

**HIGH COUNTRY LODGE  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as the High Country Lodge is approved this 8th day of November, 1993 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 Ken and George Summers 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 phased and in accordance with the Development Plan attached hereto as Exhibit B.

**1. Permitted Uses**

- a) One 14 bedroom commercial lodging facility
- b) Two of the 14 lodging rooms in the existing lodge shall be deed restricted as a manager's or employee housing unit

**MAXIMUM CAPACITY FOR THIS LODGING FACILITY SHALL BE 28 PEOPLE WHICH INCLUDES ALL INDIVIDUALS HOUSED IN THE MANAGER'S/EMPLOYEES ROOMS**

- c) One owner's cottage with a maximum size of 2,800 square feet with an associated two car garage
- d) One outbuilding/barn restricted to non-residential uses which are accessory to the commercial lodge
- e) Recreational facilities including a tennis court and a network of on-site hiking and horseback riding trails
- f) Animal keeping restricted to the following:
  - No more than six (6) dogs and cats in any combination are allowed on the property
  - With approval of a conditional use permit and connection of all facilities on the property to the Blue River Water District central water supply system, no more than five (5) horses can be kept or ridden on the property

No commercial boarding or breeding operations of any kind are allowed on the property

Development of the permitted uses shall be phased as follows:

- Phase I--Remodeling and restoration of the existing commercial lodge
- Phase II--Construction of the owner's cottage and outbuilding/barn
- Phase III--Construction of the tennis court and hiking/horseback trails

**B. DEVELOPMENT STANDARDS**

**1. Building Height**

Building heights for all new construction shall not exceed 35 feet as defined by Section 3505.06(A)(1) of the Summit County Land Use and Development Code .

**2. Setbacks**

All setbacks for any new structures shall be 50 feet from all property lines. Any expansion of the existing lodge facility shall maintain a 50 foot setback from all property lines.

**3. Parking**

At least two parking spaces shall be required for the owner's cottage. Fourteen parking spaces shall be provided for the guests of the commercial lodge. No parking shall be permitted on County roads.

**4. Wetlands**

It is the intent of this PUD to preserve wetlands from development wherever possible. Prior to development of Phase II or Phase III the Owner/Developer shall be required to prepare a wetlands delineation that is reviewed and approved by the US Corp of Engineers. Any wetland areas on the property identified by this delineation shall remain free of all development.

**5. Animal Restrictions**

Animals are permitted under Section A.1(f) of this designation and subject to all applicable requirements established by the Summit County Land Use and Development Code. Due to the proximity of the High Country Lodge to critical elk range any animal owned by the Owner/Developer shall be kept on a leash when outside its owner's house. Domestic animals not owned by the Owner/Developer are strictly prohibited on the property.

**6. Employee Housing**

Prior to the issuance of any building or grading permits two of the 14 lodging rooms in the existing lodge shall be deed restricted limiting occupancy of these rooms to an on-site manager and his or her family or employees of the High Country Lodge. Such deed restrictions shall be acceptable to the County Attorney. The proposed owner's cottage shall be deed restricted to limit occupancy to the owner's or manager of the High Country Lodge and his or her family. The deed restriction for the owner's cottage shall also be acceptable to the County Attorney. At no time shall these units be rented out to the general public on either a short or long term basis. These deed restrictions shall also state that the Lodge and owner's cottage are non-subdividable from the remainder of the property.

**7. Lodging Room Restrictions**

Rental of the commercial lodging rooms shall be limited to no more than 30 consecutive days.

**C. REQUIRED IMPROVEMENTS**

**1. Access**

- a. **Roadways:** Access to the property and to all building sites shall be provided by a driveway off of Ski Hill Road (CR #3) and shall be built to applicable County standards. Only one access point onto Ski Hill Road shall be permitted. The owner/developer agrees to participate in any future road improvements district implemented for the improvement of County Rd. #3 (Ski Hill Rd.)

## **2. Water Systems**

Water supply for Phase I of the proposed development shall be provided by two private wells permitted under permit numbers 169514 and 169515 and issued by the State Engineer's Office. The water supplied from these 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. Prior to the construction of Phase II the Owner/Developer shall obtain sufficient water taps from the Blue River Water District to serve any uses in addition to the existing commercial lodge. Adequate fire flows shall be provided as determined by the Red, White, and Blue Fire District.

