

**SILVER SUMMIT
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Silver Summit is approved this 14th day of November, 1994 by the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as the "County," for certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property." This designation establishes the general uses which shall be permitted on the Property, a general development plan and a statement of development guidelines and conditions which must be adhered to by Buzz Sitterly hereinafter referred to as the "Owner/Developer." This designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

A. PERMITTED USES AND DEVELOPMENT PLAN

Use and development of the property shall be in accordance with the Development Plan attached hereto as Exhibit B and the following specific requirements:

1. Permitted Uses

14 single family dwelling units and three accessory apartments with approval of a conditional use permit by the Upper Blue Planning Commission in accordance with applicable requirements of Section 3801 et.seq. of the Summit County Land Use & Development Code.

B. DEVELOPMENT STANDARDS

1. Maximum Building Size

Gross square footage for single family residences, including any accessory apartment or garage area, shall not exceed 22% of the total site area of a given lot.

2. Building Height

Building heights shall not exceed 35 feet as defined in Section 3505.06 et.seq. of the Summit County Land Use & Development Code.

3. Setbacks

Setbacks shall be as follows:

Front--25 feet except 35 feet from those property lines adjacent to the right-of-way of Fairview Blvd. (CR #400) and Silver Circle (CR #402)
Side--10 feet
Rear--20 feet

4. Parking

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

5. Designated Open Space Areas

- a. **Open space areas:** The Owner/Developer shall designate a 0.99 acre strip of land between Lots 1 & 2 and the right-of-way of Highway 9 as private open space as shown conceptually in Exhibit B.
- b. **Public use areas:** Pursuant to Section 8601 et.seq. of the Summit County Land Use and Development Code the Owner/Developer is required to provide lands for public use or pay "in lieu fees" of \$575/dwelling unit. The above referenced private open space areas shall not be considered for dedication in lieu of the Public Use Area Fee requirements applicable to this project because of their lack of suitability for public use. Payment of fees is required prior to recordation of any final plat for the PUD.

6. Animal Restrictions

Animals are permitted as accessory uses for the private use and enjoyment of single family homeowners subject to guidelines established by the Summit County Land Use and Development Code. Due to the proximity of the Silver Summit PUD to important wildlife habitat the association shall develop rules and regulations, in coordination with the Colorado Division Wildlife, which, at a minimum, shall require that suitable dog runs are required prior to ownership of any dog, any authorized animal shall be kept on a leash when outside its owner's house or dog run, control over dogs owned by visitors of a property owner is the responsibility of that property owner, and all trash containers shall be approved by the Division of Wildlife as being bear proof.

C. REQUIRED IMPROVEMENTS

1. Access

- a. **Roadways:** Access to the property and to all building sites shall be provided by roads built to applicable County standards. Where such standards cannot be met for the interior loop road the applicant shall apply for and obtain a variance to those standards from the Board of County Commissioners of Summit County prior to approval of the final plat. The Owner/Developer shall be responsible for paving Fairview Blvd. (CR #400) to a point south of the intersection with the local access road serving the subdivision as conceptually shown on Exhibit B. Any additional road or drainage improvements to the intersection of Fairview Blvd. and Highway 9, necessary to meet the County's Road & Bridge standards or any applicable Colorado Department of Transportation standards, shall also be the responsibility of the Owner/Developer. The Silver Summit Homeowners Association shall pay its pro rata share of the maintenance and operating costs of the light at the southeast corner of the intersection with Fairview Blvd. and Highway 9. A covenant addressing such payment shall be executed and recorded prior to recordation of the final plat. With the exception of Lots 1 & 2, only one accessory apartment may be approved where two or more lots are served by a common driveway.
- b. **School Bus Stop:** Prior to recordation of the final plat the Owner/Developer shall construct a school bus stop as conceptually shown in Exhibit B that meets the requirements of the Summit County School District or post an adequate financial guarantee for such construction.

