

**KEYSTONE RESORT  
PLANNED UNIT DEVELOPMENT DESIGNATION**

This Planned Unit Development Designation, to be known as Keystone Resort approved the 27th day of March, 1995, by the Board of County Commissioners of Summit County, Colorado, is hereby revised this \_\_\_ day of \_\_\_\_\_, 2018. 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 Keystone/Intrawest L.L.C. and its successors and assigns, who is owner and developer, and is 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. This Planned Unit Development Designation applies to certain real property located in Summit County and described in attached Exhibit A, hereinafter referred to as the "Property."

**A. PERMITTED USES AND DEVELOPMENT PLAN**

Use and development of the property shall be in accordance with the specific requirements of this PUD Designation and substantial compliance with the Development Plan attached hereto as Exhibit B, definitions attached as Exhibit C, and the following goals and objectives:

**Goal:**                   **To preserve the natural environment while promoting a responsible, high quality community growth plan.**

**Objectives:**           To provide clustered and multi-use developments to maximize open space and provide for efficient use of urban services.

To provide a variety of open spaces both between and within development.

To preserve existing landscape features, trees, and other vegetation where possible and replace vegetation when necessary to provide buffers and screening for development.

To insure all development complies with Architectural Guidelines with emphasis on harmony and compatibility of architecture, landscaping and other design elements.

To consider visual impact of development from all perspectives including existing roads, trails and developed areas.

To manage development activity within the constraints of natural land features and other natural elements.

To work with the US Forest Service, Summit County, and the Town of Montezuma to provide better management of back country uses along with additional recreational support facilities and education for users of the back country.

**Goal:**                   **To meet the housing requirements of employees who work within the Planned Unit Development and who work within the adjacent resort operation.**

**Objectives:**           Provide a diversity of employee housing types ranging from shared units to single family homes.

Provide diverse locations for employee housing.

Provide the employee housing by arranging for planning, financing, constructing and managing of all employee housing units.

**Goal:** To preserve historical sites and features which are significant and irreplaceable evidence of the past.

Objectives: Coordinate with the Summit Historical Society and appropriate state and federal agencies in providing for preservation, identification and interpretation of historical sites.

**Goal:** To protect, maintain and enhance wildlife and its habitat in the Snake River Valley.

Objectives: To create a balance between resort development and wildlife protection that provides the maximum amount and variety of wildlife possible in a resort environment.

To establish and maintain environmental management and education programs to promote stewardship.

**Goal:** To protect Lake Dillon water quality as a result of drainage from the Planned Unit Development and protect the ambient air quality in the Snake River Valley.

Objectives: To provide phosphorus mitigation for future development projects in the Planned Unit Development through various management and design techniques.

To meet or exceed the requirements of the National Ambient Air Quality Standards through use of restrictions or management and design techniques.

**Goal:** To enhance the quality of the experience of the residents and visitors in the Keystone Valley by providing and maintaining an efficient, safe, and pleasant transportation system for travel to, from and within the Planned Unit Development.

Objectives: To insure that US Highway 6 provides good regional accessibility to and from the Planned Unit Development as well as a high level of service within the resort.

To enhance the visitor arrival experience and traffic flow by providing sequenced information to arriving guests and skiers to assist them in finding their destination.

To ensure that all intersections on Highway 6 operate efficiently with the minimum amount of congestion and delay as possible.

To provide sufficient parking for skiers, visitors, and employees at locations that are convenient and that have easy, safe accessibility.

To minimize removal of trees when constructing roads in forested areas.

To provide roads that are consistent with the higher concentration of development that will occur in the higher density areas of River Run Village and the Mountain House neighborhood.

To provide an attractive alternative means of transportation for residents and guests, so the personal automobile is not the primary means of transportation within the resort.

To provide convenient, quality and continuous pedestrian access within Keystone Resort as well as accessibility to the extensive regional trail system to other points in Summit County that is pleasant and inviting for pedestrian users.

**1. Permitted Uses and Conditional Uses**

The permitted uses are expressed in terms of actual units and equivalent units as defined in the Snake River Basin Master Plan and Summit County Land Use and Development Code and as shown below. The parcels are identified in Exhibit B of this document.

<u>Unit Type</u>	<u>Actual Units</u>	<u>Equivalent Units</u>
Single family dwelling	one unit	2.5 units
Duplex dwelling	one unit	living space sq. footage/1,400
Townhouses	one unit	living space sq. footage/1,400
Multi-family/condo	one unit	living space sq. footage/1,400
Hotel/lodge	one unit	1/3 of a unit
Divisible room (lock-off)*	one room	1/3 of an actual and equivalent unit
Commercial	n/a	1,000 sq. ft./unit

\*Divisible rooms may contain a wet bar.

**Neighborhood      Acres      Permitted Uses and Density**

**Ski Tip**

**173.5**

Parcel A		Parcel A has been removed from the PUD
Parcel B	19.5	Multi-family and single family residential. Actual units not to exceed 26 single family and 66 multi-family units. In no event shall the total number of equivalent units exceed 131.
Parcel C	20.3	Multi-family and single family residential. Actual units not to exceed 18 single family and 89 multi-family. Equivalent units not to exceed 193. Any excess density on this parcel shall be allocated to the Alders Density Bank for use as further described below.
Parcel D	13.5	Multi-family residential development. Actual units not to exceed 36. Equivalent units not to exceed 26.5.
Parcel E	12.2	Multi-family residential development and the lodge and commercial uses associated with the Ski Tip Ranch Lodge. Actual units not to exceed 50 multi-family, 8 lodge, and 2,200 square feet of commercial space. Equivalent units not to exceed 57.3.
Parcel F	10.0	Single family residential development, Actual units not to exceed 14. Equivalent units not to exceed 35. Community support and resort support uses are also permitted only within Tracts C and D, a Replat of Settler’s Creek #3, and are limited to a Snake River Water District pumphouse, a telecommunications building. A mail box kiosk station adjacent to the pumphouse is also permitted on Tract C and D.
Parcel G	98	Open space, ski trails, ski lifts, interpretive facilities and recreation trails.
Parcel H	8.4	Day skier parking lot and off-site snow storage. Resort support & community support structures limited to public restrooms, a bus shelter, parking attendant booth, entrance gate(s), and storage facilities for the Snake River Water District, the Keystone Neighborhood Company, and Keystone Resort. A maximum of three detached buildings, all of which are not to exceed 6,000 square feet of cumulative floor area are allowed on this parcel. All buildings shall have an architectural style and use exterior materials similar to the resort support buildings already in Parcel F of the Ski Tip Neighborhood, including but not limited to the use of natural materials and natural colors. See Exhibit Q for examples of appropriate building elevations and architectural style. The use of Parcel H for construction staging is expressly

prohibited, but is permitted as parking for Employees, guests and construction workers. Parking for Resort Special Events is a permitted use. Public restrooms to provide service to the Parcel H Parking Lot shall be constructed concurrent with the first resort support building.

**Ski Tip**

**Conditional Uses**

Parcels B, C and F      Caretaker units only within single family residences, subject to the caretaker unit provisions of the Development Code and the specific provisions of Section B.25 of this PUD Designation.

**River Run**

**73.7 Permitted Uses and Density**

Parcel A      29.0      Mixed Use, multi-family, lodge and commercial space in a predominantly pedestrian oriented village environment. Resort support uses including transit center, skier information services, parking lots, lift ticketing offices, resort operation offices, the existing floor area of 10,500 sq. ft. of the skier cafeteria as of the date of this designation, ski lift terminals, child care facilities, conference/meeting space, nature center, chapel/community hall theater/library and other public areas. Actual units not to exceed ~~4074.33~~ 1038.676 multi-family, 107 lodging, and 112,000 sq. ft. of commercial floor area. Equivalent units not to exceed 1186.33. The sprung structure, located on Lot 3A, Base I at Keystone, shall be removed within six months of the issuance of a certificate of occupancy for any suitable commercial development on the One River Run site (Lot 4A, Base I at Keystone, Filing No. 2), or within ten years of the modified site plan approval for such sprung structure (PLN12-081 approved December 20, 2012), whichever occurs first. After the removal of the sprung structure, the site shall be restored back to its original condition, or a condition otherwise approved by the Planning Department by July 15 of the following year.

Parcel B      3.5      Multi-family residential. Not to exceed 51 actual units or 51 equivalent units. The site plan for development of this parcel must demonstrate that it will not interfere with skier egress from the mountain.

Parcel C      4.7      Multi-family employee housing units and multi-family residential units. Not to exceed 25 actual employee housing units, and 33 actual multi-family residential units, not to exceed 59 equivalent units. Resort support uses limited to a parking lot. Any excess density on this parcel shall be transferred to the Alders Density Bank for use as described below.

Parcel D      36.5      Open space, recreation trails, ski trails and ski lifts.

**Mountain House**

**88.4 Permitted Uses and Density**

Parcel A      5.3      Open space, wetlands park and associated interpretive facilities, public transit and recreational trails.

Parcel B      20.6      Multi-family residential, lodge and limited commercial development. Resort support uses including the Snake River Clinic, helipad, theme pool and related recreational facilities, parking lots, ski lifts, lift ticketing offices, skier services facilities, resort operations offices, transit center and snow making pump station. Equivalent units not to exceed 453. Actual units not to exceed 439 multi-family and 14,000 sq. ft. commercial floor area.

Parcel C      27.8      Multi-family residential, lodge and limited commercial development. Resort support uses including ski lifts, lift ticketing offices, skier services facilities, the

existing floor area of 20,500 sq. ft. of the skier cafeteria as of the date of this designation, child care center, ski school, resort operations offices, parking lots, and transit center. Not to exceed 479 equivalent units. Actual units not to exceed 445 multi-family and 34,000 sq. ft. commercial space.

- Parcel E 12.1 Open space, wetlands park, interpretive facilities, public transit and recreation trails.
- Parcel F 22.6 Open space, wetlands park, interpretive facilities, public transit and recreation trails.

**Lakeside 279.5 Permitted Uses and Density**

- Parcel A 75.6 Multi-family residential, lodge, commercial and employee restricted units. Resort support uses including conference center, cultural campus facilities, transit center, fire station, parking lots, vehicle maintenance facility and warehouse and purchasing facility. Not to exceed 188 equivalent units. Not to exceed 300 actual lodge, 73 actual multi-family, 220 actual employee restricted and 15,000 sq. ft. actual commercial.
- Parcel B 6.6 Multi-family residential not to exceed 65 actual or 65 equivalent units.
- Parcel C 30.8 Mixed use, multi-family residential, lodge and commercial space. Resort support uses including transit center, conference facilities and resort operations offices. Actual units not to exceed 160 lodge, ~~321~~323.33 multi-family units and 53,333square feet commercial space. Equivalent units not to exceed 430.2.
- Parcel D 9.2 Multi-family residential. Not to exceed 72.67 actual or 70.5 equivalent units.
- Parcel E 35.2 Multi-family and single family residential, employee restricted residential. Not to exceed 17 actual single family and 282 actual multi-family units. Equivalent units not to exceed 325. 16 employee units (Keystone Gulch)
- Parcel F 21.2 Multi-family residential. Not to exceed 182 actual or 182 equivalent units. Existing resort support offices.
- Parcel G 34.4 Multi-family residential, multi-purpose recreational and training facility (includes 1,500 sq. ft. commercial) and special events. Resort support limited to a parking lot. Actual units not to exceed 122 multi-family units. Equivalent units not to exceed 123.5.
- Parcel H 11.3 Commercial and employee units. Resort support uses including resort operations and offices. Not to exceed 150 employee units and 9,500 sq. ft. commercial space. Equivalent units not to exceed 9.5 (nine and one half).
- Parcel I 48.4 Open space, wetlands park interpretive facilities, public transit and recreation trails.
- Parcel J 6.8 Open space.

**Old Keystone 342.0 Permitted Uses and Density**

- Parcel A 58.0 Single family, multi-family residential dwellings. Actual units not to exceed 88 single family and 15 multi-family units or 235 equivalent units and 1,200 square feet of commercial space.
- Parcel B 26.8 Single family residential dwellings. Actual units not to exceed 32 single family units. Equivalent units not to exceed 80 units.

Parcel C	41.2	Single family, multi-family (designed into the golf course clubhouse) and commercial development (related to golf, cross-country skiing and western center only). Resort Support facilities including central reservations and information center, golf related uses and the cross-country center. Actual units not to exceed 66 single family units, 8,800 sq. ft. commercial space and 10 multi-family units. Not to exceed 183.8 equivalent units.
Parcel D	216.0	Open space, golf course and golf support facilities, golf course maintenance and storage facility, cross country ski trails and non motorized recreation trails.

**Wintergreen 61.7 Permitted Uses and Density**

Parcel A	28.4	Commercial 2,000 sq. ft., not to exceed 2 equivalent units, and 243 actual Employee Housing Units. Resort support uses including resort operations and offices. Child-care, community facilities and other public areas. (Parcel A now encompasses former Parcels A, B and C)
Parcel D	8	Open space, Elementary school site, 66 actual multi-family employee-restricted ownership residential units.
Parcel E	25.3	Open space

**Old Keystone Conditional Uses**

Parcel B and C		Caretaker units, subject to the caretaker unit provisions of the Development Code and the specific provisions of Section B.25 of this PUD Designation.
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**PUD –wide Density Bank**

The Owner/Developer reserves 14 actual single family units, which equates to 35 equivalent units of density, in a “bank” for future use in either a rezoning process or to transfer in accordance with the requirements listed in Section A.3 below. During any rezoning to transfer the banked density, the location(s) and the type(s) of units (single family and/or multi-family) shall be determined. The Owner/Developer may convert the equivalent units to multi-family units during the required rezoning. Such density will have to be approved on a site in a rezoning per the applicable criteria of the Development Code, and the mere existence of this reserved density does not provide any warranties that a future rezoning will be approved by the County. The density transfer provisions of Section A.3 do not apply to the density allocated to the density bank, so long as the density is not being transferred to an existing development parcel with the PUD as of June 24, 2002. If the Owner/Developer requests to transfer the density to an existing development parcel, it may do so per the provisions of Section A.3, or process a PUD modification to effect the transfer.

**Alders Density Bank**

All excess density from Ski Tip Parcel C or River Run Parcel C shall be transferred to the Alders Density Bank which is created herein, at the conversion rates specified in Section A.1 of this PUD. Density in this bank may be transferred to other parcels within the PUD in accordance with the density transfer provisions in Section A.3, and may be used to provide, facilitate or incentivize employee housing developments within the PUD. Such density in shall be controlled by the County. Density in this density bank may also be transferred outside of the PUD boundaries to other locations within the Snake River Basin solely for the purpose of incentivizing or facilitating affordable workforce housing developments, and only with approval of the Board of County Commissioners.

**2. Total Units**

Subject to the provisions of Section A(3) below, the following table describes the total number of actual and equivalent units initially permitted within the boundaries of the PUD by the original PUD adopted on March 27, 1995:

<u>Unit Type</u>	<u>Actual Units</u>	<u>Equivalent Units</u>
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Single family dwelling	198	495
Multi-family dwelling	3,503	3,503
Hotel/Lodge	860	287
Commercial	382,000	382
<b>Total</b>	<b>4,561</b>	<b>4,667</b>

Subject to the provisions of Section A(3) below, the following table describes the total number of actual and equivalent units, as amended, permitted within the boundaries of the PUD, unless a density transfer occurs in accordance with the provisions shown in Section A(3) below. In no event will the total number of actual units within the Property exceed 4,561 as originally approved:

<u>Unit Type</u>	<u>Actual Units</u>	<u>Equivalent Units</u>
Single family dwelling	274	685
Multi-family dwelling	<del>3602.13</del> <u>3568.46</u>	<del>3543.13</del> <u>3566.47</u>
Hotel/Lodge	<del>468</del> <u>575</u>	<del>156</del> <u>191.67</u>
Commercial	253,533	253.53
<b>Total</b>	<del>4344.13</del> <u>4411.475.46</u>	<del>4694.67</del> <u>637.66</u>

The amended totals of actual and equivalent units for each parcel and neighborhood are shown in Exhibit M-1, M-2, M-3, M-4, M-5, M-6, M-7, M-8, M-9, M-10, M-11, M-12, M-13, ~~and~~ M-14, and M-15.

