



**RIVERTREE ESTATES
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, known as Rivertree Estates and approved the 13th day of February 1995 by the Board of County Commissioners of Summit County, Colorado, revised the 10th day of February 1997, and further revised this 13th day of November, 2001. This designation establishes the general uses which shall be permitted on the Property, a general development plan and specific development regulations which must be adhered to by Melvin G. Strauss hereinafter referred to as the "Owner/Developer" and his successors, and assigns. 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 applies to certain real property located in Summit County and described in the attached Exhibit A, hereinafter referred to as the "Property."

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in compliance with the Upper Blue Master Plan and the Farmer's Korner Master Plan, and more specifically in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

Four (4) single family units and any of the permitted accessory and conditional uses of the RE zoning district as described in the Summit County Land Use & Development Code now in effect or as hereafter amended.

2. Accessory Uses

- a. Garage, as defined in Section 3505.19 of the Summit County Land Use & Development Code
- b. Fencing:
 - i. Fences must be made of natural materials, such as wood or stone
 - ii. Maximum eight foot high along the entire west property lines of Lots 1-4
 - iii. Maximum six foot high fencing allowed along the side (north and south) and rear (east) property lines of Lots 1-4
 - iv. Fences are not allowed on any manmade earth berms

3. Conditional Uses

- a. Accessory apartment, as defined in Section 3801 of the Summit County Land Use & Development Code
- b. Caretakers unit, as defined in Section 3804 of the Summit County Land Use & Development Code

B. DEVELOPMENT STANDARDS

1. Building Height

Building heights shall not exceed 35 feet as defined in the Summit County Land Use & Development Code.

2. Setbacks

Building envelopes shall be designated at the preliminary plat stage, avoiding the 100-year floodplain and wetlands. There shall be a 25-foot setback from the Blue River and the wetland delineation line. The RE zone district lot line setbacks of 35 feet from all property lines shall be incorporated into the building envelope designation.

3. Parking

At least two parking spaces shall be required for each residence. No parking shall be permitted on County roads.

4. Public use areas

Pursuant to Section 8601 of the Summit County Land Use & Development Code, the Owner/Developer is required to provide lands for public use or pay a public use area fee per unit. Such fees shall only be collected for Lots 3 & 4 since the existing residences on Lots 1 & 2 were constructed well before the County had any public use area requirements.

5. 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 should remain free of development other than roads and utilities. Building envelopes shall be designated on the preliminary plat avoiding the designated wetlands.

6. Animal Restrictions

Dogs and cats are permitted subject to the guidelines established by the Summit County Land Use & Development Code for the RE zone. Given the proximity to the Blue River, the keeping of livestock and poultry shall be prohibited.

7. Signs

All signs shall comply with the Summit County Sign Regulations in the Land Use & Development Code.

C. REQUIRED IMPROVEMENTS

Public utilities, improvements and services are to be provided in the development of the Property as set forth in this section. Detailed specifications and time schedules for their construction shall be set forth in the Subdivision Improvements Agreement required as a condition of final plat approval.

1. Access

Access to the property and to all building sites shall be provided by a driveways built to applicable County standards. Such driveway alignments shall be fully consistent with the access shown on the conceptual development plan attached as Exhibit B.

2. Water Systems

Water supply for the development shall be provided by on-site wells. Water supply for any accessory apartment or caretaker unit must be acquired prior to issuance of a building permit for such units. Adequate fire flows shall be provided as determined by the Red, White, and Blue Fire District.

3. Sewer Systems

The central sewage disposal facilities of the Breckenridge Sanitation Sewer service for Lots 3 & 4 shall be provided by connecting to the central sewage disposal facilities of the Breckenridge Sanitation District. Sewer connections shall meet all requirements of the District. The existing residences on Lots 1 & 2 are currently served by on-site septic systems. If such systems fail in the future, the owners of these lots will be required to connect to District.

