

Commissioner McQuinn moved adoption
of the following Resolution:

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2017 - 033

APPROVAL

OF AN AMENDMENT TO THE FROST AND SALT CREEK

PLANNED UNIT DEVELOPMENT

FILE NO. PDA-5941

WHEREAS, on or about December 7, 2015, the County of Eagle, State of Colorado, accepted for filing an application submitted by BCP-ARR, LLC (hereinafter "Applicant") for an amendment to the Frost and Salt Creek Planned Unit Development ("PUD"), formerly known as the Adams Rib PUD, and more particularly described on Exhibit A attached hereto and incorporated herein and;

WHEREAS, the Board of County Commissioners approved the original Adams Rib PUD on March 25, 2003, and an amendment thereto in December 14, 2004, and;

WHEREAS, the Applicant's request with this PUD Amendment is to amend the existing PUD Guide document to:

1. Allow an additional 40 single family residential lots.
2. Allow an additional 8 Guest Cabins for short term rental.
3. Reduce lot sizes on Red Bluffs Way from 3-acres minimum to 0.75-acres minimum.
4. Reduce lot sizes on Hunters Way from 3-acres minimum to 0.40-acres minimum
5. Reduce the allowable residential square footage of homes in Red Bluffs Way to 6,000 sq. ft.
6. Cap the square footage of residences on Hunters Way residences at 3,000 sq. ft.
7. Cap the maximum lot coverage of homes in Red Bluffs Way and Hunters Way lot coverage limited to 3,750 sq. ft.
8. Reduce max residential square footage throughout the remainder of the PUD from a presently allowable maximum 12,500 sq. ft. size to a maximum 10,000 sq. ft.

WHEREAS, notice of the PUD Amendment was given to all proper agencies and departments as required by the *Eagle County Land Use Regulations* (hereinafter the "ECLURs"), Section 5-210.E, and;

WHEREAS, notice of the proposed PUD Amendment was mailed to all owners of property located within and adjacent to the PUD and was duly published in a newspaper of general circulation throughout the County concerning the subject matter of the application and setting forth the dates and times of hearings for consideration of the application by the Eagle

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Eagle County, CO
Regina O'Brien
Pgs: 42
REC: \$0.00
DOC: \$0.00

County Planning Commission (hereinafter the “Planning Commission”) and the Board of County Commissioners of the County of Eagle (hereinafter the “Board”); and

WHEREAS, at its public hearing held on July 5, 2016, the Eagle County Planning Commission, based upon its findings, unanimously recommended denial of this proposed PUD Amendment, and;

WHEREAS, at its public hearings held on December 13, 2016 and January 31, 2017, the Board considered the proposed PUD Amendment, associated plans, the statements and concerns of the Applicant, the Eagle County Planning Department, Engineering staff, other interested persons, and the recommendation of the Eagle County Planning Commission, and;

WHEREAS, at its regular meeting on January 31, 2017, the Board voted unanimously to approve the PUD Amendment request with conditions as listed herein; and,

WHEREAS, the amended Frost and Salt Creek PUD Guide is attached to this Resolution as Exhibit ‘A’; and,

NOW, THEREFORE, based on the evidence, testimony, exhibits, and study of the Comprehensive Plan for the unincorporated areas of Eagle County, as well as comments of the Eagle County Community Development Department, comments of public officials and agencies, the recommendations of the Planning Commission, and comments from all interested parties, the Board finds as follows:

1. That proper publication and public notice was provided as required by law for the hearings before the Planning Commission and the Board.
2. That all standards required for Amendment of a Planned Unit Development have been met as required by the Eagle County Land Use Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Eagle, State of Colorado:

THAT this PUD Amendment (Eagle County File No. PDA-5941) described herein, is hereby **approved**, subject to the following conditions

1. All material representations of the Applicant in this permit application, correspondence, and at all public meetings shall be adhered to and considered conditions of approval, unless otherwise amended by other conditions.
2. For purposes of calculation of the fee-in-lieu of school land dedication, the determination of land value is to be done in accordance with the provisions of the County’s Land Use Regulations, and the land valuation and amount of the school land dedication shall be determined prior to or in conjunction with application for each final plat for the Frost & Salt Creek PUD (the “PUD”) following approval of this Resolution and such fees shall be collected on a per subdivision basis.

3. Prior to application for the first final plat for the PUD following approval of this Resolution, the Owner of the property subject to this PUD (the "Owner") and/or the developer of the PUD (the "Developer") and/or the Applicant shall provide written verification from the Town of Eagle that Parkland Fees referenced in the Water Service Agreement dated December 2, 2016, have been paid to the Town of Eagle.
4. Prior to application for each building permit for the PUD, the Owner/Developer/Applicant shall provide written verification from the Town of Eagle that the Road Impact Fees have been paid to the Town of Eagle pursuant to the Water Service Agreement dated December 2, 2016.
5. The Owner and/or Developer shall construct and maintain, within the emergency access easement between Hunters View Lane and Frost Creek Drive, an access road to accommodate the Greater Eagle Fire Protection District's emergency service vehicles following approval of a Final Plat for the Hunters View Lane area. The materials to be used for construction of the access road and the width of the access road shall meet the specifications of the Greater Eagle Fire Protection District. Adjacent to the Emergency Access, a sign shall be installed at the time of construction of the access road identifying emergency access and prohibiting obstruction of the emergency access.
6. To mitigate for the additional 40 dwelling units and 8 guest cabins being added to the PUD via this PUD Amendment, the Owner and/or Developer has agreed to either purchase 10 affordable housing credits or provide 10 affordable housing units in accordance with the Frost & Salt Creek PUD Local Resident Housing Plan contained in the Frost & Salt Creek PUD Guide.
7. Lot 70 and Lot 71 shall each be limited to three (3) guest cabins based on the site plan provided to the County by the Applicant on April 12, 2016.
8. The Owner and/or Developer shall establish a real estate transfer fee equal to 0.2% of the sales price of any residential lot or home within the PUD to be spent on wildlife habitat improvements within the PUD. This Wildlife Enhancement Fund will be used by the Master Homeowners Association with the advice of Colorado Parks and Wildlife to fund projects that benefit or enhance wildlife habitat including, but not limited to, water quality improvements, appropriate vegetation management in open space and wetland areas, fisheries improvements, wildlife enhancements, stream enhancements, and open space acquisitions. The funds may be used onsite or within five miles of the Frost & Salt Creek PUD.
9. The Applicant and/or Owner shall comply with the Wildfire restrictions found in Section IV, D, 12 of the PUD Guide.
10. At the time of each building permit application for the PUD, the Applicant and/or Owner shall pay the applicable Eagle County Road Impact Fees for said lots. The existing platted lots shall pay the legacy fee and all lots platted as a result of this PUD Amendment shall pay Road Impact Fee as calculated pursuant to the then current Eagle

County Land Use Regulations.

11. The Applicant proposed and has agreed to provide Eagle County with the sum of \$12,200 to fund the initial striping of the lane edge of Brush Creek Road in both directions from Sylvan Lake Road to the second entrance into Frost Creek. The Applicant shall pay such sum to Eagle County no later than thirty (30) days of the date of approval of this PUD Amendment.
12. The Applicant proposed and has agreed to construct or caused to be constructed two pullout areas (one in each direction) no later than 3 years of the date of approval of this PUD Amendment. The pullout areas shall be located approximately 1,000 feet east of the Hardscrabble property on land owned by the Applicant. The Applicant and/or Owner shall dedicate the right-of-way for these pull-outs by December 31, 2017. The pullouts shall be generally 350' in length each and of adequate width, including shoulders per AASHTO requirements and shall be paved to County standards. The pullout areas shall also include any necessary drainage features such as roadside ditches. The Applicant shall coordinate the location of the pullouts with the Colorado Parks and Wildlife to avoid conflict with migration routes.
13. The Applicant proposed and has agreed to provide Eagle County with the sum of \$6,000 towards the purchase and installation of approximately six advance warning roadway signs to be installed along Brush Creek Road no later than thirty (30) days of the date of approval of this PUD Amendment.

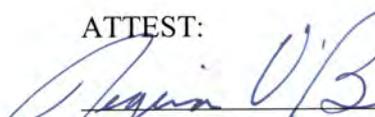
THAT, the Board directs the Department of Community Development to provide a copy of this Resolution to the Applicant.

THAT, the Board hereby finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the citizens of Eagle County.

Moved, Read and ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 27th day of June, 2017, *nunc pro tunc* to the 31st day to January 2017.

COUNTY OF EAGLE, STATE OF
COLORADO, By and Through Its
BOARD OF COUNTY COMMISSIONERS

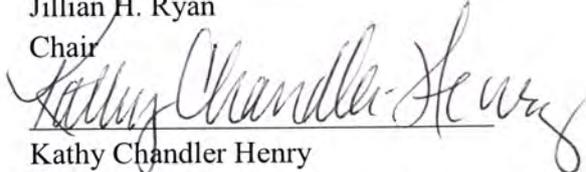
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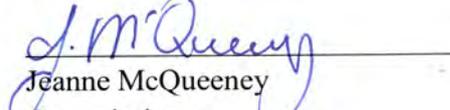

Clerk to the Board of
County Commissioners



By: _____

Jillian H. Ryan
Chair


Kathy Chandler Henry
Commissioner


Jeanne McQueeney
Commissioner

Commissioner ~~Chandler~~ ^{Henry} seconded adoption of the foregoing resolution. The roll having been called, the vote was as follows:

| | |
|-----------------------------|----------------------------------|
| Commissioner Ryan | <u> ACUSA </u> |
| Commissioner Chandler-Henry | <u> Au </u> |
| Commissioner McQueeney | <u> Au </u> |

This resolution passed by 2 / 0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado

EXHIBIT A
LEGAL DESCRIPTION



EXHIBIT 'A'

Parcel 4
ADAM'S RIB RANCH
Frost Creek:

A parcel of land located in Tracts 79, 80, 81, 82, 84, 85, 86 and 87 in Sections 23, 24, 25, 26, 35 and 36 and in Lots 5 and 7 of Section 26, all in Township 5 South, Range 84 West of the Sixth Principal Meridian, Eagle County Colorado, according to the Independent Resurvey of said Township and Range as approved on 20 June 1922; said parcel, with all bearings contained herein based on a bearing of N.00°33'00"W. between the Town of Eagle Street monument at Broadway and Fifth Street and the Town of Eagle Street monument at Broadway and Second Street, both being found 1/2" diameter iron rods in cast iron monument boxes, being more particularly described as follows:

Beginning at a point on the 1-2 Line of Tract 80, also being a point on the Brush Creek Road right-of-way described in Book 545 at Page 826, from where Corner 3 of Tract 74 bears N.89°51'37"E. 19.79 feet; thence leaving the 1-2 Line of Tract 80 along the right-of-way of Brush Creek Road described in Book 545 at Page 826 the following Four (4) courses:

