



RED TAIL RANCH
PLANNED UNIT DEVELOPMENT DESIGNATION

The Whatley Planned Unit Development Designation ("PUD") was originally approved the 9th day of November, 1987, and readopted on the 10th day of April 1989 and the 10th day of August, 1990 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County". The PUD is hereby modified this 22nd day of March, 2004, and is hereby renamed the Red Tail Ranch Planned Unit Development Designation, (hereinafter referred to as the "Designation"). This Designation applies to certain real property located in Summit County and described in attached Exhibit A hereinafter referred to as the "Property".

This 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 Bud & Dot, LLLP as successor and assign of the original owner/developer of the PUD, 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 the development of the Property. Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code, currently in effect or hereinafter amended (hereinafter referred to as the "Development Code"), the provisions of the Development Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Development Code. Use and development of the Property shall be in accordance with the specific requirements of this Designation and in substantial compliance with the PUD Plan attached hereto as Exhibit B, and the following goals and objectives:

- The prime objective for the Red Tail Ranch is to pursue a conservation oriented approach to development which emphasizes the historic ranching or agricultural character of the Property and promotes a land stewardship approach to future development.
- Future residential development in the Property should be compatible with and respect the diversity of natural features, wildlife habitats and vegetation types that exist on the Property.
- Open meadows and wetland areas should be essentially free from development with the exception of minimal disturbance for roads, utilities, agricultural fencing, ponds, and other enhancements and structures related to the maintenance and control of natural water features designed to create and/or support wildlife habitat or necessary to serve the permitted uses.

A. Density, Permitted Uses, Accessory Uses and Caretaker Units

1. Permitted Density and Uses

The following are the permitted density and uses of the Property:

- a) Existing single family unit and existing accessory uses on Lot 1 of the Whatley Reserve Subdivision. No size restrictions pertain to this single family residence.
- b) 11 other single family residences. No size restrictions pertain to these single family residences so long as the development standards set forth in this PUD are otherwise met.
- c) The existing single family residences may be remodeled, renovated, expanded, removed, relocated or replaced so long as no more than 12 single family residences are created on the Property.

- d) **Agricultural and Open Space Uses (Excludes Lot 1 of the Whatley Reserve Subdivision):** All of the areas outside of the development areas shall remain open and free from development except for agricultural and open space uses. Agricultural uses of the Property shall be consistent with the historical agricultural and ranching use of the Property and are permitted and/or limited as follows:
- i. **Agricultural Operations:** Operations associated with the growing and harvesting of crops and timber, and raising of livestock and enhancement of support for fisheries and wildlife habitat including such activities as lumbering, plowing, planting, scarifying soils, construction and cleaning of irrigation ditches, construction of roads, buildings, corrals, stock ponds, fishery improvements and other wildlife habitat within farm or ranch boundaries.
 - ii. **Agricultural Buildings:** Structures designed and constructed to house and/or control or store farm implements, equipment and recreational vehicles, hay, grain, poultry, livestock or other horticultural products. These structures shall not be places of human habitation or places of employment where agricultural products are processed, treated or packaged (except for harvesting and storage which are expressly authorized); nor shall they be places used by the public.
 - iii. Private open space uses include both active and passive recreation uses, including but not limited to non-commercial horseback riding, snowmobiling, ATVs, cross-country skiing, skating, hiking, fishing, shooting, hunting and other similar uses.

2. Accessory Uses (Excludes Lot 1 of the Whatley Reserve Subdivision)

Accessory uses associated with the single family residential dwellings shall be permitted within the required disturbance envelope (Please refer to Section B.1) as follows:

- a) Private attached or detached garage or garages limited to no more than 1,500 square feet of floor area per single family residential dwelling or caretaker unit.
- b) Home occupations in accordance with Section 3810 of the Development Code.
- c) Storage buildings/shed limited to 500 square feet of floor area.
- d) Residential outdoor storage, including but not limited to, storage or parking of recreational vehicles, boats, utility trailers in accordance with Section 3815 of the Development Code.
- e) Other residential accessory uses permitted by the Development Code in the A-1 Zoning District.

3. Caretaker Units (Excludes Lot 1 of the Whatley Reserve Subdivision)

Caretaker units do not count towards density since such units are allowed as an accessory use to the single family residential dwellings. Thus, there is no density associated with these units that can be transferred out of the PUD, nor can such units be converted to market rate dwelling units.