## **3. Sewer Systems**

The commercial lodge shall be served by the existing on-site septic system. Any new development under Phase II shall provide sewage disposal service through the installation of separate on-site septic systems that shall meet all County Environmental Health Department requirements and maintain a minimum separation of 200 feet from the existing system. Within two 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 owner/developer further agrees to participate in any central sewer improvement district that would provide sewer service to within 400 feet of the subject property.

## **4. Fire Protection**

The entire property is located within the Red, White, and Blue Fire District. All development on the property shall meet all fire protection requirements of the District including the sprinkling of the commercial lodge if required when it is remodeled.

## **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, reviewed, and approved by the Colorado State Forest Service prior the issuance of any building or grading permits for Phase II. Prior to the issuance of any certificate of occupancy for any facility constructed as a part of Phase II all requirements of this plan shall be implemented.

## **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 development plan. Prior to the issuance of any building or grading permits for Phase I the Owner/Developer shall grant a utility easement for electrical primaries that already exist on the property or relocate such primaries to the satisfaction of the Public Service Company. Any such easement shall be identified on the development plan recorded with the PUD Designation.

## **7. Transportation**

The owner/developer shall be required to maintain and use a minimum of one eight person van to transport guests staying at the lodge.

## **D. 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

Ken and George Summers  
PO Box 5465  
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 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**

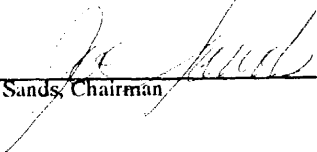
This designation must be signed by both the Summit County Board of County Commissioners and the Owner/Developer and must be recorded by the Summit County Clerk and Recorder in order to become effective. The effective date shall be the date of recordation.

**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

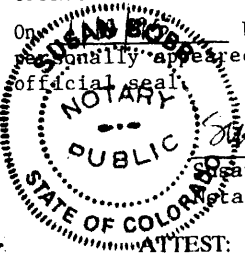
  
\_\_\_\_\_  
Joe Sands, Chairman

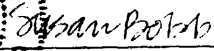
ATTEST:

  
\_\_\_\_\_  
Doris L. Brill, Clerk and Recorder

STATE OF COLORADO  
COUNTY OF SUMMIT


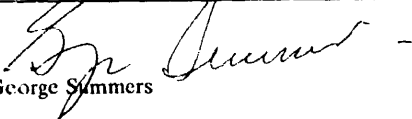
On \_\_\_\_\_ before me KEN SUMMERS  
personally appeared. Witness my hand and  
official seal.



  
\_\_\_\_\_  
Susan Bobb  
Notary Public  
My Commission Expires 9-27-95  
Susan Bobb / Notary  
208 Lincoln Ave.  
Breckenridge, CO 80424

ATTEST:

Ken Summers

  
\_\_\_\_\_  
  
\_\_\_\_\_  
George Summers

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

COUNTY OF Los Angeles

on December 23, 1994 before me, Shrunda Johnson

\_\_\_\_\_, Notary Public,

personally appeared George S. Summers

~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that ~~he/she/they~~ executed the same in ~~his/her/their~~ authorized capacity(ies), and that by ~~his/her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Shrunda Johnson

(Seal)



