

ANGLERS PRESERVE

DESIGN GUIDELINES

JULY 28, 2016



RESORT CONCEPTS
REDEFINING THE RESORT EXPERIENCE

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INTRODUCTION

Anglers Preserve is a gated neighborhood for nine Residents to share in perpetuity the scenic resources of this unique property. The Eagle River Corridor and remarkable vistas are the prime assets of the landscape. Nearby world class ski resorts offer a variety of snow-related activities for the winter sports enthusiast. During the spring, summer and fall seasons, the Eagle valley's numerous golf courses provide incomparable golf opportunities. Members of Anglers Preserve are also invited to make the most of the prime river fishing and numerous adjacent trails and open space.

Anglers Preserve is a unique opportunity to create a private neighborhood of shared values with a refined appreciation of quality architecture and landscape. All who become a member of this enclave will be committed to a place that values an active outdoor lifestyle and enjoyment and respect of an extraordinary landscape and locale.

CLASSICAL & REFINED DESIGN

Unique mountain building archetypes evolved as early settlers adapted buildings brought from other places to this land. Classic mountain vernacular is inspired by the capture of views only seen in the Rocky Mountains. This design philosophy interprets the history of the region and integrates it with the land and views. These refined Anglers Preserve buildings reinterpreted and incorporated elements of the Great Lodges, Prairie and Mission styles.

The development of new buildings and future renovations at Anglers Preserve should reflect this interpretation of the history of the area, the environment, and available natural materials. New buildings will be a blend of classical forms with modern construction capabilities.

DESIGN OBJECTIVES

These standards have been created to guide architectural aesthetics and site design to ensure all future Improvements at Anglers Preserve protect and integrate with the natural beauty of the landscape and existing structures.

EXISTING DESIGN OF THE ANGLERS PRESERVE RESIDENCES WILL GUIDE THE DESIGN OF FUTURE RENOVATIONS. All built Improvements are to be designed in harmony with the natural setting and responding to the climate, as an integral part of the site. The intent of these Guidelines is to create a harmonious architecture and landscape environment, where no particular building design is a monument to itself, standing apart or detracting from the overall appearance of Anglers Preserve.

THE INTENT IS NOT TO SPECIFICALLY REPLICATE ANY PARTICULAR HISTORIC OR ARCHITECTURAL STYLE.

Rather, home designs at Anglers Preserve should be inspired by characteristic forms appropriate to classical architecture:

- fine craftsmanship and quality
- natural materials used in authentic ways
- simple informal building forms
- intimately scaled indoor and outdoor spaces
- integration with the local climate, taking advantage of opportunities to maximize natural lighting, solar exposure and views while minimizing exposure to harsher climatic elements such as wind, rain and snowfall.

ANGLERS PRESERVE IDENTITY WILL BE CREATED WITH EACH NEW HOME AS NEW MEMBERS OF THE NEIGHBORHOOD CUSTOMIZE THEIR HOMES IN PERSONALIZED WAYS. Homeowners may wish to explore more innovative architecture, which is possible through the more intimate, turnkey process offered by Resort Concepts. The lots can accommodate the expression of the unique personality of each family within these important parameters:

- Design variety of buildings is encouraged, however, strong contrasts in form, size, massing, color and materials will be discouraged.
- Less visible private outdoor places adjacent to all homes will be subject to a broader interpretation and application of these Design Guidelines.

USAGE

These Design Guidelines outline the standards for the siting and design of all built Improvements, sitework and landscaping, as well as subsequent alterations and additions.

These Design Guidelines will be a valuable reference in understanding the unique, more intimate design process in place at Anglers Preserve. These standards will be “administered” by an involved board of design review professionals.

Since the retention of talented designers and builders is utmost in importance, the Resort Concepts team has been engaged in the planning and design of the overall community, its common grounds, and to become an integrated part of each home design process, creating the highest level of quality and consistency throughout the community.

Resort Concepts and/or its affiliates shall apply these Guidelines through collaborative

participation in the design and construction of all homes and future renovations in perpetuity. By making Resort Concepts a part of your team, the expectation is that the exciting process of designing and building your home will be more straightforward, personalized and rewarding.

Resort Concepts will also act as the design review committee for future home or site remodeling efforts by the owner, after initial home construction is complete.

The Design Guidelines are enforceable under the Declaration recorded with Eagle County, as it may be amended thereafter.

Each lot is designed as a unique family lot, carefully programmed to fit the needs of the owner. The site conditions, sun, views, topography and vegetation will have a large role in determining the logic of the design. Buildings will bring the outdoors in. Outdoor rooms can be furnished with water features, screened hot tubs, and firepits to enhance the experience of out of doors living, cooking and dining.

The overriding design criteria within the lots are:

- Design each home as a series of integrated indoor and outdoor spaces.
- Minimize grading and removal of existing vegetation.
- Maximize views from the home, while minimizing visual impact on other properties and/or common areas.
- Maintain a refined and well maintained street scene.

GRADING AND DRAINAGE

Grading is to be designed to minimize impacts on the land, protect important stands of trees and to blend into existing land forms.

- The use of retaining walls should be considered where cut or fill slopes create excessive disturbance.

- Graded slopes are recommended to be 3:1, and are not to exceed 2:1, unless it can be demonstrated that a steeper slope will result in less disturbance to existing mature trees.
- Disturbed areas are to be revegetated to blend naturally into the surrounding environment.
- Existing engineered drainage patterns are to be maintained both during and after construction.
- New drainage ways are to appear, and function like natural drainage ways.
- Drainage resulting from development is to be dispersed on-site and not directed onto other lots.
- Provisions for snow storage are required.
- Drainage structures such as headwalls and stone-lined ditches must be built of or faced with an approved stone.

RETAINING WALLS

Retaining walls are to be used to minimize the impacts of grading, and as extensions of the architecture of a building to enclose outdoor rooms such as patios and courtyards. Retaining walls of approved boulders or stone backed up by concrete when necessary are to be used to reduce grading impacts and disturbance of land and trees. Wall height is limited to six feet.

- Higher retaining walls may be permitted by Resort Concepts if resulting in lesser impacts.
- All walls over six feet in height are to be designed by a licensed structural engineer.

DRIVEWAYS

All driveways are to be paved with Asphalt unless approved by the Anglers Preserve Property Owners Association.

PATHS, OUTDOOR STAIRS, TERRACES AND LANDSCAPE STRUCTURES

The summer climate of Anglers Preserve suggests the spatial organization of the house and its

surrounding outdoor spaces be considered as a unified whole. Outdoor terraces, stairs and paths are important extensions of the architecture, integrating living space with the outside.