Caretaker units shall be permitted as an accessory use subject to meeting the following requirements:

- a) Number of caretaker units:
 - i) The Homestead House and Tack House, as shown on Exhibit B, are permitted as caretaker units subject to the execution of a caretaker covenant as required by subsection A.3.i below. The Homestead House and Tack house are not required to be

titled jointly with a primary unit and may be owned in common by a homeowners association or other similar legal entity.

- ii) Four additional caretaker units are permitted in accordance with the development standards and requirements of this Designation.
- b) Caretaker units shall be occupied by persons related to the Owner/Developer of the property, either by blood, adoption or marriage, by guests of the Owner/Developer, or employees of the Owner/Developer who exchange security and/or caretaker services for housing. Caretaker units shall not be offered to or be used as rental units. Where a caretaker unit is established, the primary unit may be owner-occupied, rented short or long term, or vacant.
- c) A caretaker unit shall be restricted by the property owner by a recorded covenant with the County that restricts the use of the unit to members of the property owner's family, or guests of the Owner/Developer or employees of the Owner/Developer in accordance with this section. The covenant shall grant enforcement power to Summit County.
- d) A caretaker unit may be located in a freestanding residence separate from the property owner's residence, may be incorporated into the primary residence or a garage serving the primary residence.
- e) Residences which contain caretaker units shall retain a single family character in both function and design.
- f) A freestanding caretaker unit shall not exceed 2,400 square feet (excluding garage space) except that the existing Carlston residence of approximately 3,090 square feet may be converted to a caretaker unit at its current size. There are no size limits for caretaker units incorporated into the primary residence.
- g) Parking for caretaker units shall be submitted in accordance with the requirements of the Development Code.
- h) A well permit that allows for a caretaker unit in addition to the primary unit shall be submitted to the County during the building permit review.
- i) Within three months of the Effective Date, the Homestead House and Tack House shall be restricted as caretaker units by a covenant between the Owner/Developer and the County in accordance with the requirements of this Designation.

B. Development Standards

Residential development conducted after the Effective Date shall comply with the following development standards:

1. Development Areas and Disturbance Envelopes

- a) Each of the 11 single family residences permitted by Section A.1.b above and the additional four (4) related caretaker units (not including the caretaker units in the Homestead House and the Tack House) shall be located within development areas A-H as depicted on the PUD Plan (Exhibit B) and subject to site plan review and the development criteria as outlined in Section B (Development Standards) of this Designation. More than one single family dwelling unit or more than one caretaker unit is permitted within each development area provided the requirements of this PUD are met. The existing single family residence in Lot 1 of the Whatley Reserve Subdivision may be remodeled, renovated, removed, relocated or replaced; provided however, if the density unit is relocated from Lot 1 it must be relocated to a development area subject to meeting the requirements of this Designation.
- b) Residential structures and residential uses must be located within a defined 2 to 3 acre disturbance envelope within one of the identified development areas as depicted on

Exhibit B. Disturbance envelopes meeting the requirements of this PUD shall be established as a part of the required site plan review process. All residential uses and associated accessory uses shall be located entirely within the disturbance envelope, including but not limited to roof driplines, decks, garages, sheds, wells and septic systems. No soil disturbance or tree removal is allowed outside of the disturbance envelope unless for buried utilities (excluding septic systems), fire mitigation, forest management, driveway or roadway construction, or other improvements expressly provided for herein. Agricultural and open space uses as outlined in Section A.1.d above can be located anywhere within the development areas shown in Exhibit B, within the disturbance envelopes or anywhere within the Property, subject to meeting the requirements of this Designation.