- 1) S.03°16'03"E. 21.80 feet;
- 2) S.00°11'24"W. 28.21 feet;
- 3) S.88°47'44"E. 56.66 feet;
- 4) N.00°00'18"W. 49.99 feet

to a point on the 1-2 Line of Tract 79; thence leaving said Brush Creek Road right-of-way along the 1-2 line of Tract 79 S.88°00'50"E. 565.28 feet to a point on the Brush Creek Road right of way described in Book 545 at Page 826; thence leaving the 1-2 Line of Tract 79 along said Brush Creek Road right-of-way the following seven (7) courses:

- 1) 407.15 feet along a non-tangent curve to the right having a radius of 1340.00 feet, a tangent of 205.15 feet, a delta of 17°24'32" and a chord which bears S.13°17'22"E. 405.58 feet;
- 2) S.02°11'11"E. 171.22 feet;
- 3) S.01°00'06"E. 239.15 feet;
- 4) N.89°59'54"E. 120.00 feet;
- 5) N.01°00'06"W. 239.15 feet;
- 6) N.02°12'43"W. 178.72 feet;
- 7) 390.65 feet along a non-tangent curve to the left with a radius of 1460.00 feet, a tangent of 196.50 feet, a delta of 15°19'50" and a chord which bears N.12°15'01"W. 389.49 feet

to a point on the 1-2 Line of Tract 79; thence leaving said Brush Creek Road right-of-way along the 1-2 Line of Tract 79 S.88°00'50"E. 473.76 feet, to a point on the boundary of that parcel described in Book 553 at Page 242; thence leaving said 1-2 line along said parcel boundary the following three (3) courses:



- 1) S.05°35'54"E. 931.64 feet;
- 2) N.66°06'05"E. 62.43 feet;
- 3) 105.27 feet along the arc of a curve to the right having a radius of 165.47 feet, a tangent of 54.48 feet a delta of 36°26'55" and a chord which bears N.84°19'34"E. 103.50 feet

to a point on the 1-4 line of said Tract 79, being also the 2-3 line of said Tract 77; thence departing the 1-2 Line of Tract 79 along said 1-4 Line S.00°05'22"E. 16.86 feet to a point on the boundary of that parcel described in Book 473 at Page 64 of the Eagle County Records; thence departing said Tract line and along said parcel boundary the following ten (10) courses:

- 1) N.78°19'52"W. 42.77 feet;
- 2) S.69°06'30"W. 173.26 feet;
- 3) S.79°41'27"W. 83.72 feet;
- 4) N.83°36'44"W. 84.19 feet;
- 5) N.60°45'27"W. 106.89 feet;
- 6) N.38°01'16"W. 142.78 feet;
- 7) N.86°05'46"W. 103.20 feet;
- 8) S.06°03'48"E. 170.61 feet;
- 9) S.03°36'18"E. 320.96 feet;
- 10) S.87°59'19"E. 616.76 feet

to a point on said 1-4 line of Tract 79, being also said 2-3 line of Tract 77; thence departing said parcel boundary and along said Tract line S.00°05'22"E. 1373.52 feet to Corner 3 of said Tract 77; thence continuing along said 1-4 line of Tract 79 S.00°01'30"E. 2673.74 feet to Corner 4 of said Tract 79, being also a point on the 1-2 line of Tract 87; thence along the 3-4 line of Tract 79, being also the 1-2 line of said Tract 87 S.89°59'41"W. 730.93 feet to a point on the centerline of Brush Creek Road; thence departing said Tract line and along said centerline the following thirteen (13) courses:

- 1) 142.02 feet along the arc of a non-tangent curve to the right having a radius of 970.00 feet, central angle of 08°23'19", tangent of 71.14 feet and chord of 141.89 feet which bears S.23°02'21"W.;
- 2) S.27°14'00"W. 122.18 feet;
- 3) 185.91 feet along the arc of a curve to the left having a radius of 730.51 feet, central angle of 14°34'53", tangent of 93.46 feet and chord of 185.41 feet which bears S.19°56'34"W.;
- 4) S.12°39'07"W. 81.03 feet;
- 5) 299.28 feet along the arc of a curve to the right having a radius of 1766.42 feet, central angle of 09°42'27", tangent of 150.00 feet and chord of 298.92 feet which bears S.17°30'20"W.;
- 6) 625.92 feet along the arc of a curve to the left having a radius of 1557.93 feet, central angle of 23°01'10", tangent of 317.24 feet and chord of 621.72 feet which bears S.10°50'59"W.;
- 7) S.00°39'36"E. 373.62 feet;

- 8) 371.71 feet along the arc of a curve to the right having a radius of 852.35 feet, central angle of $24^{\circ}59'12''$, tangent of 188.86 feet and chord of 368.77 feet which bears $S.11^{\circ}50'00''W.$;
- 9) 398.89 feet along the arc of a curve to the left having a radius of 1254.96 feet, central angle of $18^{\circ}12'41''$, tangent of 201.14 feet and chord of 397.21 feet which bears $S.15^{\circ}13'15''W.$;
- 10) $S.06^{\circ}06'54''W.$ 697.62 feet;
- 11) 221.01 feet along the arc of a curve to the left having a radius of 433.42 feet, central angle of $29^{\circ}12'57''$, tangent of 112.96 feet and chord of 218.62 feet which bears $S.08^{\circ}29'32''E.$;
- 12) 476.64 feet along the arc of a curve to the right having a radius of 559.76 feet, central angle of $48^{\circ}47'16''$, tangent of 253.85 feet and chord of 462.37 feet which bears $S.01^{\circ}17'38''W.$;
- 13) $S.25^{\circ}41'15''W.$ 91.78 feet

to a point on the 2-3 line of Tract 87, being also the 1-4 line of Tract 86; thence departing said Brush Creek Road centerline and along said Tract line $S.00^{\circ}28'33''E.$ 1333.61 feet to Corner 3 of said Tract 87, being also Corner 4 of said Tract 86; thence along the 3-4 line of said Tract 86 $S.89^{\circ}45'39''W.$ 181.83 feet to the Southeast Corner of the Glen No. 2 Tract recorded in Book 652 at Page 863 of the Eagle County Records; thence departing said Tract 86 line and along said Glen No. 2 boundary the following two (2) courses:

- 1) $N.12^{\circ}21'01''E.$ 243.76 feet;
- 2) $S.89^{\circ}59'03''W.$ 821.93 feet

to a point on the boundary of the Denzel Tract recorded in Book 654 at Page 074 of the Eagle County Records; thence departing said Glen No. 2 Tract and along said Denzel Tract boundary the following three (3) courses:

- 1) $N.00^{\circ}00'58''W.$ 422.50 feet;
- 2) $N.89^{\circ}58'34''W.$ 668.37 feet;
- 3) $S.00^{\circ}01'26''W.$ 666.67 feet;

to a point on said 3-4 line of Tract 86; thence departing said Denzel Tract and along said 3-4 line of Tract 86 $S.89^{\circ}45'39''W.$ 926.62 feet to an angle point in said Tract line; thence continuing along said Tract line $S.89^{\circ}50'31''W.$ 256.31 feet to Corner 3 of said Tract 86; thence along the 2-3 line of said Tract 86 $N.01^{\circ}45'29''W.$ 2664.40 feet to Corner 2 of said Tract 86, being also Corner 3 of Tract 85 and Corner 4 of Tract 84; thence along the 3-4 line of said Tract 84 $S.89^{\circ}55'29''W.$ 2763.75 feet to Corner 3 of said Tract 84; thence along the 2-3 line of said Tract 84 $N.00^{\circ}38'50''E.$ 2658.66 feet to Corner 2 of said Tract 84; thence along the 1-2 line of said Tract 84 $S.89^{\circ}59'12''E.$ 232.69 feet to the Southwest Corner of Lot 7 of Section 26; thence departing said Tract line and along the West line of said Lot 7 $N.00^{\circ}10'28''W.$ 1223.44 feet to the Northwest Corner of said Lot 7, being also the Southwest Corner of Lot 5 of said Section 26; thence along the West line of said Lot 5 $N.00^{\circ}10'28''W.$ 1328.75 feet to the Northwest Corner of said Lot 5; thence along the

North line of said Lot 5 S.89°41'45"E, 1151.20 feet to the Northeast Corner of said Lot 5, being also a point on the 2-3 line of Tract 82; thence along said Tract line N.00°07'25"W, 132.70 feet to Corner 2 of said Tract 82; thence along the 1-2 line of said Tract 82 N.89°53'59"E, 2757.25 feet to Corner 1 of said Tract 82, being also a point on the 2-3 line of Tract 80; thence along said 2-3 line N.03°46'35"W, 1362.51 feet to Corner 4 of Tract 81; thence departing said 2-3 line and along the 3-4 line of said Tract 81 S.89°59'21"W, 102.42 feet; thence N.01°40'49"W, 652.03 feet; thence N.38°45'20"W, 260.83 feet, thence N.09°54'16"E, 479.34 feet to the 1-2 line of Tract 81; thence along the 1-2 line of said Tract 81, being also the 3-4 line of said Tract 72, N.89°34'51"E. 206.06 feet to Corner 1 of said Tract 81, being also Corner 4 of said Tract 72, Corner 3 of said Tract 73 and Corner 2 of said Tract 80; thence along the 1-2 line of said Tract 80, being also the 3-4 line of said Tract 73, N.89°31'57"E, 1477.57 feet to Corner 4 of said Tract 73, being also Corner 1 of said Tract 80, Corner 2 of said Tract 79 and Corner 3 of said Tract 74, the Point of Beginning.

Excluding therefrom, a parcel of land belonging to the Town of Eagle recorded in Book 513, Page 708 containing 3.500 acres, more or less.

Said net acreage of the Adam's Rib PUD contains 1106.970 acres, more or less.

Parcel 1:

Salt Creek Parcel which includes Salt Creek Parcel A and Salt Creek Parcel B

Salt Creek Parcel A

A parcel of land located in Tracts 74, 75 and 76, Section 13 and 24, Township 5 south, Range 84 West of the Sixth Principal Meridian, County of Eagle, State of Colorado according to the Independent Resurvey approved by the Surveyor General in Denver, Colorado on June 20, 1922. Said parcel of land is more particularly described as follows:

Beginning at angle point 4 of Tract 75, a 2 1/2" GLO Brass Cap Monument found in place; thence S87°10'34"E. 2924.02 feet to angle point 3 of Tract 75, a GLO Brass Cap Monument found in place; thence N.00°12'43"W. 1343.89' to angle point 2 of Tract 75, a GLO Brass Cap Monument found in place; thence S87°33'56"E. 1450.93 feet to angle point 1 of Tract 75, a GLO Brass Cap Monument found in place; thence S.00°25'44"E. 2684.36 feet to angle point 6 of Tract 75, a GLO Brass Cap Monument found in place; thence N.87°07'22"W. 2928.64 feet to angle point 1 of Tract 76, a GLO Brass Cap Monument found in place; thence S.00°04'03"E. 1323.56 feet to angle point 6 of Tract 76, a GLO Brass Cap Monument found in place; thence S. 87°31'43"E. 2920.46 feet to angle point 5 of Tract 76, a GLO Brass Cap Monument found in place; thence S.00°15'33"W. 1304.45 feet to angle point 4 of Tract 76, a GLO Brass Cap Monument found in place; thence along the 4-3 line of Tract 76 N.88°00'57"W. 2916.75 feet to a point on the boundary line of a parcel described in Book 553, Page 242; thence along said boundary line the following four courses and distances:

- 1) N.01°16'00"E. 66.86'
- 2) N.59°31'54"W. 92.49'
- 3) S.89°08'49"W. 1632.38'
- 4) S.05°53'09"E. 30.71 feet to a point on the 4-3 line of Tract 74;

Thence along the 4-3 line of Tract 74 N.88°00'50"W. 473.76 feet to the easterly boundary line of
Brush Creek Road described in Book 545 at Page 826.

