

SPRING CREEK RANCH PLANNED UNIT DEVELOPMENT

Agreement made this _____ day of April 2010, by and between the Board of County Commissioners of Summit County, Colorado, hereinafter referred to as "County, and Spring Creek Ranchers Association Inc. ("SCRA") and individual Lot and Tract owners of Spring Creek Ranch Subdivision which are referred to as (Owner/Developer).

RECITALS

Whereas the SCRA and Owner/Developer requested an amendment to an existing PUD to establish and clarify a maximum density of 14 dwelling units within Spring Creek Ranch Subdivision Phase I Filing 1, subject to the conditions and terms of this agreement;

Whereas the Summit County Planning Commission has recommended approval of said request;

Whereas Summit County Board of County Commissioners.....

Whereas, the SCRA, is the homeowners association governing the management of the common elements including the community well, sewer ponds, water storage facilities, private road system and general affairs of the SCRA membership;

Whereas, Spring Creek Ranch Subdivision is subject to Declarations of Protective Covenants and Restrictions of Spring Creek Ranch Subdivision dated October 28, 2002, (Recorded at Reception Number 722330) and all amendments thereto, as a covenant running with all property in Spring Creek Ranch Subdivision.

Whereas, Spring Creek Ranch Subdivision is subject to the Colorado Common Interest Ownership Act;

Whereas, the SCRA has secured a water decree together with an augmentation plan with the approval and capacity to service 14 home sites envisioned herein and approved by the District Court, Water Division 5, Colorado; Case 93CW213 entitled Findings of Fact, Conclusions of Law, Judgment and Decree; (Recorded at Reception Number 803794) and any permitted use of Caretakers units is conditional upon an affirmative amendment to said decree;

Whereas, certain Lots and certain Tracts may be encumbered by mortgages and certain Lots and Tracts are adjusting lot lines and require the consent of Lender ("Lender Consent").

Whereas the SCRA and Owner/Developer request an amendment to the Original PUD to replace in its entirety, that original agreement entered into on March 17, 1980 by Spring Creek Development Company, Ltd a Colorado limited partnership and the Board of County Commissioners of Summit County and approved by the Board of County Commissioners of Summit County (Resolution #80-34) Recorded at Reception Number 204557. Originally the agreement was entitled "Spring Creek Condominium Ranch Planned Unit Development Agreement" dated December 17, 1979 (Recorded at Reception Number 204557).

OBJECTIVE

This PUD applies to certain real property located in Summit County and described in attached Exhibit A hereinafter referred to as the "Property". The Property consists of individual lots referenced by (Lot and Block) and Tracts (A-G) as depicted on Exhibit A and further evidenced by metes and bounds descriptions.

This PUD establishes the land uses and density that shall be permitted within the Property, a general development plan as evidenced by Exhibit A (Development Plan), development standards and conditions that must be adhered to by individual Lot and Tract owners or any successors and assigns of the individual Lots and Tracts, such individual owners shall hereinafter be referred to as the "Owner/Developer". This also specifies improvements which can be made, timing of said improvements and conditions which must be fulfilled in conjunction with the development of the Property. Where this PUD 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 PUD addresses a specific development standard or requirement, the provisions of this PUD shall supersede the provisions of the Development Code. Use and development of the Property shall be in accordance with the specific requirements of this PUD and in substantial compliance with the PUD Development Plan attached hereto as Exhibit A, and the following goals and objectives:

- The prime objective for the Spring Creek Ranch Subdivision 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.
- All tracts of land greater than 10 acres shall contain restricted Building Envelopes located and depicted on Exhibit A. All areas outside the Building Envelopes shall be essentially free from development with the exception of minimal disturbance for roads, utilities, agricultural fencing, ponds, roads and trails utilized or created for the removal of beetle kill 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. Any exceptions to disturbance shall be listed in the Non-Building Envelope 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
 - i) Lot 2 Block 3
 - ii) Lot 4R Block 3
 - iii) Lot 1 Block 4
 - iv) Lot 5 Block 5
 - v) Lot 2 Block 2
 - vi) Lot 6 Block 2

vii) Lot 3 Block 2

of the Spring Creek Ranch Subdivision. No size restrictions pertain to any single family residence.