2. Water Systems

Water supply for the development shall be provided by Blue River Water District. Adequate fire flows shall be provided as determined by the Red, White, & Blue Fire District.

3. Sewer Systems

Sewage disposal shall be provided by the Breckenridge Sanitation District.

4. Fire Protection

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

5. Vegetation Management

A vegetation management program to reduce wildfire hazard and susceptibility to mountain pine beetle infestation and to enhance wildlife habitat and tree vigor on the property shall be prepared. The plan shall be reviewed by the Colorado State Forest Service and submitted concurrent with the final plat for the project. The plan, once approved by the Colorado Forest Service shall be implemented prior to the recordation of any final plat for the property or guaranteed in the subdivision improvements agreement.

6. Utilities and Easements

All new utility lines shall be installed in full accordance with the standards of each utility provider and County Subdivision Regulations. Easements for all utilities shall be shown on the 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 and Development Code unless such standards and requirements are specifically waived or modified by the terms of this designation.

E. GENERAL PROVISIONS

1. Enforcement

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

2. Breach of Provisions of PUD Designation

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

Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect

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

4. Amendments

Amendments to the provisions of a planned unit development designation shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for zoning amendments and to the requirement for findings under the Planned Unit Development Act of 1972 at CRS 24-67-106(3)(b).

5. Notices

All notices required by this designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage prepaid, as follows:

Notice to County:

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

Notice to Owner/Developer

Buzz Sitterly
944 Summit Dr.
Dillon, CO 80435

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 Silver Summit 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. Effective Date

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

8. PUD Review Requirements

The 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



Rick Hum

Rick Hum, Chairman

Approved as
to form
[Signature]
Legal

ATTEST:

Doris L. Brill

Doris L. Brill, Clerk and Recorder

Buzz Sitterly

Buzz Sitterly

ATTEST:

