



1081246

Kathleen Neel – Summit County Recorder

**HIGH COUNTRY LODGE
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation (“Designation”), to be known as the High Country Lodge, originally approved on the 8th day of November, 1993 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the “County,” is subsequently amended on this 11th day of March, 2014 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 (“Plan”) and a statement of development guidelines and conditions which must be adhered to by Patrick and Petra D’Augustine, and their successors and assigns, collectively referred to herein 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.

Where this Designation does not address a specific development standard or requirement of the Summit County Land Use and Development Code (“Code”) currently in effect, the Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Code. Use and development of the Property shall be in accordance with the specific requirements of this Designation, in substantial compliance with the Plan attached hereto as Exhibit B, and the objectives of minimizing site disturbance and blending development into the natural environment.

A. DEVELOPMENT PLAN, PERMITTED USES AND STRUCTURES

1. Purpose and Intent

This Designation is proposed in an effort to create a zoning designation that clarifies and delineates the scope and nature of the existing commercial lodging uses on the Property, allows for the construction of additional structures and establishment of additional uses that are accessory to the primary commercial lodging uses on the Property, while protecting the rural residential character of the Property and the surrounding area.

2. Development Plan and Permitted Structures Size and Use Limitations

a. Development of the Property shall be in accordance with the attached Plan and the following specifications per this Designation:

<u>Structure</u>	<u>Maximum Size</u> <u>(square feet)</u>	<u>Use</u>
High Country Lodge	11,000	Commercial Lodging Uses. Resort operations. Events.
Pavilion	4,500	Events. Resort operations. Accessory to the Commercial

Owner/Manager Cottage	2,800	Lodging Uses. Residential. Accessory to the Commercial Lodging Uses.
Stable	2,000	Support Structure. Resort operations. Accessory to the Commercial Lodging Uses.

- b. The area designated on the Plan as the parking area shall remain free from development that impedes parking in this area unless and until adequate replacement parking is identified and designated to the satisfaction of the County.

3. Permitted Structures Design Requirements

The permitted structures and uses on the Property under this Designation shall emanate from, and be accessory to, the primary use of the Property as a commercial lodge and a venue for certain events, of limited scale, conducted by or for those individuals staying at the lodging facility at the time of such events, as well as their guests and invitees.

The following structures are expressly contemplated and permitted on the Property, either as commercial structures or as structures accessory to the commercial use of the Lodge:

- a. Commercial Lodge. A commercial lodging facility known as High Country Lodge exists on the Property. The Lodge contains 12 rental rooms. Said Lodge shall serve as the primary commercial structure on the Property.
 - i. Additional lodging rooms are not allowed to be created unless approved through an amendment to the PUD and through any other application processes as required by the Development Code
 - ii. No improvements to the Lodge are required in connection with the approval of this PUD modification. However, improvements or additions may be made subject to review and approval of all applicable County regulations.
 - iii. The existing Lodge structure, excluding any new additions, extensions or other such significant modifications, has been legally established and operated, and shall be deemed to comply with all requirements of this designation or the Code, and shall be deemed legally non-conforming to any standards that it does not comply with.
 - iv. The Lodge shall not exceed 11,000 square feet in total living floor area, in addition to a permitted accessory garage.
- b. Event Pavilion. An event pavilion, accessory to the Lodge, may be built on the Property subject to the following standards:

- i. An open air, roofed pavilion of up to 4,500 square feet shall be permitted on the Property in the general location shown on the Plan, conditioned upon the approval of a site plan to establish such pavilion.
 - ii. The pavilion shall contain permanent lavatories and washrooms to accommodate the guest capacity in accordance with the Summit County Building Code.
 - iii. The pavilion shall secure adequate water and sewer capacity prior to issuance of a certificate of occupancy in accordance with the provisions set forth in Sections C.2 and C.3 of this PUD and any applicable provisions set forth in the Code.
- c. Owner/ Manager/ Employee Housing Cottage ("cottage"). The Owner/Developer may construct a cottage restricted for occupancy by person's employee by or managing the Lodge, including the Owner's provided as they are managing the Lodge, or occupancy by person's employee within Summit County a minimum of 30 hours per week, and in accordance with the following standards:
- i. The cottage shall not exceed 2,800 square feet in total living floor area, in addition to all permitted accessory structures such as a garage.
 - ii. The cottage shall be permitted in the general location on the Plan.
 - iii. Prior to issuance of a building permit for the cottage, said cottage shall be made subject to a deed restriction, covenant or other effective mechanism ("covenant"), which restricts occupancy in accordance with the following hierarchy of preference: (a) either the Owner of the Property if the Owner is managing the Lodge, the manager of the Lodge, other employees of the Lodge, or (b) to other persons who reside and are employed within Summit County year round, at least 30 hours per week. Said covenant shall be drafted in accordance with the standards set forth in the Code for such requirements, and approved by the Summit County Planning Department prior to recordation.
 - iv. The cottage shall be considered to be a residential structure deemed accessory to the commercial Lodge, and shall not be subject to sale or ownership separate from, and without some nexus to, the Lodge.
 - v. Water for the cottage shall be provided by the Town of Breckenridge unless alternative arrangements are reviewed and approved by the County, and all other necessary State and Federal agencies prior to the issuance of a building permit.
 - vi. Wastewater treatment for the cottage shall be subject to an onsite wastewater treatment system ("OWTS") and the issuance of an OWTS permit for said system from the Summit County Environmental Health Department prior to the issuance of a building permit.
 - vii. The Owner/Developer shall obtain a building permit for the cottage within five (5) years of the issuance of a certificate of occupancy for the pavilion. Such cottage shall be constructed and obtain a certificate of occupancy within two (2) years of the issuance of its building permit.
 - viii. A contract obligating the Owner to obtain a building permit for the cottage within 5 years of obtaining a certificate of occupancy for the pavilion has

been executed and is held in the records of the Planning Department in Planning Case File PLN13-025.

- d. Stable. A stable may be built on the Property in accordance with the following provisions:
- i. The stable shall not exceed 2,000 square feet in total floor area and shall be constructed in the general location shown on the Plan.
 - ii. The stable shall be considered a support structure deemed accessory to the commercial Lodge, and shall not be subject to sale or ownership separate from the Lodge. The stable shall only be used for private use or as a Resort Operation in relation to the Lodge. Commercial boarding of animals to the general public is expressly prohibited.
 - iii. Water for the stables, if necessary, shall be provided by the Town of Breckenridge, unless alternative arrangements are reviewed and approved by the County, and all other necessary State and Federal agencies prior to the issuance of a building permit.