2. Building Height

- a) Residential Structures: The maximum building heights for residential structures, including but not limited to accessory structures associated with residential uses, shall not exceed 35 feet, with such maximum height measured as a parallel plane 35 feet above the natural grade or finished grade, whichever is more restrictive. The height limitation can be visualized as an irregular plane, having the same contour as the surface of the building site, elevated to a height of 35 feet above the natural or finished grade. If the topography of the site slopes in more than one direction, the slope with the steepest grade shall be used as the natural grade by which the maximum height is calculated. Where there are minor depressions, hills or other minor irregularities of the natural grade of the building site, the average grade of the building site shall be used to determine the maximum height. Appendages may exceed the maximum height allowed by 10%, including but not limited to chimneys, vents, and antennas.
- b) Agricultural Structures: Building heights for agricultural structures shall not exceed 50 feet using the methodology to calculate height listed in section B.2a above.
- c) Notwithstanding the foregoing, structures shall be shorter than the height of the adjacent tree canopy in the disturbance envelope. To meet this requirement, a tree survey of the existing tree height in the disturbance envelope shall be required at the time of submitting for a site plan review.

3. Colors/Materials

- a) Structures and roofs shall have non-reflective roof material and non reflective glass, and shall have natural colors so as to blend in with the surrounding landscape.
- b) Exterior walls shall match the medium color values from the immediate background landscape.

4. Fencing

- a) Fencing shall be permitted for agricultural, ranching and equestrian purposes.
- b) Residential fencing shall be discouraged except within disturbance envelopes and along drives and roadways.
- c) Fencing shall be open post and rail fencing, livestock fencing or other fencing typical of a ranching application.
- d) Other types of fencing may be allowed by the County for unique situations, such as enclosed pet runs that may be required to minimize adverse impacts on wildlife, and for guardrails along roadways as required for safety.

- e) Notwithstanding the foregoing fencing provisions, if Summit County approves wildlife friendly fencing standards, all fencing within the ranch shall attempt to meet the approved wildlife friendly fencing standards, so long as the application of such standards allows for the agricultural, ranching and equestrian uses of the Property to be met and the aesthetics of the development to be preserved. Fencing for dog or pet runs is excluded from this provision.

5. Environmental Standards

- a) Slopes: All disturbance envelopes shall be located in areas with slopes less than 30%.
- b) Wetlands: Disturbance envelopes shall be located at least 25 feet from wetland areas. No soil disturbance shall occur within 25 feet of wetland areas unless such disturbance is for agricultural operations as permitted by Section A.1.d or for existing road crossings of wetland areas as specifically provided for herein. If it is not practicable to use existing road crossings of wetlands to access a development area, then new wetland impacts for access roads are permitted provided the impact is mitigated to the satisfaction of the County. Filling of wetlands or other impacts to the wetland setback not contemplated herein shall be evaluated per the County's Wetland Regulations. The Owner/Developer may replace damaged culverts with new culverts of the same length, although the size may be bigger to accommodate higher flow rates. The existing roads in the Property may be re-graded and graveled within 25 feet of wetlands.
- c) Wildlife: The land uses envisioned by this Designation have been evaluated using the provisions of the County's Wildlife Habitat Overlay District. To minimize impacts to wildlife, every dwelling unit in the PUD built after the Effective Date shall use bear-proof trash containers or dumpsters; and (ii) not allow dogs or cats to freely roam unless under direct supervision and voice control, with animal runs or other means used to ensure that they are contained when kept outside and not supervised.
- d) Floodplain: No development shall occur within the 100 year floodplains that may be present on the Property.

6. Meadows, Benches, and Topography

The following design standards shall be used when siting disturbance envelopes and during the required site plan review:

- a) Meadows/Open Landscapes: Wherever practicable, avoid locating residential buildings and accessory structures and uses in meadows and open landscapes. Where it is not practicable to avoid these areas, development shall be located and designed according to the following standards:
 - i) Where practicable, buildings shall be located along forest edges.
 - ii) When practicable, buildings shall be located behind landforms to provide maximum screening.
 - iii) Buildings that must be located in open areas because it is not otherwise practicable to meet the other design standards in this Designation, shall be designed and intensely landscaped to blend into their surroundings to the maximum extent practicable.
 - iv) Significant open areas shall be retained between disturbance envelopes to provide visual separation of structures to extent practicable.
- b) Topographic Benches: Development within development areas A, B, and C shall meet the following standards:
 - i) Buildings shall be located and designed so that the existing visual dominance of the natural landform, vegetation and topography is maintained.

