in paragraph (a) above.

IN WITNESS WHEREOF, this agreement is entered into this 13 day of December, 1994.

BOARD OF COUNTY COMMISSIONERS
SUMMIT COUNTY, COLORADO

ATTEST:

Secretary



Rick Hum, Chairman

TOWN OF FRISCO, a Colorado
municipal corporation

ATTEST:



Town Clerk



M. L. Etie, Mayor

6: ATTORNEY AGR... DISCLOSURE