4. Permitted Uses

- a. Commercial Lodging facility. The existing commercial lodging facility on the Property, known as the High Country Lodge (“Lodge”), shall be utilized as a lodging facility, which contains 12 lodging bedrooms. The Lodge shall not be operated as a Hotel/Motel as defined in the Code, meaning that the individual bedrooms contained therein shall not be made available for individual overnight accommodations on such a per room basis unrelated to the primary Resort uses as set forth below. Rental of the commercial lodging rooms shall be limited to no more than 30 consecutive days.
- b. Resort Operations. The Lodge shall be operated as a Resort, as defined in the Code, and accordingly, may provide for the conduct of events and activities allowed herein. Such events and activities shall be related to the use and occupancy of the lodging facilities occurring at the same time.
- c. Events. The Lodge, pavilion and entire Property may be a venue for certain resort events and activities, of a limited scale, conducted by or for those individuals staying at the Lodge at the time of such events. Events are not open to the general public, but limited to the occupants of the Lodge at the time such event is held, and their guests and invitees. These events and activities may or may not be commercial in nature. These events and activities are not considered “Special Events” per the County Code, nor are they subject to those requirements.

The following requirements apply to all events held on the Property:

- i. Events shall be held entirely on the Property.
- ii. Adequate parking shall be provided for every event. All parking must be located on the Property. No parking is allowed on County roads.

- iii. Events located outside the Lodge must comply with all noise ordinance regulations, including Summit County Ordinance No. 12, and shall only be held between the hours of 10 am and 10 pm.
- iv. An emergency evacuation plan for the Lodge and all events has been prepared by the Owner/Developer to the satisfaction of the Red, White and Blue Fire Protection District and Summit County Emergency Management and shall be posted in all lodging bedrooms and in at least two conspicuous locations on the Property—including one on the main level of the Lodge and one in the pavilion, at all times.
- v. Upon the request of the County, the Owner/Developer shall provide the County with an annual list of scheduled events outlining the size of the event and the type of event for that year. Events subsequently scheduled may be addressed by means of supplemental filing with the County upon their request.

Small Scale Events.

Small scale events shall be defined as events that allow for the use of the Lodge, pavilion and/or the entire Property for activities, speeches, dining, passive recreation, and other related activities that may or may not be commercial in nature, but are not open to invitees and guests of the Lodge and not broadly to the general public. The Property may be utilized to accommodate small scale events such as family reunions, corporate retreats, seminars, recreational groups, and other related events and activities.

- i. Small scale events held outside the Lodge shall remain on the Property and shall be limited to less than 75 participants at any time.
- ii. There is no limitation on the number of small scale events held on the Property each year.

Large Scale Events.

Large scale events, such as weddings, may be conducted in the Lodge, pavilion and/or on the Property, in accordance with the limits and guidelines set forth herein. Large scale events shall be defined herein as events that may be commercial in nature, such as a large-scale wedding, or other such events that utilizes outside contractors to provide services, extensive food preparation, service of alcoholic beverages, live or programmed music, and other activities directly tied to the event that carry a greater potential for impact to the surrounding area.

- i. Large scale events are defined as those with 75 participants and up to a maximum of 150 participants at any time.
- ii. Large scale events with 75 guests and up to a maximum of 150 guests may be held on the Property up to 15 times per year, in accordance with the additional requirements set forth below:
 - a. Said large scale events of 75 people or more shall only be held between May 15 to October 31 during any calendar year.

- b. The event parking plan, which depicts at least 40 temporary event parking spaces on the Property will be utilized for all large scale events to ensure adequate parking for guests. A parking attendant shall be utilized to ensure proper parking during such events. The event Parking plan shall be posted in two conspicuous places—including the main level of the Lodge and in the pavilion, and included in the Lodge rental/event agreements.
 - c. For events of 75 people or more, transportation/shuttle service must be arranged to enable people to get to and from the Lodge Property for the event, in accordance with the provisions set forth in the Transportation Section of this PUD. The requirements to utilize transportation/shuttle service for all large scale events shall be included in the Lodge rental/event agreement.
 - d. Large scale events must make best efforts to utilize the pavilion for the majority of event activities.
- d. Food Preparation. There are two primary kitchens planned to support preparation for events on the Property. A large scale high volume kitchen is located in the existing Lodge and a small kitchen/preparation area will be constructed in the pavilion. Said kitchens may be utilized in support of any activities or events on the Property, or to provide limited food service to the guests of the Lodge, but shall not be utilized as commercial kitchens for retail food service without the prior approval of the Summit County Environmental Health Department.
- e. Outings - Recreational. Recreational outings for guests of the lodge, such as group hikes, horseback rides, or other such activities, may take place off premises, but must originate at the Lodge, and conclude at the Lodge. Allowance for such events under this Designation shall in no manner be considered an express or implied approval of any permit requirements for activities conducted on County Open Space, United States Forest Service land, or any other regulatory or proprietary entity, of a public or private nature. Organized recreational outings taking place on or commencing from the Property shall not be open to the public.
- f. Animal keeping. Animal keeping is permitted on the Property, but restricted to the following:
- i. No more than six (6) dogs and cats in any combination are allowed on the Property.
 - ii. With approval of a conditional use permit, no more than five (5) horses can be kept and/or ridden on the Property.
- g. Other. In addition to those structures and uses specifically listed in this Designation, the land uses listed on Exhibit C shall be allowed anywhere in the High Country Lodge PUD subject to all County regulations and permit approvals.

B. DEVELOPMENT STANDARDS

1. Disturbance Limitations

The Plan attached as Exhibit B establishes a disturbance limitation area on the Property in which all the permitted structures must be located. This includes, but is not limited to, the structures' roof overhangs, decks, and at-grade patios. The disturbance limitation area is approximately 221,947 square feet in size and is located a minimum of 50 feet away from all property lines. All structures and disturbance must maintain a minimum setback of 25 feet from all wetlands. No wetland delineation is to be required by the County if there is no disturbance within 75' of the wetland as shown on the Plan and as verified in the field by the County, or based on existing site conditions.

- a. Site disturbances outside of the disturbance limitation area on the Property are limited to: (a) installation and maintenance of utilities, including above ground renewable energy systems; (b) installation of landscaping and revegetation; (c) placement of benches and tables; (d) installation of fencing; (e) County required wildfire hazard mitigation; (f) tree removal for forest management efforts conducted in accordance with the approved forest management plan attached as Exhibit E; (g) removal of Mountain Pine Beetle infected trees which does not require prior County approval; (h) and grading, retaining and re-vegetation efforts associated with the improvements listed in this section. Any site disturbances outside the disturbance limitation area must be conducted, and, if necessary, permitted, in accordance with the applicable standards of this Designation, and if applicable, the Code.
- b. OWTSSs shall be located within the disturbance limitation area unless it is demonstrated that it is not practical to locate these improvements within the disturbance limitation area due to the design and location of the structures and access driveways, the County's design and separation requirements for wells and OWTSSs, and/or other soil or site specific conditions within the disturbance limitation area. In those cases, the OWTSSs shall be located as close to the disturbance limitation area as possible, and shall not be located in the 25 foot wetlands setback. The OWTSSs shall be designed, located and constructed in a manner that minimizes site disturbance, and shall meet all other applicable County design and permit requirements.
- c. All setbacks for any new structures shall be 50 feet from all property lines. Any expansion of the existing Lodge shall maintain a 50 foot setback from all property lines. The existing small wood shed and its attached shelter, in the southern 50 foot setback, shall be considered a legal non-conforming structure in terms of its location, and is allowed to remain in its present location, but may not be enlarged or expanded to increase its location non-conformity. No structures or disturbance may be located or conducted within 25 feet of the wetland area shown on the development plan and with such location confirmed by either a wetland delineation or on-site verification by County staff.