Thence along the easterly boundary of Brush Creek Road the following nine courses and distances:

- 1) 88.17 feet on a non-tangent curve to the left with a radius of 1460.00 feet, a tangent of 44.10 feet, a delta of 3°27'36" and a chord which bears N.21°38'44"W. 88.15 feet
- 2) N.12°19'22"W. 410.69 feet
- 3) S.63°02'35"W. 100.00 feet
- 4) N.26°57'25"W. 349.90 feet
- 5) N.26°14'46"W. 162.01 feet
- 6) 976.99 feet on a non-tangent curve to the right with a radius of 2440.00 feet, a tangent of 495.13 feet, a delta of

- 22°56'30" and a chord which bears N.13°28'54"W. 970.48 feet
7) N.00°40'08"W. 172.89 feet
8) N.00°00'18"W. 53.28 feet
9) S.89°59'42"W. 67.58 feet to a point on the 3-2 line of Tract 74;

Thence along the 3-2 line of Tract 74 N.00°03'48"W. 2835.15 feet to the parcel recorded at Book 317, Page 872 in the office of the Eagle County Clerk and Recorder; thence leaving the said 3-2 line of Tract 74 N.89°58'24"E. 156.06 feet along said parcel; thence N.00°01'36"W. 431.07 feet; thence leaving said parcel S.87°44'17"E. 1301.21 feet; thence S.00°12'07"E. 1303.13 feet to the point of beginning. Said Salt Creek Parcel A contains 514.800 acres more or less.

Salt Creek Parcel B

A parcel of land in Tract 74, Section 24, Township 5 South, Range 84 West of the 6th Principal Meridian, County of Eagle, State of Colorado, being more particularly described as follows:

Beginning at a point on the 2-3 line of Tract 74, also being the right of way line of Brush Creek Road as described in Book 545, Page 826, from which Corner No. 3 of Tract 74 bears N.88°00'50"W. 38.02 feet; thence along the right of way line of Brush Creek Road the following five courses and distances:

- 1) N.00°00'18"W. 500.84 feet
- 2) N.63°02'35"E. 273.61 feet
- 3) S.26°57'25"E. 516.59 feet
- 4) S.25°46'38"E. 171.22 feet
- 5) 32.32 feet on a non-tangent curve to the right with a radius 1340.00 feet, a tangent of 16.16 feet, a delta of 1°22'54" and a chord which bears S.22°41'05"E. 32.32 feet to a point on the 4-3 line of Tract 74;

Thence along the 4-3 line of Tract 74 N.88°00'50"W. 565.28 feet to the point of beginning.

Said Salt Creek Parcel B contains 5.548 acres, more or less.

Total area for the Salt Creek Parcel is 520.348 acres more or less.

FROST & SALT CREEK PLANNED UNIT DEVELOPMENT GUIDE

I. INTRODUCTION

This Planned Unit Development Guide (“Guide”, “PUD Guide” or “Development Guide”) sets forth the land use and development standards for the properties in the Frost & Salt Creek Planned Unit Development (“PUD”). The Guide defines the permitted use of land and provides for open spaces and includes additional supplementary regulations.

This Guide was amended in 2017 to update density and other provisions and allow the resubdivision of three areas known as Red Bluffs Way resubdivision (previously Lots 73-80), Hunters View resubdivision (previously Lots 81-96), and Lot 50. All previous conditions of approval of the PUD are incorporated into this Guide or revised by the 2017 PUD amendment approval.

II. PURPOSE

The primary purpose of this Guide is to establish the standards, restrictions and regulations that govern development and land use within the PUD as shown on Adam’s Rib Final Plat and the Frost & Salt Creek Final Plat and revised preliminary plans attached hereto. It also ensures the PUD is developed as a comprehensive planned community. The Guide will ensure the orderly and compatible development of the property. The Guide constitutes the standard zoning provisions for the PUD with site-specific restrictions for the development plan and conditions of the land contained within this development.

III. DEFINITIONS

As used herein, the following words and terms shall have the following meanings:

- A. Accessory Dwelling Unit (ADU). It is a secondary unit within a Building Envelope or established setbacks, whichever controls. These accessory dwelling units can be attached or detached. The accessory dwelling unit shall be no more than - 1,000 sq. ft., must be integral with the architecture of the Single Family Structure, and cannot be subdivided or separately conveyed or transferred in ownership. Such units will be allocated on a first come first serve basis to Single Family units only in the Frost Creek development area. An ADU may be established on any lot where an ADU is permitted prior the Single Family Structure and operate as the primary dwelling unit on the property until the Single Family Structure is established.

- B. Building Envelope. Building Envelope means that portion of a Lot, which may be depicted and designated as the Building Envelope on a Plat or on a map maintained by the DRC. All improvements must be located entirely within the Building Envelope, including but not limited to dwellings, attached patios and decks, garages, swimming pools and storage buildings, but excluding roof overhangs, access driveways, underground utilities, and drip irrigation, OWTS (but not in riparian or wetlands), infrastructure but not operational facilities for irrigation systems, and drainage systems. Only the developer or Master Homeowners Association shall have the right to construct perimeter fencing for the development outside of Building

Envelopes.

- C. Building Footprint. In the Hunters View, Red Bluffs, and Lot 50, where Building Envelopes have been eliminated in favor of setbacks (building, stream, and wetland/riparian), building footprint is defined as the land area covered by a building (dwelling unit) including roof overhangs, covered porches, covered walkways or other similar covered areas.
- D. Building Height. The building height is determined by measuring a series of points at equal intervals around the perimeter of the building no greater than 15 feet apart. At each interval the height shall be measured from finished grade (the final grade after completion of construction improvements) to the midpoint between the eave and ridge of all sloped roof planes or the top of all flat roof planes at this interval. Building height is then determined by averaging all of the interval heights around the building.
- E. Commercial Space. Commercial Space is any space or area that may be used, rented or leased for the purpose of generating retail business or consumer services.
 - 1. Commercial Space is associated with the golf course facilities and will be located within tracts designated as such. Commercial space will provide for uses which are ancillary to and in support of services for golf facilities and other commercial facilities.
 - 2. Permitted Uses for Commercial Space
 - a. Offices
 - b. Retail specialty and gift shops
 - c. Restaurants, bars and food services
 - d. Barber and beauty shops
 - e. Real estate sales
 - f. Golf course clubhouse
 - g. Meeting rooms, conference, and special events space
 - h. Certain athletic club, spa and health club facilities
 - i. Pro shop with clothing sales
 - j. Grocery or convenience store
 - k. Childcare
 - l. Pet care facilities, excluding overnight kennels
 - 3. The following uses are permitted, but will not be considered Commercial Space:
 - a. All residential uses including, but not limited to:
 - (1) Home occupations
 - b. Civic uses
 - c. Recreational/athletic facilities and other similar or associated facilities including, but not limited to:
 - (1) Swimming pools
 - (2) Sports courts
 - (3) Tennis, golf and other court or sport maintenance facilities, locker rooms, showers
 - (4) Ice skating
 - d. Firehouse and security operations

- e. Ambulance operations
 - f. Golf cart storage, golf maintenance, general storage, hallways, public restrooms, balconies, porches, stairways, corridors, mechanical areas, electrical areas, service areas, laundry, elevators and lobby and convenience areas
 - g. Master Homeowners Association facilities and offices
 - h. Postal facilities
 - i. Recycling and Garbage facilities
- F. Common Area. Common Area is defined as any portion of the Common Interest Community designated in the Declaration or any Supplemental Declaration or on a Plat or any Supplemental Plat as Common Area or Limited Common Area or Open Space and which is owned or leased or maintained by the Master Homeowners Association for the common use and enjoyment of the property owners or occupants or some of them, including, but not limited to, pathways, trails, reception or entry houses, security facilities and entry features, and any other designated open areas.
- G. Declaration. Means and refers to the Amended and Restated Master Declaration of Covenants, Conditions and Restrictions for the Frost Creek & Salt Creek PUD as adopted and from time to time amended for the various filings also referred to as "CC&R's".
- H. Design Guidelines. The Design Guidelines provide for architectural and design guidelines for the development of privately-owned lots or development areas within the PUD adopted from time to time by the Frost & Salt Creek Design Review Committee which shall, among other things, interpret or implement the provisions of this Guide.
- I. Design Review Committee. The Design Review Committee (DRC) is a committee, which shall be responsible for the administration and enforcement of this PUD Guide, the CC&R's, and the Design Guidelines.
- J. Development Areas. Development Areas refer to any lot, lots or parcels to which the PUD provisions may apply.
- K. Dwelling Unit. One or more rooms occupied by one family or group of people living independently from any other family or group of people and having not more than one kitchen.
- L. Equestrian Center. Equipment and facilities that are associated with the operation, maintenance, training, boarding, grazing, trail riding, housing, use, and care of horses for owners, guests, and employees in connection with a ranching and agricultural operation and equipment and facilities that are associated with related recreational activities such as shooting sports, fishing, game and bird viewing, hay rides, campfire activities in a designated area, and hiking. Such equipment and facilities include any and all equipment and facilities necessary, appropriate and convenient for the operation of an equestrian center, ranch, and agricultural operation. Such equipment and facilities may include but not be limited to barns, stalls, hay storage facilities, vehicles, vehicle storage facilities, corrals, fences, grazing areas, manure storage, shoot ranges and facilities, maintenance shop, and such other equipment and facilities

that are customarily associated with the operation of an efficient and quality equestrian and ranching center. Off-road recreational use of off-road vehicles, ATVs, snowmobiles, motorcycles, and other off-road vehicles is prohibited; provided however that any vehicle of any type may be used for equestrian center, ranching, agricultural, shooting, fishing, and game viewing purposes and the operation of the property accordingly.