- Landscape structures may include decks, patios, trellises and sculpture.
- Structures are to be designed to blend with the natural topography and vegetation, and be consistent with retaining walls, fences, or building foundations.
- Materials are to be stone, integral colored concrete, chipped stone or gravel and/or wood, or such other materials as approved by Resort Concepts.

FENCES AND GATES

- Lot boundary fencing is not permitted.
- Fence and gate designs are to be compatible with the architecture of the Residence.
- Materials are to be stone, iron or an approved metal, and selected and colored to match the Residence.
- Metal fencing painted dark green or black may be used at pools and dog runs if essentially not in view from off site.
- The specific locations, materials, and heights of all fences are to be expressly approved by Resort Concepts.

IDENTIFICATION MARKERS

An address marker is to be installed on the residence, which may also include family or home names. Individualized designs are encouraged with the following parameters:

- Materials are to be etched, stone or metal.
- Use 3"-6" height numbers and/or letters.
- Steel/metal elements to have a refined texture and color or rusted patina.
- Subtle down lighting may be incorporated with approval by Resort Concepts.

EXTERIOR SERVICE AREAS

Service areas and outdoor equipment are to be completely screened from views.

- On-site electrical and mechanical equipment are to be screened from views and, as appropriate, made inaccessible to wildlife, by using architectural features integrated into the building design and/or the site walls' form, materials, and colors.
- All garbage must be stored in bear proof containers and kept in the garage except on the designated pickup day, as required by Eagle County.

SITE UTILITIES

- Site utilities are to be installed underground on alignments that minimize grading, tree cutting and other disruption of the site. Trenching shall be used to avoid encroaching within drip lines of existing trees.
- Utility boxes, including any meters, are to be located and/or screened to be essentially not visible from surrounding areas.
- Satellite dishes may be approved on a case by case basis by Resort Concepts. Satellite dishes must be painted and mounted on the home in a location that will not detract from the aesthetic of the neighborhood.

LIVING WITH WILDLIFE

Abundant wildlife resides in the Vail Valley. Deer, elk, bear, moose, fox, and hawk will frequently be seen. The following precautions, in addition the requirements set forth in the Declaration and the Eagle County regulations, must be taken to ensure co-existence without conflict:

- All pets should be on leashes or otherwise controlled at all times.
- Proper garbage disposal is required. Individual trash cans must be stored in an enclosed

structure.

- The majority of landscape materials should be selected from varieties that are not preferred as food and are resistant to browsing by native wildlife.
- Feeding of wildlife is prohibited.

LANDSCAPE ZONE PLANTING GUIDELINES

The landscape design of each lot is to provide a refined but natural setting. New plantings must integrate buildings into the landscape, protect important viewsheds, help to define use areas, and screen outdoor service areas and other improvements. Landscape improvements are to incorporate and enhance existing vegetation, utilize primarily indigenous species and integrate areas of ornamental planting, sod and intensive irrigated areas. The following guidelines apply to all lot landscapes:

- The removal of existing trees is to be minimized as much as possible and must follow the requirements of the PUD guide. Rather, existing vegetation should be incorporated into the fabric of the site design.
- Manicured or groomed yards, ornamental planting & terraces are encouraged.
- When horticulturally controlled and ornamental areas are incorporated near the house, an abrupt transition should be made to the native, indigenous landscape.
- Common Space Areas are to be planted with plant material in a pattern and density similar to the characters of the adjacent landscape.
- New trees and shrub plantings are to be a mix of primarily native species and sizes that will blend seamlessly into the surrounding vegetation and naturalize with little maintenance.
- The use of larger size specimen trees is required.

Angler's Preserve has two basic landscape character zones. These prevailing natural landscapes demand a significantly different approach to

landscape improvements. Specific planting guidelines have been prepared for each landscape zone: the River Setback zone and the Residential zone.

RIVER SETBACK ZONE PLANTING GUIDELINES

The River Setback zone is defined as the River corridor area measured 70' from the High Water Mark of the Eagle River as delineated on the Final Plat. Within this zone the crowns of trees frequently touch each other, but the canopy may also have frequent openings which admit light.

- In the first 50' from the delineated high water mark rejuvenation of the natural habitat is permitted, including restoration of natural grasses, shrubs and trees. Non –native landscaping (e.g. irrigated Kentucky Bluegrass) are prohibited.
- From 50'-70' from the delineated High Water Mark rejuvenation and periodic maintenance of the natural landscape is permitted, including restoration of natural grasses, shrubs, and trees, and trimming and pruning of trees and brush. In this area non-native landscape including irrigated Kentucky Bluegrass is limited to no more than 250' per lot.
- It is important that selected plant species respond to the prevailing forms, textures and colors of the surrounding native aspen forest.
- Temporary fencing is to be erected around existing trees to remain for protection during construction.
- Older growth trees and shrubs should be pruned and thinned for health with new plantings interspersed to maintain the longevity of the group, where allowed.

RESIDENTIAL ZONE PLANTING GUIDELINES

The Residential Zone is defined as all areas outside the River Setback zone. Outside the River Setback zone, the property is devoid of landscape.

Formal irrigated planting including irrigated sod, annuals, perennials and flowering trees are required in this zone. Larger caliper trees are required to help provide privacy and screening.

The following specific design measures are recommended for the Residential Zone:

- Large specimen trees should be planted in groups within the transition zone to establish a setting for the buildings.
- Irrigated sod is required to be integrated into the landscape and particularly at the street edge.
- A variety of plantings is encouraged to create a formal landscape zone from street to house and between homes.

IRRIGATION

Irrigation systems are to be designed utilizing efficient systems

- Water conservation devices and design techniques are required.
- Automatic irrigation systems are recommended for all landscaping and revegetation areas. The systems may be abandoned when plantings have been clearly established for a minimum of two growing seasons.

REVEGETATION AND SEED MIXES

All disturbed areas are to be revegetated to prevent erosion and the encroachment of unwanted or noxious weed species.

- Revegetate all the disturbed areas at the earliest possible time following disturbance. Utility corridors, steep cuts and access ways are to be seeded following backfill and compaction.
- Approved seed mixes may be obtained from the Resort Concepts.

LANDSCAPE LIGHTING

Outdoor lighting is to be minimized, and used only to meet the requirements of safety and the

easy identification of entrances, driveways and walkways and to highlight specific landscape elements. All exterior lighting shall be directed downward or shielded.