Under the provisions in this PUD as adopted in March 1995, the Owner/Developer was not permitted to construct more than: (a) a total of 4,246 actual units within the boundaries of the PUD unless there was a transfer of density in accordance with the provisions listed in Section A(3) below, or; (b) 586 actual units within the Mountain House Neighborhood unless there was a transfer of density in accordance with Section A(3) below.

As amended, the total number of actual units approved within the boundaries of the PUD is ~~4,344.13~~ 4,111.47 unless there is a density transfer in accordance with Section A(3) below. In addition, the Owner/Developer has administratively transferred 19.5 (5 from Elk Run) equivalent units to the Mountain House Neighborhood per Section A(3) below, and has transferred 17 actual and equivalent units from Mountain House to River Run. Therefore, the Owner/Developer is not permitted to construct more than 588.5 actual units in the Mountain House Neighborhood unless there is a density transfer in accordance with Section A(3) below.

After a multi-family building has received a certificate of occupancy, individual property owners within the boundaries of the PUD may request additional living space or floor area within the existing building footprint (exterior wall to exterior wall, including deck space, attic space and crawl spaces), except for new building projections, such as bay windows and dormers. Such modifications shall not exceed the maximum number of equivalent units allowed in a neighborhood or increase the original approved individual unit floor area by more than 10%, and have a letter of permission from the Owner/Developer. Such additions shall also: (a) be compatible with the overall building design; and, (b) provide architectural interest.

### 3. Density Transfer

The Owner/Developer shall be permitted to transfer densities in the following manner:

1. Owner/Developer may transfer additional density into the Mountain House Neighborhood from property outside the boundaries of the PUD but within the boundaries of the Snake River Basin (as defined in the Snake River Basin Master Plan dated October 21, 1994). The BOCC determines that all parcels within the Snake River Basin shall constitute a unit for planning purposes. Parcels shall meet all requirements of Section 14101.02 (F) of the Land Use and Development Code. Any transfers shall occur in accordance with any applicable provisions of the Summit County Development Code at the time such transfer occurs.

No transfer shall be credited unless and until it is approved as meeting all applicable criteria of the Summit County Development Code by the Board of County Commissioners. The Snake River Planning Commission shall review any transfer in accordance with all applicable provision of the Land Use and Development Code.

2. Owner/Developer may transfer additional density into the Mountain House Neighborhood from other neighborhoods within the PUD.
3. Owner/Developer may transfer densities between the parcels contained within each neighborhood of the PUD, on the condition that the transfer of density shall not cause the total density of the receiving parcel to increase by more than five percent (5%) of the total number of equivalent units for the receiving parcel. The 5% cap only applies to administrative transfers and does not apply to transfers of density approved by the County in conjunction with amendments to the PUD Designation. With respect to the administrative transfers of density, the 5% cap shall be calculated using original densities approved under the original PUD adopted on March 27, 1995, as shown in Exhibit M.
4. In no event shall the total number of actual units in the PUD exceed ~~4,343~~ 4,411.47, or the total number of actual units in the Mountain House Neighborhood exceed 901 as a result of the transfers described above, unless the permitted equivalent units are converted to actual units.
5. Prior to or concurrent with any development reviews in the PUD by the County, the Owner/Developer shall indicate in writing the intent to transfer development rights. However, the Owner/Developer reserves the right to transfer density from a site after development review if units or lots are combined, resulting in fewer actual units. Such transfers shall be indicated in Exhibit M as a minor amendment within six months of the transfer of density.
6. Density from the Alders Density Bank may be transferred outside of the PUD to other areas within the Snake River Basin solely for the purpose of facilitating or incentivizing affordable workforce housing developments, and only following approval of the Board of County Commissioners.

## B. DEVELOPMENT STANDARDS

1. The following building height and setback standards shall apply on an area by area basis:

### River Run

#### Building Height (as defined in the Uniform Building Code)

Parcel A	58 feet
Parcel B	58 feet
Parcel C	38 feet

The River Run Village roof forms are to reflect the patterns of historic small sized Colorado towns. The three prominent historic characteristics are:

- \* a mixture of steep gable roofs and flat roofs
- \* gable roofs typically pitch as 12:12
- \* lower gable and shed roof forms occur at building ends and to mark side entrances

The steep pitch is an important design feature but adds height to the portion of a building with a gable roof. A flatter pitch, such as characteristic of a Bavarian style building has a pitch of 6:12 or flatter. The River Run Village development intentionally adheres to the use of the historically appropriate steeper pitch.

Flat roof portions of buildings may not exceed 40 feet. Heights are to be measured from grades established by the overall drainage site plan. Three architectural features, which are major chimneys, church spires, clock towers, may exceed the maximum heights by a maximum of 20 feet for architectural variety and interest, subject to the finding at the time of site plan review that such change is compatible with the surrounding development. Building heights for development areas west of Keystone Road and east of the convenience shopping cluster shall not exceed 58 feet.

One building within Parcel A, the Keystone Hotel, is permitted to exceed the general village heights.



One center high ridge line may be 85 feet above the elevation of the auto court (94 feet above average site elevation). One building within Parcel B is permitted to exceed the maximum height of 58 feet but shall at no point on the structure exceed 78 feet. The building must step downward to lower heights at the east and west end. The building on Lot 4A of the Base 1, Filing #2, 5<sup>th</sup> Subdivision Exemption Plat may be 62 feet in height, as defined in the Uniform Building Code , to allow the bottom floor of the facades of the of the project facing the skier plaza and Snake River full exposure to adjacent grade. The building on Lot 4A of the Base 1, Filing #2, 5<sup>th</sup> Subdivision Exemption Plat shall incorporate a one-story building element adjacent to the skier plaza (encompassing the majority of the southwest building façade where it is adjacent to the skier plaza) so that there is not a tall wall rising up without any building articulation. This element is to provide for a “human scale” to the façade and help to bring down the perceived height.

Setbacks

<u>From</u>	<u>Distance</u>
Montezuma Rd.	50 feet from edge of right-of-way
Wetland boundary	Specific wetland setbacks for this neighborhood are shown on Exhibit N-1. The wetland setbacks and buffer zones shown on Exhibit N1 may be either increased or decreased during a development review based on recommendations in the attached Exhibit F so long as such changes are evaluated per Section B (12), Wetlands and Wetland Setbacks.
Snake River/North Fork	25 feet from edge of bank
Ski Lifts	20 feet from the vertical plane of the haul ropes and conforming to all air space requirements of the Colorado Tramway Safety Board, as may be amended from time to time.
East Keystone Rd	25 feet from edge of right of way
Internal roads	10 feet from edge of right of way
USFS property line	10 feet
Private property lines	
Parcels A and B:	25 feet
Parcel C:	15 feet

**Sprung Structure Requirements**

The sprung structure, located on Lot 3A, Base I at Keystone, shall be removed within six months of the issuance of a certificate of occupancy for any suitable commercial development on the One River Run site (Lot 4A, Base I at Keystone, Filing No. 2), or within ten years of the modified site plan approval for such sprung structure (PLN12-081 approved December 20, 2012), whichever occurs first. After the removal of the sprung structure, the site shall be restored back to its original condition, or a condition otherwise approved by the Planning Department by July 15 of the following year.

**Ski Tip**

Building Height (as defined in the Uniform Building Code)

Parcel B	48 feet
Parcel C	42 feet for multi-family
Parcel C	35 feet for single family lots
Parcel D	35 feet
Parcel E	35 feet
Parcel F	35 feet
Parcel H	28 feet

Setbacks

<u>From</u>	<u>Distance</u>
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Montezuma Rd	50 feet from right of way, except Parcel F, which has a 30 foot setback from the right-of-way, and Parcel H, which has a building setback of 120 feet <sup>1</sup> and a parking area setback of 40 feet.
Independence Rd	
Parcels A and B:	25 feet from right of way
Parcel C:	Residential Units: 10 feet from right of way to building structures and appurtenances (overhangs, decks, etc) and 18' from right of way to garages facing roads Dumpster Enclosures: 0 feet from right of way for fully enclosed dumpster structure
Internal roads	10 feet from right of way
Wetlands	Specific wetland setbacks for this neighborhood are shown on Exhibit N-2 and N-3. The wetland setbacks and buffer zones shown on Exhibit N-2 and N-3 may be either increased or decreased during a development review based on recommendations in the attached Exhibit F so long as such changes are evaluated per Section B(12), Wetlands and Wetland Setbacks.
Snake River	25 feet from edge of bank
USFS property	25 feet, except for Parcel H, which has a 10 foot setback from the adjoining National Forest property.
Other private property outside the boundary of PUD:	25 feet
Single family Lots (Must still comply with setbacks listed above if more restrictive)	
Front Setback	15 feet with 19 feet in front of garage doors facing roads
Side Setback	10 feet
Rear Setback	15 feet
Parking Area on Parcel H	40 feet

### **Mountain House**

#### Building Height (as defined in the Uniform Building Code)

Parcel A	48 feet
Parcel B	48 feet with one primary structure
Parcel C	48 feet with one primary structure

#### Setbacks

<u>From</u>	<u>Distance</u>
Keystone Road	25 feet from right of way
Wetlands	25 feet minimum buffer zone on each side of delineation boundary, 100 foot total buffer zone. These setbacks may be increased based on recommendations in attached Exhibit F.
Snake River	25 feet from edge of bank
Ski Lifts	20 feet from the vertical plane of the haul ropes and conforming to all air space regulations of the Colorado Tramway Safety Board as may be amended from time to time.
USFS Property	10 feet
Other private property	25 feet

### **Lakeside**

#### Building Height (as defined in the Uniform Building Code)

Parcel A	58 feet (except existing conference center)
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<sup>1</sup>The permitted gate(s) and parking attendant booth to the parking area on Parcel H can be within the required setback so long as such structures are on KRED or VSR property and not in the Montezuma Road Right-of-Way.

Parcel B	58 feet
Parcel C	58 feet
Parcel D	48 feet
Parcel E	35 feet
Parcel F	35 feet
Parcel G	35 feet; special feature (water jump in-run), 65 feet measured from existing grade to the highest point, excluding railings. Notwithstanding the foregoing, structural components consisting of tent pole supports or other similar structural components for a new building within Parcel G may exceed the building height limit by up to a maximum of 20 feet, subject to the finding at the time of site plan review by the Planning Commission that such height is deemed necessary for the proper support of the building.
Parcel H	35 feet

Fence Heights & Type

Parcel G 14 feet maximum height for the tennis & court sports provided: (i) a chain link type of fence is used, unless an alternative fence type is approved by the Planning Department; and (ii) such fences are sited immediately around the tennis or other sport area.

Wind-breaking material with graphics may be used on the fences, provided that such graphics: (i) do not completely block the visibility of the facility from Highway 6; (ii) depict graphic design; (iii) are in accordance with the Keystone Sign Program and, (iv) are not signage for the any facility on the site unless such signage is permitted by the Keystone Sign Program.

Setbacks

<u>From</u>	<u>Distance</u>
Highway 6	50 feet from right of way, except on Parcel G, where the setback is 15 feet from the right-of-way for: (i) one sculpture; and, (ii) reconstructing outdoor sport courts on and between existing tennis court encroachments, provided any sports courts have landscaping plan along the highway reviewed and approved by the County.
Aerial Training Jump	160' from the northern property line 260' from the Highway 6 ROW 240' from the eastern property line 50' from the western property line
Internal Roads	25 feet from right of way
Wetlands	25 feet minimum buffer zone on each side of delineation boundary, minimum 100 foot total buffer. Parcel A on the north side of Highway 6 shall have a minimum setback of 200 feet from the delineation boundary along the willow carr at the eastern side of the parcel. Other wetland setbacks shall be consistent with the provisions stated above. These setbacks may be increased at the site plan stage based on recommendations in the attached Exhibit F.
Snake River	25 feet from edge of bank
USFS property line	25 feet
Other private property	25 feet
Quicksilver Commercial Site, Parcel H	15 feet to Tennis Club Road only for the northeast corner of any canopy over gas station pumps, provided landscaping with taller trees at the dripline of the canopy shall be provided using large trees to reduce the impacts of the setback encroachment, with such canopy to be reviewed and approved by the County during the required site plan review. The visual impacts of a service

station (a/k/a gasoline station) canopy shall be minimized by: (a) using screen lights under the canopy and minimizing the number of lights to reduce off-site glare due to reflections off of the pavement; (b) using a low profile section for the canopy itself, with the maximum depth of the canopy cross section being no greater than 24 inches; and (c) by using muted natural colors; (d) breaking up the mass of the canopy area by stepping it or by dividing it into a set of smaller individual canopies. Service station canopies shall meet the other applicable provisions of this PUD Designation; and (e) the prohibition of corporate logos or any other form of advertising on the canopy.

For single family residential lots that were platted prior to March 27, 1995, building setbacks shall be determined using the following statement from the Base III PUD, which was the governing document prior to the adoption of this PUD designation: “Building heights, yard setbacks and architectural control shall be regulated by the Keystone Architectural Review Committee and the County Planning Department. Building heights and setbacks shall be established and approved as part of the County site plan process. All building designs shall be appropriate for a mountain resort with scale and character appropriate for a mountain environment.

**Old Keystone/Wintergreen**

Building Height (as defined in the Uniform Building Code)

All parcels within  
Old Keystone Neighborhood      35 feet

All parcels within the  
Wintergreen Neighborhood      48 feet

Setbacks

<u>From</u>	<u>Distance</u>
Highway 6	50 feet from right of way Wintergreen Parcel D: 50 feet from right of way to primary structure, 40 feet from right of way to decks, patios and roof overhangs
Internal roads	25 feet from right of way, except for that portion of Tract A of the Old Keystone Golf Course Subdivision (Welcome Center) which shall be 10 feet along the frontage of CR154 west of the existing power line easement (under Reception No. 80018). Wintergreen Parcel D: 22 feet from edge of concrete pan to face of garage; 10 feet decks and roof overhangs
Wetlands	25 foot minimum buffer zone on each side of delineation boundary, 100 foot total buffer zone. These setbacks may be increased at the site plan stage based on recommendations in the attached Exhibit F.
Snake River	25 feet from bank
Property Lines	Wintergreen Parcel D: 10 feet from west and north property lines, 25 feet from east property line

For single family residential lots that were platted prior to March 27, 1995, building setbacks shall be determined using the following statement from the Base III PUD, which was the governing document prior to the adoption of this PUD designation: “Building heights, yard setbacks and architectural control shall be regulated by the Keystone Architectural Review Committee and the County Planning Department. Building heights and setbacks shall be established and approved as part of the County site plan process. All building designs shall be appropriate for a mountain resort with scale and character appropriate for a mountain environment.

**2. Bulk of Structures**

No part of any new structure (except church spires, clock towers and chimneys) shall project up through bulk limits which are defined by planes extending up over the Montezuma Road and Highway 6 rights of way at an angle of forty-five degrees with respect to the horizontal (a pitch of one foot additional rise for each foot additional setback) and which planes start:

- ❖ At horizontal lines to the 50 foot setback from the right-of-way lines and pass through points 35 feet above such horizontal lines for Parcel A in River Run Village and Parcels D, and E in the Ski Tip Neighborhood at the maximum height limit above such horizontal lines in each parcel.
- ❖ For Parcel F of the Ski Tip Neighborhood, at horizontal lines to the 30 foot setback from the right-of-way lines and pass through points 30 feet above such horizontal lines at the maximum height limit above such horizontal lines for the parcel.

**3. Parking**

**A. Residential and Commercial Parking**

River Run Village/Mountain House/Lakeside Neighborhoods

Single Family	2 spaces per unit
Townhome	2 spaces per unit
Multi-Family	1 space per unit
Lodge	0.75 space per unit over 51 rooms. Fifty units or less same as multi-family
Divisible Room	0.33 space per room
Commercial	2 spaces per 1000 sq. ft. (Gross leasable area, GLA)
Restaurant	3 spaces per 1000 sq. ft. GLA
Employee Units	1 space per unit for units containing up to 3 bedrooms; 1 space per every 3 bedrooms for units containing more than 3 bedrooms

The project on Lot 4A of the Base 1, Filing #2, 5<sup>th</sup> Subdivision Exemption and other multi-family projects with garage parking elsewhere in the Property may utilize tandem parking (whereby one or more cars are parked behind another car) on the condition that the Owner/Developer shall provide continual valet service for all owners and guests of the project. To ensure this PUD requirement is met, the Owner/Developer shall execute appropriate legal documents, as determined by the County in a form acceptable to the County.