- M. Frost & Salt Creek Planned Unit Development (PUD). The Frost & Salt Creek Planned Unit Development (PUD) is a Planned Unit Development zone district authorized by Eagle County. The Guide may be amended from time to time and contains all the property described in the PUD.
- N. Golf Course Parcel. A parcel within the subdivision which can be used for conducting the game of golf and related golfing activities or for utilities facilities, and infrastructure; provided however, that other recreational activities such as cross country skiing, snow shoeing, hiking, and fishing may be approved under certain circumstance by the golf course owner. Horseback riding is prohibited within these parcels. Guest cabins are also permitted within the Golf Course Parcel.
- O. Gross Commercial Floor Area. The total floor area within the enclosed walls of golf clubhouses, including, without limitation, closets, service areas and interior walls but excluding balconies, porches, decks, hallways, corridors, stairwells, garages, public restrooms and service areas outside the commercial building enclosures, and uninhabitable heating, mechanical or equipment areas.
- P. Guest Cabin. A leased residential structure that can be a maximum of 2,500 sq. ft., owned and developed by the club owner and/or Association, and is to be used for member and guest use on a nightly, weekly, monthly, or annual basis. Guest cabins may be developed on the Club House parcel (Parcel H), Parcel A, Lot 70 (three guest cabins maximum), and Lot 71 (three guest cabins maximum).
- Q. High Water Mark. The waterline at the point of high discharge with a recurrence interval of 10 years.
- R. Lot. It is a designated lot within the PUD.
- S. Open Space Parcel. A parcel within the PUD which can be used for aesthetic, wildlife and recreation uses such as bicycling, hiking, cross-country skiing, and equestrian activities. An open space parcel may have constructed thereon structures or facilities associated with such uses and other uses associated with the needs of the PUD including, but not limited to, trails, cart paths signs, water storage facilities and associated facilities and transmission improvements, utilities and ski touring and other appropriate recreation improvements.
- T. Owner. The Declarant as defined by the CC&Rs until such time as the Master Homeowners Association takes over the responsibilities of the Declarant. Owner may also be referred to as "Frost Creek" and "Developer."
- U. Parking Spaces. Parking spaces are areas designed for the parking of automobiles that use the following size requirements: parking spaces in the PUD are required to be not less than 9' × 19'.
- V. Planned Unit Development Map or Plan. Maps and final plats contained in the Guide or

recorded in the public record illustrating certain requirements contained in the PUD.

- W. Planned Unit Development Plan or Guide. Documents created for the purpose of establishing development requirements for the PUD, also referred to as the Planned Unit Development Plans, Preliminary Plans, or Guide.
- X. Single Family Structure. Single Family Structure consists of one Dwelling Unit.
- Y. Square Footage. Square footage for residences shall be defined pursuant to the applicable Eagle County regulations and Uniform Building Code, to the extent not in conflict with the regulations.

IV. SUPPLEMENTAL REGULATIONS AND APPROVAL OF CONSTRUCTION PLANS

- A. No building or other structure will be constructed, erected or maintained on any lot, nor shall any addition thereto, or alteration, or change therein, be made until complete plans and specifications have been submitted to and approved in writing by:
 - 1. The Design Review Committee.
 - 2. Eagle County, as evidenced by issuance of an applicable Eagle County building permit.
- B. No building or other structure shall be constructed, erected or maintained on any lot nor shall any addition thereto or alteration or change therein be made until complete plans and specifications therefore are submitted to Eagle County and a building permit issued in accordance with the Eagle County Building Resolution, as amended. The Declaration contains a requirement for Design Review Committee ("DRC") approval of all new construction, additions, alterations or exterior changes to existing structures and a certificate of DRC approval shall be submitted to the County as part of the County's building permit review process.
- C. In a number of instances the requirements of this Guide are less restrictive than the requirements of the Design Guidelines. This is by design. The more restrictive provisions of the Design Guidelines will be used for the Frost & Salt Creek Development review and approval. The compliance with the applicable provisions of the Design Guidelines must be approved in writing by the DRC as a part of its approval under Section IV.A.
- D. The following general restrictions shall govern construction on any lot or tract:
 - 1. Stream Setbacks: All structures will maintain a minimum of 75 foot setback from the high water mark of Brush Creek and Salt Creek and will be located outside of the 100 year floodplain, except for golf course area, bridges, developed paths, and utilities in both instances. Where development features (such as golf course areas, developed paths, utilities, and bridges) lie within a setback zone, best management practices will be utilized, as appropriate in accordance with Eagle County or Army Corps of Engineers requirements.
 - 2. Wetlands: Wetland areas have been mapped. No wetlands are included in Residential or Commercial Building Envelopes. The location of development features (such as golf course, paths, roads, utilities, pastures, fences, irrigation ditches and facilities, and bridges) may take place in wetland areas subject to permitting by the U.S. Army Corps of Engineers if applicable. All Building Envelopes or structures shall comply with a 50-foot setback from wetland or

riparian areas.

3. Riparian: Riparian may not be disturbed if it is in a Building Envelope.
4. Parking Requirements: Off street parking will be provided based on the following criteria:
 - a. Single Family 3 spaces per unit
 - b. Clubhouse 1 space per 250 sq. ft. of commercial space
 - c. Accessory Dwelling Units 2 spaces per unit
 - d. Guest Cabins 1 space
5. Landscaping: The Landscaping and Illumination Standards and Landscaping Design Standards and Materials set forth in the Land Use Regulations must be complied with. Landscape Guidelines will be a part of the Design Guidelines and will include at a minimum the landscaping plan required by the Land Use Regulations.

Landscaping will follow these criteria;

- Landscaping irrigated by a permanent irrigation system will be allowed in the Building Envelopes only, the golf clubhouse parcel, the golf course parcels, the maintenance facility parcels, Common Areas and as indicated on the Landscape Plan. The Landscape Plan shows irrigated landscaping at the entrance, street intersections and other appropriate locations.
 - The remaining area of the lots outside of the Building Envelopes and the remaining open space areas will use a native grass mixture, specified by the Design Review Committee, and will not be irrigated by a permanent irrigation system. Trees and bushes can be planted in these areas and will have a drip water system to irrigate them.
6. Lighting: All lighting shall comply with applicable provisions of the Eagle County Land Use Regulations. Exterior lighting can be used for safety and security purposes and to subtly accent architectural and landscape features of a home. Lighting shall be designed to eliminate glare and light shining on adjacent sites and to maintain a low to non-existent level of atmospheric light pollution to preserve the visibility of the night sky.
 - All exterior lighting shall be low-level with maximum 220 lumen fixtures.
 - The number of exterior light fixtures shall be limited on each site relative to location, landscaping, screening, and intensity as determined appropriate by the Design Review Committee.
 - With the exception of lighting that may be incorporated into a residential entry/identification sign, no lighting shall be permitted outside of the Building Envelope.
 - All light bulbs shall be recessed within the building structure or a light fixture so that no direct, unfiltered light is visible.
 - All exposed exterior light fixtures shall have frosted or opaque glass.
 - All direct lighting shall illuminate down, on to the building element or landscape element it is illuminating. Up-lighting is not permitted.
 - Lighting of trees is not permitted except for white, non-blinking holiday lighting, which shall be removed within three weeks following the holiday.
 - Floodlights and spotlights are not permitted.
 - The Gate House will have street lighting.

- The parking lot for the clubhouse will have lighting.
 - The entrance to each lot will be lighted to identify that lot's address.
- All light fixtures are subject to review and approval by the Design Review Committee, relative to the requirements of the Design Guidelines and this Guide.

7. Fencing: Fencing provisions will be part of the Design Guidelines and as provided in this Guide.
8. Signs: Signs must comply with the Sign Regulations as set forth in the Eagle County Land Use Regulations. Additional sign requirements will be set forth in the Design Guidelines. With the exception of one entry/identification sign per Lot during the period of actual construction on the Lot, which sign shall comply with the Design Guidelines and Eagle County Land Use Regulations, no sign, poster, billboard or advertising device of any kind shall be allowed or displayed upon any Lot or Unit or any Homeowner Association Property within the PUD except:
 - Such signs as may be used by the Developer in connection with the development, marketing and sale of Lots or Units in the PUD;
 - Such signs as may be required by legal proceedings or the prohibition of which is precluded by law;
 - Such signs as may be required for traffic control and for regulation of Homeowner Association Property;
 - Neighborhood monuments (e.g., entrance and direction signs) which are compatible with the architecture of the area;
 - One security company sign;
 - One Private Residence sign on each boundary of a Lot or Unit that abuts on the Golf Properties;
 - All permitted signs must comply with the Design Guidelines and Eagle County Land Use Regulations.

Entry/identification Signs;

- must be provided for each home. These signs shall be a minimum of one square foot and a maximum of two square feet.
 - shall be located adjacent to the roadway and shall be lighted by an approved fixture.
 - shall include the site address number and be clearly visible from the access road at the driveway entrance.
 - must comply with the Design Guidelines and the Eagle County Land Use Regulations.
9. Wood Burning Controls: No wood burning fireplaces will be allowed. All fireplaces located within the PUD will be gas fireplaces.
 10. Snow Removal: Snow removal shall be in compliance with the Snow Removal Regulations as set forth in the Eagle County Land Use Regulations.
 11. Bike Path: The bike path will be dedicated to Eagle County and will be maintained by the Master Homeowners Association.
 12. Wildfire: When appropriate, a defensible space around a dwelling will be obtained as follows;

- Grasses, wildflowers, and other herbaceous vegetation within this defensible space will be kept mowed to a height no greater than 6 inches. Cuttings will be promptly collected and either removed for the site during routine trash collection or used onsite for composting.
- No trees will be planted within 15 feet of a dwelling, and any trees planted in the zone between 15 and 30 feet from a dwelling must be at least 25 feet apart and maintained so that their crowns are at least 10 feet apart.
- Where existing trees adjacent to a dwelling are desirable landscape features to be retained, they will be considered part of the home, and the defensible space and minimum 15-foot separation will commence at the edge of the tree canopy.
- Any shrubs retained or planted in the defensible space must be spaced so that the distance between clumps is at least 2.5 times the height. The maximum size (diameter) of clumps can be no more than 2 times the height.
- For mature trees, or as small trees grow, the lower limbs will be pruned flush with the trunk so that the lowermost limb is either a minimum of 10 feet above the ground or one-half the height of the tree, whichever is lower. No tree limbs will be retained or allowed to grow within 15 feet of a chimney. Pruned woody material generated during tree and shrubby maintenance must be promptly removed for the site.

The few lots located partially or wholly within moderate-hazard and severe-hazard areas, the 30-foot defensible space will be surrounded by a “transition zone” extending to at least 70 feet from a dwelling. Within this transition zone, the following will be implemented:

- Trees will be thinned so that their crowns do not touch.
- Limbs will be pruned to a height of 10 feet above the ground (or one-half the tree height, whichever is lower).
- Annually shrubs, tall grasses, and weeds will be removed from beneath the crowns.
- Deadfall will be removed annually.

All homes and commercial structures shall be developed with Class A materials and assemblies as defined by the current building code.

All homes within the Hunters View or Red Bluffs Way shall be required to have exterior facades of fire resistant materials including natural stone, stucco, metal, and dimensional wood siding.

13. Fire Suppression Requirements: All individual structures on larger lots (original lots 1-49, 51-72, and 97) in excess of 3,600 sq. ft. (including attached garages) and all individual structures within the Hunters View, Lot 50, and Red Bluffs Way resubdivision areas in excess of 3,000 sq. ft. (including attached garages) shall have a fire suppression sprinkler system installed.