- Exterior ornamental light fixtures may be installed at key arrival or entry points. The lens in the fixture should be translucent or downcast design to reduce visual impacts.
- Lights following the driveway or paths at regular spacing are not permitted. Placement of low level down-lights at key places along walkways for safety purposes, with a maximum height of 24” is appropriate.
- Limited, tree mounted, down cast landscape lighting is permitted to highlight specific landscape elements in the front yard (street side) only and cannot wash onto neighboring property.
- Temporary holiday lighting during the appropriate season is exempt from these requirements.

WILDFIRE SAFETY MEASURES

At the time of the writing of these guidelines fire sprinklers were not required on structures; however the requirement may change in the future. Owners shall confirm the requirement with the Eagle County Building Department prior to submittal. In addition, owners shall reduce the amount of potential fire fuel and maintain an irrigated area immediately surrounding a Residence.

- Dispose of slash and debris left from thinning.
- Periodically mow dry grasses and vegetation.
- Stack firewood away from the home.
- Remove dead material from the site.
- Select new plants with low fuel potential.
- Eagle County Wildfire Regulations are to be observed and incorporated into the home and landscape design.

ARCHITECTURAL GUIDELINES

The following sections explain general design standards for all Residences. This section includes standards on building massing, height, color and exterior finish design. The objective is to provide for flexibility of personalized designs and architectural expression while maintaining a consistently high standard of architectural design and integration of improvements with the natural setting.

- To utilize indigenous building materials and historical design influences of the area creating design solutions that respond to view, the environment and the casual outdoor mountain lifestyle.
- Building designs that blur the line between indoors and outdoors.
- The appearance and character of all improvements are to harmonize with and enhance their natural surroundings and existing homes.

THE THREE LEVEL BUILDING MASS

THE ROOF. Large sheltering hip roofs are to be the dominant element on all sides of the buildings. Roofs are to be primarily pitched at 6:12 to 10:12 with shed forms and hips. Flatter roof pitches will be allowable on additive minor roof forms. Alternative roof designs may be considered by Resort Concepts if the design context is appropriate.

All dormers shall be designed and composed as subordinate elements in proportion with the main roof structure.

- Mansard, domed, A-frame, skylights and other non-conventional roof forms are not allowed.

THE BUILDING WALLS are to be expressed as stucco, wood, glass or stone and shall not exceed two stories in height.

STONE is to be expressed as a structural element.

TERRACES, DECKS AND/OR

BALCONIES are to be supported on stone or timber structure of no more than two stories. The underside is to be fully finished. Roofs over porches or entries are to be limited to one and one half story in height.

BUILDING MASSES are to be clusters of simple building forms, additive in nature and congruent with the architectural style.

- Multiple offsets and projections such as deck porches, terraces, dormers, balconies and verandas shall be used to soften and articulate buildings.
- A varied skyline is suggested with no perceived continuous horizontal ridge or eaves.
- Building masses shall reach out with one and two story forms.

BUILDING HEIGHT

Each home should relate to the other. Resort Concepts recommends that the maximum building height is no greater than 30' to the mid-point of the sloping roof above at any point. Some exceptions may apply so long as the height is architecturally compatible with adjacent structures and not greater than 35' to the mid point of the sloping roof.

FLOOR AREAS

The maximum total floor area for all Primary Residences shall be 4,250 sf. The calculation of maximum floor area shall exclude any enclosed garage and below-grade basement (including the exclusion of any walkout basements).

NATURAL MATERIALS

All buildings at Anglers Preserve are to use high quality materials in authentic ways.

ROOF SURFACE

All homes at Anglers Preserve shall have the same roofing material at all times. The main roofs of buildings are to be surfaced with Class-B minimum fire-retardant-treated wood shingles or shakes. Non-reflective metal roofing such as weathered copper, standing seam or metal shingles and cementitious or recycled material roof shingles may be considered on a case-by-case basis. No plastic, fiberglass or asphalt shingle roofs will be allowed.

WALL SURFACE OPTIONS

The exterior walls of building should use wood, stucco, stone, steel and glass with stucco and glass being the predominant materials.

- Resort Concepts approved natural stone
- Similar and complete architectural treatment on all visible facades.
- Changes in materials at offsets in the wall plane only, not at outside corners.
- All stone building will not be allowed.
- Plywood, T-111, composition siding and other manufactured siding products will not be allowed on the exterior of the building.

STONE

All residences must incorporate stone in the exterior elevation to articulate structural expression. Unbroken, continuous stone wainscots or 'skirts' along an entire elevation are not acceptable. Required characteristics:

- Stone patterns are to have a structural appearance, not veneered or mosaic.
- Dry-laid in appearance or narrow, raked mortar joints. Plastered stone may also be utilized.

- Natural bedding planes of stone laid horizontally, with the long dimensions of stones also laid horizontally.
- Avoid uninterrupted horizontal and vertical joints longer than three stones.
- Stones are to be varied in size.
- Outside corners should be laid to minimize vertical dimensions of stones.

STRUCTURAL EXPRESSION

THE ROOF STRUCTURE is to be carried out to the exterior of the building, exposing structural beams and purlins when architecturally appropriate.

EAVES AND RAKES are to be proportioned to roof spans.

EXPOSED STRUCTURES, spans and cantilevers are to be designed to keep the appearance of structural members, and sized to be consistent with the structural properties of the visible materials. Metal connections may be expressed if detailed in a high-quality craftsman style.

SMALL ELEMENTS AND DETAILING

of the building including dormers, rafter tails, window mullions and muntins, balconies, railings and columns are to utilize the same structural systems, materials and expression all proportioned to their structural roles.

ALL RAILINGS shall be wrought iron. Contemporary form of railings that include metal elements, designed to enhance views from the house, may also be considered.

WINDOWS AND DOORS

WINDOWS

Window and door openings are to be arranged in an informal composition. Window openings in stone walls are to incorporate an authentic structural expression with properly scaled steel or stone lintels.

- Large floor to ceiling panes of glass are permitted and encouraged.
- Maximize windows to capture views.
- Minimize reflectivity. Glass may be Low-E or tinted but not mirrored.
- Individual windows and frames except for transoms may be square; otherwise the vertical dimension is to exceed the horizontal. Frames are to be clad in maintenance-free material and/or steel. Structural elements are to be used to divide wide window openings. Trapezoidal windows are not permitted.
- Large single panes are encouraged for solar gain and views oriented vertically.
- Window shutters, if proposed, are to be operable and sized to completely cover the opening.

DOORS

In general, single or multi door units with paneled, naturally stained wood or steel and/or multipaned glass are appropriate.