Tandem parking for surface parking behind a garage door may be requested by the Owner/Developer in accordance with Section 3704.06 of the Development Code.

Ski Tip/Old Keystone/Wintergreen Neighborhoods

Single Family	2 spaces per unit
Townhome	2 spaces per unit
Condominium	1 space per unit
Divisible Room	0.33 space per room
Commercial	3 spaces per 1000 sq. ft. GLA
Restaurant	6 spaces per 1000 sq. ft.
Employee Apartment	1 space per bedroom
Employee-Single Family	2 spaces per unit

**B. Day Skier Parking Requirements (Parking requirements for skiing, special events, guests, employees and commercial parking)**

*i. No-net Loss Policy*

The Owner/Developer shall not allow the number of day skier parking spaces to decrease the number of parking spaces as a result of the development of sites that were used as parking lots during the 2000-2001 ski season (Prior to the construction of the Tenderfoot Lot). The current number of day skier parking spaces at the resort is shown in Table 3(a) below.

**Table 3.Bi Current Day Skier Parking Supply (rounded)**

<b>Current Day Skier Parking Spaces</b>		<b>Spaces</b>
1	Montezuma Lot	2,000
2	Brown's Cabin Lot	250
3	Hunki Dori Lot	270
4	Gondola Lot	140
5	Mountain House East Lot	850
6	Mountain House West Lot	400
<b>TOTAL SPACES</b>		<b>3,910</b>

These numbers are based on car counts performed by Keystone during the 2000-2001 ski season, based upon days when parking lots were staffed and actively managed to achieve an efficient parking number during peak periods within the ski season.

*ii. Projected Day Skier Parking and Parking Area Locations*

The total number of parking spaces, subject to site plan review and consistent with the current Snake River Basin Master Plan, shall be as described in the table below. Owner/Developer may provide day skier parking spaces in the locations described generally on Table 3(B)ii below (and more particularly described on Exhibit D). Owner/Developer may increase or decrease the number of spaces provided, or vehicles parking in, the day skier parking locations described generally on Table 3(b) below (and more particularly in Exhibit D) in Owner/Developer's sole discretion, provided Owner/Developer provides at least the minimum number of day skier parking spaces that Owner/Developer is required to provide pursuant to the no-net loss policy of this section, and so long as the provisions of this PUD Designation are met.

**3(B)ii Projected Day Skier Parking Locations at Build-out**

1	Montezuma Lot	2,200
2	Browns Cabin Lot	0
3	Hunki Dori Lot	0
4	Gondola Lot	0
5	Mountain House East Lot	300
6	Mountain House West Lot	0
7	Tenderfoot Lot	970
8	Mountain House Bus Lot	0
9	Powerline Lot	650
<b>TOTAL SPACES</b>		<b>4,120</b>

Note: Table does not include existing Lodge or Lakeside commercial parking, which is not to be used for day skier parking, only for the Conference Center parking and Lakeside employee and guests parking.

A needs analysis for the Parcel H Parking Lot shall be submitted concurrently with the required site plan, with such analysis prepared in consultation with the United States Forest Service, affected interests and other stakeholders (Please refer to Section B.18 in regards to the site plan process for the Parcel H Parking

Lot). In addition, a traffic impact analysis shall be submitted concurrently with the required site plan for the Parcel H Parking Lot-Montezuma Road intersection which indicates that the proposed intersection has safe ingress and egress.

The Skiing section of the Technical Appendix provided with the submittal of the Keystone PUD in 1994 (“the Projection”) indicates that a total of 4,125 day skier parking spaces may be required at build-out of the PUD to accommodate commercial, resort support, day skiers, visitors, employee and other non-residential uses. Neither the Projection nor Table 3(B)ii above shall determine the number of day skier parking spaces that Owner/Developer is required to provide; however, the Projection may be used in evaluating a solution to any potential day skier parking deficiency. The number of day skier parking spaces that Owner/Developer is required to provide shall be determined solely in accordance with the provisions of the no-net loss policy of this section, and the requirement to provide sufficient spaces each ski season for day skier parking demands.

*iii. Prohibition of Overflow Parking*

Parking on County roads within the Keystone PUD is prohibited for day skier parking or for any special events. In no event shall the Owner/Developer direct day skiers or event attendees to park on County roads. Sufficient day skier and special event parking shall be provided for the demands for the resort’s anticipated skier traffic. In cases where Resort staff observes individuals violating this policy, best efforts shall be taken to notify the County Sheriff’s office, which can then determine and take appropriate action.

*iv. Parking Studies*

The Owner/Developer shall prepare an annual parking study to be provided to the Planning Department no later than September 30th of each year, with such study analyzing parking for the previous ski season. The parking study shall document day skier statistics for the days listed below of the previous ski season. These statistics shall include:

- a. number of destination skiers;
- b. number of day skiers;
- c. number of employees;
- d. number of mass transit riders, including but not limited to those arriving by Summit Stage and by charter buses;
- e. vehicle counts of Day Skier Parking lots broken out by the parking lot;
- f. the average number of persons per vehicle parked in the Day Skier Parking lots; and
- g. the number of days cars were parked on County roads if any.

Days Parking Study Shall Be Conducted:

- Typical February weekday (2 days)
- President’s Day weekend (3 days)
- Typical March weekend (2 days)
- Typical March weekday (2 days)

If the study indicates that the demand for day skier parking exceeds the amount of day skier parking required by this PUD the Owner/Developer shall recommend solutions to this problem which may include improving utilization of existing lots, increasing the use of mass transit and/or increasing the number of day skier parking spaces. Any proposed changes shall be reviewed by the Snake River Planning Commission and the Board of County Commissioners prior to inclusion as part of this PUD Designation.

*v. Parking Lot Design Standards*

The construction of any new day skier parking lots or parking structures, shall be reviewed and approved

by the County through the site plan review process. The scope of such review shall be confined to ensure compliance with the parking lot design standards set forth within this section, the provisions of this PUD designation and applicable site plan review criteria of the Development Code.

a. Unpaved Day Skier Lots

New unpaved day skier parking lots shall be designed according to this section, the provisions of this PUD and applicable provisions of the Development Code. The design standards set forth in this section supersede and replace all parking lot design standards set forth in the Development Code.

1. May be unpaved.
2. Shall include landscaping, berms, or other means along the perimeter of the lot to mitigate the visual impact to off-site uses.
3. Shall be designed to comply with Section 10, Water Quality/Quantity of this PUD designation.
4. Shall have safe and adequate pedestrian circulation.
5. Shall have adequate circulation for vehicles and emergency vehicles.
6. Shall have a minimum aisle width of 22 feet.
7. Shall have a minimum stall size of 9 x 19 feet.
8. Interior landscaping islands are not required.
9. Maximum grade of 4%, except that the Montezuma Parking Lot may remain at its existing maximum grade of 5.5% provided such a maximum grade is reviewed and approved by the County Engineer to ensure public safety.
10. Shall have handicap parking, signed per the Americans with Disabilities Act
11. On busy days, the Parcel H Parking Lot shall have Keystone Resort personnel directing traffic on Montezuma Road during the peak a.m. and p.m. hours when this parking lots is being utilized to help ensure safe ingress and egress from this parking lot.
12. Keystone personnel shall direct egressing traffic at the Gondola Road-Montezuma Road intersection during the peak afternoon hours on the peak days of the ski season to ensure a Level of Service C or better at this intersection.

b. Parcel H Parking Lot Additional Standards:

1. All lighting fixtures shall be installed to face north, away for Montezuma Rd.
2. No off-site glare is allowed, and a photometric study and lighting cut sheets, and standard heights shall be submitted with the required site plan.
3. Light poles shall be no taller than 16 feet.
4. All lighting shall be timed to go off at 10 PM each night.
5. Gates, as depicted in Exhibit Q, shall be installed to control unauthorized use of this lot.
6. Landscaping along Montezuma Rd. shall be required as shown in Exhibit Q concurrent with the construction of the Parcel H Parking Lot unless a new design is mutually agreed to during the required site plan review (Refer to Section C.5 for more information on landscaping improvements concerning the Parcel H Parking Lot). A fence may also be required by the County, based on public input, so long as the cost of such is offset by a reduction in the amount of landscaping. Landscaping to the north of the Alder's Subdivision as shown in Exhibit Q shall be installed by October of 2004 concurrent with the completion of that subdivision's improvements.
7. Concurrent with approval of a site specific development plan and site specific development plan agreement for the Parcel H Parking Lot, the Owner/Developer shall provide for half the cost of the reconstruction of Montezuma Rd., as illustrated in Exhibit Q unless a new design is mutually agreed to during the required site plan review for the Parcel H Parking Lot.
8. Concurrent with construction of this lot, Owner/Developer shall provide for the re-alignment and construction of the Dillon-Keystone recreational path, as shown in Exhibit Q unless a new design is mutually agreed to during the required site plan review for the Parcel H Parking Lot..
9. Sidewalks from the parking lot and signed crosswalks shall be required at the intersection of Independence Road and to Ski Tip Lodge.
10. Speed limit signs shall be posted as a part of the road improvements.
11. A stick-built restroom connected to central water and sewer service shall be built concurrent with the construction of the first resort support building on Parcel H.



12. Any trash cans or dumpsters on the Parcel H Parking Lot shall be bear-proof.

vi. *Structured Day Skier Parking Lots*

New or materially modified Day Skier Parking structures shall be designed according to the design guidelines set forth in this Subsection and applicable provisions of this PUD Designation. The design guidelines set forth in this Subsection supersede and replace parking lot design guidelines set forth in the Development Code regarding similar design issues. Design guidelines set forth in the Development Code regarding design issues not set forth in this Subsection shall also apply to Day Skier Parking structures. Such structured parking lots will meet the following design criteria:

- a) Shall be designed using industry standards as approved by the County Engineer.
- b) Covered or heated ramps shall have a maximum slope of 12% so long as the parking area grade does not exceed 6%. Uncovered parking area ramps that are not heated shall not exceed 6% grade
- c) Covered parking Areas shall have a maximum slope of 6%; uncovered parking areas shall have a maximum grade of 4%.
- d) Shall be designed using landscaping buffers around the perimeter of such structures.

vii. *Compliance with the County's Temporary Use Permit Approval*

The Owner/Developer shall meet the conditions of the Snake River Planning Commission's approval of a temporary use permit for certain parking areas dated September 20<sup>th</sup> of 2001 since these uses are now permitted uses. The Owner/Developer is still obligated to meet these conditions of approval by the time limits stated in the Commission's resolution of approval.

viii. *Outdoor Storage in Certain Parking Lots*

- a. The Owner/Developer shall be permitted to park and store vehicles, associated trailers, and mechanical and maintenance equipment that are used for resort operations only in the following parking lots:
  - 1) Tenderfoot Parking Lot;
  - 2) Mountain House East Parking Lot; and
  - 3) Mountain House West Parking Lot
- b. The use of the Mountain House East and West Parking Lots for outdoor storage shall be contingent upon the provision of landscaped buffering for both such parking lots, with said buffering utilized to effectively screen the outdoor storage area to the greatest extent practicable from the adjacent roadways and the Dillon-Keystone Recreational Path, in accordance with the following standards:
  - 1) Landscaped buffering shall be provided around the entire perimeter of both the East and West Mountain House parking lots, with buffering provided along the Dillon-Keystone Recreation Path when such path is constructed in accordance with the provision of this PUD.
  - 2) Landscaped buffering for the parking lot shall be provided along the East and West Keystone roads concurrent with the reconstruction of such roads in their long-term alignment.
- c) No additional landscape buffering is required for the Tenderfoot Parking Lot provided the landscaping required by the County under the site plan is maintained.
- d) The Owner/Developer shall be allowed to continue the existing storage of boat trailers from Dillon Marina during the Summer season as a legal non-conforming use subject to the preceding buffering requirements, only in the Mountain House and Tenderfoot parking lots,

until such use is abandoned for at least one summer season, at which point in time such use shall be deemed an illegal use due to the commercial nature of such storage. Said allowance shall in no manner be deemed as an allowance for other types of commercial leasing of outdoor storage space on any such parking lots for any purpose.

- e) Improvements to accommodate overnight camping in all parking lots are prohibited. Notwithstanding the foregoing, overnight camping may be permitted and accommodated on a temporary basis in conjunction with a special event permit for a Resort Special Event.

#### **4. Snow Storage**

Snow storage areas shall be provided on each site adjacent to paved areas and other areas to be plowed except as provided for below. The size of these areas shall be equivalent to at least 25% of paved or graveled surfaces on the site, and shall be located to provide convenient access for snowplows. Uphill slopes of 5-10% shall count at 75% of their areas towards this requirement. Uphill slopes of 11-20% shall count at 50% of their area. Steep uphill slopes greater than 20% are not appropriate for snow stacking, and shall not be counted in determining compliance with snow storage requirements.

It is recognized that the more intense urban village areas of River Run, Mountain House and Lakeside neighborhoods may likely not be able to accommodate on site snow storage in the core areas. These areas may incorporate snow melt systems or haul snow to suitable snow storage areas. The snow storage areas shall only be established after a site plan review by the Planning Commission to insure proper detention drainage facilities are in place to protect wetlands, streams and rivers from runoff. Other site suitability issues include compatibility with adjacent land uses, ease of access/central location and visual impact.

#### **5. Architectural Review Committee**

An architectural review committee shall be established to review all site plans, building elevations, floor plans and landscaping plans for all development in the Keystone Resort PUD. The architectural review committee shall consist of at least one licensed design professional, one homeowner within the PUD and representatives of the Owner/Developer.

The architectural review committee shall be empowered with the following duties:

1. Implementation of the Keystone Architectural Development Guidelines.
2. Creation and maintenance of a harmonious relationship between structures and site and the relationship between adjacent properties.
3. Promotion of coordination and compatibility of architecture, landscaping and other design elements.
4. Protection of view corridors, sound and sight buffers, access to open space tracts and access to light and air.
5. Assurance of high quality building materials and building techniques.
6. Evaluation of exterior wall and accent colors to insure compatibility with the environment and adjacent development.
7. Review and approval of all signage in conformance with a PUD sign program reviewed and approved by the County.

#### **6. Employee Housing**

- A. Employee Housing. The Owner/Developer shall be responsible for providing or arranging Employee Housing in accordance with the terms of this Section 6. Employee Housing shall consist of the following types of dwelling units: Existing Employee Housing Units, Seasonal Housing Units, Long Term Rental Units, Employee-Owned Restricted Units, and Wintergreen Employee Housing.