- d. All structures shall be located within the disturbance limitation area and in accordance with the setback requirements listed above and within the general areas designated for their construction as shown on the Plan attached as Exhibit B. Modifications to the locations of the structures, as designed on the Development Plan, may be permitted during site plan review, as long as the structures are within the disturbance limitation area and the building setback area and if it is found desirable and/or necessary to do so based upon the existing site conditions or County requirements. No modification to the Plan or Designation shall be required in such circumstances.

2. Building and Structure Height

Structure	Maximum Permitted Height
High Country Lodge	35 feet
Pavilion	30 feet
Owner/Manager Cottage	35 feet
Stable	28 feet

All structures shall comply with the maximum permitted height set forth in the table above. Building height shall be measured in accordance with the Code standards currently in effect at the time of building permit submittal.

3. Design Guidelines

The overall goal of this Designation is to minimize and mitigate the physical and visual impacts of development. All structures on the Property shall be designed to the following standards:

- a. Building Colors and Materials
 - i. Natural and natural appearing exterior materials, as well as natural colors, shall be used to the extent practical to help the structures blend into the natural landscape. Primary colors shall be natural earth toned, dark and/or subdued. Other colors may be used as accents for window trim, fascia trim, deck railings and trim, and other building trim work to provide architectural detail and differentiation. The use of wood, stone and other natural looking materials, as well as fire retardant materials, are encouraged. Highly reflective glass or highly reflective metal surfaces are prohibited, with the exception of solar energy systems. All new structures on the Property are subject to the provisions in this section, and the existing structures already built are, in their present form, considered to be expressly permitted and in compliance with this section.
 - ii. The event pavilion shall be designed and constructed in accordance with the colors, materials, and graphic representations submitted with the minor PUD amendment application processed under PLN13-025 and included herein as Exhibit G.

b. Exterior Lighting

- i. All exterior lighting fixtures shall utilize full cut-off luminaries so that all direct rays are confined to the lot on which they are located, and so that adjacent properties and wildlife are protected from glare. All exterior lighting shall comply with the applicable requirements of this Designation and with Section 3505.07 of the Code when not expressly addressed herein.
- ii. Exterior lighting fixtures which are attached to any structures shall be limited to a maximum height of 15 feet above finished grade, except for exterior porch or deck lighting which shall be limited to a maximum height of eight (8) feet above the deck or floor area served by such light.
- iii. Free standing lighting fixtures shall be limited to eight (8) feet above finished grade.
- iv. Notwithstanding the foregoing, special event lighting is permitted for large special events that exceed the standards set forth herein in terms of height, illumination level, and other such consideration. Such event lighting shall not remain illuminated past 11:30 pm on any day. Event lighting should minimize impacts and glare, but may be of a more intense level of illumination, in order to reasonably ensure the safety, enjoyment and security of guests at any such events. Direct rays from the special event lighting must be confined to the boundaries of the Property and may not cause any off-site glare.
- v. These requirements shall not prohibit the temporary seasonal use of tree or house lighting.
- vi. All existing lighting fixtures on the Property, in their present form, are considered to be expressly permitted and in compliance with this section. However, additions or modifications to the Lodge will require compliance with the Lighting provisions set forth in Section 3505.07 of the Code where applicable.

8. Noise Mitigation

All events and activities conducted on the Property must comply with all applicable noise ordinance regulations, including Summit County Ordinance No. 12, at all times. The Owner/Developer shall employ a number of measures to mitigate any potential noise generated from events and activities conducted on the Property. The mitigation measures include the following:

- a. Hours of operation: Pavilion or other outdoor events may not commence until 10 a.m. and shall end by 10:00 p.m. After 10:00 p.m., guests shall either leave the Property or move into the Lodge.

- b. Outdoor speakers: Except for those used inside the pavilion, event tent, or other such outdoor structure where the event is held, no outdoor speakers will be used at any event.
- c. Existing landscaping: The existing mature evergreens on site and around the perimeter of the Property provide natural sound buffering, and will be retained to the greatest extent possible.
- d. Landscaping improvements: In conjunction with any site plan application for the pavilion, a landscape plan shall be submitted showing an undulating berm (designed in accordance with the berm design standards set forth in Section 3604.H of the Development Code), evergreens and shrubs on the southeast portion of the Property, as depicted conceptually on the Plan. Such improvements shall be installed prior to the issuance of a certificate of occupancy for the pavilion, in accordance with Section 3608.01 of the Code.
- e. Pavilion design.
 - i. A solid roof shall cover the pavilion and a 36"-42" perimeter stem wall shall be constructed to help contain noise.
 - ii. The pavilion shall have retractable walls, or sound sheets, which may be employed to restrain any noise reverberation throughout the Property. The sound sheets are heavy duty plastic roll up "walls" which will be located between the pavilion's columns and drop down to the stem wall.
 - iii. Sound blankets will be utilized for the pavilion where the stage is located. Such materials have been demonstrated to significantly constrain noise.
 - iv. Any live performers, band, DJs and speakers will be located in the northeast corner of the pavilion and will be pointed inward towards the southwest.
 - v. The Custom Audio Design recommendations contained within the letter dated June 10, 2013, and attached as Exhibit F to this designation, shall be implemented. This includes installing small speakers, evenly placed and angled down towards the guests' heads, on the pavilion's overhead trusses to provide a consistent coverage at lower volumes and prevent audio bleed off-site. A cardioid subwoofer array will be used to project all the base frequencies forward from the speakers which will cancel up to 90% of the sound from the sides and rear of the speakers.
 - vi. Speaker volume will be controlled and constrained by the staff/Owners of the Lodge.

4. Parking and Transportation

- a. At least 18 permanent parking spaces shall be provided for the commercial lodging facility (1.5 parking spaces for each dwelling room in the Lodge), within the existing surface parking lot as shown on the Plan attached as Exhibit B.
- b. Parking for any additional accessory uses shall comply with the parking requirements of the Code in effect at the time of County review and approval for those additional uses.
- c. At least 40 temporary event parking spaces shall be provided for the Property to ensure adequate parking for all large events. The event parking plan, attached as Exhibit D, reflects the parking configuration for the Property in relation to large scale events, and shall be adhered to for all such events. For any large scale event with over 75 guests, a shuttle/transportation service to transport guests attending the event shall be arranged. The shuttle/transportation service requirement shall be included in the Lodge rental/event agreement.
- e. The event parking plan for large scale events shall be posted in two conspicuous places including the main level of the Lodge and in pavilion, and a reference to the parking plan shall also be included in the guest rental agreement.
- f. No parking shall be permitted on County roads.