GARAGE DOORS shall be made of materials and colors appropriate to the style of the house. ? Do we want to allow other than wood?

COLORS AND TEXTURES

Overall, colors are to be muted and natural.

ROOFS are to be weathered natural gray or gray brown with varied tonal qualities. If metal is used, the finish is to be dark gray, black or weathered copper.

WOOD WALLS, STRUCTURAL MEMBERS and shutters are to be a natural earthtone brown or medium to dark grey wood color using only transparent or semi-transparent stains.

TRIM WINDOWS AND ACCENTS are to be stained with natural colors or in the natural palette of the region, selected to add vibrancy and warmth.

PAVING, DRIVEWAY, STEPS and pathway colors are to contrast with the adjoining soils or road colors.

TEXTURES. Exterior materials are to be smooth but rugged. Manufactured materials are to be minimized and large smooth, brushed or reflective surfaces and long straight lines should be avoided. Metals are to be bronze, copper or wrought iron for fastenings and decorative purposes.

OTHER FEATURES AND DETAILS

CHIMNEYS are to be finished in stone or stucco. Spark arrestors are required per local codes. Chimney caps are to be finished with a simple stone slab, cast in place concrete cap or simple metal enclosure to conceal flue caps. Roof-top equipment and vents larger than 6", if any, are to be grouped and concealed in a chimney-like structure or similar architectural form and painted dark gray.

SNOW GUARDS may be used to protect entries, decks, parking areas etc. Metal is to be black. Snow cleats may be of materials similar to gutters, downspout and flashing.

GUTTERS, DOWNSPOUTS AND FLASHING are to be minimized in visible locations and constructed of copper or painted metal. Painted metal gutters must be black or similarly dark color to blend with the structure.

Integral and heated gutters or downspouts are encouraged. Long, angled returns from gutter to wall are to be avoided. All homes at Anglers Preserve shall have the same gutter and flashing material at all times.

ORNAMENTAL METAL, hammered, or other traditional finishes used for connections of wood members, lighting fixtures and door and window hardware is encouraged.

SITE FURNISHINGS including furniture, and art work are to follow the intent and detail of these Guidelines and match or blend with the forms, materials and colors of the principal structures on the Parcel. Play structures such as trampolines and swingsets are not allowed.

ENERGY AND RESOURCE CONSERVATION MEASURES

Site and building design along with construction techniques which utilize the latest advances in energy and resource conservation and home technology are to be incorporated into all home designs. New building technologies, innovative building materials, thoughtful site planning and creative construction systems can be used to create more energy-efficient, durable and better quality homes.

The following measures are choices to consider in the planning and design of your home.

SOLAR ACCESS MEASURES

- Living areas, such as living rooms, dining rooms, kitchens and bedrooms can be planned for passive solar heating and natural lighting.
- The use of solar photo voltaic or thermal panels are encouraged to reduce energy consumption requirements, but must be screened from public view or integrated into the design of the structure.

INDOOR AIR QUALITY

- Low toxicity adhesives, paints and sealants are choices to improve indoor air quality.

WATER CONSERVATION

- All buildings should utilize high-water efficiency (low flow) shower-heads, toilets, faucets and similar appliances.

ANGLERS PUD

Refer to the attached Appendix D - Anglers PUD. In the event a discrepancy exists between this set of Design Guidelines and the Anglers PUD, the Anglers PUD shall overrule.

RESORT CONCEPTS DESIGN GROUP

The following outlines the functions and organization of Resort Concepts Design Group.

Resort Concepts will initially consist of a preassembled team appointed by Declarant that will provide turnkey design and construction services for development of each of the nine homes.

Resort Concepts Design Group shall govern the Design Guidelines in perpetuity.

FUNCTIONS OF RESORT CONCEPTS

It will be the duty of Resort Concepts to consider and act upon such proposals or plans from time to time submitted to it in accordance with the design review procedures established by these Guidelines; to amend the Guidelines as deemed appropriate with the approval of the Board; and to perform any duties assigned to it by the Board as set forth in this document and the Declaration.

COMPENSATION

Resort Concepts will be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any Resort Concepts Design Group function or duty.

AMENDMENT OF DESIGN GUIDELINES

Resort Concepts may, from time to time with the approval of the Board, adopt, amend and repeal by unanimous vote, rules and regulations to be incorporated into, or amendments of, the Guidelines, which, among other things, interpret, supplement or implement the provisions of the Guidelines. All such rules and regulations or amendments, as they may from time to time be

adopted, amended or repealed, will be appended to and made a part of the Guidelines. Each Owner is responsible for obtaining from Resort Concepts a copy of the most recently revised Guidelines.

NON-LIABILITY

Provided that Resort Concepts members act in good faith, neither Resort Concepts nor any member will be liable to the Association, any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

1. Approving or disapproving any plans, specifications or other materials, whether or not defective.
2. Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials.
3. The development or manner of development of any land within Anglers Preserve.
4. Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct.
5. Performing any other function pursuant to the provisions of the Guidelines.

DESIGN REVIEW PROCEDURES

This section provides a “road map” to guide an owner through the design, review and approval process of Anglers Preserve.

There are two distinct and separate processes for Home design: First, the process for new construction, and second, the process for the renovation, expansion or refinishing of the exterior of an existing structure, or any landscape improvements and additions.

NEW CONSTRUCTION

Owners will be working collaboratively with

Resort Concepts to draft a plan for each Home in a manner consistent with the Owner's vision and these Design Guidelines. No additional review by a separate committee is required.

RENOVATIONS

These Design Guidelines are applicable to future additions or exterior renovations of the home or site by owners. The following section describes the review process for Improvements after the initial construction of each parcel.

Anglers Preserve design review process takes place in two steps:

1. Plan Review
2. Construction Inspections and Submittals

The Applicant must also meet the submittal and approval requirements of Eagle County in order to obtain a Building Permit, if necessary. Precise submittal requirements may be obtained from the Eagle County Planning and Development Department.

PLAN REVIEW AND APPROVAL

The Applicant shall prepare and submit a Plan Package to Resort Concepts for review and approval. Plan Packages shall be submitted at least fifteen (15) working days before Resort Concepts meeting at which they are to be considered.

PLAN REVIEW MEETING

Upon receipt of the required plan documents, Resort Concepts will notify the Applicant of the scheduled meeting date. The Applicant and/or consultant(s) must be present at the meeting, or the submittal will be postponed until the next meeting. Resort Concepts will review and comment on the application at the meeting and allow time for discussion with the Applicant and/or consultant(s). Subsequently, within ten (10) working days Resort Concepts will provide the Applicant with the conclusions of the meeting in

writing. A second review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to Resort Concepts a minimum of fifteen (15) working days prior to the next regularly scheduled meeting.