As used herein, the term "Employee Housing" means any dwelling unit, whether owned, leased or otherwise provided or arranged by either Owner/Developer or "Keystone Resorts, Inc." (KRI) or any third-party developer, as contemplated under subsection D of this Section 6, (an "Employee Housing Unit"), that meets one of the following criteria:

- (i) located in an Existing Employee Housing Project;
- (ii) encumbered by an Employee Use Restriction that:
  - (a) restricts the use of such unit from November 1 of one calendar year through April 30 of the next calendar year (or any longer period of each year that includes the period from November 1 through April 30) to use as housing for Employees and Temporary Employees; but
  - (b) permits the use of such unit from the period from May 1 through October 31 (or any shorter period thereof) of each calendar year by persons who are not Employees or Temporary Employees, on the condition that adequate parking is provided, and that the use complies with all other applicable county codes; or
  - (c) with respect to Employee Housing Units located in Tenderfoot II and III and other projects receiving a certificate of occupancy after January 1, 2001, permits the use of Employee Housing Units from the period from November 1 of one calendar year through April 30 of the next calendar year (or any longer period of each year that includes the period from November 1 through April 30) by persons who are not Employees or Temporary Employees but who are employed by a business operating within the County, on the condition that the number of beds allocated to such Countywide employees does not exceed twenty percent of the total beds located in Tenderfoot II and III; or
  - (d) With respect to Employee Housing Units located in Tenderfoot I, use of Employee Housing Units from the period from November 1 of one calendar year through April 30 of the next calendar year (or any longer period of each year that includes the period from November 1 through April 30) may be occupied by persons who are not Employees or Temporary Employees but who are employed by a business operating within the County, on the condition that the number of beds allocated to such County-wide employees does not exceed fifty percent of the total number of beds located in Tenderfoot I. This permission shall remain in effect for the 2015/2016, 2016/2017 and 2017/2018 Peak Seasons.
  - (e) As soon as reasonably possible after the close of the 2016-2017 season, the BOCC may, at a work session, comprehensively review the impacts of the changes implemented as a result of Resolution 2016-50, approving PLN16-029. As part of the work session, or subsequent thereto, so long as it is sufficiently in advance of the 2017-2018 season to allow implementation, the BOCC may impose additional conditions on the use of such beds for the 2017-2018 season to mitigate any unanticipated impacts from the 2016-2017 season or may terminate the allowance for additional beds if there the unanticipated impacts significantly affect the public health, safety, and welfare and cannot be mitigated through additional conditions.
- (iii) encumbered by an Employee Use Restriction in the form attached hereto as Exhibit P-1 or Exhibit P-2 or such other form as may be approved by the Planning Department.
- (iii) located in the Wintergreen Employee Housing. Wintergreen Employee Housing includes housing constructed on Wintergreen Parcel A which shall include Wintergreen Long-term Rental Units, Wintergreen Low Income Rental Units and Wintergreen Seasonal Units, as defined in this section.
  - (a) Wintergreen Employee Housing Requirements.

- (1) Parcel A of the Wintergreen Neighborhood shall be restricted by a covenant with language and in a form that is acceptable to the County and the Owner/Developer and substantially similar to Exhibit P-4 of the PUD. To the extent the provisions of the covenant conflict with any provisions in the PUD, the provisions of the covenant shall govern.
  - (2) Wintergreen Long-term Rental Units will be initially offered at a maximum of an average rental rate set at the 2017 100% AMI level (or 100% AMI level for the year the units are offered for rent, whichever is greater). In years where AMI is flat or declines, rents may increase annually by the percentage change in the Denver/Boulder CPI and will be capped at an average of 120% AMI. As a matter of practice, the rent levels on the Long-term Rental Units will not have to be reduced if AMI or CPI declines.
  - (3) If rents are projected to increase as a result of flat or declining AMI's or if they are projected to increase by more than 4%, the developer of Wintergreen Parcel A (or its successor) will provide 30 days' notice to the County of the increase along with financial materials supporting the need for the increase. During said 30 day period, Summit County or any Employer may enter into a contract with the developer of Wintergreen Parcel A (or its successor) to maintain current rental levels or reduce the increase by subsidizing the difference between the then-current rent level and the increased rent level up to 120% AMI for a number of units to be determined by Summit County or any Employer.
  - (4) Wintergreen Long-term Rental Units shall be subject to the Priority Leasing Process, which shall mean: Wintergreen Long-term Rental Units will be initially offered for 10 days to only Employees, Employers and employees of Adjacent Resort Operations. After 10 days, the units may be offered to any Keystone Valley employee or employers working/operating between Swan Mountain Road and the Summit of Loveland Pass and shall include employees working in Summit Cove or at Arapahoe Basin (see map contained in Exhibit P-4). After the 20-day Priority Leasing Period, the units may be offered to any Countywide Employee or Countywide Employer.
  - (5) In the event that (a) the Wintergreen Low Income Rental Units are not constructed consistent with Low Income Housing Tax Credit (LIHTC) program guidelines and/or are not offered at or below 60% of AMI or (b) the Wintergreen Seasonal Units are not subject to a master lease or other guarantee by an Employer, the units described in (a) and/or (b) may be converted to Wintergreen Long-term Rental Units, which will be required to be offered at the then current AMI affordability targets being offered for the balance of the Wintergreen Long-term Rental Units. Further, in such event, the Owner/Developer and/or developer of Wintergreen Parcel A (or its successor) shall be responsible for transferring Equivalent Units to the property proportional to the number of units in each building type being converted, in a ratio of one (1) Equivalent Units per four (4) units prior to occupancy any converted units described in this paragraph as Wintergreen Long-term Rental Units.
- (b) Wintergreen Employee Housing Definitions. The following definitions shall apply only to Wintergreen Employee Housing.
- (1) **Countywide Employee** shall mean: a person who is employed by any individual or business located within Summit County, Colorado, who works at least an average of 30 hours per week on an annual basis. The employee

must work a significant percentage of his/her time providing goods and/or services locally in or to Summit County and its residents, whether or not for profit. For individuals claiming self-employment, their business must be based and registered in Summit County, and also a significant and primary percentage of their service or product is provided locally in or to Summit County and its residents.

- (2) **Countywide Employer** shall mean: A person or entity whose principle place of business is located within Summit County, Colorado, provides a significant and primary percentage of their goods and/or services locally in or to Summit County and its residents, whether or not for profit, or a person or entity who employs a Countywide Employee.
  - (3) **Wintergreen Low Income Rental Unit** shall mean: A dwelling unit located within Parcel A of the Wintergreen Neighborhood that complies with Low Income Housing Tax Credit (LIHTC) program guidelines and may be leased to a Countywide Employee or other tenant as complies with the LIHTC program. Such unit shall consist of a kitchen, bath, living room and bedrooms and contain a minimum of 250 square feet of living space per bedroom. The unit may be a studio, one, two or three bedroom configuration.
  - (4) **Wintergreen Long-term Rental Unit** shall mean: A dwelling located within Parcel A of the Wintergreen Neighborhood and may be leased to a Countywide Employee or Countywide Employer subject to the priority leasing process defined above. Such unit shall consist of a kitchen, bath, living room and bedrooms and contain a minimum of 250 square feet of living space per bedroom. The unit may be a studio, one, two or three bedroom configuration.
  - (5) **Wintergreen Seasonal Housing Unit** shall mean: A dwelling unit located within Parcel A of the Wintergreen Neighborhood and may be leased to a Countywide Employee. Such unit shall consist of a kitchen, bathroom, living room and one or more bedrooms. One bedroom may contain up to two (2) occupants and two (2) bedrooms shall contain no more than (1) occupant. Such unit shall contain a minimum of 200 square feet of living space per occupant intended primarily for Seasonal Employees. For any units that contain double occupancy bedrooms, a secure location shall be provided in the units for individual residents residing in double occupancy bedrooms to have the opportunity to secure their valuables.
- (c) Following CO of the first long-term rental building, Developer of Wintergreen shall collect data regarding occupancy and employment of occupants via tenant survey at the end of the peak season and via tenant certification at the time of lease or lease renewal. Subsequent to the close of the third peak season following CO of the first long-term rental building, Owner/Developer, Developer, and County shall conduct a thorough review of the data collected in order to determine if the intent of the employee housing requirements is being fulfilled. If it is not, the parties will be obligated to modify the FTE Employee and/or occupancy count methodology.

B. Employee Housing Requirement.

- (i) With respect to any Peak Season, the Owner/Developer and/or KRI shall provide or arrange for Employee Housing for forty percent (40%) of the Peak Season, FTE Employees (the "Employee Housing Requirement") based on a comparison of the number of FTE Employees and the

number of Employee Housing Unit Credits allocated to existing Employee Housing Units.

- (ii) As a part of the Employee Housing Requirement and not in addition to it, for each Peak Season, the Owner/Developer and/or KRI shall provide Employee Housing Units to 60% of the Seasonal Employees on the conditions that:
  - (a) all of the Employee Housing used to satisfy the 60% requirement must be located within the Keystone Resort Area; and
  - (b) if Owner/Developer and/or KRI provide or arrange for Employee Housing for more than 60% of the Seasonal Employees, the excess may be located anywhere within the County.
- (iii) The Owner/Developer or KRI shall arrange for Employee Housing Units to be located within the Keystone Resort Area for at least seventy-five percent (75%) of the Employee Housing Requirement. Up to twenty-five percent (25%) of the Employee Housing Requirement may be provided by Employee Housing Units located outside of the Keystone Resort Area but within the County. All Employee Housing Units outside the PUD shall meet the spatial requirements of the zoning district, as dictated by the Development Code, in which such units are located.
- (iv) To the extent that Owner/Developer or KRI desire to provide or arrange for Employee Housing by creating a new employee housing partnership, joint venture, limited liability company or other entity to develop and/or own such Employee Housing, Owner/Developer or KRI, as applicable, shall consult with one or more Employers of civil servants (including without limitation the County, towns, metropolitan and special districts, and housing authorities) to determine if such Employers desire and are legally permitted to participate in such Employee Housing. If an Employer of civil servants desires and is legally permitted to so participate, Owner Developer or KRI, as appropriate, shall negotiate in good faith to structure an arrangement acceptable to both parties that will allow that Employer to participate. Notwithstanding the foregoing, in no event shall either Owner/Developer or KRI be obligated to allow any such Employer to participate.
- (v) As part of the Employee Housing Requirement the Developer of Ski Tip Parcel C and River Run Parcel C shall provide Employee Housing Units as follows:
  - (a) Six (6) Employee Housing Units on River Run Parcel C or another parcel where employee housing is a permitted use within the PUD to be sold at affordable levels as set forth in this PUD and the Summit County Development Code. The units shall be sold at an initial sales price at an average annual median income level of 100%. These units shall be available for occupancy and offered for sale prior to Developer receiving a certificate of occupancy for the 6th market rate unit on said Parcel C.
  - (b) Prior to site plan approval for any development on River Run Parcel C, Developer shall propose and enter into a development agreement for a collaborative employee housing project with Summit County within the Snake River Basin, either within the PUD area or outside the PUD area, for no less than 19 units of Employee Housing.
  - (c) If after August 1, 2016, no such mutual development agreement is entered into as contemplated in part (B)(v)(b) above, Developer may meet its obligation with respect to Employee Housing with a fee in lieu dedication for all market rate units to be built on River Run Parcel C equal to \$8.99 per square foot of the residences built. Developer may post a bond for the full value of the fee-in-lieu to be generated at buildout of River Run Parcel C, which may reduced as units are built and the fee-in-lieu is paid for each unit.
  - (d) All Employee Housing provided under this subsection (B)(v) shall be restricted by a covenant that is acceptable to the County, taking into account the current market conditions and needs for such housing.

- (f) All Employee Housing Units provided under this subsection (B)(v) shall be of a type and quality that is a) consistent with Developer's proposal dated January 8, 2016 in conjunction with Planning Case #PLN16-005; and b) in accordance with the Summit Combined Housing Authority standards current at the time of site plan review.

C. Annual Report.

- (i) On or before September 30 of each year, the Owner/Developer and KRI shall prepare and deliver to the Planning Department a report setting forth the following information (the "Annual Report"):
  - (a) The average number of Peak Season Full Time Employees, Part Time Employees and Seasonal Employees employed by each of Owner/Developer, The Keystone Neighborhood Company (KNC) and KRI from the previous Peak Season; 2. The average number of FTE Employees for such Employers from the previous Peak Season, and; 3. An estimate of the total number of FTE Employees for such Employers for the upcoming Peak Season. Such averages shall be calculated by averaging the number of Employees employed for all complete pay periods within the Peak Season;
  - (b) The number of Peak Season Full Time Employees, Part Time Employees and Seasonal Employees employed by Employers other than Owner/Developer, KRI and KNC. KRI shall make it's best effort to obtain actual employee numbers from such Employers. To accomplish this, KRI shall submit surveys to each Employer and follow up with additional communication to those Employers annually. However, where such Employers do not or cannot submit actual employee numbers, the number of employees associated in operating multi-family, hotel/lodge, retail, food and beverage establishments shall be calculated in accordance with the Employee Generation Rates from the previous Peak Season (no Employees shall be assigned to multi-family, hotel/lodge, retail, food and beverage spaces that are vacant the entire Peak Season);and 2. The total number of FTE Employees for such Employers for the upcoming Peak Season, all as calculated in accordance with the Employee Generation Rates
  - (c) A description of the Employee Housing provided by Owner/Developer and/or KRI during that calendar year, including the locations of buildings, types of Employee Housing, i.e., Existing Employee Housing Units, Seasonal Housing Units, Long Term Rental Units or Employee-Owned Restricted Unit, and any other information necessary to identify each Employee Housing Unit being provided;
  - (d) The number of Employee Housing Unit Credits allocated to Employee Housing within the Keystone Resort Area;
  - (e) The number of Employee Housing Unit Credits allocated to Employee Housing outside the Keystone Resort Area but within the County, along with the square footage of the units associated with these credits; and
  - (f) An inventory of Employee-Owned Non-Restricted Units, together with the employment status of all owners and all occupants thereof that are Employees.
  - (g) An accounting of the Development Credits in the Credit Bank as defined and described in Section B.6.D.
  - (h) Third-party developers shall not be subject to Annual Report requirements upon successfully fulfilling the employee housing obligation identified in the project approval.

Within thirty days following request by the County, the Owner/Developer will provide copies of any and all applicable leases affecting Employee Housing Units, to the extent such leases have not

previously been provided to the Planning Dept.

- (ii) Credit for Employee Housing Units ("Employee Housing Unit Credits" or "EHC") shall be calculated as follows, on the condition that such units are occupied or available for occupancy by Employees, Qualified Occupants, or employees of Adjacent Resorts Operations as provided herein:
  - (a) Sagebrush and Sunrise I and III: 1 bedroom = 2 EHC;
  - (b) Tenderfoot I, II and III: 1 bedroom = 1 EHC;
  - (c) Sunrise II
    - 1 & 2 bedroom units = 1.5 EHC per bedroom
    - 3 bedroom unit = 3 EHC;
  - (d) Hidden River Lodge: 16 units = 30 EHC;
  - (e) Wintergreen Employee Housing (EHC are counted only if units in Wintergreen Low Income Units or Wintergreen Long-term Rental Units or beds in Wintergreen Seasonal Housing are occupied by PUD employees)
    - Wintergreen Low Income Units
      - 1 & 2 bedroom units = 1.5 EHC per bedroom
      - 3 bedroom units = 3 EHC
    - Wintergreen Long-term Rental Units
      - 1 & 2 bedroom units = 1.5 EHC per bedroom
      - 3 bedroom units = 3 EHC
    - Wintergreen Seasonal Housing Units
      - 1 bed = 1 EHC
  - (f) Seasonal Housing Units built or provided for by Owner/Developer or KRI within the PUD after March 27, 1995: 1 bedroom = 1 EHC;
  - (g) Long Term Rental Units built or provided for by Owner/Developer or KRI within the PUD after March 27, 1995:
    - 1 & 2 bedroom units = 1.5 EHC per bedroom
    - 3 bedroom unit = 3 EHC;
  - (h) Any other Seasonal Housing Units or Long Term Rental Units built, acquired, leased or otherwise arranged for by Owner/Developer or KRI within the County: 1 bed = 1 EHC; and
  - (i) Employed-Owned Restricted Units (other than Hidden River)
    - 1 & 2 bedroom units = 1.5 EHC per bedroom
    - 3 bedroom unit = 3 EHC
- (iii) Owner/Developer, KRI and the County have conducted a survey of businesses within the PUD (the "Study of Employee Generation Rates") to determine two classifications of employee generation rates for hotel/lodge, multi-family dwellings, retail establishments, and food and beverage establishments:
  - a. one classification for calculating the number of Peak Season Full Time Employees, Part Time Employees and Seasonal Employees employed by Employers other than Owner/Developer, KNC and KRI in accordance with Subsection 6.C.(i)(b) above, and;



- b. the second classification for projecting the number of FTE Employees generated by future projects for purposes of Subsection 6.D. below.
- c. The Owner/Developer and KRI shall update the Study of Employee Generation Rates every three years until build-out of Owner/Developer's property within the PUD. Updates shall be conducted by an independent consultant, using the same methodology of the initial Study of Employee Generation Rates, and updates of the generation rates shall be made to the Keystone PUD using a minor PUD amendment process.
- d. The Owner/Developer and KRI agree to provide the required update to the Study of Employee Generation Rates no later than August 31, 2017. The Planning Director has the authority to administratively extend this deadline up to an additional six (6) months, provided the Owner/Developer and/or KRI has submitted an application for a Major PUD Amendment, which includes, among other things, a revision related to the timing of the Study of Employee Generation Rates, and such application has been deemed complete by August 31, 2017.
- e. The term "Employee Generation Rates" means:

(1) Classification One

<u>Land Use</u>	<u>Unit</u>	<u>Employees</u>
Hotel/Lodge	Room	.23
Multi-family dwelling	Unit	.20
Retail Establishments	1,000 sq. ft.	2.58
Food/Bev. Establishments	1,000 sq. ft.	4.77
Single-family	Less than 2,000 sq. ft.	.08
	2,000 to 3,999 sq. ft.	.15
	4,000 to 5,999 sq. ft.	.32
	More than 6,000 sq. ft.	.47

Seasonal Employees shall be calculated at 30.7% of the totals from the generation rates listed above.