- ii) To the extent practicable, development shall not penetrate the skyline on the bench as viewed from any public road, trail, open space or recreation area.
- iii) Buildings shall be set back from the edge of the bench slopes so they do not appear to protrude or hang over the edge of ridgelines and slopes.
- c) Topography
 - i) Development shall minimize the need for grading, earth moving, vegetation removal and site disturbance to the maximum extent practicable.
 - ii) To the extent practicable, buildings shall be stepped to fit with the natural terrain.
 - iii) Building mass shall be broken into distinct, smaller forms including facades and rooflines. Breaking the mass into smaller forms, which may involve repeating similar forms is required over large blocks or building masses.
 - iv) Roads and other linear utilities that require site disturbance and removal of vegetation shall avoid crossing steeper slopes in the "mid slope" area.
 - v) The horizontal and vertical extent of road and driveway cuts shall be limited. Retaining walls constructed with natural materials such as timbers or rock are encouraged, and exposed concrete retaining walls are prohibited. Terraced retaining walls shall be used instead of larger retaining walls.
 - vi) Cut and fill slopes are strongly discouraged and shall be minimized to the extent practicable.

7. Landscaping

Landscaping for new single family development after the Effective Date shall provide for the application of topsoil and revegetation with a native grass seed mix in establishing finished grades. Any berms shall meet the applicable requirements of the Development Code. Trees within the disturbance envelope not removed for construction (including but not limited to septic systems, wells, utilities, finished grade and driveways), forest management or fire mitigation, shall be preserved to the extent practicable. Please also refer to the forest management and fire mitigation requirements in Section C.5 below. All other landscaping shall be considered under the Flexible Landscape Standards of the Development Code.

8. Historical Resources

The existing Homestead House, Tack House and barn are important historical resources of the ranch. The Owner/Developer has agreed that these historic resources shall be preserved in their current locations and that their historic character shall be preserved. These structures shall not be demolished, destroyed or moved unless the County gives its permission, subject to force majeure. Nothing herein shall prohibit Owner/Developer from remodeling the internal or external areas of these structures provided the historical character is preserved.

9. Transfer of Development Rights

In 1996, the Owner/Developer transferred eight (8) development rights into the Property by paying \$68,000 to County, with such funds to be used by County to acquire land located elsewhere in the Upper Blue River area. This payment was voluntarily made by the Owner/Developer in lieu of and in satisfaction of a requirement that Developer provide for the acquisition of, and transfer to the property, the right to develop an additional eight (8) residential dwelling units to offset the traffic and other impacts of a corresponding increase in density.

10. Water Quality

All development shall comply with the County's Water Quality Control Regulations outlined in Chapter 7 of the Development Code.

11. Lighting

- a) All exterior lighting shall meet the lighting requirements of the Development Code to prevent off-site glare and adverse impact to wildlife.
- b) The Owner/Developer has agreed to replace the existing lights within the Property that are causing off-site glare within six months of the Effective Date.

12. Parking

At least 2 parking spaces shall be required for each single family residence. At least two parking spaces shall be required for each caretaker unit. Garage spaces shall be counted toward meeting these parking requirements.

13. Animal Keeping

Animal keeping shall meet the requirements for the A-1 zoning district outlined in the Development Code.

14. Site Plan Review

The location of all new residential homesites and associated disturbance envelope areas shall be subject to site plan review pursuant to the site plan review process outlined in the Development Code. All other new or modified structures are subject to site plan review by the County in accordance with the provisions of the Development Code.

C. UTILITIES AND IMPROVEMENTS

1. Water

Water for individual homesites will be provided by individual wells subject to approval by the State Engineer. A copy of a well permit shall be submitted concurrent with a building permit application for a new single family development.

2. Wastewater Disposal

Wastewater disposal will be provided by on site sewage disposal systems subject to approval by the Summit County Environmental Health Department through the application for an Individual Sewage Disposal Permit for new single family development.

3. Utilities

All utilities shall be placed underground in accordance with the Summit County Subdivision Regulations, except those already existing above ground as of the Effective Date.