Resort Concepts will issue final design approval in writing to the Applicant within ten (10) working days of a vote for approval. If the decision of Resort Concepts is to disapprove the proposal, Resort Concepts shall provide the Applicant with a written statement of the basis for such disapproval to assist the Applicant in redesigning the project so as to obtain the approval of Resort Concepts.

Upon approval of the proposed plans, the Applicant may submit for approval by the Eagle County Planning and Building Departments.

DESIGN REVIEW BOARD APPEAL PROCESS

DESIGN REVIEW BOARD APPEAL

The Applicant may file a formal appeal with Resort Concepts within 30 days following any Resort Concepts decision. Resort Concepts will review the appeal at the next regularly scheduled Resort Concepts Design Group meeting and render a decision in writing within five (5) working days. This decision will be transmitted both to the Applicant and the Board.

BOARD OF DIRECTORS APPEAL

The Applicant may submit a formal appeal to the Board within ten (10) working days following the date of notice of a Resort Concepts appeal.

The Board shall review the appeal within 30 days from the date of the filing of the appeal and render a decision in writing for the approval or disapproval. Failure by the Board to act within 95 days from the date of the appeal filing will constitute approval.

SUBSEQUENT CHANGES

Subsequent to commencement of construction, building facade, landscaping or other changes in the intended improvements that differ from approved design documents must be submitted in writing to Resort Concepts for review and approval prior to implementing changes.

COMPLIANCE DEPOSIT

Prior to commencing any Construction Activity, a Compliance Deposit shall be delivered to Resort Concepts as security for the full and faithful performance of Construction Activity in accordance with approved final plans. (See Appendix D - Design Review and Compliance Deposit Fees).

CONSTRUCTION INSPECTIONS

In addition to the building inspections required by the Eagle County Planning and Development Department, Resort Concepts may periodically check construction to ensure compliance with approved design documents. During construction inspection, if changes or alterations have been found that have not been approved, Resort Concepts will issue a Notice to Comply.

NOTICE TO COMPLY

When as a result of a construction observation, Resort Concepts finds changes and/or alterations that have not been approved, Resort Concepts will issue a Notice to Comply within 3 working days of the observation. Resort Concepts will describe the specific instances of non-compliance and will require the Applicant to comply or resolve the discrepancies.

CERTIFICATE OF COMPLIANCE

Upon completion of construction, the Applicant will request from Resort Concepts a Certificate of Compliance for Improvements given final design approval. Resort Concepts will make an inspection of

the property within five (5) working days of the request. Resort Concepts will issue in writing a certificate of Compliance if the work was found to be done in compliance with the final design approval. If the work was not done in compliance with the approved final design documents, Resort Concepts will issue a Notice to Comply within three working days. A temporary certificate of compliance may be issued if approved work is not completed due to winter weather conditions.

NON-LIABILITY

Neither Resort Concepts, the Association, nor any member, employee, consultant, or agent thereof will be liable to any party for any action or failure to act with respect to any matter if such action or failure to act was in good faith and without malice.

DESIGN REVIEW AND SUBMISSION REQUIREMENTS

A. PROPOSED SITE PLAN

Four sets full size (minimum scale 1"=20'-0") and one set 11"x17" reductions of the site plan, drawn on the property survey base indicating proposed topography, footprint(s) and roof dripline of existing and proposed buildings relative to the Home envelope, driveway with proposed grades, utility locations, sidewalks, decks, patios, drainage and any other proposed Improvements. Proposed limits of construction, scale and north direction shall also be shown.

B. FLOOR PLANS (SCALE 1/4"= 1'-0")

Indicate all room uses, dimensions, door and window locations and sizes. Indicate the location and type of all exterior lighting fixtures, proposed fireplaces and kitchen appliances.

C. ELEVATIONS (SCALE 1/4"= 1'-0")

Illustrate the exterior appearance of all views labeled in accordance with the site plan. Indicate the height of chimney(s) as compared with the ridge of the roof, the highest ridge of the roof, the elevation of each floor and existing and finished grades for each elevation. Describe all exterior

materials, colors and finishes (walls, roofs, trim, chimneys, windows, doors, etc.) and locate all exterior lighting fixtures. A material and color sample board is to be submitted along with building elevations.

D. LANDSCAPE PLAN, IF PROPOSED

Four sets full size and one set 11"x17" reductions of the landscape plan (minimum scale 1"=20'-0") drawn on the proposed site plan base including:

- Planting Plan - Include plant material legend which lists common and botanical names, plant sizes and plant quantities which are keyed to locations on plan.
- Revegetation & Irrigation - Note all temporary and permanent irrigation systems. For seeded areas, rates and method of application per 1,000 square foot increments, mulch type, rate and stabilization technique and fertilizer type and time of application are required for review.
- Lighting - Locate in detail all proposed outdoor lights and signs. Submit cutsheets of all proposed light fixtures and indicate the lighting control strategy.

E. DESIGN REVIEW BOARD APPLICATION AND FEE

Submit one copy of completed application and fee with drawings required for plan review. Fee is based on the current fee schedule (see Appendix C - Design Review and Compliance Deposit Fees).

APPENDIX A – DEFINITIONS

ACCESSORY STRUCTURE

Not Allowed

ACCESSORY DWELLING UNIT ORADU

Not Allowed

ANGLERS PRESERVE

Means the community created by the Declaration consisting of Lots 1-9 and all of the Improvements located on the Property.

ARCHITECT

A person licensed to practice architecture in the State of Colorado.

ASSOCIATION

The Anglers Preserve Property Owners Association, a Colorado non-profit corporation, the members of which shall be the Owners of Lots within Anglers Preserve, their successors and assigns.

BOARD

The term “Board” shall mean the Board of Directors of the Association, its governing body.

BUILDER

A person or entity engaged by an Owner for the purpose of constructing any Improvement within Anglers Preserve. The Builder of all initial Residence construction will be Resort Concepts or affiliated entity.

BUILDING HEIGHT

Building Height is defined as the vertical distance from existing or proposed grade (whichever is most restrictive) to the midpoint of the highest sloping roof above.

COMMON AREA

Means any real property, within Anglers PUD not included within each Homestead, in which the

Association owns an interest for the common use, benefit and enjoyment of all of the Members and such other persons as may be permitted to use the common area under the terms of the Declaration or any contract with the Association.