- b) Seven (7) other single family residences referenced as Tract A-G. 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 14 single family residences are created on the Property.
- d) 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. These improvements shall be located within the Building Envelopes only on the Lots or Tracts of land.
 - 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

Accessory uses associated with the single family residential dwellings shall be permitted within the required disturbance envelope on any existing Lot (Section A (1a) except Lot 2 Block 3 and Lot 5 Block 2 which must be within the Building Envelope. Accessory uses on Tracts A-G must be within the Building Envelope. (Please refer to Section A.1) Restrictions are as follows:

- a) Private attached or detached garage or garages limited to no more than 1,600 square feet of floor area per single family residential dwelling and an additional 500 square feet per caretaker unit.
- b) Home occupations in accordance with Section 3810 of the Development Code.
- c) Storage buildings/shed limited to 2,000 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. Note -Check the code
- e) Other residential accessory uses permitted by the Development Code in the A-1 District.

3. Caretaker Units

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 on all Lots and Tracts as an accessory use subject to meeting the following requirements:

- a) 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.
- b) This PUD shall restrict the property owner with respect to the Caretaker unit and act as 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.
- c) 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.
- d) Residences which contain caretaker units shall retain a single family character in both function and design.
- e) A freestanding caretaker unit shall not exceed 1,200 square feet (excluding garage space) one bedroom and there are no size limits for caretaker units incorporated into the primary residence.
- f) Parking for caretaker units shall be submitted in accordance with the requirements of the Development Code.
- g) Caretaker units shall be expressly conditioned on an adequate water supply and Water Decree specifying such use.
- h) The caretaker units are conditioned upon an adequate water supply and water decree that specifies domestic water allocated to caretaker units. For further clarification the existing Water Decree as of the date of this agreement must be amended.

B. Development Standards

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

1. Development Areas and Building Envelopes

- a) Each of the 14 single family residences permitted by Section A.1 above and any related caretaker units shall be located within development areas referenced by Lot and Block in Section (1A) unless a Building Envelope is depicted on (Exhibit B) and within the Building Envelopes on Tracts A-G as depicted on the PUD Plan (Exhibit B). All development shall be subject to site plan review and the development criteria as outlined in Section B (Development Standards) of this PUD. In the event of any change to Lots listed in Section (1A), that creates a Lot equal to or greater than ten (10) acres, development shall limit all construction to a Building Envelope and in accordance with Section 1(b). More than one single family dwelling unit or more than one caretaker unit

is permitted within each development area or Building Envelope provided the requirements of this PUD are met.

- b) **Building Envelopes.** Residential structures and residential uses must be located within a legally defined area. Building Envelopes shall be depicted on Exhibit B. Building 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 Building Envelope, including but not limited to roof driplines, decks, garages, sheds, and septic leach field systems. No soil disturbance or tree removal is allowed outside of the disturbance envelope unless for buried utilities (excluding septic systems), beetle kill removal, fire mitigation, forest management, driveway or roadway construction, or other improvements expressly provided for herein. Agricultural and open space uses as outlined in Section 1 A(d) above can be located anywhere within the development areas shown in Exhibit B, however all building improvements must be within the disturbance envelopes and Building Envelopes, subject to meeting the requirements of this PUD.
- c) **Moving Building Envelopes.** Building Envelopes on Tracts A,C, D and F may be moved so long as the new Building Envelope does not encroach upon an existing building or established Building Envelope on the Development Plan. The Building Envelope of Tract B may not be moved. The process for applying for a change of the Building Envelope on Tracts A, C, D and F shall..... In the event a Building Envelope is moved the new Building Envelope shall not increase in size.

2. Setbacks. To be added by Kristin

3. 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 3(a) above.

4. 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.

5. Fencing

- a) Fencing shall be permitted for agricultural, ranching and equestrian purposes.
- b) Fencing shall be open post and rail fencing, livestock fencing or other fencing typical of a ranching application.
- c) 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.
- d) 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 are excluded from this provision.