4. Access

- a) Existing ranch roads will generally be used to provide access to permitted single family and caretaker units. Notwithstanding the foregoing, some improvements and relocation of existing roads may be necessary, such as for example where existing roads cross sloped areas to achieve the road grades as provided for herein. Except for the specialized road standards provided in this subsection, or as otherwise approved by the County Engineer, where the main road or side roads serves more than four units, it shall be designed using low volume road standards as outlined in the Development Code. Except for the specialized road standards as provided in this subsection, or as otherwise approved by the County Engineer, where a road serves four units or less, it shall be designed using the driveway design standards as outlined in the Development Code.
- b) To reduce the environmental impact of these road improvements, the County has approved the following unique road and driveway standards:
 - i) There is no maximum length of a cul-du-sac, provided that sprinklering is provided in each residence and emergency pullouts and turnarounds are constructed as required by the County Engineer.
 - ii) Specific grading plans and applicable permit applications shall be submitted to the County for review and action prior to the commencement of any road or driveway improvements.
 - iii) Travel Lane widths for low volume roads shall be 9', with a total width of 18 feet.
 - iv) The County Engineer may permit road grades to exceed the 8% maximum grade to minimize the amount of cut and fill and the number of switchbacks, provided: (i) the maximum length of approved grades in excess of 8%, as measured along the road, shall not exceed 500 feet; and, (ii) public safety is protected.
 - v) Pull-outs for emergency vehicles shall be per the applicable requirements of the County. Notwithstanding the foregoing, emergency pullouts distance can be varied up to +/- 50 feet of the required distance to allow siting a pullout at locations which minimize grading and overall site disturbance.
- c) Prior to the issuance of any building permits for a fourth single family residence, the main access road that serves more than four dwelling units shall be brought up to the standards as required by this PUD. All future development beyond this shall require that access be brought up to the standards as required by this PUD prior to the issuance of a certificate of occupancy. The main access road does not need to be realigned with County Road 3 provided the road is upgraded to meet the requirements of this Designation, if necessary.
- d) Prior to the issuance of any building permits for new residential units after the Effective Date, the Owner/Developer shall grant to the County a mutually agreeable, 40 foot wide limited public access easement for the low volume roadway(s) up to the point where the roadway(s) would serve four or less units, except through the homestead area, where the easement may be less if it would encroach on existing, historic structures.
- e) Prior to the issuance of any building permits for new residential units after the Effective Date, the Owner/Developer shall: (i) create a homeowner's association or other legal entity for the maintenance of the roads and driveways; and, (ii) create a private road maintenance agreement that is mutually agreeable to the Owner/Developer and the County that provides for the maintenance of the roads and driveways by the HOA or other legal entity.
- f) Paving of the roads and driveways shall be minimized to the extent practicable. Paving around residences shall be permitted.

5. Forest Stewardship Plan and Fire Mitigation

- a) A forest stewardship plan which emphasizes long-term health and sustainability of the forest resource on the property has been prepared for the property (Copy of the Original can be found in Planning Case file #04-001). The forest stewardship plan has been implemented by the Owner/Developer. The Owner/Developer of the Property will continue to implement the forest stewardship plan on the ranch, including but not limited to: removal of diseased trees (pine beetle, dwarf mistletoe, etc.), and thinning as necessary. Trees within the Property shall be preserved to the extent practicable unless tree removal is for development permitted by this PUD, forest management or fire mitigation, subject to force majeure.
- b) All future residential development in the Property shall comply with the County's wildfire hazard mitigation requirements concurrent with the building permit process.

6. Fire Protection

The Property is located within the Red, White and Blue Fire Protection District ("District"). Except as otherwise specifically provided for herein, all development on the property shall meet all fire protection requirements of the District or its successors. The Owner/Developer agrees to install approved fire sprinkler systems in each new single family residence built after the Effective Date.

D. IMPLEMENTATION

1. Subdivision Requirements

- a) Prior to submitting for the required site plan review for new residential dwellings permitted by this Designation, the Owner/Developer must either: (i) create a 35 acre parcel, or such greater acreage as desired by the Owner/Developer, for each single family residence permitted by this Designation; or, (ii) plat a property that is not less than 20 acres in size. If a parcel less than 35 acres in size is desired, the Owner/Developer shall submit preliminary and final plats and such plats shall be approved by the County prior to any development.
- b) Densities of development indicated in this Designation represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Development Code unless such standards and requirements are specifically waived or modified by the terms of this Designation.

2. Formation of Homeowner's Association

Prior to the issuance of any building permits for new residential units after the Effective Date, the Owner/Developer shall create a homeowner's association or other legal entity for the maintenance of the roads, driveways and other common areas of the Property. Such homeowner's association or other legal entity shall exclude Lot 1, Whatley Reserve Subdivision.