SILVER SUMMIT HOMES

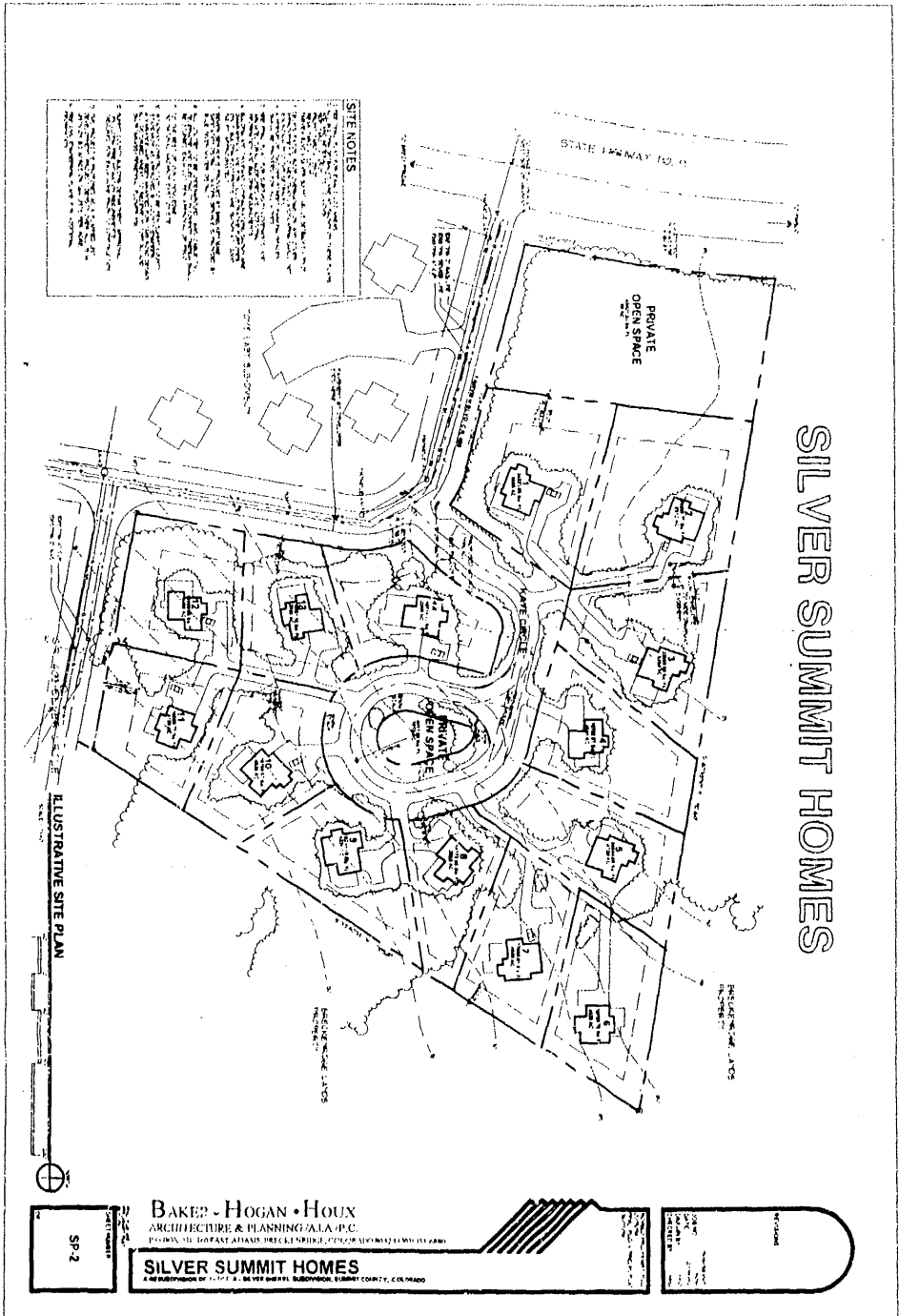
LEGAL DESCRIPTION

LEGAL DESCRIPTION

Silver Sheckel Filing I, Tract A

Beginning at corner #1, M.S. 14025, thence South $33^{\circ}40'34''$ W a distance of 705.81' to corner #2, M.S. 14025, thence $N79^{\circ}54'44''$ W a distance of 266.83, thence $N10^{\circ}05'16''$ E, a distance of 224.93', thence along the arc of a curve to the left whose radius is 111.71' and whose delta is $85^{\circ}30'00''$ a distance of 177.15, thence $N75^{\circ}24'44''$ W a distance of 254.23, thence $N10^{\circ}54'21''$ E, a distance of 75.22' also being the east R.O.W. line of Colorado State Highway #9, thence along said R.O.W. line and along the arc of a curve to the left whose radius is 1453.98' and whose delta is $07^{\circ}17'00''$ a distance of 184.83, thence along said R.O.W. line $N03^{\circ}37'26''$ E 12.65, thence $S80^{\circ}35'30''$ E a distance of 921.60' to the point of beginning.

EXHIBIT B



SILVER SUMMIT HOMES

SITE NOTES

1. All building footprints are shown in solid black.
2. Private open spaces are shown with a dashed boundary.
3. All roads and paths are shown with solid lines.
4. The State Parkway is shown with a double line.
5. All dimensions are in feet.
6. All bearings are in degrees, minutes, and seconds.
7. All areas are in square feet.
8. All areas are rounded to the nearest square foot.
9. All areas are shown in square feet.
10. All areas are shown in square feet.

ILLUSTRATIVE SITE PLAN

SP-2

BAKER • HOGAN • HOUX
 ARCHITECTURE & PLANNING, A.L.A.-P.C.
 1700 N. W. 10TH AVENUE, SUITE 1000, MIAMI, FL 33135 (305) 571-1100