6. Environmental Standards

Wildlife: The land uses envisioned by this PUD 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.

7. Topography

- a) Topographic Benches: Development within Tracts 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.
- b) 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 rocks 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.

8. 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.

9. Water Quality

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

10. Lighting

All exterior lighting shall meet the lighting requirements of the Development Code to prevent off-site glare and adverse impact to wildlife.

11. 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.

12. Animal Keeping

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

13. Site Plan Review

The location of all new residential homesites 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 community well. The SCRA shall reserve an easement parcel, 50' by 50' on Tract B for a water storage tank as depicted on Exhibit A. Said easement shall be owned by the SCRA and any such tank size shall be in the sole discretion of the SCRA future needs if any.

2. Wastewater Disposal

Wastewater disposal will be provided by on site sewage disposal systems currently owned by the SCRA with a maximum allowable usage of 2,000 gallons per day. In the event that the average usage exceeds 2,000 gallons a day then the SCRA sewer lagoon system shall be upgraded to meet any state requirements, management and reporting then in existence by State Regulation. All Tracts A-G shall use conventional septic and leach systems and be managed privately.

3. Utilities

- A. All electrical utilities shall use the same system and above ground poles along Spring Creek Road or in the case of driveway longer than 50 feet, utilities shall be permissible above ground. The last 50 feet to the home site or any accessory building shall be below ground. All electrical utilities shall be within an easement and be clear of trees for 25 feet on each side.
- B. All utility extensions including electrical, phone, water shall be the responsibility of the individual Tract Owner and shall be sized to accommodate any other Tract site that requires service and costs shall be allocated appropriately between Tract owners and reimbursable to the first to construct at the time of the later owners securing a Building Permit.

4. Access

- a) Existing Subdivision roads Spring Creek Rd from CR 10 and up to Shadow Creek Subdivision, Blue Spruce Rd and a portion of Conifer Rd. will generally be used to provide access to permitted single family and caretaker units or driveways. These roads shall be designated as low volume road standards as outlined in the Summit County Development Code and owned and maintained by the SCRA. Except for the specialized road standards as provided in this subsection, or as otherwise approved by the County Engineer, where an access road other than Spring Creek Rd and Blue Spruce Rd, serves two 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) In the chance that Lot D and E or Lot F share driveways, then the total width of the shared portion of driveway shall be 18 feet. Each Tract owner shall provide the necessary easements for utilities, ingress, and egress and maintenance access.
- v) The County Engineer approves of the existing 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.
- c) Prior to October 2010 a top cover of gravel shall be put on both shoulder width of Spring Creek Rd and Blue Spruce Rd .
- d) Paving of the roads and driveways shall be minimized to the extent practicable. Paving of driveways and 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 by the SCRA and has been adopted by the SCRA membership as a policy. (Copy of the Original can be found in Planning Case file). The forest stewardship plan has begun to be implemented by the Owner/Developer. Although the Federal, State and County have not come up with a financial feasible plan, 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 financially reasonable. 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

- a) The Property is located within the Lower Blue Fire Protection District ("District"). The Owner/Developer agrees to install approved fire sprinkler systems in each new single family residence located on Tract A-G built after the Effective Date, with a self contained storage tank within the Residence that is appropriate for the size residence and assessor buildings but not less than 300 gallons – solely supporting the sprinkler system.
- b) SCRA shall establish an easement 100' by 100' on Lot 5 Block 2 in the location depicted on Exhibit A for future fire protection at the discretion of the SCRA. Any construction or plans shall be submitted to Summit County planning dept pursuant to

D. IMPLEMENTATION

1. Subdivision Requirements

- a) Densities of development indicated in this PUD represent maximum permitted densities and levels of use and each proposed individual development 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 PUD .

E. GENERAL PROVISIONS

1. Enforcement

The provisions of this PUD 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 PUD 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 PUD 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 has been breached by the SCRA, an individual 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 that property owned by such Owner/Developer, 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 SCRA and Owner/Developer in writing and afforded the SCRA and Owner/Developer a reasonable opportunity to remedy the same.