E. GENERAL PROVISIONS

1. Enforcement

The provisions of this Designation and its development plan relating to the use of land and the location of private open space shall run in favor of the 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 this 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 this 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

If at any time any provision or requirement stated in this 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

This Designation shall run with the land and be binding upon the Owner/Developer, its 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 a PUD amendment in accordance with the procedure stated in the Development Code. 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 this 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 in accordance with the provisions outlined in the Development Code.

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:

Bud and Dot, LLLP
c/o Gary and Nancy Carlston
515 Arapahoe
Boulder, CO 80302

With a copy to:

Richard A. Johnson, Esq.
Johnson & Repucci LLP
2521 Broadway, Suite A
Boulder, CO 80304

All notices so given shall be considered delivered three days after the mailing thereof. Either party, by notice so given, may change the name or 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 Red Tail Ranch Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with the procedures set forth in the 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. Relationship to Original PUD Designation and Previous Amendments

This PUD Designation supersedes all previous PUD designations covering the Property included within this PUD. 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.

8. Effective Date

To be legally effective and binding, this PUD Designation must be recorded by the Summit County Clerk and Recorder. The date of such recording is referred to herein as the "Effective Date."

9. PUD Review Requirements

Chapter 12 of the Development Code includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements. If the County and the Owner/Developer enter into a development agreement to vest property rights pursuant to CRS 24-68-101 and Section 12800 et seq of the Development Code, then the PUD review requirements shall apply as outlined in any development agreement.

10. Legality of Provisions

In the case one or more of the provisions contained in this Designation, or any application hereof, shall be invalid, illegal or unenforceable in any respect, the validity, legality and enforceability of the remaining provisions contained in this Designation and the application thereof shall not in any way be affected or impaired thereby.

IN WITNESS WHEREOF, the County and the Owner/Developer have executed this Designation as of the date first above written.

Original signatories to the PUD, and all amendments thereto, are on file with the Summit County Planning Department, as well as recorded and filed in the Office of the Clerk and Recorder.

APPROVAL OF AMENDMENTS

The foregoing planned unit development designation amends and supercedes the Whatley Planned Unit Development Designation, which was originally approved by the Summit County Board of County Commissioners on 9th day of November 1987 (Recorded at Reception Number 347180), and was reapproved on the 10th day of April 1989 (recorded at Reception Number 416209) and the 10th day of August, 1990 (recorded at Reception Number 391582), and the 22nd day of March, 2004 (recorded at Reception Number 751908).

This Designation is hereby revised to incorporate the approved amendments as noted above, and shall remain in force as revised. Copies of the original Designation and all reapprovals and modifications are available from the Summit County Clerk and Recorder.

ADOPTED THIS 22ND DAY OF MARCH, 2004.

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



William C. Wallace, Chairman

ATTEST:



Cheri Brunvand, Clerk & Recorder

LEGAL DESCRIPTION OF RED TAIL RANCH PUD
(Exhibit A to Red Tail Ranch Planned Unit Development Designation)

PARCEL A:

THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO.