9. Emergency Evacuation Plan

- a. Owner/Developer has prepared an emergency evacuation plan in order to ensure the safety and orderly evacuation of the Property in the case of emergency, which has been prepared in consultation with the Red, White, and Blue Fire Protection District and Summit County Emergency Management.
- b. Said plan shall remain posted in all lodging bedrooms, and in at least two conspicuous locations on the Property, including the main level of the Lodge and the pavilion, at all times. Copies of said plan shall be made available to guests of the Property.
- c. The event parking plan allows for the emergency accessibility and circulation of vehicles, and also allows for adequate parking and staging for all emergency service providers, and shall remain adequate to serve such purposes at all times hereafter. The event parking plan shall be posted in one conspicuous location within the Lodge.

5. Landscaping Improvements

- a. Landscaping improvements are allowed anywhere on the Property. Landscaping improvements shall be limited to re-vegetation of disturbed areas with Summit County native grass seed mix, flowers, shrubs, trees, berms, small rock tree wells, small retaining walls, sidewalks and stairs per the applicable requirements of the Code. Forest re-vegetation is also allowed anywhere on the Property in accordance with the Forest Management provisions set forth in this PUD.

- b. If landscaping material is proposed that requires water to be established, then water must be provided from an approved water source and the material hand-watered until successfully established.
- c. Additional watering of the landscaping improvements is allowed on the Property provided sufficient water rights allowing for outdoor uses have been obtained from appropriate sources.
- d. All areas disturbed by construction shall be re-vegetated with Summit County native grass seed mix or returned to a natural state. The Owner/Developer shall take reasonably effective measures to prevent and control the proliferation of noxious weeds on the Property. Nothing in this PUD shall be construed to waive Summit County's ability to enforce its weed control regulations as set forth in the Code, provided that such regulations have direct application to the Property.
- e. The landscaping improvements shown on the conceptual development plan shall be constructed in connection with the applicable accessory structures on site, and shall be reviewed at the time of site plan application. One (1) landscaping berm shall be constructed as shown on the Plan attached as Exhibit B in connection with the construction of the pavilion. The berm shall meet the berm design standards as specified in Section 3604.H. et al of the Code as an element of noise mitigation.

6. Walls and Fences

Walls and fences may be constructed anywhere on the Property provided that they do not obstruct visibility at access points. Walls and fences shall be a maximum of six (6) feet above finished grade. Walls constructed on the Property shall utilize natural materials such as wood, rock or stone, or other natural appearing materials. Colors shall blend with the natural backdrop. Fences shall be constructed in accordance with all the general standards set forth in Section 3505.17 of the Code, as to materials, design, and location, in accordance with the standards for any similar sized commercial property as set forth in the Code.

- a. The above requirements do not apply to retaining walls constructed on the Property. Retaining walls may be constructed anywhere on the Property, and all retaining walls shall comply with the applicable provisions set forth in the Code.

7. Open Space and Trail

- a. Trail. There is the potential that a soft surface trail exists along the southerly boundary of the property. Prior to October 1, 2014, the Open Space and Trails Department and the Owner/Developer will confirm if such a trail exists. If so, the Owner/Developer shall dedicate a ten (10) foot wide non-

motorized/pedestrian easement for this trail to Summit County Government. The easement shall be recorded prior to November 15, 2014.

- b. The Owner/Developer is not required to locate, improve, construct or maintain the trail within the Property and addressed in this Designation.
- c. A partial credit for the value of the above easement dedication shall be applied to any Public Use Area fees (PUAF) assessed to the Owner/Developer for any future improvements on the Property per the Code.

8. Wildlife Protection

The following measures shall be implemented in order to minimize the potential impacts to wildlife and improve the overall quality of wildlife habitat on the Property:

- a. Noxious weeds shall be controlled in accordance with Section B.6.d. of this Designation, the Forest Management Plan, and any applicable regulations set forth in the Code.
- b. Wildlife friendly fences are encouraged to be used on the Property if fences are desired for uses other than livestock containment.
- c. Bear proof garbage containers shall be used, or the garbage receptacle shall be stored in an enclosed building.

5. Forest Management

A "Forest Management Plan for The High Country Lodge" has been prepared by Teague Saves Homes, attached as Exhibit E, in order to reduce wildfire hazard, susceptibility to Mountain Pine Beetle infestation, and to enhance wildlife habitat and tree vigor on the Property. The recommended forest management activities contained within the Forest Management Plan have been implemented by Owner/Developer, and subsequently acknowledged, inspected, and approved by the by the Colorado State Forest Service. However, the Forest Management Plan includes recommendations for ongoing maintenance of the property such as removal of noxious weeds and clearing of dead and dying trees. The Owner/Developer shall implement these recommendations as needed and as prescribed by the Forest Management Plan. The removal of trees infested with Mountain Pine Beetle does not require prior County approval.

C. REQUIRED IMPROVEMENTS

1. Access

- a. Access to the Property and to all building sites shall be provided by a primary access driveway off of Ski Hill Road (CR #3). Only one access point onto Ski Hill Road (CR #3) shall be permitted.
- b. Improvements to the existing Lodge driveway are not required in conjunction with the approval of this Designation. Said driveway, in

its existing state, does not meet current County driveway standards. Any significant expansion or modification to the existing driveway, shall serve as a trigger for the existing driveway to be improved to meet all County standards in place for commercial uses at the time of such improvements, specifically width, grade, and surface.

- c. The proposed new driveway improvements, as shown on Exhibit B providing access to the pavilion, cottage and stable shall meet residential driveway design standards of the Code at the time of building permit for such structure. The construction of the new driveway does not require the existing driveway alignment to be brought up to County standards. The existing driveway alignment is only required to be brought up to County standards per the provisions set forth in subsection b above.

2. Water Systems

- a. Water supply for the existing commercial lodging facility is currently provided by two private wells permitted under well permit numbers 169514 and 169515, issued by the Colorado State Engineer's Office. Said wells shall remain the source of such commercial water for the Lodge until a specific alternative source is identified and approved by the Colorado State Engineer's Office.
- b. The water supplied from such subject commercial wells shall be tested for compliance with State Health Department regulations on a semi-annual basis. Such testing shall be coordinated with the Summit County Environmental Health Department.
- c. Use of such commercial wells shall adhere to all rules and regulations of the Colorado Department of Natural Resources, Water Division, including installation of totalizing flow meters, if so required by State regulation and Water Division insistence.
- d. Prior to the issuance of a building permit for any new structure, the Owner/Developer shall obtain sufficient water taps from the Town of Breckenridge to serve any uses in addition to the existing commercial Lodge, unless an alternative source of water is first identified and approved by the Colorado State Engineer's Office and all other necessary State and Federal agencies.
- e. Adequate fire flows shall be provided as determined by the Red, White, and Blue Fire Protection District.