# EXHIBIT A

## HIGH COUNTRY LODGE

### LEGAL DESCRIPTION

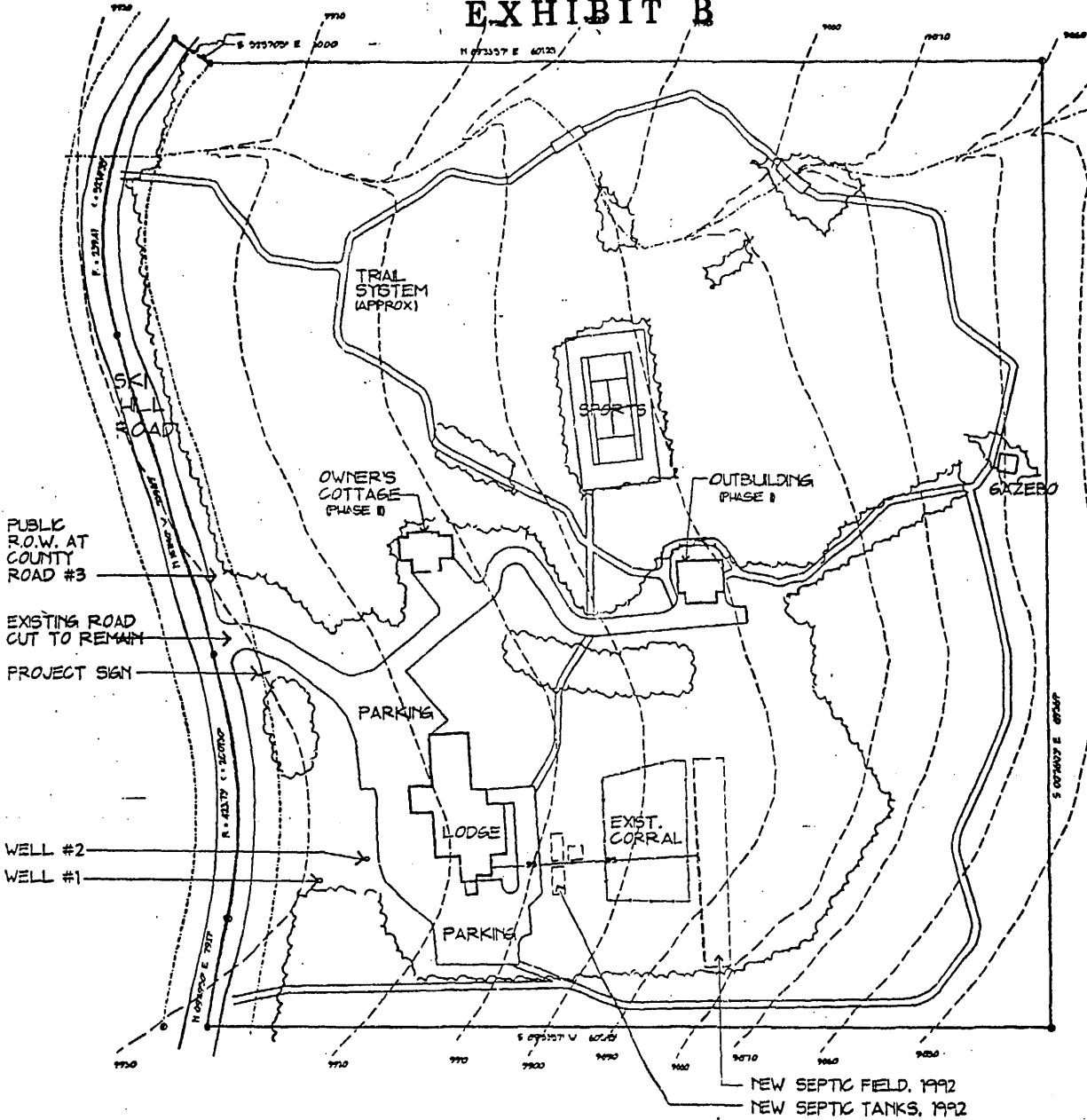
Covering the Land in the State of Colorado, County of Summit, Described as follows:

A parcel of land lying wholly within the Adams Placer M. S. 13491, Section 26, Township 6 South, Range 78 West of the 6th Principal Meridian, situate in the County of Summit, State of Colorado and more particularly described as follows:

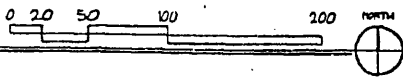
Beginning at corner No. 2 of the Protector Placer M. S. 13491 and running South  $89^{\circ}33'57''$  West, 1213.14 feet along line 1-2 of said Adams Placer to a point which point is, in fact, the true point of beginning, thence South  $89^{\circ}33'57''$  West, 605.15 feet to the center line of a 60 foot county road, thence North  $09^{\circ}49'50''$  East, 79.17 feet along said center line, thence North westerly 196.56 feet along the arc of a 423.73 foot radius curve to the left, whose delta is  $26^{\circ}01'30''$ , along said center line, thence North  $16^{\circ}11'40''$  West, 239.69 feet along said center line, thence Northeasterly 222.42 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; to the easterly right of way of said county road, thence North South  $9^{\circ}33'57''$  East, 601.25 feet; thence South  $00^{\circ}26'03''$  East, 695.69 feet to the TRUE POINT OF BEGINNING.

TOTAL AREA = 10 ACRES (approximate)

# EXHIBIT B



PROPOSED SITE PLAN



**BAKER+HOGAN ASSOCIATES  
ARCHITECTURE & PLANNING**

P.O. BOX 321 • BRECKENRIDGE, CO. 80424 (303) 453-8888

P.C./A.L.A.

#19175

11/13/92

**HIGH COUNTRY LODGE  
PROPOSED SITE PLAN**

**SP1**