Declarant may, but will not be obligated to, include within the common area a shared trail to the river.

CONSTRUCTION ACTIVITY

Any site disturbance, construction, addition or alteration of any building, landscaping or any other Improvement on any construction site. Construction Activity is to be expected in a new community and construction parking on the street is allowed, particularly during the initial construction of homes.

DECLARANT

Means Anglers Preserve Development Company, LLC, a Colorado limited liability company, and its successors or assigns.

DECLARANT CONTROL PERIOD

Means the period beginning on the date the Declaration is first recorded in the office of the Clerk and Recorder of Eagle County, Colorado, and ending on the date on which the Declarant has platted and completed the construction of homes on all of the Lots on the Plat.

DECLARATION

The Declaration of Covenants, Conditions, Easements and Restrictions for Anglers Preserve as it is amended from time to time.

DESIGN GUIDELINES (GUIDELINES)

The site, architectural, design and process regulations, restrictions and review procedures adopted and enforced by the RCDG as set forth in this document and as amended from time to time.

EXCAVATION

Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching that results in the removal of earth, rock or other substance from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.

FILL

Any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.

FINAL MAP

The recorded final Subdivision map or Parcel map for Anglers Preserve recorded with the Eagle County Clerk and Recorder.

FLOOR AREA

The sum of horizontal areas of all floors of all buildings measured in the manner required by the Anglers PUD and the regulations of Eagle County in effect at the time the building is constructed.

HOMEOWNER

See definition for Owner.

IMPROVEMENT(S)

Means all Buildings, parking areas, loading areas, fences, walls, plantings, lighting, poles, driveways, roads, lakes, ponds, pools, trails, gates, signs, changes in any exterior color or shape, excavation and all other site work, including, without limitation, grading, road construction, utilities, and removal of trees or plantings. "Improvements" does include both original Improvements and all later changes and additions.

Lot

Means each of the nine lots, described and numbered as Lots 1-9 as previously subdivided by Declarant, recorded with the Eagle County Clerk and Recorder.

OWNER

Means a person or persons who is the owner of fee simple title of record of a Lot in Anglers Preserve, but excluding the Association.

PRIMARY RESIDENCE

Means a Residence that is intended primarily for the use of the Owner of the Lot.

RESIDENCE

The Building or Buildings containing bath and kitchen facilities designed and used for occupancy. Residence includes a garage, or other Accessory Structure, used for residential purposes constructed on a Parcel, and any other Improvements constructed in connection therewith.

STORY

That portion of any building (including garage) included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Any portion of a Story exceeding 20 feet in height shall be considered as an additional Story for each 20 feet or fraction thereof. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a Story.

APPENDIX B – ABOUT RESORT CONCEPTS

Resort Concepts' unspoken strength lies in the ability to blend the rich western history of Colorado with a dynamic combination of diversity, tradition and character to enhance the Rocky Mountain lifestyle. Transforming unique open space with unprecedented scenic beauty into luxurious private residences and neighborhoods, our acclaimed reputation in the nationally recognized resorts provides exciting opportunities that showcase our experience, attention to detail and uncompromising commitment.

Crafting homes that reflect the breathtaking inspiration of the Colorado and Carolina mountain landscapes is our specialty. Lifestyle, the heart of our design philosophy, is reflected in the seamless integration we create between our clients' natural surroundings and way of life. We offer an all-encompassing worry-free building process as the hallmark of our brand, with over 25 years of development and construction success in renowned resort communities. Enjoy unparalleled service and superior quality within a simple and rewarding build process by Resort Concepts ... fostering dreams, creating legacies.

APPENDIX C – DESIGN REVIEW AND COMPLIANCE DEPOSIT FEES

Resort Concepts Design Group Application Fee Schedule for additions, renovations, and site modifications.

REVIEW APPLICATION FEES

- Fees shall be based upon \$1 per square foot, or if no floor area is proposed, a minimum of \$500.
- Modification to previously approved plans if implemented during initial construction, \$500.
- The RCDG may impose an additional fee of \$500 for any project having more than two Plan reviews.
- Lot Amendments - \$2,000.
- Appeals - \$5,000.
- Fees must be paid at time of submittal of the Plan Review Application Package.
- Fees are calculated on Floor Area.
- Fees for projects outside the scope of the current fee schedule will be determined by the RCDG staff.
- Late submittal fee shall be an additional 50% of the fee due at that meeting. Acceptance of submittals after the deadline shall be at the discretion of the RCDG staff.
- Make checks payable to Resort Concepts.

COMPLIANCE DEPOSITS

- Compliance deposits shall be based on 10% of the estimated value of the proposed renovation.

APPENDIX D – ANGLERS PUD

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2016 - 061

APPROVAL

*Commissioner Ryan
moved to approve.*

OF AN AMENDMENT TO THE ANGLERS PLANNED UNIT DEVELOPMENT

FILE NO. PDA-6028

WHEREAS, on or about February 17, 2016 the County of Eagle, State of Colorado, accepted for filing an application submitted by Spine & Ortho Surgery Center, LLC (hereinafter "Applicant") for an amendment to the Anglers Planned Unit Development ("PUD"), and;

WHEREAS, the Board of County Commissioners approved the original Anglers PUD on August 25, 2015, and;

WHEREAS, the Applicant's request with this PUD Amendment is to: 1) Shift the centerline of the private road serving the nine-lot subdivision approximately 5-feet to the north of the location depicted in the original PUD approval; 2) Relocation and redesign of the public access parking area; 3) Reduction of Common Area Open Space by 2,685 square feet and; 4) Clarification of the allowable uses within the Secondary Stream Setback.