3. Sewage Disposal

The commercial Lodge shall be served by the existing on-site septic system. Any new development shall provide sewage disposal service through the installation of separate vault system or an on-site septic system that shall meet all County Environmental Health Department requirements, and maintain a minimum separation of 200 feet from the existing system, if required. Within two (2) years of completion of central sewage facilities by the Breckenridge Sanitation District

that are within 400 feet of the subject Property, the Owner/Developer shall connect all structures with sanitation facilities to the sewer.

The pavilion may utilize a vault holding system for all wastewater management, and shall obtain all necessary approvals from the Summit County Board of Health prior to building permit issuance. The vault system shall be serviced and maintained on a regular basis. If the vault system is reasonably deemed unacceptable or infeasible, or fails for any reason, an alternative means of wastewater management shall be proposed by Owner/Developer and approved by Summit County Environmental Health prior to any continued use of the pavilion.

4. Fire Protection

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

5. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Regulations.

D. GENERAL PROVISIONS

1. Enforcement

The provisions of this Designation and the Plan relating to the use of land 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 Designation and the Plan shall run in favor of the residents, occupants, or land owners of the Property, but only to the extent expressly provided in, and in accordance with the terms of, the Designation and the 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 at any time any provision or requirements stated in the 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 that 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 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 paid, as follows:

Notice to County:

Notice to Owner/Developer:

Board of County Commissioners
P.O. Box 68
Breckenridge, CO 80424

Patrick D'Augustine
High Country Lodge LLC
PO Box 7957
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 High Country Lodge 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 240670106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Summit County Land Use and Development Code or other regulations otherwise applicable to the development of the Property.

7. Effective Date

This Designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

8. Legality of Provisions

In the case one or more of the provisions contained in this Designation, or any application thereof, 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.

APPROVAL OF AMENDMENTS

The foregoing document is the High Country Lodge Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 8th day of November 1993 and recorded at Reception No. 484638 and as amended by the Summit County Board of County Commissioners as follows:

Resolution Number

Resolution Reception Number

14- 12

PUD Reception Number

The planned unit development document dated the 8th day of November, 1993 and recorded at Reception No. 484683 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 Planned Unit Development Designation and the amendments noted above are available from the Summit County Clerk and Recorder.

Adopted this 11th day of March, 2014.



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

Karn Stiegelmeier, Chair

ATTEST:

Kathleen Neel, Clerk and Recorder

**HIGH COUNTRY LODGE
PLANNED UNIT DEVELOPMENT DESIGNATION**

ATTACHMENTS

- Exhibit A: Legal Description**
- Exhibit B: Development Plan**
- Exhibit C: Permitted Uses**
- Exhibit D: Event Parking Plan**
- Exhibit E: Forest Management Plan for The High Country Lodge**
- Exhibit F: Custom Audio Design (CAD) letter dated June 10, 2013**
- Exhibit G: Colors, Materials, and Graphic Representation of the Event Pavilion**

EXHIBIT A

HIGH COUNTRY LODGE LEGAL DESCRIPTION

Covering the land in the State of Colorado, County of Summit, described as follows:

A parcel of land lying and fully within the Adams Placer M. S. 12491, Section 26, Township 6 South, Range 76 West of the 5th Principal Meridian, situate in the County of Summit, State of Colorado and more particularly described as follows:

Beginning at corner No. 2 of the Protector Placer M. S. 12491 and running South $83^{\circ}33'57''$ West, 1213.14 feet along line 1-2 of said Adams Placer to a point which point is, in fact, the true point of beginning,
thence South $89^{\circ}35'57''$ West, 605.13 feet to the center line of a 60 foot county road,
thence North $09^{\circ}49'30''$ East, 79.17 feet along said center line,
thence North westerly 196.95 feet along the arc of a 423.23 foot radius curve to the left, whose delta is $26^{\circ}01'30''$, along said center line,
thence North $16^{\circ}11'40''$ West, 239.49 feet along said center line,
thence Northeasterly 272.42 feet along the arc of a 239.41 foot radius curve to the right whose delta is $53^{\circ}14'35''$, along said center line,
thence South $52^{\circ}57'05''$ East 30.00 feet easterly right of way of said county road,
thence North South $9^{\circ}35'57''$ East, 601.25 feet;
thence South $00^{\circ}25'03''$ East, 695.66 feet to the TRUE POINT OF BEGINNING.

TOTAL AREA = 10 ACRES (approximate)