Additionally, all homes within the Hunters View, Lot 50, and Red Bluffs Way resubdivision areas shall follow these requirements, as applicable:

- All residential fire suppression systems will be designed, engineered, installed, and tested under NFPA 13D;
- All residential fire suppression systems will include a water flow switch that will notify the fire district in the event of a water flow;
- All residential fire suppression systems will have a tamper switch that will notify the fire district if the water supply for the fire suppression system has been shut off;

- All homes that have a residential fire suppression system installed will have a fire department connection (FDC) that will allow responding personnel to supplement the water supply of the fire suppression system;
- All homes that are equipped with a residential fire suppression system will have a horn / strobe installed above the fire department connection (FDC); and
- All homes that are equipped with a residential fire suppression system will have a Knox Box (fire department access box) installed that will allow responding personnel to access the residence. This is to limit the amount of damage done in the event of activation of the fire suppression system from responding crews having to enter the structure to shut down an active suppression system.

14. OWTS: Each residence and commercial facility in the PUD will service its wastewater through an Onsite Wastewater Treatment System (OWTS). Each OWTS shall have denitrification capabilities and shall be equipped with an alarm system that is connected to the subject residence or facility and to the central administration office of the Golf Course Operator or Master Homeowners Association in the PUD. The Master Homeowners Association shall be responsible for the approval, installation, operation, maintenance, repair and replacement of all such systems with all costs associated therewith being paid by the owner of each residence or facility. Each OWTS shall be in compliance with all federal and state rules and regulations and all rules, regulations, and requirements of Eagle County pertaining to the operation and maintenance requirements for OWTSs including without limitation the obligation of the Master Homeowners Association to have each OWTS inspected every two years with the appropriate maintenance being taken as a result of such inspection. The Homeowners Association may assign the administration of its responsibilities to the Golf Course Operator within the PUD. The Homeowners Association shall retain and designate a qualified registered professional engineer as the engineer of the Master Homeowners Association to complete and process all applications within the PUD for OWTSs with the Eagle County Department of Environmental Health and to ensure compliance of the OWTSs and Homeowners Association with the requirements hereof. The designated engineer shall be the contact person of the Homeowners Association for the Eagle County Department of Environmental Health with respect to OWTSs within the PUD. In addition, the Master Homeowners Association shall designate one additional individual within the Homeowners Association as a contact person. The Golf Course Operator shall be responsible for the OWTSs for all golf course facilities and shall also retain the same registered professional engineer as the Master Homeowners Association for the same purposes as provided herein. The Master Homeowners Association shall not authorize an application for an OWTS permit to be submitted until it has received a status report from the engineer overseeing the operation of the water quality management plan that there is no water quality degradation to Brush Creek or Salt Creek resulting from the PUD.

The Master Homeowners Association shall provide annual reports of its OWTS inspections to the Eagle County Department of Environmental Health and the Town of Eagle regarding the adherence of the OWTSs in the PUD to the two year inspection schedule and the provisions of Table 1 of Section 4.03.26 of the Eagle County Land Use Code and the rules, regulations, and requirements of Eagle County as they may be amended. The Master Homeowners Association and Eagle County Department of Environmental Health shall have the authority to remedy any faulty or defective OWTS and will have the legal right of access on each lot within the PUD and on common areas to fulfill the Master Homeowners Associations obligations hereunder pertaining the to the implementation, inspection, operation, maintenance, repair and replacement of OWTSs. In addition to the rights of the Master Homeowners Association (itself of through its agents) and the Eagle County Department of Environmental Health hereunder,

the Town of Eagle shall be entitled to take action to compel the Master Homeowners Association and an individual lot owner to repair a defective OWTS promptly in the event of the failure of the Master Homeowners Association to do so after written notice from the Town of Eagle of such failure. The Town of Eagle shall be entitled to recover attorney's fees and costs in taking such action. A penalty as liquidated damages of up to \$100.00 per day shall also be assessed against the Master Homeowners Association and individual lot owner for such failures, payable to the Town of Eagle. The Master Homeowners Association shall have those additional rights that may be set forth in the declaration of covenants, conditions, and restrictions for the Master Homeowners Association. Eagle County shall have such additional rights as set forth in the Eagle County Land Use Regulations.

15. Water Quality Management Plan: The Master Homeowners Association shall be responsible for the implementation of the water quality management plan that is approved for the PUD, as it may be amended from time to time. The Master Homeowners Association may assign this responsibility to the Golf Course Operator or to the Equestrian Center Operator, as appropriate.
16. Local Resident Housing Plan: The original PUD was required to mitigate for local resident housing within 5 years of the recording of the final plat. The original PUD, which at that time included 98 dwelling units, 5 guest cabins, 26 accessory dwelling units, and other commercial and recreational improvements, provided 15.18 local resident units for its local resident housing requirement. The Owner fulfilled the local resident housing mitigation with a fee payment to Eagle County Housing and Development Authority in the amount of \$620,566.92, received April 7, 2011.

To mitigate for the additional 40 dwelling units and 8 guest cabins being added to the PUD via the 2017 PUD amendment, the Owner has agreed to provide an additional 10 affordable housing units. The PUD may provide affordable housing units through the mitigation methods outlined in Chapter 4 of the Eagle County Affordable Housing Guidelines as adopted May 13, 2014.

In order to implement the 10 additional affordable housing units, the Owner will provide the following for each of the newly platted areas:

- Lot 50: One (1) housing credit upon the recording of the final plat implementing the new areas platted as part of the 2017 PUD Amendment;
- Red Bluffs: Two (2) housing credits upon the recording of the first final plat implementing the new areas platted as part of the 2017 PUD Amendment;
- Hunters View: One or a combination of the following fulfilling seven (7) affordable housing units upon the recording of the first final plat in Hunters View:
 - o Fourteen (14) lots within the Frost Creek PUD with a Resident Occupied deed restriction (RO deed restrictions receive 0.5x credit, pursuant to the Eagle County Affordable Housing Guidelines);
 - o A donation of land to the Eagle County Housing and Development Authority. Such land shall meet the requirements outlined in the Eagle County Affordable Housing Guidelines and be entitled to allow fourteen (14) dwelling units within the Eagle area (land donations receive 0.5x credit pursuant to the Eagle County Affordable Housing Guidelines); or
 - o Seven (7) housing credits.

The Owner may mitigate this requirement in other reasonable and equivalent ways subject to

approval by the Eagle County Housing Director or County Administrator.

All housing credits shall be evidenced by a letter and payment receipt, or other document indicating the housing credits were purchased from the seller of the credits.

Currently the 8 guest cabins are considered a commercial use and such cabins shall not be converted to for-sale units without a PUD Amendment.

17. Charity Events: The owner of the golf course will make its golf course available for one charity tournament during the golfing season. There will be no charge to the charity for the use of the course, golf carts or golf course staff; however, the golf course owner reserves the right to select the charity, tournament format and tournament dates and times. Said policy shall be implemented on the opening day of each season.
18. Wildlife Mitigation and Enhancement Plan: The Wildlife Mitigation and Enhancement Plan is included herein as Appendix A. A Wildlife Mitigation Fee of \$13,156 was paid to Colorado Parks and Wildlife in 2005. Beginning with the recording of a final plat implementing the replatted areas approved by the 2017 PUD Amendment, Master Homeowners Association will establish a Wildlife Enhancement Fund account that will collect a real estate transfer fee equal to 0.2% of the sales price of any residential lot or home. This Fund will be used by Master Homeowners Association with the advice of Colorado Parks and Wildlife to fund projects that benefit or enhance wildlife habitat including, but not limited to, water quality improvements, appropriate vegetation management in open space and wetland areas, fisheries improvements, wildlife enhancements, stream enhancements, and open space acquisitions. The funds may be used onsite or within five miles of the Frost Creek PUD.
19. Resubdivision Concepts: Preliminary plans and development concepts for the 2017 PUD Amendment affecting then existing Lots 50, 73-80, and 81-96 are included as Appendix B.
20. Road Impact Fees: Lots 1 and 2, 9-49, 51-72, and 97 shall be subject to road impact fees as established for lots platted in 2005. Road impact fees for the homes developed in the Red Bluffs Way, Lot 50, and Hunters View resubdivisions as part of the 2017 PUD Amendment shall be subject to the impact fee schedule in place in 2017.

V. DENSITY STANDARDS

The following chart describes the current uses and maximum number of dwelling units, accessory dwelling units, and guest cabins contemplated for each Development Area.

| | <u>Dwelling Units</u> |
|--|-----------------------|
| <u>Frost Creek Development Area</u> | |
| Clubhouse | |
| Utility | |
| Single Family | 137 |
| <u>Salt Creek Development Area</u> | |
| Single Family | <u>1</u> |
| TOTAL APPROVED DWELLING UNITS | <u>138</u> |
| TOTAL APPROVED ACCESSORY DWELLING UNITS AND GUEST CABINS | |

| | |
|---|-----------|
| Frost Creek Development Area: | 0 ADU |
| Salt Creek Development Area: | 1 ADU |
| Guest Cabins in Frost Creek Development Area: | <u>13</u> |
| TOTAL ACCESSORY DWELLING UNITS AND GUEST COTTAGES | 14 |

TOTAL APPROVED COMMERCIAL SPACE
(excluding the Equestrian Center) 30,000 SQ. FT.

VI. DEVELOPMENT AREAS

A. Frost Creek Development Area

1. Clubhouse Parcel (Parcel H per the Final Plat).

- a. Intent. Provides for clubhouse facilities.
- b. Permitted Uses. The following uses are permitted within the Clubhouse Parcel:
 - 1) Clubhouse, restaurants, bars, lockers, pro shop, convenience, health and athletic club including indoor and outdoor swimming, grocery or convenience store, childcare facilities, pet care facilities (excluding overnight kennels), other related facilities and other commercial uses;
 - 2) Non-motorized recreation and trails, such as, but not limited to: fishing, hiking, biking, cross country skiing and snowshoeing;
 - 3) Streams, wetlands, and ponds;
 - 4) Roads, streets, parking areas and sidewalks;
 - 5) Outdoor recreation improvements including but not limited to: pool, tennis facilities, golf course, and putting greens, restrooms, recreation user shelters and associated accessory and support improvements;
 - 6) Utility lines such as, but not limited to: irrigation system, water, septic system, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
 - 7) Utility facilities such as, but not limited to: pump or well houses, water storage, septic system, transmission facilities, sedimentation basins, biofiltration ponds, ditches, drainage and other utility related facilities and structures;
 - 8) Open space;
 - 9) Landscaping, water feature, ditches, ponds and/or buffers.
 - 10) Guest Cabins
- c. Development Standards. Development within the Clubhouse Parcel shall be constructed in accordance with the following standards:

| | |
|--|---------------------------|
| 1) Minimum Lot Area per Use | 0 Sq. Ft. |
| 2) Maximum Lot Coverage (net developable land) | Buildings 50% |
| | All Impervious Materials: |
| | 80% |
| 3) Maximum Floor Area Ratio | 0:60:1 |
| 4) Minimum Front Yard Setback: | |

| | |
|---|-------|
| Brush Creek Road | 50' |
| Frost Creek Road right-of-way of 60' in width | 50' |
| All Other Roads | 25' |
| 5) Minimum Rear Yard Setback | 20' |
| 6) Minimum Side Yard Setback | 12.5' |
| 7) Minimum Stream Setback | 75' |
| 8) Maximum building height | 35' |

2. Single Family Parcel.

a. Intent. The intent is to create low density, single-family residential neighborhoods. Large areas of open space have been strategically designed to preserve unique land features.