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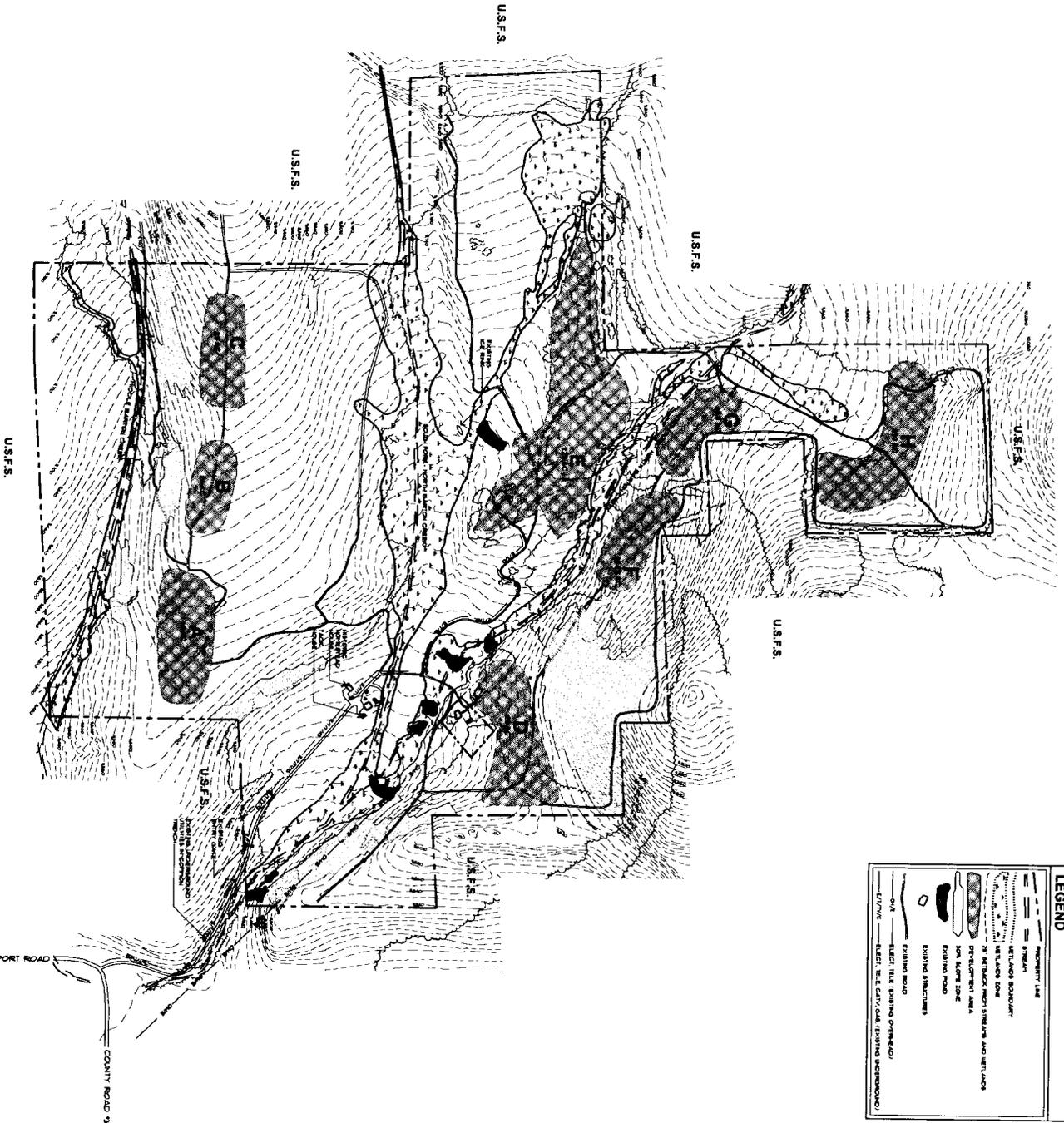
THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 6 SOUTH, RANGE 78 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF SUMMIT, STATE OF COLORADO.

PARCEL B:

LOTS 1 AND 2, WHATLEY RESERVE, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 24, 1990 UNDER RECEPTION NO. 391333, COUNTY OF SUMMIT, STATE OF COLORADO.

CONCEPTUAL DEVELOPMENT PLAN / EXHIBIT B TO THE RED TAIL RANCH PUD DESIGNATION

SCALE: 1" = 200'



LEGEND

—	PROPERTY LINE
—	STREET
—	ATTACHED HOUSING
—	ATTACHED HOUSING AND RETAIL
—	ATTACHED HOUSING AND RETAIL
—	NON-RESIDENTIAL
—	NON-RESIDENTIAL
—	EXISTING ROADS
—	EXISTING UTILITIES

BAKER • HOGAN • HOUX
 ARCHITECTURE & PLANNING / A.I.A. / P.C.
 P.O. BOX 931, 160 EAST ADAMS, BRECKENRIDGE, COLORADO 80424 (970) 453-6880

STEPHEN SPARN & ASSOCIATES, PC
 ARCHITECTURE AND PLANNING
 1731 15th Street, Suite 250 Boulder, CO 80302
 tel: 303.442.4422 fax: 303.442.4471 www.ssparn.com

RED TAIL RANCH MAJOR P.U.D. MODIFICATION

EXHIBIT B
 SHEET NUMBER
 OF 1

REVISIONS
 NO. DATE BY
 1 08/11
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