3. Binding Effect

This PUD shall run with the land and be binding upon the SCRA and 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 PUD may be modified through a PUD amendment in accordance with the procedure stated in the Development Code. This PUD 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 PUD shall be reviewed and acted upon as a rezoning application, subject to the County's procedures for rezoning 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 PUD 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 SCRA:

Board of County Commissioners

PO Box 16130

PO Box 68
Breckenridge, CO 80424

Golden, CO 80402

Leave in or take out ???

Individual Owner/Developer:

Robert C Swenson
fsland@gmail.com
PO Box 403
Erie, CO 80516
PH. 720-890-1111
Cell 303-807-3876
Fax 303-828-3321
Lot: Tract D

SCR Blue River LLC
C/O Robert Swenson, Managing Member
fsland@gmail.com
PO Box 403
Erie, CO 80516
PH. 720-890-1111
Cell 303-807-3876
Fax 303-828-3321
Lot: Tract E

Victor Boog
vfbfirm@vfbllaw.com and
Spring Creek Ranchers Association, Inc.
C/O Robert Swenson, President
fsland@gmail.com
PO Box 403
Erie, CO 80516
PH. 720-890-1111
Cell 303-807-3876
Fax 303-828-3321
Lot: Tract B

Judith A. Anderson Trust
C/O Judy Anderson -Trustee
jbandersons@aol.com
7784 E. Shore Road
Traverse City, Mi 49686
PH 231-947-9882
Cell 970-409-9856
Fax 231-947-9882 Call First
Lot: Tract A

Rebecca Guthrie
info@guthrieandcompanyllc.com
217 CR 100 BRR
Silverthorne, CO 80498
PH (970) 485-4141
Fax: (970) 724-8948
Lot: Tract C

Bruce E. Anderson Trust
C/O Bruce Anderson –Trustee
jbandersons@aol.com
7784 E. Shore Road
Traverse City, Mi 49686
PH 231-947-9882
Cell 970-409-8304
Fax 231-947-9882 Call First
Lots: Tract F

Marguerite Sergent
147 Blue Spruce Road
Blue River Route
Silverthorne, Co 80498
PH 970-724-3594
Lot: Tract G

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 PUD

This PUD contains all provisions and requirements incumbent upon the SCRA and Owner/Developer relative to the Spring Creek 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 and Previous Amendments ?????

This PUD governs all property within the Spring Creek Ranch Subdivision and supersedes any and all previous PUD agreements, Development Agreements or Final Plats and Colorado Land Surveys.

8. Effective Date

To be legally effective and binding, this PUD 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 PUD, 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 PUD and the application thereof shall not in any way be affected or impaired thereby.

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

Signature Lines

Spring Creek Ranchers Association Inc.

By: Robert C Swenson, President

Robert C Swenson
Lot: Tract D

_____ Lender Consent _____

SCR Blue River LLC
Robert Swenson, Managing Member
Lot: Tract E

Robert C. Swenson
Lot: Lot 5 Block 2

Lender Consent _____

Boog & Cruser, P.C.
By: Victor Boog, President
Lot: Tract B

Lender Consent _____

Judith A. Anderson Trust
Judy Anderson -Trustee
Lot: Tract A

Lender Consent _____

Bruce E. Anderson Trust
Bruce Anderson –Trustee
Lot: Tract F

Lender Consent _____

Rebecca Guthrie
Lot: Tract C

Bruce E. Anderson
Lot: Lot 2 Block 3

Lender Consent _____

Marguerite Sergent
Lot: Tract G and Lot 2 Block 2

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 PUD amends and supercedes the Spring Creek Condominium Ranch Planned Unit Development Agreement , which was originally approved by the Summit County Board of County Commissioners (Resolution #80-34)(Recorded at Reception Number #204557 ???), and evidenced by an agreement entitled Spring Creek Condominium Ranch Planned Unit Development Agreement dated December 17, 1979 (Recorded at Reception Number #204557.

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

ADOPTED THIS DAY OF FEBRUARY , 2010.

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

, Chairman

ATTEST:

Cheri Brunvand, Clerk & Recorder