b. Permitted Uses. The following uses are permitted within the Single Family Parcel:

- 1) Single family residential with accessory dwelling units;
- 2) Non-motorized recreation and trails, such as, but not limited to: fishing, hiking, biking, cross country skiing, and snowshoeing;
- 3) Streams, wetlands, and ponds;
- 4) Roads, streets and sidewalks;
- 5) Outdoor recreation improvements including but not limited to: tennis facilities, golf course, and putting greens;
- 6) Utility lines such as, but not limited to: irrigation system, water, septic systems, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
- 7) Utility facilities such as, but not limited to: pump or well houses, water storage, septic systems, transmission facilities, sedimentation basins, biofiltration ponds, drainage and other utility related facilities and structures;
- 8) Open space;
- 9) Landscaping, water feature, ditches, ponds and/or buffers;
- 10) Guest Cabins on Lots 70 and 71.

c. Development Standards. Development within the Single Family Parcel shall be constructed in accordance with the following standards:

- 1) Minimum Lot Area

| | |
|--|-----------|
| <input type="checkbox"/> Lots 1-49, 51-72, and 97 | 3-acres |
| <input type="checkbox"/> Red Bluffs Way resubdivision (ex. Lots 73-80) | 0.75 acre |
| <input type="checkbox"/> Hunters View resubdivision (ex. Lots 81-96) | 0.40 acre |
| <input type="checkbox"/> Lot 50 resubdivision | 0.50 acre |
- 2) Maximum Lot Coverage

| | |
|---|------------------------------|
| <input type="checkbox"/> Lots 1-49, 51-72, and 97 | Building Envelopes |
| <input type="checkbox"/> Red Bluffs Way resubdivision | 7,000 Sq. Ft. Footprint/Unit |
| <input type="checkbox"/> Hunters View resubdivision | 3,750 Sq. Ft. Footprint/Unit |
| <input type="checkbox"/> Lot 50 resubdivision | 3,750 Sq. Ft. Footprint/Unit |
- 3) Minimum Front Yard Setback:

| | |
|---|-----|
| Brush Creek Road | 50' |
| Frost Creek Road right-of-way of 60' in width | 50' |
| All Other Roads | 25' |

- 4) Minimum Rear & Side Yard Setback 12.5' or half the height of the tallest building on the lot
- 5) Minimum Stream Setback 75'
- 6) Maximum building height 35'
- 7) Maximum square footage:
 - Lots 1-49, 51-72, and 97 10,000 Sq. Ft.
 - Red Bluffs Way resubdivision (ex. Lots 73-80) 6,000 Sq. Ft.
 - Hunters View resubdivision (ex. Lots 81-96) 3,000 Sq. Ft.
 - Lot 50 resubdivision 3,000 sq. Ft.
- 8) Minimum Riparian and Wetland Setback 50'

3. Parcels: Golf Course, Golf Maintenance and Building Yard

a. Intent. To provide sites for golf courses, golf course maintenance facilities, water storage, and drainage improvements, landscape improvements and stream corridors.

b. Permitted Uses. The following uses are permitted within the Golf Course and Golf Maintenance and Building Yard Parcels:

- (1) Golf course, driving ranges, golf practice areas, and maintenance facilities
- (2) Streams, wetlands, and ponds;
- (3) Roads, streets, parking areas and sidewalks;
- (4) Cross country skiing, hiking and fishing;
- (5) Outdoor recreation improvements including but not limited to: golf and putting greens;
- (6) Utility lines such as, but not limited to: irrigation system, water, septic systems, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
- (7) Utility facilities such as, but not limited to pump or well houses, water storage, septic systems, transmission facilities, water tanks, sedimentation basins, biofiltration ponds, drainage and other utility related structures, and access to such facilities;
- (8) Golf course maintenance buildings and attendant facilities and improvements
- (9) Open space;
- (10) Landscaping, water feature, ditches, ponds and/or buffers;
- (11) Guest Cabins.

c. Development Standards. Development within the Golf Course and Golf Maintenance Parcels shall be constructed in accordance with the following standards:

- 1) Minimum Lot Area per Use 0 Sq. Ft.
- 2) Maximum Lot Coverage (net developable land) Buildings 50%
All Impervious Materials: 70%

| | |
|---|--------|
| 3) Maximum Floor Area Ratio | 0.60:1 |
| 4) Minimum Front Yard Setback: | |
| Brush Creek Road | 50' |
| Frost Creek Road right-of-way of 60' in width | 50' |
| All Other Roads | 25' |
| 5) Minimum Rear Yard Setback | 20' |
| 6) Minimum Side Yard Setback | 12.5' |
| 7) Minimum Stream Setback | 75' |
| 8) Maximum building height | 35' |

4. Parcels: Common Recreation, Open Space, Hillside and other Open Space

- a. Intent. To provide sites for park and recreation facilities, natural and developed open space, water storage and transmission facilities, and drainage improvements, landscape improvements, stream corridors and recreation trails.
- b. Permitted Uses. The following uses are permitted within the Open Space Parcels:
- (1) Streams, wetlands, and ponds;
 - (2) Non-motorized recreation and trails, such as, but not limited to: fishing, hiking, biking, cross country skiing, and snow shoeing; and related uses and improvements;
 - (3) Utility lines such as, but not limited to: irrigation system, water, septic system, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
 - (4) Utility facilities such as, but not limited to pump or well houses, water storage, septic systems, transmission facilities, water tanks, sedimentation basins, biofiltration ponds, ponds, drainage and other utility related structures, and access to such facilities;
 - (5) Open space;
 - (6) Landscaping, water feature, ditches, ponds and/or buffers; and
 - (7) Guest cabins on Parcel A adjacent to Club House.
- c. Development Standards. Development within Open Space Parcels shall be constructed in accordance with Eagle County standards.

B. Salt Creek Development Area

1. Equestrian Center Parcel.

- a. Intent. The intent is to create an Equestrian Center as defined herein, to preserve the ranching and agricultural heritage and use of the parcel and to promote the recreational uses that are a part of the Equestrian Center's operation.
- b. Permitted Uses.
- (1) The operation and maintenance of an Equestrian Center that includes without limitation the maintenance, training boarding, grazing, housing, use, and care of horses and related recreational activities such as shooting sports, fishing, game

- viewing, hiking, hay rides, campfire activities in a designated area, and other activities, operations, and improves customarily associated with a ranch and agricultural operation;
- (2) Use of any vehicle of any kind or type in connection with the operation of the Equestrian Center Parcel for Equestrian Center, ranching, agricultural, shooting, fishing, game viewing, and other such recreational purposes and the operation of the property accordingly; provided however that off-road recreational use of offroad vehicles, ATVs, snowmobiles, motorcycles, and other off-road vehicles is prohibited;
 - (3) Non-motorized recreation and trails, such as, but not limited to: fishing, hiking, biking, horseback riding, cross country skiing, and snow shoeing;
 - (4) Streams, wetlands, and ponds;
 - (5) Roads and driveways;
 - (6) Outdoor recreation improvements including but not limited to: tennis facilities;
 - (7) Utility lines such as, but not limited to: irrigation system, water, septic systems, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
 - (8) Utility facilities such as, but not limited to: pump or well houses, water storage, septic systems, transmission facilities, sedimentation basins, biofiltration ponds, drainage and other utility related facilities and structures;
 - (9) Fences and corrals associated and consistent with the management of horses and the management and operation of the Equestrian Center, which may be statutory fences;
 - (10) Open space;
 - (11) Irrigation ditches, operational ponds, and other irrigation facilities;
 - (12) Landscaping, water feature, ditches, ponds and/or buffers.

2. Single Family Parcel.

- a. Intent. The intent is to create a single-family residential parcel. Large areas of open space have been strategically designed to preserve unique land features.
- b. Permitted Uses. The following uses are permitted within the Single Family Parcel:
 - (1) Single family residential with accessory dwelling unit;
 - (2) Non-motorized recreation trails, such as, but not limited to: fishing, hiking, biking, horseback riding, cross country skiing, and snow shoeing;
 - (3) Streams, wetlands, and ponds;
 - (4) Roads, streets and sidewalks;
 - (5) Outdoor recreation improvements including but not limited to: tennis facilities;
 - (6) Utility lines such as, but not limited to: irrigation system, water, septic systems, ditches, storm water, cable and fiber optic, natural gas, electric and telephone;
 - (7) Utility facilities such as, but not limited to: pump or well houses, water storage, septic systems, transmission facilities, sedimentation basins, biofiltration ponds, drainage and other utility related facilities and structures;
 - (8) Open space;
 - (9) Landscaping, water feature, ditches, ponds and/or buffers.
- c. Development Standards. Development within the Single Family Parcel shall be constructed in accordance with the following standards:

- 1) Minimum Stream Setback 75'
- 2) Maximum building height 35'
- 3) Maximum square footage: 10,000 Sq. Ft.
- 4) Minimum Riparian and Wetland Setback: 50'
- 5) The Building Envelope and facilities locations have not been finalized in connection with this Parcel and the specific Parcel boundaries have not been finalized. Therefore, a special use permit authorizing the site specific location for such Building Envelope and facilities and the finalizing of the boundaries of this Parcel must be obtained provided that the location of setbacks and the restrictions set forth in this Guide hereby being deemed to satisfy the standards in Section 5-250.B. of the Eagle County Land Use Regulations and no further conditions regarding such standards are necessary in connection of the issuance of a special use permit for such Building Envelope location and finalizing of the boundaries of this Parcel.

VII. MODIFICATION

It is anticipated that modifications to this Guide will be necessary from time to time as the development of the PUD progresses. This Guide provides for three categories of modifications: Major Modifications, Other Amendments, and Minor Modifications. These three are defined as follows:

- A. Major Modifications. Major Modifications to the PUD are those changes which could alter the character or fundamental land use of a portion of the development. At any time after a final plat is approved, any change from one category of land use to another, such as residential to commercial, any change in designation of open space to a non-recreational or non-conservation related use, shall be considered a Major Modification. Furthermore, any addition of land to be governed by the Guide other than for recreational, open space or access shall be considered a Major Modification. Major Modifications shall be under the authority of the Master Association and Eagle County Commissioners. After first receiving the approval of the Master Association and the Design Review Committee, application for approval of such amendment shall then be made to the Eagle County for a Major Modification and entered into the Eagle County review process at the Zoning Plan stage, unless (a) the change is directed by the Planning Commission; or (b) in the opinion of the Community Development Director, the change does not materially change the PUD and it complies with the Eagle County's Land Use Regulations and Eagle County's goals and policies. The County Commissioners may approve a Major Modification if it is found to be consistent with the purpose and intent of this Guide or if the character of the surrounding area has changed such that the original purpose and intent for a particular Parcel or area are no longer appropriate and that the modification does not substantially adversely affect rights of owners within the PUD.
- B. Other Amendments. Any modification or amendment of provisions of the PUD which is not a "Major Modification" may be adopted after a public hearing, written notice of which has been placed in a newspaper of general circulation in Eagle County at least 10 days prior to the Planning Commission meeting, and at least 30 days prior to the County Commissioners meeting. Said notice shall state the general nature of the proposed modification or amendment, and the dates of both the Planning Commission and Board of County Commissioners hearings.