(2) Classification Two

<u>Land Use</u>	<u>Unit</u>	<u>Employees</u>
Hotel/Lodge	Room	.23
Multi-family dwelling	Unit	.20
Retail/F&B Establishments	1,000 sq. ft.	3.61
Single-family	Less than 2,000 sq. ft.	.08
	2,000 to 3,999 sq. ft.	.15
	4,000 to 5,999 sq. ft.	.32
	More than 6,000 sq. ft.	.47

- (3) Employee Generation Rates may be changed, by a minor amendment of this PUD, based on the required updates of the Study of Employee Generation Rates, as provided for this Subsection 6.C.(iii).

(iv) Compliance of Annual Report

- a. The Annual Report described herein shall show that an adequate number of EHC's are provided to accommodate 40% of Employees and 60% of Seasonal Employees, as required herein (the "40%/60% Requirement"). The following process shall be used to determine compliance of the Annual Report.

- (1) If EHC's reported in the Annual Report for the current reporting year are greater than or equal to the 40%/60% Requirement, the Annual Report is in compliance.
- (2) If the EHC's reported in the Annual Report for the current reporting year are less than the 40%/60% Requirement, the average of the EHC's over the immediately preceding five (5) year period (the "Five Year Average") shall be calculated.
- (3) If the Five Year Average is greater than or equal to the 40%/60% Requirement, the Annual Report is in compliance.
- (4) If the Five Year Average is less than the 40%/60% Requirement, an analysis of demand for employee housing in the PUD (the "Demand Test") shall be conducted. The Demand Test shall include a determination of (a) whether there are any vacant beds in the Existing Employee Housing, Wintergreen Seasonal Housing or Wintergreen Long-term Rental Units and (b) whether there is a waiting list for the Wintergreen Long-term Rental Units.
- (5) If the Demand Test shows that there are vacant beds in the Existing Employee Housing, Wintergreen Seasonal Housing or Wintergreen Long-term Rental Units and that there is no waiting list for the Wintergreen Long-term Rental Units, the Annual Report is in compliance.
- (6) If the Demand Test shows that there are not vacant beds in Existing Employee Housing, Wintergreen Seasonal Housing or Wintergreen Long-term Rental Units and/or there is a waiting list for the Wintergreen Long-term Rental Units, the Annual Report shall be deemed not in compliance.
- (7) The Owner/Developer shall have three (3) years to cure non-compliance for the Annual Report (the "Cure Period"). Concurrent with submission of the Annual Report that shows non-compliance, the Owner/Developer shall submit a plan, with the Annual Report, outlining steps that the Owner/Developer will take to cure the non-compliance. The plan shall include year-by-year actions that will be taken to increase the EHC's during the Cure Period. The actions to be taken shall be determined at the Owner/Developer's discretion and may include (but are not limited to or required to include) the following:
  - i. Increase PUD occupancy in the Wintergreen Long-term Rental Units; or
  - ii. Increase PUD occupancy in Existing Employee Housing and/or Wintergreen Seasonal Housing; or
  - iii. Other means to produce additional EHCs as described in this Section B.6 of the PUD.
- (8) Compliance of the Annual Report shall be evaluated each year during the Cure Period with the submission of the Annual Report. Once the Annual Report is deemed in compliance, the Cure Period shall end and any non-compliance under this Section 6.C shall be deemed to be cured.
- (9) In the event that the non-compliance is not cured within the first two (2) years of the Cure Period, the Owner/Developer shall meet with County Planning Staff to discuss measures to bring the Annual Report into compliance by the end of the Cure Period.
- (10) During the Cure Period, the Owner/Developer shall not be determined in Breach

of the Provisions of the PUD Designation, as described in Section D.2 of the PUD and the County may not withhold approval of any site plans or plat maps or the issuance of any grading, building or occupancy permits for non-compliance under this Section 6.C. of the PUD.

(11) If, at the end of the Cure Period, the Annual Report is still not in compliance, it shall be determined to be a Breach of the Provisions of the PUD Designation, as described in Section D.2 of the PUD and the actions outlined in Section D.2 of the PUD shall apply.

- v. The County may conduct an audit of the Annual Report. The purpose of the audit is to verify that the process for compiling and reporting the information in the Annual Report by the Owner/Developer is compliant with the provisions set forth herein and the information provided to the Owner/Developer by third parties is accurate. The audit will be conducted by an independent, third party auditor. The County shall be solely responsible for any and all costs associated with the audit. The Owner/Developer shall incur no costs associated with the audit but shall cooperate with the auditor and provide information as is permitted under law. Such audit may occur at the County's discretion but no more frequently than once every three (3) years. Any discrepancies identified in such audit shall be reflected in a revised Annual Report.

D. Certificate of Occupancy for New Developments.

- (i) **Credit Bank.** Upon issuance of Certificate of Occupancy for each building of the Wintergreen Long-term Rental Units, the Owner/Developer shall be credited the number of credits generated by that particular building of Wintergreen Long-term Rental Units, as detailed in Section 6.C.(ii) above. Such credits shall be transferred into a bank created herein (the "Credit Bank") used to track credits available for new real estate development (the "Development Credits") and shall be available for the Owner/Developer to use at its sole discretion so long as there is no Breach of the Provisions of the PUD Designation, as described in Section D.2 by the Owner/Developer. Owner/Developer may increase the Development Credits in the Credit Bank by guaranteeing additional occupancy for Employees in Wintergreen Seasonal Units or other methods mutually agreed upon between the Owner/Developer and the County.

- (ii) **Timing Requirements for New Development.**

- a. With each project development proposal for hotel/lodge, multi-family, retail, food and beverage or mixed-use development, the applicant shall submit (1) an estimate of the number of FTE Employees generated by such project based on the second classification of the Employee Generation Rates (2) the total number of EHC's required to satisfy the Employee Housing for 40% of the employees generated by the development project (the "Project Requirement") and (3) a plan to satisfy the Project Requirement.
- b. No final site plan approval for such a development project shall be issued until the Board of County Commissioners approves the applicant's plan to satisfy the Project Requirement.
- c. Unless the final site plan approval for such a development project provides otherwise, no certificate of occupancy for such development project shall be issued until the necessary credits have been provided, which for construction of new housing units would occur at issuance of certificate of occupancy for such Employee Housing.

- (iii) **Use of the Credit Bank.** Prior to issuance of a certificate of occupancy for a development project, the Project Requirement shall be compared to the Development Credits available in the Credit Bank at that time. If there are sufficient Development Credits in the Credit Bank to provide for the Project Requirement and the Owner/Developer has granted permission for their use, the number of credits needed to fulfill Project Requirement shall be deducted from the Credit Bank. If there are not sufficient Development Credits in the Credit Bank to provide for the Project Requirement, the developer/applicant of such development project shall be required to fulfill its Project Requirement through other means described in this Section 6 of the PUD

(e.g., master lease of units, construction of new units, etc.), prior to receiving a certificate of occupancy for the development.

- (iv) **Third Party Development.** Neither Owner/Developer nor KRI shall be responsible for Employee Housing required to house Employees generated by third-party development projects or projects where the developer/applicant does not have an agreement to use the Credit Bank.

E. Employee-Owned Units

- (i) A dwelling unit that is owned by an Employee or Qualified Occupant but that is not restricted by an Employee Use Restriction (an "Employee- Owned Non-Restricted Unit") shall not be considered an "Employee Housing Unit." Each Employee owning an Employee-Owned Non-Restricted Unit and each Employee living therein shall not be considered an "Employee" for purposes of calculating the number of Peak Season FTE Employees for which Owner/Developer is required to arrange housing pursuant to this Section.
- (ii) A dwelling unit that is owned by an Employee or a Qualified Occupant and that is restricted by an Employee Use Restriction (an "Employee- Owned Restricted Unit") shall be considered an "Employee Housing Unit." Each Employee owning an Employee-Owned Restricted Unit and each Employee living therein shall be considered an "Employee" for purposes of calculating the number of Peak Season FTE Employees for which Owner/Developer is required to arrange housing pursuant to this Section.
- (iii) In no event shall the initial sales price for an Employee-Owned Restricted Unit developed and sold by Owner/Developer, KRI or any third-party developer exceed affordability at one hundred twenty five percent (125%) of the median household income for Summit County, Colorado, as determined from time to time by United States Department of Housing and Urban Development ("HUD"). In addition, Owner/Developer, KRI and each third-party developer that develops and sells Employee-Owned Restricted Units shall use its best efforts to sell at least 80 percent of any Employee-Owned Restricted Units that it develops and sells to Employees.

F. Employee Housing Review Board

Keystone Employee Housing Review Board, Inc.: This entity was registered with the Secretary of State of Colorado as a non-profit board on September 29, 1995. Its duties are to oversee and enforce the covenants and restrictions placed on the employee housing units within the Keystone PUD. The review board consists of at least one representative of the Owner/Developer, one representative of KRI, one employee representative and one representative appointed by the Summit County Board of County Commissioners. The goal of the Board is to oversee the successful development, management and operation of the employee housing within the PUD.

**7. Resort and Community Support Facilities**

Resort support facilities are non-commercial facilities that are provided as amenities or operational facilities required to create a destination resort. Resort support includes facilities provided for skier services, conference, cultural activities, maintenance, lodge lobbies, service spaces, administrative offices meeting rooms, transit facilities or other similar uses. The existing floor area of the skier cafeteria in Parcel A, River Run Neighborhood and Parcel C, Mountain House Neighborhood have been grandfathered in as Resort Support facilities, and that square footage of each cafeteria will remain so classified for density purposes.

The PUD describes the cross country ski center in the Old Keystone Neighborhood as both, a resort support service and as a commercial operation. The cross country ski center meets both definitions of a resort support service and as a commercial operation, therefore half of the square footage will be counted as resort support and the other half will be counted as commercial square footage for the cross country ski center.

The floor area of resort support uses will not count against zoning or density as long as they do not exceed 10% of the equivalent units within a given neighborhood. This requirement may be waived by the Board of County Commissioners if it is deemed appropriate to concentrate resort support facilities within one neighborhood or area.

Community support are non-commercial or non profit facilities such as cultural or educational institutions such as churches and schools, or other uses necessary or desirable for the day to day operation of a community including emergency service facilities, medical clinics, libraries, community meeting rooms and athletic facilities open to the general public. The floor area of these uses shall not be counted against density or zoning after a finding by the Planning Commission and/or Board of County Commissioners that the use proposed is appropriate to the scale and character of the neighborhood.

## **8. Public Use Areas**

Pursuant to Section 8601 of the Summit County Land Use and Development Code the Owner/Developer is required to provide lands for public use. Land shall be restricted by private covenant, dedicated or improvements constructed concurrent with final plats for development. The Owner/Developer shall be given appropriate credit toward Public Use Area Fees for all dedication of public lands/easements and construction of trails/trailheads and reclamation of the Snake River.

## **9. Air Quality**

All solid fuel burning devices shall meet or exceed the Summit County requirements. At a minimum, all solid fuel burning devices shall be EPA certified, shall only be permitted in the following units (structures) and shall be limited to one per unit: single family and duplex residences greater than 1,500 sq. ft. in size. Subject to compliance with all other codes and regulations one solid fuel burning device shall be permitted in one lodge lobby in Parcel A of River Run Village. If Summit County initiates a countywide air quality monitoring program, the Owner/Developer will cooperate in the program, as it relates to the Snake River Basin.

## **10. Water Quality/Quantity**

For all new development approved by this designation, mitigation is required for total phosphorus loads on a pound-for-pound basis provided Summit County adopts regulations by December 31, 1996 requiring all other major development projects to mitigate in a similar manner. Phosphorus controls used will be consistent with the concepts and controls in the 1990 Keystone Base I Agreement (attached hereto as Exhibit E).

Stormwater management and detention shall meet all requirements of the Summit County Land Use and Development Code. In addition the following principles will be followed:

1. The increase in peak stormwater discharges will be attenuated to maintain predevelopment drainage conditions to meet the requirements of the Summit County Land Use and Development Code.
2. Regional stormwater infiltration or detention facilities will be used, where practical, to reduce on site detention needs and minimize both land costs and maintenance expenses.
3. Wet detention or extended detention facilities will be used wherever feasible for flood control and water quality enhancement.
4. Unlined open channels and roadside swales will be emphasized to: (a) convey fully developed flood flows, (b) avoid problems with freezing often experienced with buried conduits in extreme winter conditions, and (c) improve water quality.
5. Stormwater facilities, where required, will be designed and constructed to maintain public safety and ensure the conveyance of 25 year flows from both on site and off site tributary basins. Construction of stormwater facilities will generally be phased concurrently with other development improvements to achieve a congruous system that accounts for potential impacts from upland basins and to receiving streams below the proposed improvement.

6. Riparian corridors will be preserved to the greatest extent feasible to maintain stable natural channels, minimize potential impacts to wetlands, and provide for conveyance of 100 year flood flows without inundation of adjacent buildings and private property.
7. The stability of natural channels will be a goal. Where natural channels are affected by development, improvements will be constructed to control velocities and reduce scour. The potential for debris flow and other geologic hazards will be considered.
8. The second golf course shall utilize fertilization management practices and create a system of stormwater retention and detention to minimize the impact of run-off.

The Owner/Developer, in conjunction with the Summit County Board of County Commissioners, shall use its best efforts to explore and implement a program whereby one or more pumps would be placed in the Roberts tunnel and utilized to divert water into the Snake River. Upon implementation of the program or 12/31/99, whichever occurs first, and on the condition that the Summit County Board of County Commissioner continues to support the Owner/Developers efforts to implement the program described above, the Owner/Developer hereby agrees not to cause or allow minimum stream flows in the Snake River to fall below 6 CFS at the measurement point designated by the USFS without the consent of the Summit County Board of County Commissioners and the USFS. Notwithstanding the foregoing, Summit County shall not be required to pay any costs related to the diversion program.

## **11. Historical Features**

Historical/archeological features shall be considered prior to development of any site plan. When a historical feature of local importance is identified, the Owner/Developer shall work with the Summit Historical Society to plan development to be compatible with the historic resource.

## **12. Wetlands and Wetland Setbacks**

### **A. General Wetland Regulations**

It is the intent of this PUD to preserve wetlands from development wherever possible. The Owner/Developer shall comply with the Wetland Regulations of the Development Code. The Owner/Developer may request a reduction in the wetland setbacks or buffer zones listed above in Section B(1) per the Wetland Regulations of the Development Code.

An activity is exempt from the Wetland Regulations of the Development Code if an activity is necessary to achieve vehicular, utility, or pedestrian access, and no access route avoiding the wetland area or the associated setbacks is technically feasible, provided the impacts of such access shall be mitigated in conformance with the standards outlined in the Development Code.

It is recognized that some land uses, such as trails, tramways, drainage facilities, roads, bridges, and utilities may have to occur within wetland areas and the 25 foot wetland setbacks, if not technically feasible as outlined in preceding paragraph, in order for the Owner/Developer to develop the resort. Exhibits N-1, N-2, N-3, N-4, N-5, N-6 and N-7 reflect such potential impacts. Such potential impacts shall be evaluated using the wetland regulations of the Development Code.