SILVER SUMMIT HOMES
 A DEVELOPMENT OF 1,111 S. SILVER SUMMIT, SUBDIVISION, SHERMAN COUNTY, CALIFORNIA

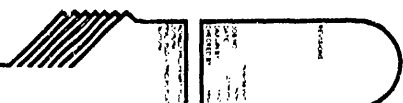
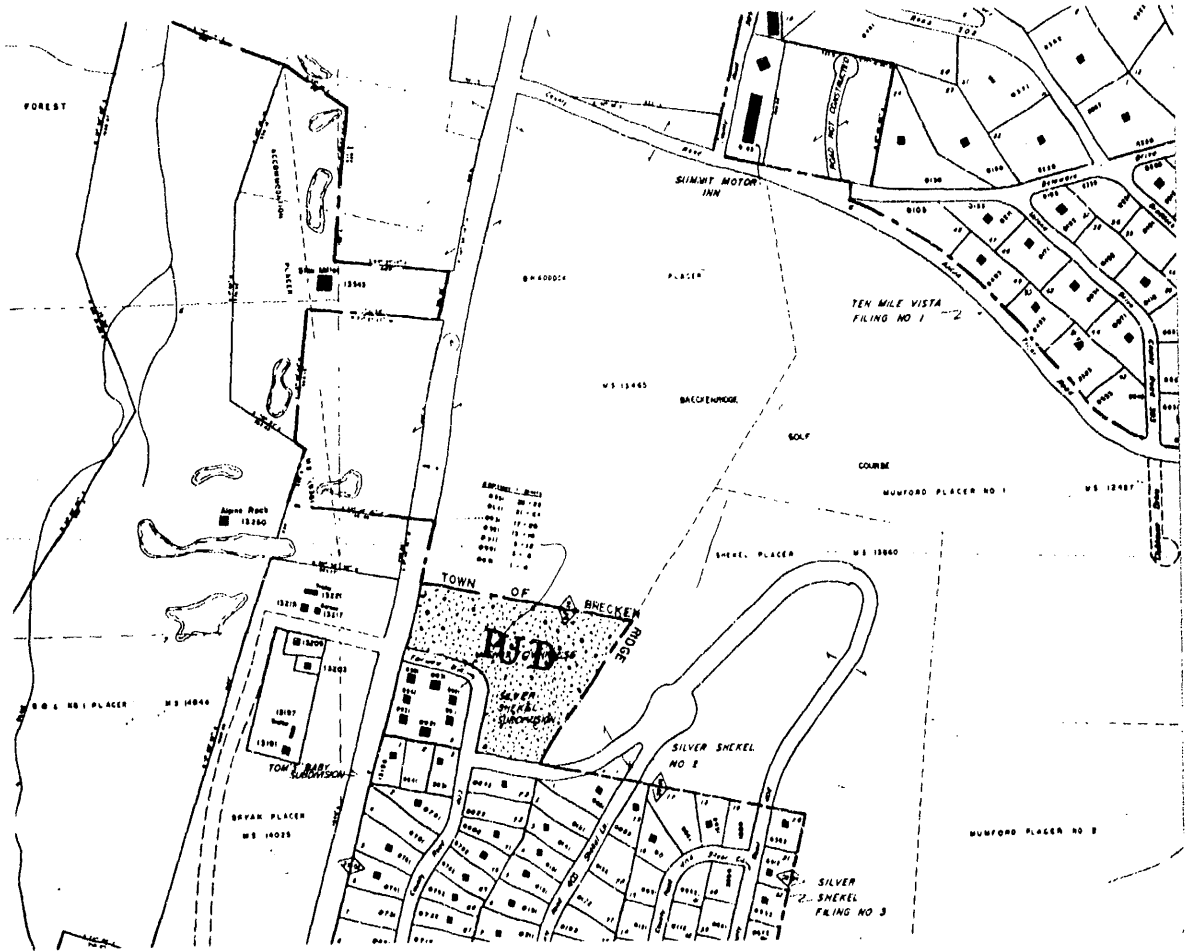


EXHIBIT C



SUMMIT COUNTY

OFFICIAL ZONING MAP

FOR: _____
 DATE: _____
 RESOLUTION NO. _____

ADOPTED BY THE SUMMIT COUNTY BOARD OF COUNTY COMMISSIONERS

Rick Hum, Chairman