EXHIBIT B

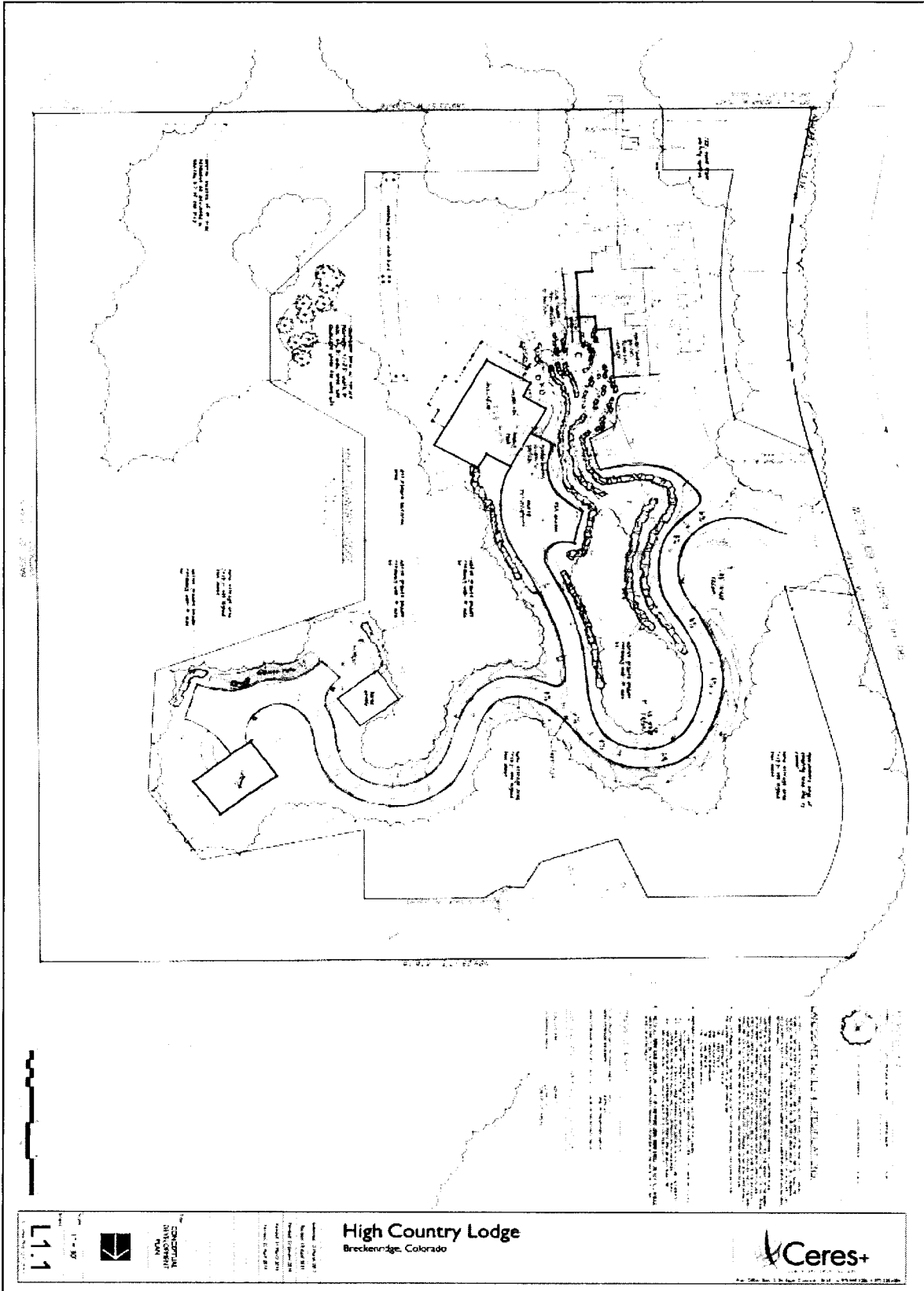


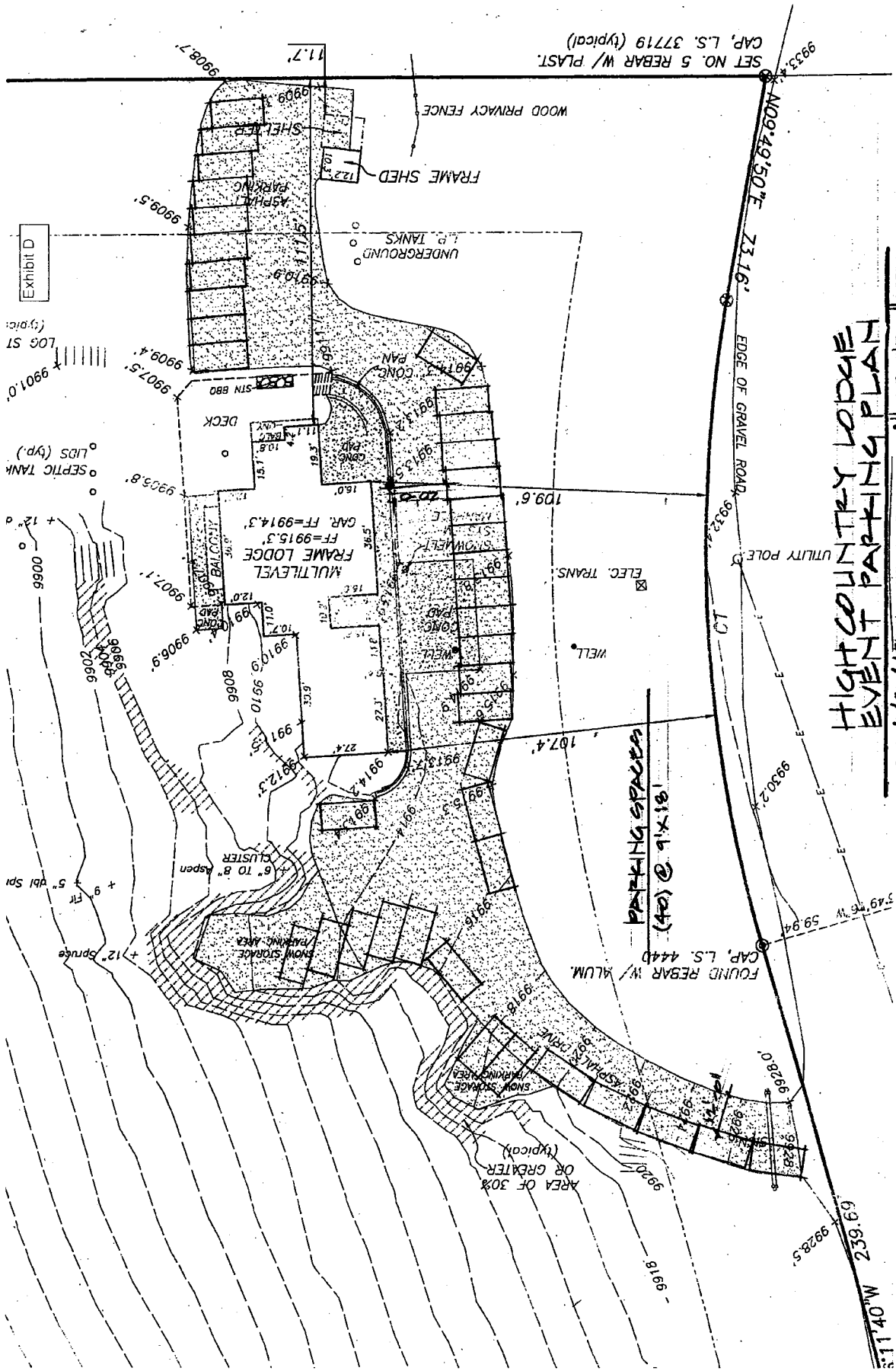
EXHIBIT C

HIGH COUNTRY LODGE PLANNED UNIT DEVELOPMENT PERMITTED USES

In addition to those structures and uses specifically listed in the High Country Planned Unit Development Designation, the following land uses typically permitted, accessory or conditionally permitted in the Agricultural (A-1) Zoning District shall be allowed anywhere in the High Country Lodge Planned Unit Development, subject to all Summit County regulations and approvals and provisions set forth in the PUD:

Permitted Uses:

1. Agricultural Operations—in relation to horse keeping
2. Animal Keeping
3. Athletic Facilities—private
4. Benches, Tables, and At Grade Improvements that do not require a building permit
5. Child Care—home
6. Firewood Split/Storage—private
7. Garage—private
8. Green House—private
9. Home Occupation
10. Motor Vehicles, Parking/Storage
11. Open Space
12. Recreational Uses—non-motorized and passive recreational uses, as such terms are generally defined and contemplated in the Code and the Summit County Open Space and Trails Regulations.
13. Recreational Facilities—private
14. Recreation Vehicles—not in storage yards
15. Renewable Energy Systems
16. Storage Areas—private
17. Storage Building—private
18. Trails
19. All proposed uses not specifically set forth herein shall be reviewed by the County in accordance with the applicable requirements of the Code, this Designation, and the attached Plan.