4. Fire Protection

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

5. Landscaping

Revegetation of all disturbed areas shall be provided in accordance with the Summit County Grading & Excavation Regulations. For the purposes of screening, earth berms can be used on Lots 1-4. If the height of an earth berm exceeds 8 feet, the berm shall be undulated. All berms must be completely revegetated and the side slopes of the berms shall not exceed 2:1. The berms shall be landscaped with plantings as approved by the County Weed Control Manager using native plantings to the extent practicable.

6. Vegetation Management

A vegetation management program to reduce wildfire hazard and to enhance wildlife habitat and tree vigor on the property shall be prepared with the planning staff and applicants agreement to be approved by the Colorado State Forester.

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.

D. IMPLEMENTATION

1. Platting Requirements

- a. **Preliminary and final plats:** A preliminary and final plat shall be approved by the County prior to any development that involves selling or conveying any interest in the property to others. Densities of development indicated in Exhibit B represent maximum permitted densities and levels of use and each proposed development phase must meet all applicable standards and requirements as contained in the Summit County Land Use & Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

E. GENERAL PROVISIONS

1. Administration & Enforcement

The provisions of the planned unit development designation and the development plan relating to the use of land and the location of common open space shall run in favor of Summit County and shall be enforceable at law or in equity by the County without limitation on any power or regulation otherwise granted by law. Other provisions of the planned unit development designation and the development plan shall run in favor of the residents, occupants and owners of the planned unit development, but only to the extent expressly provided in, and in accordance with the terms of, the planned unit development designation and the development plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the planned unit development shall run in favor of the County.

2. Breach of Provisions of PUD Designation

If any time, any provision or requirements stated in the planned unit development designation has been breached by the Owner/Developer, the County may withhold approval of any or all site plans or plat maps, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the County shall not take affirmative action on account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect

The PUD Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this designation may be modified through an amendment in accordance with the procedure stated in the County Development Review Procedures. This designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.

4. Amendments

Amendments to the provisions of a planned unit development designation shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3)(b). Action in any proposed amendment shall be taken by the Summit County Board of County Commissioners, after conducting a public hearing for which notice has been published at least 30 days prior in a newspaper of general circulation and mailed to all property owners within and abutting this planned unit development.

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
PO Box 68
Breckenridge, CO 80424

Melvin G. Strauss
8080 E. Dartmouth Ave. #37
Denver, CO 80231

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 Rivertree Estates Planned Unit Development, except as modified by subsequent action of the Board of County Commissioners in accordance with procedures set forth in the Summit County Land Use and Development Code and the Colorado Planned Unit Development Act (CRS 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Summit County Land Use and Development Code or other regulations otherwise applicable to the development of the Property.

7. Relationship to the 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 the 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 Rivertree Estates PUD designation the provisions of the 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.

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

BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

/S/ Gary M. Lindstrom*
Gary M. Lindstrom, Chairman

ATTEST:

/S/ Doris L. Brill*
Doris Brill, Clerk & Recorder

/S/ Melvin G. Strauss*
Melvin G. Strauss, Owner

ATTEST:

/S/ Susan J. Horan*
Susan J. Horan

* Denotes original signatories to original PUD designation.

APPROVAL OF AMENDMENTS

The foregoing document is the Rivertree Estates Planned Unit Development designation as approved by the Summit County Board of County Commissioners on the 10th day of February, 1997 by resolution 97-12 and as amended on the 13th day of November, 2001 by resolution number 2001-134.

The planned unit development document dated February 13, 1995 and recorded at reception no. 515004 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 Rivertree Estates Planned Unit Development designation and the amendments noted above are available from the Summit County Clerk & Recorder.

Adopted this 13th day of November, 2001

BY AND THROUGH ITS
BOARD OF COUNTY COMMISSIONERS
OF SUMMIT COUNTY, COLORADO

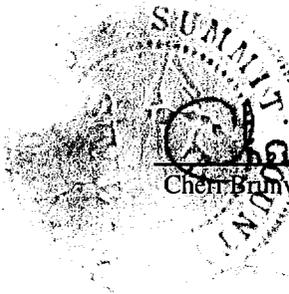


William C. Wallace, Chairman

Approved as
to form

Legal

ATTEST:




Cheryl Brunvand, Clerk & Recorder