In considering an amendment to the PUD or Guide, Eagle County Commissioners shall follow

the standards for review of the Preliminary Plan and the intent and purposes of this Guide; provided, however:

1. Application for modifications shall cover only those areas of the PUD affected by any proposed change; and
 2. The Community Development Director may waive any Preliminary Plan requirements upon a showing by the applicant that Preliminary Plan requirements have been previously met.
- C. Minor Modifications. Subject to the provisions set forth below, Minor Modifications in land uses and Parcel configurations may be authorized by the Design Review Committee and approved at the discretion of the Community Development Director without requiring an amendment to the PUD, provided that the changes are similar in nature and impact to the listed permitted uses and are consistent with the intent of boundaries of a given parcel and they do not adversely affect wetlands, riparian or stream setback requirements. Minor Modifications shall include, without limitation, the following:
- 1) Internal road and sidewalk alignment alterations subject to approval of all engineering documents by Eagle County engineer;
 - 2) Trails alignment alterations;
 - 3) Technical and engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process are subject to approval of all engineering documents by Eagle County engineer;
 - 4) Shifting and relocation of density/dwelling units or guest cabins which does not significantly affect environmental considerations or change the overall intent of the PUD;
 - 5) Property line adjustments of platted lots, which do not increase density. A Final Plat reflecting ~~this~~ these adjustments shall be reviewed by Eagle County Board of County Commissioners;
 - 6) Any other minor change that has no effect on the conditions and representations otherwise approved as a part of the PUD.
- D. Buyers of lots or parcels in the PUD should be aware that requirements more restrictive than those contained in this Guide may be imposed as a result of the CC&R's, Design Guidelines, Final Plat or other applicable development documents that are recorded separately for the PUD. The most current Design Guidelines for a particular filing should be consulted prior to formalizing development plans for construction at the PUD.

VIII. EFFECT OF EAGLE COUNTY'S LAND USE REGULATIONS

This Development Guide constitutes the standard zoning provisions for the PUD adopted by Eagle County Zoning and Subdivision Ordinances. Where this Guide is silent, the applicable provisions of Eagle County Land Use Regulations shall govern. If there is any conflict between the provisions of this Guide and the provisions of Eagle County Land Use Regulations or any other ordinances, resolutions or regulations of Eagle County, the provisions of this Guide shall prevail and govern the development of the PUD.

IX. ENFORCEMENT

The Design Review Committee and the Master Homeowners Association shall have the

responsibility for interpreting and enforcing this Guide in accordance with the terms of the CC&Rs, provided, however, Eagle County shall have the independent right to enforce the provisions of this Guide. Eagle County expressly reserves the right to refuse to approve any application for a building permit or certificate of occupancy for the construction or occupancy of any building or structure within the PUD if said building or structure fails to comply with the requirements of this Guide. This provision shall not be construed as a waiver by any appropriate party, including without limitation, any owner of a Dwelling Unit, the Master Homeowners Association, the Design Review Committee, or the Developer, of any right to appeal, pursuant to the appeal rights otherwise available under the Land Use Regulations, Eagle County building codes or by other applicable law.

Appendix A

FROST CREEK & SALT CREEK PUD WILDLIFE MITIGATION AND ENHANCEMENT PLAN

This wildlife mitigation and enhancement plan is developed to avoid minimize and mitigate wildlife impacts resulting from the Frost Creek & Salt Creek PUD (PUD). The Master Homeowner's Association will have the responsibility and authority for enforcing this plan. This plan will be incorporated by reference into the Master Declaration of Covenants, Conditions and Restrictions for this PUD.

1.0 DOGS

Each residential lot will be permitted to have up to two dogs and offspring up to three months old. Dogs will be prohibited on residential lots until adequate facilities, such as fences, walled space, dog run, or kennel are installed on the lot. These facilities must be located immediately adjacent to the home and within the Building Envelope and shall not exceed more than 600 square feet, have a top and meet the design requirements of the Design Review Committee (DRC). If the facilities are inadequate to contain the dog(s), the dog(s) will be removed until an approved and adequate structure is built.

At no time are dogs to be allowed to run freely at Frost Creek. When dogs move beyond their owner's Building Envelope, the dog(s) must be controlled by a leash and under the direct control of it's owners(s) or owners representative at Frost Creek. Off their property, in developed areas, owners or owners representative shall be required to immediately pick up any fecal waste of their animals and disposed of in the appropriate manner. Guests of homeowners shall comply with all the dog control measures contained herein. It is the lot and/or dog owner's responsibility to ensure compliance.

Any dog harbored on-site must be licensed by the appropriate governmental entity, and must wear the numbered identification tags provided.

Visitors to the PUD shall be prohibited from bringing dogs onto the PUD. Contractors, subcontractors and their employees and other employees within the PUD are prohibited from harboring dogs and immediate removal of the dog shall be necessary at Frost Creek.

The County and Colorado Parks and Wildlife (CPW) may also control stray dogs within the Frost Creek. Persons not in compliance with these dog restrictions will be responsible for any and all costs incurred by the County and/or CPW for enforcing these provisions.

Frost Creek employees and residents will be educated regarding dog policies. Homeowners should be educated that they should not feed dogs and other pets outside their homes, including decks, to avoid attracting nuisance wildlife or predators. Additional dog/animal policies may be developed by the Master Association that are more restrictive and/or more explanatory than listed in this Plan.

2.0 FENCING

Except for designed character fencing (including privacy fencing), dog runs, temporary erosion, sediment control and construction fencing, fencing associated with the golf maintenance facility and any PUD perimeter boundary fencing, fencing is prohibited throughout the Frost & Salt Creek PUD to facilitate local and migratory wildlife movements, optimize habitat availability, and reduce

wildlife mortality, fencing is allowed at Salt Creek for the equestrian center.

Any PUD perimeter boundary fencing shall be installed and maintained by the developer and/or the Master Association. All PUD perimeter boundary fencing must be wildlife friendly and not exceed 42" in height and not restrict movement of deer and elk with an opening in the lower ½ of at least 16 inches to allow passage of deer fawns and elk calves except for approved privacy fences and security fences. If wood rail fencing is used for PUD perimeter boundary it should not exceed 42 inches in height and 12 inches in width (top view), and an opening in the lower ½ of at least 16 inches.

An approved privacy fence, for wildlife purposes, shall be no less than 72" in height with no openings, to enclose up to 2,500 square feet, provided it is immediately adjacent to the residence and is entirely within the permitted Building Envelope. Such privacy fencing will be designed and constructed so as to not block or restrict deer and elk movement through the PUD.

If security fencing is needed and approved by the DRC it must not be less than seven feet in height and must be so constructed that wildlife movement through the PUD is not lost or impaired.

3.0 HORSES AND OTHER LIVESTOCK

It will be expressly prohibited to board or keep any livestock, which includes horses, anywhere within the Frost Creek Development Area; horses are allowed at Salt Creek Development Area. The Club or Association, or its operator, may use horses for western style events, such as sleigh rides but no overnight boarding will occur on the Frost Creek Development Area; overnight boarding is allowed at Salt Creek Development Area.

4.0 BEARS AND MOUNTAIN LIONS/TRASH REMOVAL/NUISANCE WILDLIFE

The PUD contains some high quality black bear habitat in and around the Frost Creek area on the PUD. *Black bears are known to travel great distances in their daily seasonal movements.* Most bears do not cause damage where residential areas have encroached into bear habitat. The key is that if a bear doesn't find food it will move on. Black bears are omnivorous and while they mostly eat vegetation, they will eat almost anything. They will eat human food, garbage, hummingbird nectar, birdseed, pet food, grease off grills, suntan lotion, etc. Garbage generally provides the greatest attraction for bears to residential developments. Once a bear has found an easily accessible, consistent food source, it will overcome its wariness of people and visit the site regularly. This increases the chance of a bear-human encounter. After repeated use of the food source, the bear may even act aggressively toward residents, their pets, or their unsuspecting neighbors. When this happens and wildlife authorities are notified, the bear *may be* killed to protect human safety.

The following measures will be required to reduce potential bear problems:

1. All lots must use a bear proof trash can.
2. There will be no outside storage of any trash or garbage, no matter how briefly (e.g. overnight), at any residence or anywhere in the development, except for the bear-proof trash containers.
3. There shall be no dumps or underground disposal within the development. Buried garbage

will attract bears.

4. Residents will be prohibited from using a garden compost pile, unless the compost pile is contained in a bear-proof receptacle, meeting North American Bear Society, CPW, or U.S. National Park Service specifications and DRC approval. Residents will be educated that household and garden waste contributions to compost piles compose the materials that can attract bears and create problems. Composted yard waste consisting of leaves, grass, small branches, etc. do not usually attract bears.
5. Pets shall not be fed outside. Bowls of pet food left on the back deck will attract bears and other predators (e.g., coyotes) and nuisance species (e.g. skunks) of wildlife. Some of these wildlife species may carry disease that can be transmitted to pets, if the pets aren't eaten.

Bird feeders must be taken in at night..

6. Homeowners will be educated about bears and other local wildlife via CPW's brochure entitled: "Living with Wildlife in Bear Country". One copy of the brochure(s) will be provided to each homeowner at the closing of lots and/or homes. (See also Educating Residents, 11.0)

Mountain lions are occasionally present year-round on the Frost Creek properties, but may be more common from fall through spring when deer and elk (prey species) are wintering and fawning/calving at lower elevations. In other areas of Colorado, where subdivisions encroached upon mountain lion habitat containing high concentrations of prey species, encounters between lions, humans, and their pets and livestock have increased. The following measures will be implemented to minimize lion-human conflicts:

1. All residents and perspective residents will, *as available*, receive a copy of the CPW's brochure entitled "Living with Wildlife in Mountain Lion Country."
2. With the exception of bird feeders, the feeding, baiting, salting, or other means of attracting wildlife to individual yards or development facilities will be prohibited within this PUD.

5.0 RIPARIAN/WETLANDS

Riparian habitats support some of the highest wildlife values of any habitat type. Riparian enhancement for reaches along Brush Creek and Salt Creek on the PUD will help this community achieve its wildlife potential and improve non-game and fishery values.

Permanent impacts to wetlands will be avoided. Riparian areas will also avoid permanent impacts except for proposed roadway, golf crossings *and development, where impacts will be minimized.*

Golf education and appropriate signage will be in place to inform golfers of the rules and regulations on avoiding wetlands and sensitive areas.

To offset the 0.88 acres of riparian being effected by the golf course 0.88 acres of additional riparian will be replaced to make up such loss.

6.0 WILDLIFE MITIGATION

The Frost & Salt Creek PUD is affecting 18.2 acres of wildlife habit. The Owner has paid a mitigation trust amount at the final plat recording to the Colorado Wildlife Heritage Foundation to be kept in the Eagle Wildlife Mitigation Trust Fund based on the following formula;

$$18.2 \text{ acres impacted} \times 1.57 \text{ (conversion factor)} = 28.6 \text{ acres}$$

$$28.6 \text{ acres} \times \$69.00 \text{ (cost of fertilizing 1 acre)} = \$1,973.40$$

$$\$973.40 \div 3 \text{ years} = \$657.80$$

$$\$657.80 \div .05 = \$13,156.00$$

\$13,156.00 is the amount put into the trust fund. Additional mitigation will be provided pursuant to Section IV, subsection 18 of this PUD Guide.