The wetland buffer zones outside of the 25 foot setback may be disturbed during construction, but shall not have any permanent structures located on them, except necessary roads, utilities, bridges, drainage facilities, tramways, trails and other such infrastructure. Redevelopment of existing building encroachments within wetland setbacks shall be permitted when such encroachment does not increase the square footage of the existing encroachment, but such encroachments shall comply with Section 7105.05 of the Development Code, "Mitigation Procedures for Developing Within Wetland Areas and Wetland Setbacks".

The developer is required to obtain and comply with 404 permits as required by the US Army Corps of Engineers wherever necessary for development activity in jurisdictional wetlands. The 404 Permit and the requirements contained therein are attached as Exhibit F and fully incorporated herein.

Snow storage areas shall not be located adjacent to wetlands unless specifically approved by the County Engineer according to applicable County standards.

Additional wetland protection provisions are outlined in the Wildlife section below.

#### **B. Permitted Wetland Disturbance in the Wetland Setback**

- (1) Reclamation Work, Trail Construction, and Existing Encroachment of East Keystone Road  
The reclamation work and trail construction described in the "Mountain House at Keystone Reclamation Plan and Wetland Setback Disturbance" prepared by dhm design (the "Mountain House Reclamation Plan"), dated April 15, 2002, as kept in the Planning Department in Planning Case File #00-223, shall be initiated and then completed as follows:
  - (a) The County has permitted wetland fill of the areas shown on Exhibit N-4 & N-6 within Parcel C of the Mountain House Neighborhood and south of West Keystone Road to allow for an environmentally better design of the Dillon-Keystone Recreational Path. Prior to performing such wetland fill Owner/Developer will obtain and submit to the Planning Department: 1) the appropriate permit required therefor by the U.S. Army Corps of Engineers; 2) plans as required by the County for a grading permit; and, 3) wetland mitigation plans to illustrate where the wetland filled will be created, with a 2:1 ratio required (for every square foot filled, two square feet of mitigation is required).
  - (b) Except as set forth in Item 12 B (1)(d) below, when Owner/Developer begins any construction of a residential, commercial or mixed use project in either Parcel B or Parcel C of the Mountain House Neighborhood, Owner/Developer shall also begin the reclamation work and trail construction described in the Mountain House Reclamation Plan and shown on Exhibits N-4 & N-6 or N-5 & N-7 that are within that Parcel. The reclamation work and trail construction shall be guaranteed by an improvements agreement.
  - (c) Building renovations, building projects and other construction or development activities performed by VSR shall not trigger any of the reclamation work or trail construction described in the Mountain House Reclamation Plan. In the event VSR becomes the Owner/Developer of the Keystone PUD, this provision shall not be used to exempt VSR from the Owner/Developer obligations contemplated in this section.
  - (d) The reclamation work and trail construction designed for the current location of the Winterset building in Parcel C of the Mountain House Neighborhood (reclamation of Areas 5, 6 and 8 and trail construction through Areas 3 through 8 as described in the Mountain House Reclamation Plan) shall not be required at the time Owner/Developer begins the first residential, commercial or mixed-use project within Parcel C. Instead, the trail construction and reclamation work for that site will begin promptly after the Winterset building is removed and such work shall be guaranteed by an improvements agreement executed by VSR or Owner/Developer prior to the issuance of a demolition permit.
  - (e) Owner/Developer will perform the trail construction and reclamation work indicated by the Mountain House Reclamation Plan and Exhibits N-4, N-5, N-6 and N-7 only on the parcels of real property that either it or VSR owns. Owner/Developer will not be required to perform trail construction and reclamation work indicated by the Mountain House Reclamation Plan and Exhibits N-4, N-5, N-6 and N-7 on any parcel of real property owned by a third-party, unless the County provides Owner/Developer with evidence satisfactory to Owner/Developer in its reasonable discretion that the third-party has consented to such trail construction or reclamation work or that the County otherwise has the right and authority to allow Owner/Developer to perform the same on the third-party's property. In such event, Owner/Developer shall perform such trail and reclamation work on behalf of the County pursuant to an agreement to be entered into between Owner/Developer and the County.
  - (f) Prior to initiating any of the trail construction or reclamation work as provided by this section, the Owner/Developer shall submit site plans for the parking lots in the Mountain House Neighborhood that are adjacent to the proposed Dillon-Keystone Recreational Path for the Planning Department's administrative review and action. Such site plans shall include: 1)

one or more plans showing the reconfigurations of the Mountain House parking lots and related drainage and on site and off site snow storage; 2) detailed grading and drainage plans; 3) detailed landscaping plans; 4) lighting plans; and 5) all other plans as required by this PUD or the Development Code.

- (g) East Keystone Road is an existing, grandfathered encroachment into the 25 foot wetland setback, which has an approximate encroachment area of 4,264 square feet. The Owner/Developer is allowed to reconstruct or repair East Keystone Road in its current location.

(2) Dillon-Keystone Recreation Path

The County has also allowed for the construction of the Dillon-Keystone Recreation Path within the 25 foot wetland setback per the Mountain House Reclamation Plan subject to the following requirements:

- (a) Prior to the issuance of a grading permit for the construction of any section of the path between "The Seasons at Keystone Subdivision" and "Frostfire Condominium":
  - (i) Owner/Developer shall submit engineering drawings for the construction of the path and the grading and reclamation work associated therewith for that section of path for the County's review and action.
  - (ii) Owner/Developer shall submit a water quality protection plan and a wetland mitigation plan for the County's review and action prior to construction of the path and the associated grading and reclamation work. Such a water quality protection plan, which may be amended and updated from time to time through subsequent site plan review, shall address all runoff that either passes through, or is generated by, development within Parcel B and Parcel C of the Mountain House Neighborhood. Such plans may be referred out to the Colorado Division of Wildlife, the Summit Water Quality Committee and the United States Corps of Engineers for review and comment.
  - (iii) If any trail construction and associated grading and reclamation work will involve the modification of the 100 year flood plain, such modification must be reviewed and approved by the Engineering Department.
- (b) Where reclamation activity immediately adjacent to the Snake River is shown on the Mountain House Reclamation Plan, the reclamation shall include river-bank stabilization (boulder placement, rip-rap, etc.) in areas that have eroding banks, and then behind that, topsoil placement and plantings of native grasses in areas that currently have no vegetation.
- (c) The path shall be designed to encourage human contact with the Snake River to occur at the footbridge crossings over the Snake River, and with landscaping and grade changes (and where recommended by the Colorado Division of Wildlife, fences) in Areas 12, 15 and 16 through 20 as shown on the Mountain House Reclamation Plan to discourage human intrusion into those Areas.
- (d) Design Standards for the Dillon-Keystone Recreational Path between "The Seasons at Keystone" and "Frostfire Condominium" in the Mountain House Neighborhood:
  - (i) East of the Chateaux du' Mont pump building, the path shall be located completely off the berm, immediately at the south toe of the berm. The berm shall be reshaped, reclaimed and replanted per the plant specifications shown on the Mountain House Reclamation Plan.
  - (ii) In Areas 1 through 10 and 16 through 20 as shown on the Mountain House Reclamation Plan, the path shall be constructed on the side of the berm that is furthest from the Snake River, rather than right on top of the berm, to allow the grade change to better buffer human activity from wildlife.
  - (iii) Trails shall be designed per the applicable design standards of this PUD and this Section 12B. Notwithstanding the foregoing, Owner/Developer and the County acknowledge that (1) the placement of the trail immediately adjacent to the existing Chateau du Mont pumphouse and the existing Slopeside building, and (2) the placement of the trail immediately adjacent to the road in limited areas (where curb and gutter will be used to provide necessary separation), may conflict with the applicable design standards. With respect to any such conflicts, the standards contained in this Section 12 and in Exhibits N-4 through N-7 shall control. In addition, the County and the Owner/Developer shall mutually work together to examine if the illustrated curve radii of the trail through Mtn.



House can be built as illustrated on Exhibits N4 through N-7. If the Open Space and Trails Department (in consultation with the County Attorney's Office and the Engineering Department) determines that liability issues and safety issues can allow for trail turning radii to be built as shown, then the Open Space and Trails Department may administratively approve such design.

- (e) No snow storage from the Mountain House parking lots will be stored on the Dillon-Keystone Recreational Path. Snow cleared from the path itself will be allowed along the edges of the path.

(3) Current Alignment of Go Devil Creek

The following provisions shall apply to the current alignment of Go Devil Creek:

- (a) The installation of a new culvert under West Keystone Road for Go Devil Creek and the removal of the low-quality wetlands along the south side of West Keystone Road is permitted. In connection therewith, a new channel and/or a series of detention ponds shall be constructed on the north side of West Keystone Road to improve the handling of maximum flows and to reduce the impacts of sedimentation and erosion.
- (b) The existing ski slope, poma lift, access road to the vehicle maintenance building, and vehicle maintenance activities adjacent to Go Devil Creek are grandfathered uses with disturbances in the wetland setback. Any regrading of these areas is approved so long as the Owner/Developer provides a mitigation plan, improvements agreement, and financial guarantee.
- (c) Owner/Developer is permitted, but not obligated, to make modifications to Go Devil Creek to slow the flow of Go Devil Creek.
- (d) At the time Owner/Developer begins to construct residential, commercial or mixed-use structures adjacent to Go Devil Creek: 1) there shall be a 25' wetland setback from the wetlands and the stream, whichever is more restrictive, unless a lesser setback is approved by the County per the Wetland Regulations of the Development Code; and, 2) reclaim the existing alignment to a more natural state. Any soil disturbance for new uses or activities in the wetland setback shall be evaluated per the Wetland Regulations of the Development Code.

(4) Realignment of Go Devil Creek:

The following provisions shall apply to the realignment of Go Devil Creek:

- (a) Owner/Developer may perform wetland fill and soil disturbance in the wetland and streamside setbacks for realigning Go Devil Creek only if such activity is to return the stream to a more natural course through the site that includes the removal of the large detention pond, removal of culverts, etc.
- (b) Owner/Developer may design and implement a realignment of Go Devil Creek concurrent with the first site plan review for any new multi-family or commercial building within Parcel C adjacent to Go Devil Creek. Any multi-family/commercial project in Parcel C of the Mountain House west of Go Devil Creek shall be considered adjacent. If a realignment is pursued, such realignment shall require a detailed grading and reclamation plan that includes but is not limited to detailed planting plan, plant sizes and the creation of a naturally appearing 25 foot buffer zone on each side of the creek, unless a lesser setback is approved by the County per the Wetland Regulations of the Development Code. Existing grandfathered encroachments do not have to be reclaimed to a more natural state until such uses are removed or relocated.
- (c) Floodplain analysis and information on maximum anticipated streamflows will be provided by Owner/Developer in association with realignment of Go Devil Creek or prior to the first site plan review for any development adjacent to Go Devil Creek.

(5) River Run Neighborhood:

- (a) A detailed wetland setback mitigation plan shall be submitted with the required site plan for Lot 4A of the Base 1, Filing #2, 5<sup>th</sup> Subdivision Exemption and be evaluated per the County's Wetland Regulations. Riparian type plantings and water quality improvements shall be provided in the remaining wetland setback areas along the southern edge of the improved and widened community path/emergency access in conjunction with development on Lot 4A.

**13. Wildlife**

It is the intent of this PUD to preserve and enhance opportunities for wildlife in the resort area. The wildlife study and recommendations contained therein are attached as Exhibit G as-if and fully incorporated herein.

Free ranging dogs and cats frequently constitute a menace to wildlife; therefore, the covenants to be created for the Property shall not permit dogs and cats except pursuant to provisions as approved by the Colorado Division of Wildlife and the County Planning Department.

In the River Run and Ski Tip neighborhoods, the following additional provisions shall be applied:

- a) In the Ski Tip Neighborhood, on the south side of the Snake River, the existing lodgepole stand north of the existing jeep road/nordic trail and west of the roughed in Independence Road shall be left intact. The wetlands around the beaver ponds at the mouth of Jones Creek shall be protected by a split rail fence as shown on Exhibit N2.
- b) In the Ski Tip Neighborhood, a spanning bridge shall be used to cross Jones Creek, providing approximately eight horizontal feet across the creek, and approximately two feet of terrestrial habitat under the bridge that is above the 20 year-event high water mark on each side of the creek. The bridge shall be designed to minimize contamination of the creek and the adjacent wetlands caused by road run-off and snowplow debris.
- c) Any trail crossing Jones Creek shall be made using lodgepole trunks spanning the creek; no culverts are allowed in Jones Creek.

**14. Recreational, Cultural and Community Facilities**

The following is a list of recreational, cultural and community facilities or sites which are designated on a neighborhood by neighborhood basis:

River Run Village

- Visitor Info. Center: Located at the entrance to River Run Village, the center provides visitor reception, public restrooms, information and other visitor services.
- Chapel/Community Hall: This dual purpose building is a focal architectural element of the town square arrival area and provides community meeting space and a non-denominational chapel.
- Theater/Library: The theater/library building is located adjacent to the community meadow providing an education center and diverse cultural activities. The building and meadow will be a gathering place for residents and visitors.
- Employee Housing: A limited number of employee housing units are provided within River Run Village within walking distance to the village center.
- Recreation: The River Run gondola is to be extended across the Snake River to the Village to strengthen the connection to mountain activities and reduce the walking distance to skiing. These activities include skiing in the winter and mountain biking, hiking and environmental studies in the summer, and year around gondola rides to dining at the Outpost.
- Children's Center: The center is a place where parents can leave their children to ski or play in the snow in the winter, or for childcare and play in the summer.

Ski Tip Neighborhood

- Restaurant Lodge: The Ski Tip lodge and restaurant will be a gathering place for (historical site) neighborhood meetings and social events (included as commercial space in density calculations).
- Wetlands Park: A large wetlands area provides a central open space amenity for the Ski Tip neighborhood. Particularly rich wildlife habitat exists in this stretch

of wetlands.

Mountain House Neighborhood

- Skiing: Approximately one half of Keystone's skiers will access the mountain through the Mountain House neighborhood. The existing 12,000 sq. ft. of commercial will be expanded to 48,000 sq. ft. to provide quality skier services. The commercial spaces used for skier services will be closed in the summer and flexible spaces will be converted to meeting rooms. The Energizer Bunny ski school hill will be reconfigured to improve the beginner terrain, and additional ski school meeting and office space will be provided.
- Recreation Center: A swimming pool with a wide variety of related activities will be the summer recreation focus in the Mountain House neighborhood. The facility will be an activity center with facilities such as a health spa and fitness center and a fishing pond for children.
- Medical Clinic: The clinic will continue to provide emergency services for skiers and health care for residents and guests. The helicopter landing pad will be relocated to the edge of the river so that the flight path can follow the open river corridor.

Lakeside Neighborhood

- The Lake: Paddle boating, the boathouse, children feeding the fish, skating and ice hockey will continue to be amenities and traditions unique to Keystone and the Keystone Lake.
- Wetlands Park: Views from existing commercial and residences extend across the lake and up the broad river and wetland corridor toward River Run. The corridor will remain open and wetlands developed into a park with interpretive facilities and boardwalks that extend into the wetlands.
- Conference Center: The conference center will remain the feature of the resort that generates year around activities. The potential exists to add an exhibit hall to the conference center.
- Cultural Campus: The cultural campus creates a center for arts, cultural, research and educational programs within the resort. The campus is located to take full advantage of the conference center. The location is also adjacent to seasonal employee housing, a portion of which can be used to house students and campus participants during the summer. A site for Keystone Center headquarters has been identified in the Cultural Campus. All uses by other than non-profit corporations and educational institutions shall be included in the calculation of commercial density.
- Maintenance Facility: A vehicle maintenance facility and central receiving warehouse is planned for the Tenderfoot Campground site.
- Fire Station: The Snake River Fire Protection District will require an expanded combination fire station and public safety building to provide service for the resort at build-out. Parcel A, Lakeside Neighborhood is identified as an appropriate location for an approximately 1.2 acre site. The potential exists to incorporate the fire station and community services into a single complex.
- Recreational/Community Support Facility: A Multi-Purpose Recreational and Training Facility, as defined in Exhibit C, may be developed on Parcel G in the Lakeside Neighborhood, directly west of the Lodge Parking Lot, subject to compliance with the standards set forth in Section B.27 below.