HIGH COUNTRY LODGE
 EVENT PARTY PLAN
 2/1/2015

Exhibit D

SET NO. 5 REBAR W/ PLAST.
CAP, L.S. 37719 (typical)

FOUND REBAR W/ ALUM.
CAP, L.S. 4440

AREA OF 30%
OR GREATER
(typical)

PARKING SPACES
(40) @ 9'x18'

LOG ST
(ypic)

SEPTIC TANK
LIDS (yp.)

5" Abl Spt
9 FT

12" Spruce

6" TO 8" Aspen
CLUSTER

SNOW STORAGE
TRUCKING AREA

ASPHALT DRIVE

9918

9920

9928.5

9928.0

9930.2

9932.2

9932.2

9932.2

9932.2

9932.2

9932.2

9932.2

9932.2

9932.2

High Country Lodge Forest Management Plan 11/2012

Location

The High Country Lodge is located at 5064 County Road 3. It sits on a 9.766 acre parcel of land located entirely within the Adams Placer MS No. 13491, Section 26, Township 6 South, Range 78 West of the 6th Principal Meridian, Summit County, Colorado.

Site Characteristics

The property is at a mean elevation of 9900' with a general grade of less than 10% overall sloping down to the east. It is surrounded by predominantly Lodgepole Pine forests intersected by roads and homes, as well as larger tracts of forest. US Forest land lies to the west beyond County Road 3, as well as private lots a few acres deep.

There is a well balanced mix of all of the prominent tree species typically found at this elevation and aspect in Summit County, Colorado. These species include the conifers: Lodgepole Pine, Engelmann Spruce, Colorado Spruce, and Douglas Fir. Additionally, Quaking Aspen are found especially in and around the numerous open meadow areas. There is a rather broad variety of tree ages on this site. There is a native and appropriate conifer forest understory, a variety of riparian plants throughout the site, as well hydric plant life throughout the small wetland areas at the north and northeast ends of the site. The soil ranges from thin humus and duff over inorganic gravel, to thicker humus and rich soil, to hydric saturated wetland soil.

Currently, the overall health of the forest is good. Lodgepole Pine were the dominant tree species over the last 50+ years, but now the forest is quite evenly mixed with Lodgepole, Spruce, Fir and Aspen species. There is some mistletoe, but there are currently no Mountain Pine Beetle or Spruce Beetle infestations.

Recently Performed Forest Management Activities

The most recent Mountain Pine Beetle epidemic has infected and killed approximately 70% of the middle age to mature Lodgepole on site. The dead and infested Lodgepole have all been removed allowing the existing Spruce, Fir, and Aspen, as well as the remaining healthy Lodgepole, to thrive and proliferate throughout the site. This timely and diligent forestry has helped to cultivate a well-balanced variety, age, and growing conditions for future vitality of this tract of forest. Pine wood chips have also been broadcast and spread throughout the forest. This will provide biomass decay and nutrients for future forest regeneration, and additionally help to control noxious weeds along the logging paths.

Objectives

- Maintain tree and forest health
- Maintain variety and age of tree species
- Maintain wildlife habitat
- Reduce wildfire risk



Forest Management Actions

- Protect the existing healthy Lodgepole and Spruce from infestation
- Remove further dead or infested trees as they occur
- Prevent and limit further soil impact to existing logging paths and effected areas
- Wildfire Mitigation thinning and ground fuels reduction
- Noxious weed control

Protection from Mountain Pine Beetle and Spruce Beetle

The comprehensive thinning and infested tree removal has improved the remaining Lodgepole's resistance to Mountain Pine Beetle attack. Beetle Block Verbenone packet application is recommended to protect the existing Lodgepole in valued buffer areas surrounding the lot.

Although there is not currently a substantial outbreak of Spruce Beetle (*Dendroctonus Rufipennis* Kirby) in Summit County, high value Spruce trees should also be protected through the packet application of Beetle Block MHC.

Forest Health Recommendations

Over the next ten years, a small amount of ongoing thinning, trimming and removal of any diseased trees or areas of crowding will continue to facilitate mature tree growth and healthier regeneration. One or two large/tall dead trees standing alone in the open should be left as habitat trees for wildlife. Care should be taken to preserve the numerous smaller regeneration saplings throughout the property. This treatment will also help control Dwarf Mistletoe, Mountain Pine Beetle, Spruce Beetle, Ips Beetle and other diseases.

Wildfire Mitigation Recommendations

Defensible space has been maintained around the Lodge and other structures. Continual maintenance and removal of excessive combustible fuel, branches, tall grasses, or litter will help reduce the likelihood of wildfire loss. This should be primarily focused within Defensible Space Zones 1 and 2 at 175' from the Lodge and structures. (Defensible Space is limited to within the property boundaries—not off site.) The Defensible Space efforts should include:

- Limbing up low branches to 4'-5'
- Raking up litter (sticks/slash, leaves, needles) to not more than 2" deep
- Removal of any dead or diseased trees/bushes
- Cutting of tall grasses and weeds to 4"-6"
- Removal of any downed trees and stacked logs
- Maintain crown spacing of no less than 10' between groupings of Evergreen trees
- Monitor stability of trees along drive access. Remove any dead or diseased trees.



Ongoing clearing of standing dead, fallen, and debris from the forest floor will help reduce the overall fuel density. It is important to limit further impact to the forest floor and existing small regeneration trees during this process. Special care should be used to remove trees near the wetland areas. Where it is wet, thin of vegetation, and/or void of many trees or ground fuels, a few select trees should be felled and let lie in and around the wetlands for biomass generation. These trees should be left in contact with the ground, but their branches should be severed from the trunk along the top side and left in contact with ground or removed.

Noxious Weeds

There are species of noxious weeds on the property. Areas of concentration should be treated to prevent their spread. Increased soil disruption will lead to increased noxious weed growth. The added wood chips will help limit some noxious weed growth. However, it is important not to spread the wood chips thicker than two inches on the natural native forest floor or meadows as this will inhibit desired riparian and meadow plant growth.

Summary

The High Country Lodge property and forest has been well managed to help maintain and improve tree health and cultivate tree diversity in species and age thereby facilitating a healthy and safe future forest. The current overall health of the forest is good. Over the next ten years, the focus should be to continue the protection of the existing trees, a small amount of ongoing thinning, trimming and removal of any diseased trees or areas of crowding to facilitate mature tree growth and healthier regeneration, as well as maintaining Wildfire Mitigation characteristics.



tree service

PO Box 2651 Breckenridge, CO 80424 - 970-389-8361 - teague@teaguesaveshomes.com



Custom Audio Design
122 w 10th St
Silverthorne, CO 80498
970.468.1042

June 10, 2013

To whom it may concern,

In May of 2013, Custom Audio Design (CAD) was called to the High Country Lodge (HCL) to assess sound control and mitigation for the new pavilion. Patrick D'Augustine from HCL met with us and showed us where the proposed pavilion will reside, discussed its design, as well as briefed us on past issues with music and noise occasionally carrying beyond the HCL property and annoying nearby residents.