WHEREAS, notice of the Planned Unit Development 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, at its public hearing held on May 18, 2016, the Eagle County Planning Commission, based upon its findings, in a vote of 4:1 recommended approval with conditions of this proposed PUD Amendment, and;

WHEREAS, at its public hearing held on June 14, 2016, the Eagle County Board of Commissioners (hereinafter the "Board"), considered the proposed Planned Unit Development 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 June 14, 2016, the Board voted unanimously to approve the Planned Unit Development Amendment request with conditions as listed herein and authorized the Chair to sign on its behalf the foregoing resolution evidencing such approval; and,

APPROVED AS TO FORM
By: Christina [Signature] Keth Oliver
Eagle County Attorney's Office
By: _____
Eagle County Commissioners' Office

WHEREAS, the Amended Anglers 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-6028) described herein, is hereby **approved**, subject to the following conditions

1. Except as otherwise modified by this development permit, all material representations made by the Applicant in this application and in public meeting shall be adhered to and considered conditions of approval.
2. Prior to the recording of the Planned Unit Development Guide (PUD) with the Resolution of Approval, the PUD Guide shall be amended to exclude fire pits, portable fire pits, and hot tubs from the Secondary Stream Setback. The PUD Guide shall state, "Home structures and related foundations and roof overhangs over 24 inches are prohibited, provided permeable decks, permeable patios, and deck caissons and footers are permitted." The following language shall also be added to the PUD Guide in regards to the drainage easements between the homes adjacent to the Eagle River,

"The purpose of the drainage easements centered on the property lines between each of the river lots is to allow for multiple dispersed shallow drainage swales to convey surface runoff generated from the new street and lots above and to provide necessary drainage away from constructed units. The drainage plan intent is to maintain multiple low-flow discharge points in lieu of combining all the runoff into one or two large discharges. The easements between the homes define the area in which the drainage must be conveyed. The drainage route should be constructed and maintained as drainage swales utilizing terracing and landscaped retention design as necessary to facilitate natural infiltration and impedance of large stormwater events. Landscape features and retaining walls designed in harmony with the purpose of the drainage plan are permitted within these easements. Non permeable surfaces are not allowed within the drainage easement except for roof overhangs 24" in length or less."

3. 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 as a part of the final plat process for Anglers PUD.
4. The developer of the Anglers PUD (the "Developer") and/or Anglers PUD homeowners' association (the "Anglers HOA") is responsible for construction and maintenance of all improvements for the Anglers PUD including, but not limited to, roadway improvements and traffic control devices. The Developer and/or Anglers HOA is additionally responsible for the construction of all six parking spaces in the Parking Lot and maintenance of all six of the parking spaces in the Parking Lot.
5. The owner of the Property shall grant a permanent public access easement along the entire width of Anglers Way from Miller Ranch Road extending to 20' west of the western most parking space in the Parking Lot (the "Public Access Easement"). The Access Easement shall be made available for pedestrian and vehicular access and for the use and enjoyment of the public. The Public Access Easement shall be depicted on the Final Plat for Anglers PUD. The Public Access Easement shall be incorporated into an easement agreement, which shall be executed by the owner of the Property prior to approval of the Final Plat for Anglers PUD.
6. The owner of the Property shall grant an emergency access easement to align with the platted emergency access easement depicted on the Final Plat for Miller's Creek PUD, recorded at Reception No. 665173, prior to approval of the Final Plat for Anglers PUD. The Anglers PUD emergency access easement shall be depicted on the Final Plat for Anglers PUD. The Developer shall construct and maintain, within that emergency access easement, a gated access road to accommodate the Eagle River Fire Protection District's emergency service vehicles. The materials to be used for construction of the access road and the width of the access road shall meet the specifications of the Eagle River Fire Protection District. The Developer shall confer with the Eagle River Fire Protection District to determine the width of the access road, the materials to be used in construction of the access road and the type of Knox Box and gate to be used between the Miller's Creek PUD and Anglers PUD developments prior to construction of the access road. Adjacent to the Emergency Access, a sign shall be installed identifying emergency access and prohibiting obstruction of the emergency access.
7. The Developer shall submit complete designs for roadways and sidewalks within Anglers PUD (construction plans) simultaneously with the application for the Final Plat for Anglers PUD. The Eagle County Engineer will determine if the

construction plans are adequate prior to approval of the Final Plat for the Anglers PUD.

8. The Developer shall design, grade and construct at its sole expense and to County specifications a six space public Parking Lot (the "Parking Lot") within the Anglers PUD. The Parking Lot shall be constructed at the earlier of (a) the issuance of the ninth building permit of the Anglers PUD; or (b) twenty-four months after the issuance of the first building permit of the Anglers PUD. The location of the Parking Lot, the plans for the Parking Lot and the materials to be used in construction of the Parking Lot shall be approved by the Eagle County Engineer and the Eagle County Open Space Director prior to approval of the Final Plat for Anglers PUD. The Parking Lot shall not be used by Anglers PUD for overflow or guest parking.
9. The Applicant and/or Developer shall grant a permanent easement for the location of the Parking Lot on PUD Property prior to the approval of the Final Plat for the Anglers PUD (the "Permanent Easement"). The Permanent Easement shall also include an existing natural surface trail approximately two (2) feet wide (the "Trail"). The PUD Developer and/or the Anglers PUD HOA shall improve, reconstruct and realign, as necessary, the Trail to County specifications at its sole expense, using dirt or crushed gravel. The PUD Developer and/or the Anglers PUD HOA shall install erosion bars, grade reversals, or other similar materials or devices in areas where deemed necessary to create stability and prevent erosion of the Trail. The Trail shall begin at the Parking Lot, traverse across Anglers PUD Property within the Easement Area and continue through the Open Space Property to the Eagle River. The plans for the Trail and the materials to be used in construction and improvement of the Trail shall be approved by the Eagle County Engineer and the Eagle County Open Space Director prior to approval of the Final Plat for the Anglers PUD. Completion of the Trail shall occur at the earlier of (a) the issuance of the ninth building permit of the Anglers PUD; or (b) twenty-four months after the issuance of the first building permit of the Anglers PUD. The Trail shall be made available to and is for the use of the public for pedestrian recreational trail access to and from the Open Space Property. The Permanent Easement shall be depicted on the Final Plat for Anglers PUD. The Permanent Easement shall be incorporated into an easement agreement, which shall be executed by the owner of the Property prior to approval of the Final Plat for Anglers PUD.
10. The owner of the Property shall grant a pedestrian and vehicular access easement across the PUD Property for ingress and egress from the Parking Lot to the Berry Creek/Miller Ranch Open Space Property for the maintenance and management of the Open Space Property by the County. (The "County Access Easement"). The County Access Easement shall also be depicted on the Final Plat for Anglers PUD. The County Access Easement shall be incorporated into an easement agreement which shall be executed by the owner of the Property prior to approval

of the Final Plat for Anglers PUD. No roads shall be installed from the PUD Property to the Berry Creek/Miller Ranch Open Space Property.