Old Keystone Neighborhood

- Keystone Science School: Although zoning for the Science School is to be submitted under a separate

PUD, the school has been considered in planning the resort and is an integral part of the cultural program. The school will remain in its present location with some additional classroom and dormitory spaces.

Western Center: The riding center is to be expanded into a western center with additional stables, a ranch house, barn for barn dances, roping ring and petting zoo. The central receiving warehouse will be moved to another site.

Golf Course: A second golf course is to be developed west of the Keystone Science School. The course will be shorter and less demanding than the Ranch Golf Course and will be ideal for conference groups.

Cross Country Skiing: Cross country skiing will take place along many of Keystone's walking paths. The golf course, however, may be the site of Keystone's cross country skiing center. The cross country trails shall not block or interfere with the free use of USFS trails by those not using the center.

Wintergreen Neighborhood

Community Services: In addition to commercial uses, this site is programmed for community facilities which might include community meeting space, public services offices, sheriff substation, transit office, and risk management office.

**15. Open Space and Walks and Trails**

Keystone Open Space and Parks is shown in Exhibit B, while open space areas are listed in Section A.1. If the Owner/Developer receives a site plan approval and a site specific development plan for the Parcel H Parking Lot, the Owner/Developer shall execute a restrictive covenant, conservation easement or other legal instrument to ensure the wildlife values of Tract D are protected in perpetuity. If a site plan and a site specific development plan are denied by the County, then the Owner/Developer shall execute an open space covenant on this property similar to the covenant already in place on other open space properties in the PUD.

The Owner/Developer shall construct the trails and walkways indicated on the trails plan attached as Exhibit H that are located on Keystone owned, or Keystone jointly owned property. Exhibit H shows conceptual trail connections through neighborhoods rather than exact alignments. The Owner/Developer shall propose the exact alignment of trails within the project at the time of development review.

The path alignment shown on Exhibits N-4, N-5, N-6 and N-7 shows the approved location of the Dillon-Keystone Recreational Path through the Mountain House Neighborhood. Where this alignment conflicts with what is provided for in Exhibits H and L, alignment shown on Exhibits N-4, N-5, N-6 and N-7 shall be used.

The trails and walkways indicated on the attached plan can be realigned, by the approval of the Board of County Commissioners or the Snake River Planning Commission, during the time of development review if the following criteria are met:

1. The relocation is to avoid trail user conflicts with adjacent land uses, steep slopes, wetland buffer zones, wildlife movement/migration corridors and other key wildlife habitats, or any other environmental constraint as identified by the Snake River Master Plan or the Summit County Land Use and Development Code.
2. The original function of the trails system will be preserved through the site, while allowing for existing or proposed trails to be relocated, but not eliminated, based upon the overall development review criteria, the proposed development plan and the trail's character through the site.

All trails shall be designed using the following standards:

1. Trails shall minimize the number of driveway and road crossings.
2. Trails shall have appropriate separations between the trails and roadways, and trails and buildings,

as shown in Exhibit L. The Board of County Commissioners or the Snake River Planning Commission may increase or decrease the separations shown in Exhibit L at the time of development review to preserve the trail's character through the site.

3. Development shall be phased to allow continual access through the site during construction.
4. Easements shall be granted to the County for the trails to ensure the perpetuity of the trails and continued compliance with the requirements of the PUD prior to recording a plat, or the issuance of the first certificate of occupancy, whichever occurs first.
5. Except as otherwise set forth in Section 12B(2)(d)(iii) all trails shall be designed using the Pathway Design Standards Matrix outlined in Exhibit L.
6. Except as otherwise set forth in Section 12B(2)(d)(iii), any proposed realignment of the Dillon-Keystone Recreational Pathway or hard surface Community Pathways shall comply with the "Trail Development Guidelines" chapter of the Summit County Recreational Pathways Master Plan as amended February 28, 1989.
7. Trails shall be in compliance with the current Snake River Basin Master Plan and the Summit County Recreational Pathway Master Plan; open to the public; and connect to Forest Service trails or trailheads, where feasible.
8. A sign shall be posted on Montezuma Road, or such other location as may be approved by the County, that informs trail users of the status of Montezuma Road (narrow curvy road with poor site distance, etc.).

All portions of the Snake River and its tributaries within the PUD shall be open to the general public. The primary trail system shall be developed at the same time as the primary road improvements. Pathways must be contiguous regardless of development phasing.

Cross-country skiing will take place along many of the walking paths within the PUD. The golf course, however, may be the site of the cross-country center. Parcel E of the Ski Tip Neighborhood may also be the site of the cross-country center with proper approvals. The cross-country trails will not block or interfere with access to USFS trails.

**Wintergreen Pedestrian Path Easement** – Prior to issuance of Certificate of Occupancy for the second building constructed on Wintergreen Parcel A, regardless of type, the Owner/Developer agrees to grant a non-exclusive pedestrian access easement providing a pedestrian connection from Wintergreen Parcel A to the northwest corner of Tennis Club Road, subject to (1) approval by the Owner/Developer of the final location of the easement at the time of site plan approval for the project to be constructed on Wintergreen Parcel A and (2) agreement by the developer of Wintergreen Parcel A that construction and maintenance of said pedestrian connection will be provided by the developer of Wintergreen Parcel A and not by the Owner/Developer.

## **16. Sign Control**

Sign control within the PUD shall be regulated by the Owner/Developer and the Summit County Sign Review Commission pursuant to the Keystone Resort Master Sign Program adopted on May 7, 1997 by the Summit County Sign Review Commission

## **17. Platting**

All subdivision of the property within the PUD shall be in conformance with Chapter 8 (Subdivision regulations) of the Development Code now in effect or as hereafter amended. All easements, recorded or otherwise, shall be dedicated on the final plat prior to recordation of the final plat. If the property is not platted, such easements shall be dedicated prior to approval of the first site plan in any parcel.

Any development approval within Development Parcel B and Development Parcel C of the Mountain House Neighborhood shall require the applicant to demonstrate that it has provided all necessary dedications for schools, trails, open space, access, utilities or other purposes identified in the Keystone Resort PUD or the Development Code for the subdivided property, which dedications shall occur via a plat amendment or other acceptable instrument.

**18. Site Plans**

All development shall undergo site plan review and approval by the County prior to the issuance of building permits. All site plans shall be in conformance with the applicable sections of the Snake River Master Plan effective at the time this designation was adopted and the Development Code now in effect or hereafter amended. Notwithstanding the foregoing, the site plan for the Parcel H Parking Lot shall be a two step process, with a recommendation from the Snake River Planning Commission, and final approval by the Board of County Commissioners.

The first site plan submitted for either Parcel B or Parcel C within the Mountain House Neighborhood shall concurrently have any additional information and/or modifications needed to the existing conceptual plan dated April 1994 that was submitted with the initial application for this PUD for the Mountain House Neighborhood to illustrate the basic elements of a ski resort base area, including but not limited to: general view-shed analysis, pedestrian access-ways, public places, central trash collecting station(s), commercial loading/unloading areas, primary access-ways, emergency access, cultural facilities as permitted, tramway alignments, proposed sewer, water and other utility alignments, bus stops and parking areas and skiways, ski trails, chair lifts and associated mazes and other on-snow amenities and facilities.

**19. Development Phasing and PUD Review**

Since a PUD is a dynamic entity, periodic reviews are necessary to insure conformance with the overall intent of the development plan and to make adjustments to respond to changes. Reviews shall be conducted in conformance with all requirements of Section 12211 of the Summit County Land Use and Development Code.

**20. Amendments to the Colorado Common Interest Ownership Act (Senate Bill 216)**

The only property which will be included in a large planned community (the "Large Planned Community") established pursuant to Senate Bill 94-216 will be property owned by the Owner/Developer in River Run Village and in the Ski Tip and Mountain House Neighborhoods. No other property will be included unless through voluntary association by individual homeowners associations, pursuant to the majority approval of the individual homeowners of each association. The boundaries of this area are as shown in Exhibit K.

The covenants for the Large Planned Community shall provide for the creation of a Public Facilities Fund. The Public Facilities Fund shall be used for constructing and financing community facilities and amenities, such as the chapel/community center, theater, library or such other facilities and amenities as may be desired by the community association (the "Community Association") created in connection with the covenants. The covenants shall provide that not less than ten percent of all monthly and annual general assessments actually collected by the Community Association will be deposited into the Public Facilities Fund. Upon request by the Community Association, the Owner/Developer shall convey to the Community Association, at no cost, the parcels of land shown on Exhibit I, on which the chapel/community center, theater and library shall be located. The Community Association shall consult with the Summit County Planning Department prior to constructing or financing these facilities.

Employee housing units located within the Large Planned Community shall not be subject to assessment by such Large Planned Community.

**21. School Site**

The Owner/Developer agrees to convey to the Summit County Board of County Commissioners the eight acre parcel shown on Exhibit B (the "school site") at no cost. The School Site shall be deed restricted for use solely for the construction of a new school and/or open space only. No other use, other than conservation/open space shall be permitted without the consent of the County and the Owner/Developer.

## 22. Temporary Uses

### Planning Commission Review

The Owner/Developer may install construction office trailers, construction storage trailers and temporary real estate sales offices as temporary uses. Such uses shall be identified on each site plan where temporary uses are anticipated and approved as part of such site plan approval. These uses are subject to the performance standards identified by the Summit County Land Use and Development Code and all provisions of this Designation. Other temporary uses not specifically identified here are subject to all provisions of the Summit County Land Use and Development Code for temporary uses.

### Planning Staff Review

**Outdoor Vendors:** Outdoor vendors may locate in any area where commercial uses are allowed. Proposed locations for outdoor vendors shall be reviewed by the Planning Department and approved by the Architectural Review Committee prior to locating within the PUD.

**Construction Offices:** Construction offices may be approved by the Planning Department subject to the following requirements:

- staff review and approval is limited to relocation of construction offices previously approved by the Snake River Planning Commission
- the new location must be within the same construction site and for the same project as the original location approved by the Snake River Planning Commission
- the new location does not result in any significant increase in adverse impacts when compared to the previously approved location
- the Planning staff may impose conditions intended to eliminate or reduce adverse impacts
- the total area of construction office shall not exceed 500 square feet
- the construction office meets all the requirements of Section 3806 of the Summit County Land Use and Development Code, except that the review procedures of Section 12400 shall not apply.

## 23. Resort Special Events

Resort special events are events of limited duration which involve placement of tents and associated temporary facilities. Examples of resort special events include ski/snowboard races and demonstrations, music festivals and music programs, traveling circuses, special holiday events and programs, athletic events, conference related events, community celebrations and other similar events. Resort special events are divided into two categories as described below.

a. **Large Events:** The Planning Department may approve permits for locations for resort special events as described in this subsection a. Keystone may apply for one or more permits to cover all events anticipated within a given year or season. Locations for large resort special events are limited to the following:

- Lakeside Neighborhood, Parcel A - Tenderfoot Parking Lot
- Lakeside Neighborhood, Parcel C - Decatur Field & Keystone Village
- Lakeside Neighborhood, Parcel G, Recreational Facility & Lodge Parking Lot
- River Run Neighborhood, Parcel A - Skier Parking Lots & River Run Village
- Mountain House Neighborhood, Parcels B and C - East and West Parking Lots, area immediately to the south of the Mountain House.
- Old Keystone Neighborhood, Parcel A - Adjacent to the Keystone Stables

Uses shall be limited to tents and associated temporary facilities such as temporary stage areas, portable toilets, food service areas and other facilities normally associated with temporary special events.

Prior to approval by the Planning Department, the following shall be completed:

- Notification of all homeowner/condominium/property owner/neighborhood associations within 300 feet of the proposed location
- Notification to the Snake River Planning Commission
- Review and approval by referral agencies as identified by the Planning Department. This can occur through a form provided to Keystone by the Planning Department.
- The Planning Department shall allow a minimum of 14 days, but not more than 21 days for the required notification and review by the referral agencies prior to making a decision.

The Planning Department shall make a decision within 14 days of the established deadline for receipt of comments. The Planning Department may impose conditions intended to eliminate or reduce adverse impacts identified through the review process. The decision of the Planning Department may be appealed to the Snake River Planning Commission in accordance with Section 13600 of the Summit County Land Use and Development Code.

- b. Small Events: Events meeting the criteria established below are allowed as a permitted use in any location within the PUD. The criteria for this category are:
- tent area associated with these events cannot exceed a total of 5000 square feet
  - no permanent pads or other fixtures are permitted
  - maximum duration for the event, including set up and removal cannot exceed 5 days
  - noise levels, lighting, parking and traffic associated with the event does not create any significant adverse impact on surrounding residential areas
  - the owner/developer shall notify the Planning Department at least three working days prior to the event

#### **24. Childcare Center**

It is the intent of this Designation to provide a childcare facility or facilities for the community generated by the land uses within the boundaries of the PUD designation. A Childcare Needs Assessment (“Assessment”) prepared by the Owner/Developer has shown a need for a Childcare Facility (“Facility”) in the Basin, with the Assessment showing a need for a Facility that can care for 80 children. Accordingly, the Owner/Developer agrees to:

- a. The Owner/Developer shall provide fee title, or other property interest approved by the County, which approval will not be unreasonably withheld, in a building site or floorspace in an existing building to (i) a qualified, approved childcare organization or (ii) to the County, under such terms and conditions approved by the County in writing, which approval will not be unreasonably withheld. The County can only request land dedication for a Facility and not floorspace, however, the Owner/Developer may volunteer to provide floorspace at its sole discretion. The Owner/Developer shall dedicate land for a Facility within the boundaries of the PUD *where such a use is permitted*, preferable in the Wintergreen Neighborhood, no later than 12 months after the County requests a building site be provided. The size and general characteristics of the building site or floorspace so donated or dedicated shall be sufficient in terms of size and accessibility to allow the childcare organization or the County to construct the Facility for 80 children in accordance with all applicable regulatory requirements (eg. at-grade water/sewer services, adequate ingress/egress, space for an outside play area, lighting/ventilation). In no event, however, shall the Owner/Developer be obligated to construct or install roads or water, sewer, electric, gas or other utility lines or facilities, if only a building site is dedicated.
- b. Assist a childcare organization with obtaining financing to fund the design, construction and furnishing of a facility that shall be licensed and operated in accordance with all applicable state and local requirements. Owner/Developer may, but shall not be obligated to, provide any portion of such financing or provide any guarantee or security therefore.
- c. If and when a childcare center is built, such facility shall be available for use for childcare on a space available basis by all residents and employees of the Snake River Basin, not just employees of the Owner/Developer.



- d. The childcare center shall be licensed and operated in accordance with all applicable state and local requirement.

The County and the Owner/Developer agree that a site has been identified by the County in the southeast portion of Wintergreen Parcel A that the County would like conveyed to fully satisfy this provision. Should the County desire to pursue conveyance of this identified site to fully satisfy this provision, the Owner/Developer agrees to provide fee title to the County by March 22, 2018 or other date mutually agreed upon by the County and the Owner/Developer. Upon conveyance, the Owner/Developer shall have fulfilled the obligations listed under Section C.24.(a).

## **25. Caretaker Units**

Where caretaker units are permitted as conditional uses per Section A.1 of this PUD Designation, such units shall be reviewed by the Planning Department for compliance with the applicable caretaker unit provisions of the Development Code, and this section of the PUD (Section B.25) using the conditional use permit procedures of the Development Code. The Planning Department's review of caretaker units shall include a written notification to adjacent property owners within 300 feet of any boundary of the property proposed for such a unit. Caretaker units shall be designed to retain the single family character of a neighborhood. Caretaker units shall also provide parking in addition to the primary residential parking requirement per the specifications of the Development Code. The maximum number of caretaker units shall not exceed 50% of a neighborhood's permitted residential density.

