



**GOLD DUST LODGE
PLANNED UNIT DEVELOPMENT**

This Planned Unit Development Designation, to be known as the Gold Dust Lode PUD, is approved this 23rd day of June, 2003, 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 Zdenek "Dan" Nikodem hereinafter referred to as the "Owner/Developer". This PUD designation also specifies improvements, which must be made, and conditions, which must be fulfilled in conjunction with the development of the Property.

This PUD Designation establishes the land uses and density that shall be permitted within the Property, a general development plan, development standards and conditions that must be adhered to by property owners within the Property and its successors and assigns. Where this PUD Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code (the "Development Code"), the provisions of the Code shall apply as currently in effect or herein after amended. 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. 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

One single-family dwelling, with a maximum gross floor area of 5,500 square feet as defined by the Development Code.

2. Accessory and Conditional Uses

Same as R-1 (Single Family Residential) Zoning District as outlined in the Development Code. Home occupations shall be in accordance with section 3801 of the Development Code.

3. Animal Keeping

Animal keeping shall be restricted as follows: Dogs must be contained by outdoor runs or electronic collars.

4. Trash Handling

All trash shall be disposed of in a bear-proof trash container. Prior to issuance of a certificate of occupancy, the owner shall submit a receipt/proof of purchase to the Planning Department for a bear-resistant trash container/storage bin.

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined by the Development Code (Exhibit C). Site plans, floor plans and elevations for the permitted residence shall be accompanied by a profile plan of the proposed residence to ensure any building height does not exceed: 1) The view planes from decks of 0015 Dunkin Drive, the Rockridge Townhouses, or 2) Surrounding tree heights.

2. Setbacks and Disturbance Limitations

Exhibit B establishes a disturbance envelope on the property, the exact boundaries of which will be established by the Owner/Developer, and reviewed and approved by the County during the site plan review for the residence. All buildings, structures, driplines and grading upon the property shall be located wholly within the disturbance envelope. Site disturbance and tree removal outside of the disturbance envelope shall be limited to: (a) grading and surfacing of the driveway; (b) installation of utilities; and, (c) removal of trees for forest management or fire mitigation purposes.

Disturbance envelope boundaries: fifteen (15) feet on the south side adjacent to the Waymire PUD, thirty (30) feet on the north side adjacent to Lot 2, Dunkin Hill Subdivision and forty (40) feet east side adjacent to the driveway.

3. Lighting

All lighting shall be shielded from adjacent properties and require full cutoff/recessed lighting fixtures. Landscaping and architectural lighting shall be prohibited. Prior to issuance of a building permit, the owner shall provide details on the lighting fixtures on the site plan that adequately confines light rays to the site and eliminates off site glares, with such lighting reviewed and approved by the Planning Department.

4. Design Standards

The single-family unit and accessory structures shall be designed with the following considerations:

- Mountain vistas and unique environments are retained and development blends with the natural landscape to the fullest extent possible.
- Buildings within forested areas should be located and designed so that the existing visual dominance of the forest is maintained.
- Natural materials and colors so that the structures blend visually with the forest (e.g., painted or stained in subdued, natural colors).
- Stepped building foundations on slopes 20% or greater so that buildings fit with the natural terrain to the greatest extent practicable.
- Building mass is broken into distinct, smaller forms including facades and rooflines (e.g., no side of the building shall be more than 25 feet straight up).
- Retaining walls to avoid excessive cut-and-fill, with retaining walls over five feet in height stepped so as to prevent excessive retaining wall heights.
- Roofing material that is non-reflective.

C. REQUIRED IMPROVEMENTS

1. Access/Roadways

Access to the single-family unit and accessory structures shall be provided by roads built to applicable County standards including grade and site distance. The access off Dunkin Drive will meet the access requirements of the County Engineering Department and the Red, White and Blue Fire Protection District.

2. Water Systems

The State Division of Water Resources has permitted water supply be provided by an on-site well (permit number 162017).

3. Sewer Systems

Sewage disposal for the development shall be provided by the Breckenridge Sanitation District central wastewater disposal system and shall meet all requirements of the district.

4. Fire Protection

The entire property is located within the Red, White and Blue Fire Protection District. All development on the property shall meet all fire protection requirements of the District in accordance with fire mitigation requirements.

5. Forest Management Plan

A vegetation management program to reduce wildfire hazard, susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the property shall be prepared. The plan shall be reviewed by the Colorado State Forest Service and submitted prior to the issuance of a grading and excavation permit for the project. The plan, once approved, shall be implemented prior to issuance of final certificate of occupancy.

6. Landscaping/Reclamation

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.