7.0 CPW INDEMNIFICATION

The Master Homeowners Association or its successors and assigns agree to indemnify CPW against all future claims in regards to wildlife damage within the PUD.

8.0 GOLF COURSE AND/OR OPEN SPACE MANAGEMENT

Personnel, homeowners, guests and visitors within the Frost & Salt Creek PUD will be prohibited from chasing, scaring, frightening, disturbing or otherwise harassing in an attempt to coerce wildlife off of golf courses, all open space areas and no one is allowed into the mapped wildlife areas at Frost Creek at all during the winter periods excluding golf course play and justified golf course maintenance. This provision and the exclusion will apply during winter and production (fawning, calving and nesting) periods. Winter periods are defined as December 1 to April 1 and production period is defined as from March 15 through June 30. Practical means, such as fencing, can be used to keep wildlife off of golf course greens and tees. This provision does not limit play of the golf course during the golf season.

The PUD will have the right to locally restrict wildlife from golf course tees, greens, landscaping clumps and other sensitive areas by using temporary fencing and other passive means. Any fencing erected will not restrict free movement of wildlife but should be used in small, isolated areas to help direct wildlife and/or people.

Current Best Management Practices (BMP's), will be incorporated into a Management Plan for Golf Course Maintenance and Operations. *A draft of BMP's for the Plan will be developed by the approval of the final platting of the Golf Course.* The BMP's for the Plan will describe the proper procedures for the application of fertilizers, herbicides, pesticides and any other chemicals. Drainage will be depicted in the Plan to ensure that water quality measures are in place to prevent adverse impacts to wetlands, waterways or riparian areas.

9.0 ADDITIONAL COMMITMENTS

- A. This Wildlife Mitigation Agreement will be incorporated by reference into the Master

Homeowners Association's Master Declaration of Covenants, Conditions and Restrictions for the PUD and cannot be changed without the written consent of the CPW and Eagle County.

- B. Wildlife mitigation measures will be prepared in booklet and information form to present to new homeowners. The Wildlife Mitigation Plan will be duly promulgated and enforced by the Master Homeowners Association and Board of Directors.

10.0 ENFORCEMENT

The authority to enforce the terms of this Plan is granted to the PUD Homeowner's Association. In the event that there is a violation of this Plan by an owner within the PUD, then the following procedures shall be taken by the Homeowners Association to enforce the terms hereof:

1. The owner violating the Plan shall first receive a written warning of the violation. The violation shall be cured right away. In those applications where it will take a reasonable and sensible person a greater time period to correct the infraction, then a grace period will be allowed in which immediate steps to correct the infraction will be taken. Examples might be a fence removal or the reclamation of ground disturbance.
2. If a second offense occurs of the same type of violation or the owner does not immediately, or within the grace period given, correct the initial violation, then a fine of \$100 will be assessed against the owner.
3. If a third offense occurs of the same type of violation or the owner continues to not immediately correct the violation then a fine of \$400 will be assessed against the owner.
4. If the fourth offense occurs of the same type of violation or the owner continues to not immediately correct the violation then a fine of \$400 will be assessed against the owner. If the fourth offense and fine is the result of a dog, then the removal of the dog from the PUD will be taken, which is causing the problem, for a period of not less than 6 months. Any subsequent dog violation will result in the permanent removal of the offending animal.
5. If a fifth offense occurs of the same type of violation or the owner continues to immediately not correct the violation then a fine of \$800 will be assessed against the owner.
6. Any subsequent violation or the owner continues to not immediately correct the problem the fine will continue to double until the 10th offense. At this time the accrued unpaid fines shall be assessed an annual compounding rate of 20%.

The above provisions relating to "owners" also include by this reference the Homeowners Association.

The authority to enforce the terms of this Plan with respect to the golf course property is granted to the Golf Course Operator. In the event that there is a violation of this Plan by a golfer on the Frost Creek golf course property, then the following procedures shall be taken by the Golf Course Operator to enforce the terms hereof:

1. The golfer violating the Plan shall first receive a written warning of the violation. The violation shall be cured right away.
2. If a second offense occurs of the same type of violation or the golfer does not immediately

correct the initial violation, then a fine of \$100 will be assessed against the owner.

3. If a third offense occurs of the same type of violation or the golfer continues to not immediately correct the violation then a fine of \$400 will be assessed against the golfer.
4. If a fourth offense occurs of the same type of violation or the golfer continues to immediately not correct the violation then a fine of \$800 will be assessed against the golfer.
5. Any subsequent violation or the golfer continues to not immediately correct the problem the golfer will loss all golf privileges at the Frost Creek golf course for a year.

All collected fines will be paid to the Wildlife Trust Fund.

Other Provisions of Enforcement:

- The homeowner's association may take such action as is reasonably necessary to cause the violation to cease, including entry on the property of the owner if necessary. For example, in the event of a pet or livestock violation, the animal(s) which are in violation may be removed from the owner's property for permanent disposition if prohibited or for a period of six (6) months if the animal(s) are permitted but are violating the Plan. Enforcement of animal violations will be made only with respect to the express provisions of this Plan (or as otherwise set forth in the homeowner documents of the association). Additional rules and laws of Eagle County (such as those regarding leash requirements, barking, etc.) are also subject to enforcement by Eagle County within the PUD.
- Payment of Fines: If an offender refuses to pay fines in a timely manner (not to exceed 21 days after the second offense, 10 days after the third offense and 3 days after each subsequent offense) then each non-payment constitutes a separate violation of offense. Continued non-correction of the offense is also considered a violation or offense. All legal remedies available under the laws of the State of Colorado for the Homeowner's Association to remedy the offense(s) including possible court action and/or the filing of liens, may be placed on the owner for the continuing offenses(s). Cost of collection/remedy of violations/fines may be assessed the owner.
- If after a consecutive 12-month period with no similar violations then a written warning will be the next and first offense.
- 15% of the fines go to the Homeowners Association to cover administrative costs and 85% go to the Wildlife Trust Fund. In the event of added administrative costs due to enforcement of these provisions against an offender then the Homeowners Board may allocate a higher percentage of fine revenue to cover actual costs only.
- An owner, for the purpose of this Section 10.0 and these wildlife mitigation and restrictions shall mean any person residing in the PUD whether an actual owner, renter or leasee or occupant.
- Any guest/visitor of any owner who violates these wildlife regulations will be subject to the fines or violations or both as set forth herein. If the fines are not paid or, the violations are not remedied by such guest then the owner will be responsible for the payment of the fine and any

other appropriate remedy. Any golfer who violates any provision of golf play as it pertains to this Wildlife Agreement will be subject to the above enforcement schedule. A guest of any owner will also be prevented from playing on the golf courses if any fines or violations or both attributable to such guest remain outstanding or unresolved.

- If an employee within the PUD is found to be in violation of these provisions then said employee is subject to the same enforcement provisions and any other disciplinary action taken by the employer, including the possible loss of employment.
- Any contractor, subcontractor and/or their workers who violate a provision of this plan shall immediately remedy the situation and receive a warning. A second subsequent and similar violation shall result in the immediate eviction of said person(s) for a 24-hour period from the PUD and a remedy of the problem. A third subsequent and similar violation will result in the immediate eviction of said person(s) for seven (7) consecutive days and a remedy of the problem. A fourth subsequent and similar violation will result in the immediate and permanent eviction of said person(s) from the PUD and a remedy of the problem.
- If the association or its authorized agents (s) knowingly fail to enforce the Plan, and association guidelines and covenants, the association will be in violation and will be fined according to the fine structure outlined in this section. *The exception of not being able to recover any administrative costs associated with the fines.*
- Whenever there is a conflict between development declarations, guidelines, covenants, conditions, and/or restrictions; then the most restrictive provision will apply.
- Eagle County and the CPW may enforce any and all provisions of this Wildlife Mitigation and Enhancement Plan, in their sole discretion.

11.0 EDUCATING RESIDENTS AND GOLFERS

Homeowner's moving to the PUD will do so partly because of the natural setting and the wildlife it contains. Many homeowners will be unfamiliar with the wildlife of Colorado and its mountains and the responsibility that goes with living in this setting. Homeowners generally do not want to disturb, harass, or impact wildlife, but they may unwittingly do so. Frost Creek will develop information such as a brochure that educates homeowners about the local wildlife community, what planning went into the design of the PUD to accommodate future needs of wildlife, what must be done to ensure that this wildlife use continues and certain stewardship responsibilities and demands that go along with living in the PUD. To be addressed in this wildlife information will be possible wildlife conflicts which may occur in the PUD and ways to minimize those conflicts. Area birds and both large and small mammals, which people may have conflict with, will be covered in the homeowner's information and provided to the residents of the development at the time of closing. A copy of this Wildlife Mitigation Plan will be given to each owner at closing. In the case of non-owner residents, a copy of the Wildlife Mitigation Plan will be provided at the time they move into the PUD.

All golfers will receive information regarding the appropriate provisions of this Plan when they sign up for a round of golf.

12.0 WILDLIFE MORTALITY ON LOCAL ROADS

Vehicle speeds on most proposed roads within the PUD, should be slow enough to avoid killing most wildlife that may be crossing roads. The Frost Creek and Salt Creek PUD is not presently used as a significant east-west wildlife movement corridor, although that could change. Deer, elk and bear do cross the Brush Creek Road and parts of this property.

The PUD, however, is accessed by high speed roads, including I-70, Highway 6, and portions of Brush Creek Road north of the property, where moderate numbers of deer and elk are killed by vehicles each year. Obeying posted speed limits would not only reduce wildlife mortality, but would also reduce the risks of damage to personal property and injury to motorists. PUD residents should be educated about avoiding wildlife on roads in any educational information that is developed.

Appendix B

2017 Resubdivision Preliminary Plans and Development Concepts



| | | | | |
|----------------|---|---|--|--|
| SHEET NO. 1 | FROST CREEK PUD EAGLE COUNTY, COLORADO | DESIGNED BY DRAWN BY CHECKED BY DATE SCALE @ 1" = 100' | NO. DATE DESG. DWN. REVISION DESCRIPTION | |
| | APPROVED DEVELOPMENT PLAN | | | |

Frost Creek PUD Variation Summary

| | Variance | ECLUR Standard | Street | Applicant Comment | Eagle County Comments |
|----------------------|-------------------------|----------------|-----------------|---|--|
| Road Geometry | | | | | |
| 1 | Road ends in cul-de-sac | Dual Access | Red Bluffs Lane | Not applicable because of Urban Cul-de-Sac classification and domestic water system within the subdivision. | Due to the rural setting and distance from emergency service providers, Urban Cul-de-sac is not an appropriate classification. The length of Red Bluffs Lane is 2200 LF with 17 lots proposed which, in combination, exceed the allowance for an Urban Cul-de-sac. However, the Fire District has reviewed and approved the design. Following discussion with the applicant and Fire District, staff accepts this variation request. |