## **26. Transit**

VSR shall ensure that an adequate public transportation system (mass transit) is provided connecting the Tenderfoot and Parcel H parking lots to the ski base areas.

Upon issuance of a Certificate of Occupancy for the first Seasonal Housing building to be constructed on Wintergreen Parcel A, the Owner/Developer shall provide or cause to be provided transit service to Wintergreen Parcel A, consistent with transit service provided by or on behalf of the Owner/Developer to other employee housing locations owned and operated by the Owner/Developer throughout Keystone Resort.

## **27. Multi-Purpose Recreational and Training Facility**

In addition to the applicable site plan review requirements of the Development Code and this PUD, the following provisions shall be met for the Multi-Purpose Recreation and Training Facility on Parcel G of the Lakeside Neighborhood:

- a) The outdoor recreational activities on the Facility and surrounding grounds are limited to operation between 8:00 a.m. and dusk
- b) High-tech sound dampening materials, reflecting best management practices for noise control, including but not limited to Teflon ramp coatings, shall be used on the outdoor skateboard ramps in order to mitigate noise.
- c) Outdoor lighting of the facility shall be limited to security lighting that is downcast and does not create off-site glare.
- d) Additional landscaping shall be installed to adequately buffer the development from adjacent residential projects, as determined by the Review Authority during the Site Plan Review process in accordance with the provisions of Section 3600 of the Development Code.
- e) Accent landscaping shall be installed along the Highway 6 corridor, as determined by the Review Authority during the Site Plan Review process in accordance with the provisions of Section 3600 of the Development Code.
- f) The Owner/Developer shall establish a picnic area/pocket park, containing of at least one picnic table and a trash receptacle, on the area north of the proposed pavilion prior to the issuance of a Certificate of Occupancy for the Aerial Training Jump. Further, a public access easement for the park must be

recorded prior to the issuance of a Certificate of Occupancy.

- g) If the driveway to the Facility on Parcel G generates a significant increase in motorized traffic, the applicant shall construct an attached recreational pathway lane to the driveway in the existing access easement to enhance pedestrian access to and through the site. Such increases in traffic shall be measured by the County through an analysis of average daily trips, and the significance of such traffic increases in relation to the need for construction of an attached bike lane shall be determined by the Open Space and Trails Department.
- h) The applicant shall be required to design and construct a bridge or other appropriate structure to span the drainage on the south side of the property where the recreational pathway is proposed adjacent to Highway 6, prior to the issuance of a Certificate of Occupancy for the Facility. Said structure shall be subject to the review and approval of the County in accordance with the County Road and Bridge Standards.
- i) The Owner/Developer shall re-locate and construct improvements to the recreational pathways on Parcel G as follows:
  - i. Relocate the recreational pathway to the north of the aerial training jump.
  - ii. Widen the recreational pathway to the north of the pavilion in accordance with the standards approved by the Fire Authority prior to the issuance of a Certificate of Occupancy on the Pavilion.
  - iii. Resurface all existing recreational pathways on Parcel G.
  - iv. Install a new recreational pathway adjacent to Highway 6 on Parcel G as depicted on the conceptual development plan. The location of the recreational pathway shall be reviewed and approved by the Open Space and Trails Department and any applicable Review Authority.

Unless otherwise provided above, said improvements shall be completed prior to the issuance of a Certificate of Occupancy for the aerial training jump. Moreover, the Owner/Developer shall record a public access easement for such recreational pathway improvements as necessary prior to the issuance of a Certificate of Completion for those improvements.

- j) Prior to site plan approval for the Facility, the County Engineer shall review and approve the design of the parking lot proposed to serve the Facility. Said review shall be focused on ensuring the functionality and viability of the traffic circulation in such lot in accordance with Section 5107.03 and 5107.04 of the County Road and Bridge Standards.
- k) Bear proof trash containers are required for any outdoor trash receptacles on site. Any trash receptacles that are not permanently affixed to the ground must be brought indoors each night.
- l) The applicant shall seek alternatives to the color of the pavilion in order to mitigate the visual impacts from the Tennis Townhomes. If practicable and attainable, muted and natural colors shall be utilized for the Pavilion to help lessen any visual impacts on adjacent properties. Nevertheless, the final color shall be subject to review and approval by the County during the required site plan review.
- m) Prior to the erection of the bronze sculpture proposed for the site, the skate park or any other modifications not requiring a building permit, such sculptures or facilities must be reviewed and approved under a Staff level site plan review process in accordance with Chapter 3 and Chapter 8 of the Summit County Land Use and Development Code.
- n) Retaining walls shall be used for construction of the aerial training jump and immediately surrounding site in order to 1) maximize the tree buffer between the jump and the Tennis Townhomes; and 2) lower the height of the jump to the maximum extent practicable.
- o) The Owner/Developer shall construct the aerial training jump on non-enclosed structural supports.
- p) The training jump shall be painted natural colors as approved by the Snake River Planning Commission.
- q) As part of the site plan process the applicant must submit an analysis from a certified engineer that addresses the practicability of at least partially dismantling the aerial training jump each winter to lower the height of such structure and minimize visual impacts when not in use.
- r) The County reserves the right to require the Owner/Developer to submit a parking analysis if parking problems are observed, and if necessary to propose a County-initiated modification to the PUD to require additional or alternative parking.
- s) The facility must adhere to all commercial and industrial operation noise limits set forth in Section 3512.05 of the Development Code.

## C. UTILITIES AND IMPROVEMENTS

Minor utility facilities as defined in the Summit County Land Use and Development Code are permitted in all parcels within the Keystone Resort PUD.

### 1. Water System

Water will be provided by the Snake River Water District. Construction of all water lines and other improvements shall be in conformance with the rules and regulations of the District.

### 2. Sewer System

Sanitary sewer service will be provided by the Snake River Sewer Facility. Construction of all sewer mains and other improvements shall be in conformance with the rules and regulations of the County.

### 3. Access

Primary access to the PUD shall be provided via US Highway 6. Internal access shall be provided via a system of paved public and private roads as illustrated in the Development Plan. Access easements capable of meeting County driveway standards shall be supplied at time of subdivision or site plan to all adjacent lands requiring access.

Primary roadways shall be constructed to the County's Collector Road requirements as outlined in Section 5103 of the Summit County Land Use and Development Code. Primary roadways within the PUD are East and West Keystone Road and Soda Ridge Road. The design of all internal roadways shall meet the standard for Neighborhood Roads as shown in Exhibit J. Uncovered ramps which access parking lots may exceed 6% grade, up to a maximum 12% grade provided such ramps are heated and there is an association or organization in place with clear maintenance responsibility for the parking area and ramp. Roads in environmentally sensitive areas may be subject to variance review as permitted in Section 5103 of the Summit County Land Use and Development Code. Span bridges are required for all crossings of the Snake River. It is the intent of Summit County to review road standards for resort and environmentally sensitive areas.

Construction of Independence Road through Ski Tip Parcel C shall meet the requirements of an internal roadway, provided that the traffic generation does not exceed the requirements of the Code for a local access road.

Phasing of road improvements shall be as follows:

- a. Certificates of occupancy for more than 501 actual units shall not be issued until such time as the improvements to the Swan Mountain Road/Highway 6 intersection described below are completed. Employee units are exempt from all requirements under this section.
- b. The Owner/Developer will install a permanent car counter on Highway 6 in the vicinity of the Snake River bridge west of the Swan Mountain Road intersection. The installation of this counter shall occur before November 1995. In order to more accurately reflect the actual traffic conditions on Highway 6, both the County and the Owner/Developer agree to review the traffic data generated on a biannual basis and consider possible refinements to provisions of this PUD related to traffic improvements.
- c. Additional units, in excess of the 501 units described above, may be constructed until Highway 6 traffic exceeds 75% capacity or 1600 VPH. This capacity volume shall be the average of the two way peak hour traffic volume measured from December 15 through March 31.
- d. When the Highway 6 traffic has exceeded such thresholds, the Owner/Developer shall not be entitled to receive certificates of occupancy for any additional units until such time as the appropriate parties

have entered into a construction contract for the widening to four lanes of Highway 6 between Dillon and Keystone. After the execution of such contract, the Owner/Developer shall be entitled to continue to receive certificates of occupancy for 250 additional equivalent units, on the condition that (1) construction shall commenced within 12 months after the date of execution of the contract and (2) construction is substantially completed within 18 months of the date of execution of the contract. After completion of the improvements there shall be no further restrictions on the number of units the Owner/Developer may develop under this Section (C.3).

- e. The improvements at the Swan Mountain Road/Highway 6 intersection described above entail the widening of Highway 6 to provide two through lanes in each direction. All left and right turn lanes which exist today (on both Highway 6 and Swan Mountain Road) would be retained in the design. The length of the lanes and the appropriate tapers to accomplish this widening would be determined on the basis of Colorado Department of Transportation design standards. In addition, the signal installation would be modified appropriately to accommodate the intersection geometric revisions.

The grade separation to provide secondary access to Highway 6 from Montezuma Road shall be built when peak PM hour trips on East Keystone Road between Highway 6 and Old Montezuma Road exceeds one of the following scenarios:

DAY SKIER PARKING SERVED BY EAST KEYSTONE ROAD	TRIP GENERATION FROM RIVER RUN/SKI TIP/MOUNTAIN HOUSE NEIGHBORHOODS
Over 2,900 day skier spaces	immediate construction
2,900 - 2,301 spaces	65 vehicles/hour
2,300 - 2001 spaces (East lot removed)	250 vehicles/hour
2,000 - 1601 spaces (Gondola lot removed)	335 vehicles/hour
1,600 spaces (both lots removed)	450 vehicles/hour

The additional vehicles per hour shall be determined by using the following peak trip generation factors for River Run/Ski Tip development:

Lodge/hotel	.30 vph/bedroom
Multi-family	.33 vph/bedroom
Single family	.21 vph/bedroom

The costs associated with constructing the grade separation shall be the responsibility of the Owner/Developer. Site plan approvals for any project which will cause the limits stated above to be exceeded shall not be granted until a plan for construction of the interchange has been prepared by the Owner/Developer and approved by the County and the Colorado Department of Transportation. No additional certificates of occupancy shall be granted if the Owner/Developer does not make a good faith effort to comply with the approved plan.

All efforts shall be made to avoid the placement of additional traffic signals in the resort area.

Soda Ridge Road requires improvements to separate existing vehicular and pedestrian/bicycle uses. Trail improvements shall be constructed to encourage pedestrians and bicycles to use trails rather than the road.

Any roads within Parcel C of the Old Keystone Neighborhood will be accessed from Highway 6 only. There will be no access from Highway 6 through Parcel C to Soda Ridge Road or Keystone Ranch Road except for emergency vehicle routes.

The Owner/Developer agrees to participate with Summit County in exploring alternative means of transportation and methods to improve traffic patterns within Summit County and along the I-70 corridor.

- f. The improvements to Montezuma Rd., from the Montezuma Rd. crossing of the North Fork of the Snake River to the east end of the Trappers Crossing Condominiums shall be cost-shared by the

Owner/Developer and Summit County Government, as set forth in a site specific development plan and associated development agreement.

- g. A permanent emergency access drive onto Montezuma Rd. is permitted in the River Run Neighborhood between "The Springs" Condominium Building and the North Fork of the Snake River provided that such access is gated with an access gate that is similar to the design of the Parcel H Parking Lot access gates, as conceptually shown in Exhibit Q. The final design of such gate shall be determined during the site plan review process for Lot 4A of the Base 1, Filing #2, 5<sup>th</sup> Subdivision Exemption. Such access may also be used for construction access for development on Lot 4A until the project is issued a full certificate of occupancy. After a full certificate of occupancy is issued for the project, access shall be strictly limited to emergency and pedestrian and recreation access. Any trees or shrubs removed for construction of this emergency access shall be replaced on a caliper per caliper basis, on the lot where the vegetation was removed, in the general location of the Montezuma Road landscaped buffer (50 foot setback area) and in a location approved by the Planning Department.

#### **4. Fire Protection**

Fire protection will be provided by the Lake Dillon Fire Protection District or its successors or assigns. All construction within the PUD shall conform to the currently adopted fire code(s) in effect at the time building permits are requested.

The Owner/Developer shall enter into an agreement with the Fire Protection District to provide a parcel of land of approximately 1.2 acres, located within Parcel A, Lakeside Neighborhood upon which to construct a new fire station and ambulance facility. The agreement shall require that the County ambulance facility be allowed on such parcel at no cost to the Ambulance Service, however, neither Owner/Developer nor the District shall be required to construct such ambulance facility.

#### **5. Landscaping**

Landscaping within all developments shall be installed in accordance with a detailed landscaping plan approved by the County with each site plan review. Landscaping plans shall identify significant existing stands of trees and seek to protect existing trees where possible.

Landscape planning should generally focus on restoration of the native landscape thereby restoring wildlife habitat and eliminating the need for irrigation after the initial grow-in period. In areas where a more "formal" landscape is desired, such as River Run Village, native plants shall be used and water conserving irrigation methods shall be utilized.

Landscaping for the lots along Montezuma Road in A Replat of Tracts A and B, Settler's Creek #3 shall be completed concurrently with the construction of the roadways for that subdivision.

The landscaping shown in Exhibit Q shall be constructed concurrently with the construction of the first phase of the Parcel H Parking Lot. During the required site plan review for the Parcel H Parking Lot, it shall be determined what entity is responsible for replacing any of the trees on the site plan if they are damaged or destroyed, especially since there are several trees being proposed in the Montezuma Road Right-of-Way. A forest management plan for Parcel H and the surrounding open space areas to ensure existing trees remain healthy shall be submitted with the required Parcel H Parking Lot Site Plan.

### **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), unless such amendment is determined to be minor in nature.

**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, Colorado 80424

Notice to Owner/Developer

Vail Resorts Development Company  
Attention: Director of Development  
P.O. Box 38 (dept. k61)  
Keystone, Colorado 80435

Intrawest Placemaking  
1050 17<sup>th</sup> St.  
Ste. 1250  
Denver, CO 80265

All notices so given shall be considered delivered three days after the mailing thereof, excluding weekends or official holidays. 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 Keystone Resort 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.

**9. Relationship to Original PUD Designation and Previous Amendments**

This PUD designation supersedes all previous PUD designations covering the real property included within this PUD. To the extent the provisions of this revised PUD Designation are the same in substance to the provisions of earlier approved versions of this PUD designation, they shall be considered as continuations thereof and not new enactments.

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

BOARD OF COUNTY COMMISSIONERS  
OF SUMMIT COUNTY COLORADO

/s/ RICK HUM, CHAIRMAN  
Rick Hum, Chairman

ATTEST:

/s/ DORIS L. BRILL, CLERK & RECORDER  
Doris L. Brill, Clerk and Recorder

Keystone/Intrawest L.L.C., a Delaware limited liability company

By: Intrawest Resorts, Inc., a Delaware Corporation  
Manager

By: /s/ GARY RAYMOND  
Title: Vice President

ATTEST:

**APPROVAL OF AMENDMENTS**

The foregoing document is the Keystone Resort Planned Unit Development Designation as approved and signed by the Summit County Board of County Commissioners on the 27th day of March, 1995 and recorded at Reception No. 489686 and as amended by the Summit County Board of County Commissioners as follows:

Resolution Number	Reception Number
95-57	497556
97-11	533437
97-63	541073
97-87	542780
98-09	557596
98-68	568328
98-46	571172
98-67	577718
98-68	568328
99-53	600165
99-93	604038
01-06	645899
02-26	687129
02-37	683375
02-36	687132
02-70	693692
03-81	741273
04-46	758405
04-59	760985
05-59	798669
06-35	824741
09-34	922926
10-79	957651
13-03	1020945
13-63	1039655
14-07	1050711
16-39	1112867
16-50	1122286
16-74	1123986
17-13	1138075
17-46	1148568
17-35	<u>1153249.</u>

The planned unit development document dated the 27th day of March, 1995 and recorded at Reception No. 489686 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 ~~22nd~~ day of ~~May~~, 2017~~8~~.**

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

\_\_\_\_\_  
Karn Stiegelmeier, Chair

ATTEST:

\_\_\_\_\_  
Kathleen Neel, Clerk and Recorder