To meet the requirements of Section 3600 et. seq. of the Development Code:

- A landscape plan shall be provided for County approval prior to issuance of grading permits.
- Cut or fill spaces greater than 2:1 shall receive erosion control netting.
- Any new landscaping in the proposed disturbance envelope should match the existing natural vegetation.
- Ornamental shrubs and plants, flowerbeds, gardens and more formal landscaping should be located adjacent to proposed improvements inside of setbacks and building envelopes.
- All newly disturbed areas by construction should receive topsoil and be reseeded with native grasses.
- All revegetation shall be weed-free, include four inches of topsoil and be protected with straw and netting.

7. 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.

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, and 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:	Notice to Owner/Developer
Board of County Commissioners	Zdenek "Dan" Nikodem
PO Box 68	7012 Green Oak Drive
Breckenridge, CO 80424	McLean, VA 22101

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. Either party, by notice so give, 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 Gold Dust Load 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 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

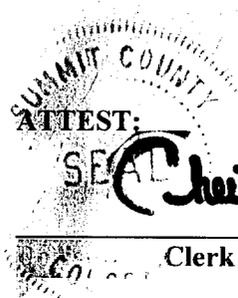
The Development Code, Chapter 12, includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and shall insure that information necessary for the periodic review is made available to the County within the time frames as 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**



Gary M. Lindstrom, Chairman


ATTEST:
SEAL 

Clerk and Recorder

ATTEST:


Zdenek D. Nikodem, Owner/Developer

ROB ANDREWS LAND SURVEYING

P.O. BOX 1351
BRECKENRIDGE, CO 80424
(970) 453-1860

LEGAL DESCRIPTION

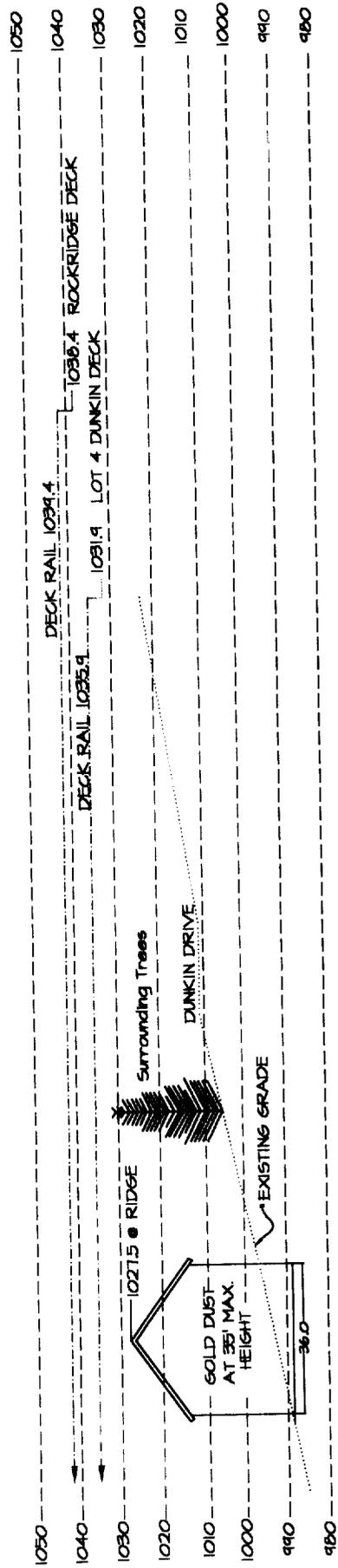
THE GOLD DUST LODGE ON M.S. 86 LOCATED IN SECTION 5, TOWNSHIP 7 SOUTH, RANGE 77 WEST OF THE 6th PRINCIPAL MERIDIAN DESCRIBED ON PAGE 333 OF BOOK 66 IN THE SUMMIT COUNTY RECORDS AS:

THE GOLD DUST LODGE MINING CLAIM, SITUATED IN MINNESOTA MINING DISTRICT, IN SUMMIT COUNTY COLORADO, DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

"BEGINNING AT CORNER 6 OF U.S. SURVEY No. 86, THENCE S 72° W 150 FEET; THENCE N 18° W 150 FEET; THENCE N 72° W, 1500 FEET; THENCE S 18° E, THENCE S 72° W 1350 FEET TO PLACE OF BEGINNING, BEING PART OF U.S. SURVEY NO. 86. THE SAID GOLD DUST LODGE BEING A PART OF THAT CERTAIN TRACT OF GROUND KNOWN AS THE 86 PLACER, BEING U.S. SURVEY No. 86."
CONTAINING 225,000 SQ. FT. OR 5.165 ACRES more or less

EXHIBIT C

CROSS SECTION SHOWING GOLD DUST BUILDING HEIGHT RELATIVE TO UPHILL BUILDING DECKS



NOTE:

1.) DECK HEIGHTS DETERMINED BY SURVEY BASED ON ASSIGNED ELEV. OF 1000' AT NE. PROPERTY CORNER OF GOLD DUST

2.) SCALE 1" = 40' HORZ. & VERT.