CAD has proposed a two-step solution to lessen noise pollution significantly. The first step is to reduce perceived overall volume of the entertainment during events. The best way to do this is by using smaller speakers, placed evenly throughout the pavilion. These will mount above the guests' heads on the lateral trussing of the pavilion. They will angle down towards the guests' heads. A more consistent homogenous coverage, at lower volumes, with less audio bleed outside of the pavilion will be created by having many smaller speakers, above listeners' ears.

The second step is to use a cardioid subwoofer array. This employs "cancellation" and specific measurements with both distances and milliseconds of delay. The theory of cardioid subwoofer arrays is that they project all the bass frequencies forward from the speakers with up to 90% cancellation to the sides and behind the speaker cabinets. We often use this application for situations where audio bleed and unwanted noise must be kept to a minimum. Often times, we use cardioid subwoofer in residential situations and houses of worship where there are events and services being held with a sound system in very near proximity to other neighbors with little residual impact.

CAD believes that with these two steps, sound pollution and external noise will be kept to a minimum, which will leave nearby residents happier and less affected by the events that HCL holds.

Please contact me if there are any additional questions or concerns.

Regards,

Jeremy Rosenberg

Jeremy Rosenberg, Systems Design and Project Manager
Custom Audio Design

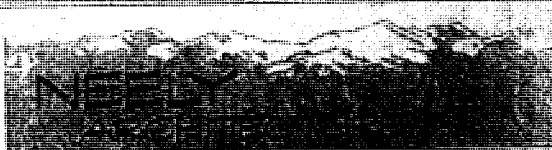


Exhibit G

J. LEE NEELY ARCHITECT

P.O. Box 3007
Steamboat, Colorado
87051-0307

High Country Lodge
5064 Ski Hill Road
Summit County, Colorado

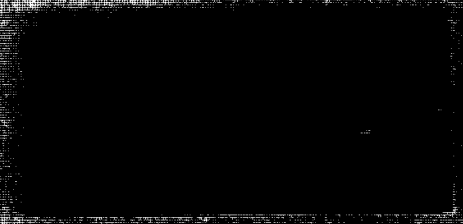
Siding - horizontal & vertical



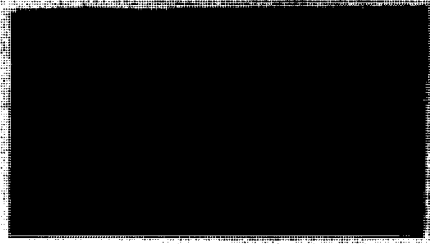
Railings/Columns & Beams



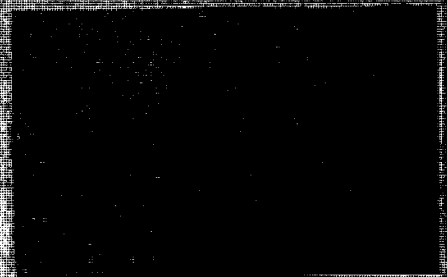
Fascia



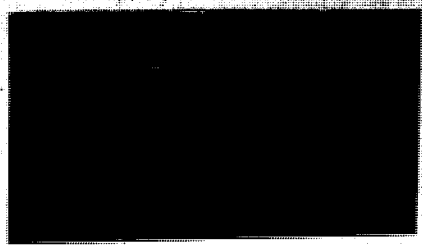
Roofing

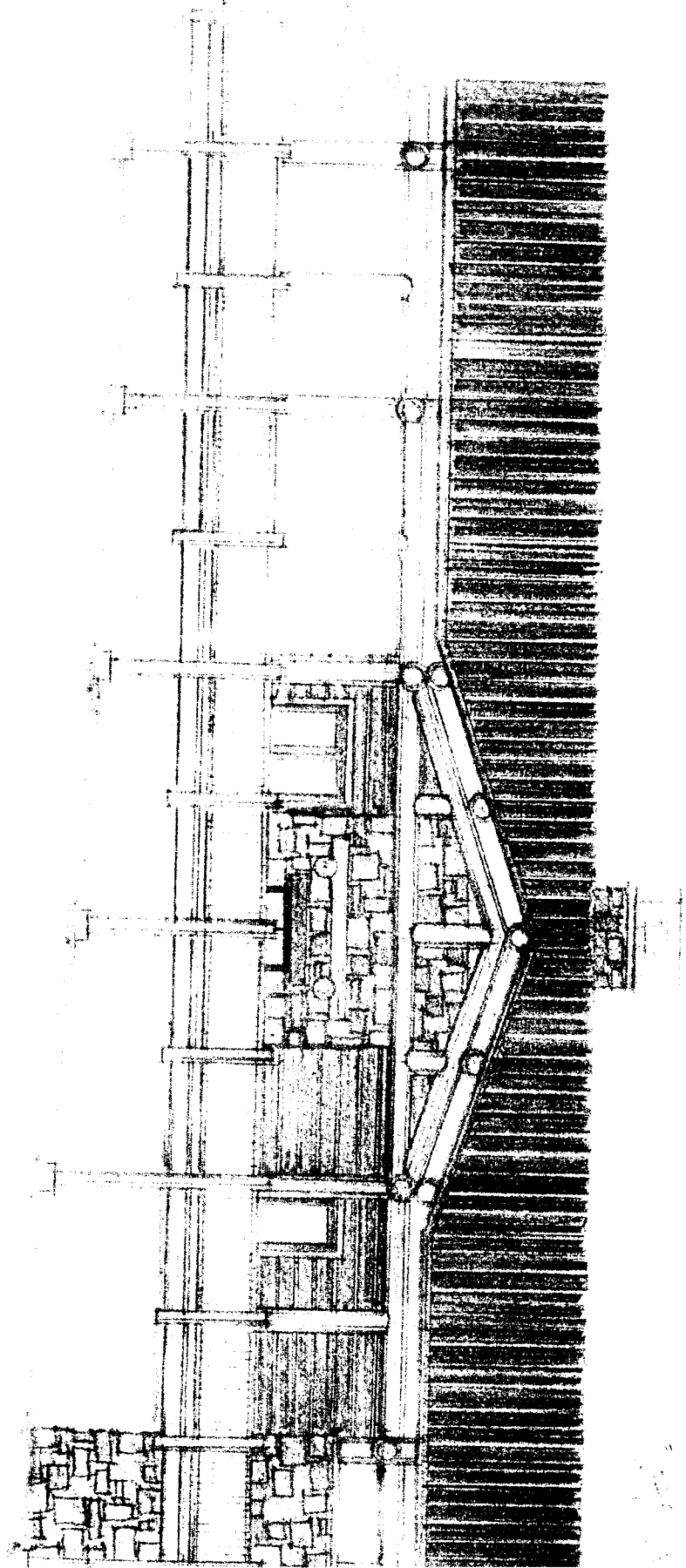


Stone Veneer



Cladding





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