11. The PUD Developer and/or the Anglers HOA shall construct a sidewalk within the Permanent Easement from the east end of the Parking Lot to the sidewalk at Miller Ranch Road. The sidewalk shall be an attached sidewalk and shall be the same width as the sidewalk on Miller Ranch Road. The sidewalk shall be constructed simultaneously with the Parking Lot.
12. A Subdivision Improvements Agreement shall be executed at the time of approval of the Final Plat for the Anglers PUD for work associated with the improvements for Anglers PUD, including but not limited to the roadway improvements, traffic control devices, the sidewalk, the Trail, and the Parking Lot. The Developer shall provide collateral in the form of a letter of credit acceptable to the County Attorney's Office in the amount of the estimated cost of construction of said improvements.
13. The Applicant, its designee, the Developer, or the owner of the Property shall cause the Property to be cleared of all nonconforming uses within nine (9) months from the date of approval of the PUD, and no later than May 25, 2016.
14. The owner of the Property shall grant a sportsman easement to Eagle County on that part of the Property which encompasses the northern portion of the Eagle River bottom from the surveyed southern boundary of the Anglers PUD Property in the Eagle River to the high water mark of the Eagle River. The sportsman easement shall be for the benefit and use of the public for fishing and rafting the Eagle River, including standing on the river bottom as it traverses through the surveyed boundary of the Anglers PUD Property. No member of the public shall have any right to access such sportsman easement across any other Anglers PUD Property. The sportsman easement shall be granted prior to approval of the Final Plat for Anglers PUD and shall be depicted on the Final Plat for Anglers PUD. The Applicant acknowledges that the portion of the Eagle River bottom from the center of the Eagle River to the south is private property owned by Riverstone Subdivision, as depicted in the Amended Final Plat for Riverstone, at Reception No. 881628, and is not subject to use by the public under said sportsman easement.
15. Within three months of completion of construction of the Parking Lot, the Developer shall have a sign created and installed, at its expense, which visually depicts at a minimum a survey accurate map of the Anglers PUD sportsman easement relative to the Riverstone PUD property. The Developer shall cause the sign to be installed adjacent to the Parking Lot. The sign shall state that the south portion of the Eagle River bottom is private property and that users of the Anglers PUD sportsman easement shall remain within the easement area. The Developer or the Anglers HOA shall reimburse the County for annual maintenance of the sign upon receipt of an invoice for the same. The Developer shall consult with the

Eagle County Open Space Department regarding the size, design and location of the sign prior to installation of such sign by the Developer. The sign shall be double-sided, so as to be visible from the Eagle River and the Parking Lot on the Open Space Parcel.

16. The Developer shall adhere to one of the two following options to satisfy the Eagle County Affordable Housing Guidelines: (1) all nine lots in the Anglers PUD shall be subject to the Eagle County's "Resident Occupied For Sale Housing" deed restrictions, including a 0.67% (two-thirds of one percent) transfer fee for "non-Eligible Households" (as the terms "Resident Occupied For Sale Housing" and "non-Eligible Households" are defined in the Eagle County Affordable Housing Guidelines and Administrative Procedures) as amended on May 14, 2014. These deed restrictions shall be for a term of 50 years with an extension of an additional 50 year period subject to Board of County Commissioners approval; or (2) the Developer shall provide enough affordable housing credits to satisfy Eagle County's affordable housing requirements, pursuant to the provisions of the Eagle County Affordable Housing Guidelines and Administrative Procedures as amended on May 14, 2014. These credits shall be provided to the County prior to the Developer receiving a building permit for any lot on the Anglers PUD Property.
17. Information concerning site-specific groundwater levels shall be required at the time a building permit application is submitted for any lot in Anglers PUD and, if shallow groundwater is found to preclude full-depth basements, then site-specific analyses showing that a proposed lot is not exposed to a slope stability hazard shall be required prior issuance of a building permit.
18. Site-specific geotechnical reports shall be required at the time a building permit application is submitted for any lot in Anglers PUD.
19. The Anglers HOA shall be established prior to the sale of any lots or units within Anglers PUD. The Anglers HOA shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, and shall provide for the maintenance, administration and operation of such land and any other land within the PUD not publicly owned, and secure adequate liability insurance on the land. Membership in the Anglers HOA shall be mandatory for all landowners within the PUD.
20. In accordance with the waiver granted by the Community Development Director, a Detailed Landscape Plan as defined in Section 4-220.C of the Eagle County Land Use Regulations shall be provided for review with the application for Final Plat.
21. The following note is required on the Final Plat for Anglers PUD:
"Site Development: Site designs were not submitted for review of compliance

with Eagle County Site Development Standards. Prior to the issuance of any building permits for the parcels created by this plat, the owners shall demonstrate to the County Engineer the site plan complies with all Eagle County Site Development Standards. If the Site Development Standards cannot be met, a Variance from Improvement Standards shall be obtained. There is no guarantee of a variance approval. The final decision by the County Commissioners will weigh the hardship of the applicant versus the impact to public safety."

22. The permanent easement agreement referenced in conditions 5, 9, and 10 above in a form acceptable to the County will be executed by the parties prior to final plat.

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 26 day of July, 2016, nunc pro tunc to the 14th day to June 2016.



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

ATTEST:

Lisa J. Smith
Clerk to the Board of
County Commissioners

By: J. McQueeney
Jeanne McQueeney
Chair

Jill H. Ryan
Jillian H. Ryan
Commissioner

Kathy Chandler-Henry
Kathy Chandler-Henry
Commissioner

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

Commissioner McQueeney
Commissioner Ryan
Commissioner Chandler-Henry

ay
ay
ay

This resolution passed by 3/0 vote of the Board of County Commissioners of the County of Eagle, State of Colorado



[Handwritten signatures and text, including "Commissioner McQueeney" and "Commissioner Ryan"]

EXHIBIT 'A'

**First Amendment of the
Anglers PUD Guide**

June 14, 2016

Eagle County Statement of Applicability

Except as expressly provided within this Official Development Plan, development of this property shall conform to the Eagle County Land Use Regulations in effect at the time of platting and building permit application.

Eagle County Statement of Flexibility

The graphic drawings contained in this Official Development Plan are intended to depict general locations and illustrate concepts of the textural provisions of this Official Development Plan. During the platting process the Planning Director may allow minor variations for the purpose of establishing:

- a. Final road alignments
- b. Final configuration of lot and tract sizes and shapes
- c. Final building envelopes
- d. Final access and parking locations
- e. Landscaping adjustments

All open areas shown are conceptual and may vary in shape, size and location during more detailed phases of design. Final allocation of open lands will be determined at time of Final Plat. In particular, the final location, size and configuration of trail corridors, park, and amenity areas may vary at the Final Plat and will be based upon final grading and site design.

Angler's PUD Guide, as amended June 14, 2016

A. **Specific Development Standards of the Anglers PUD:**

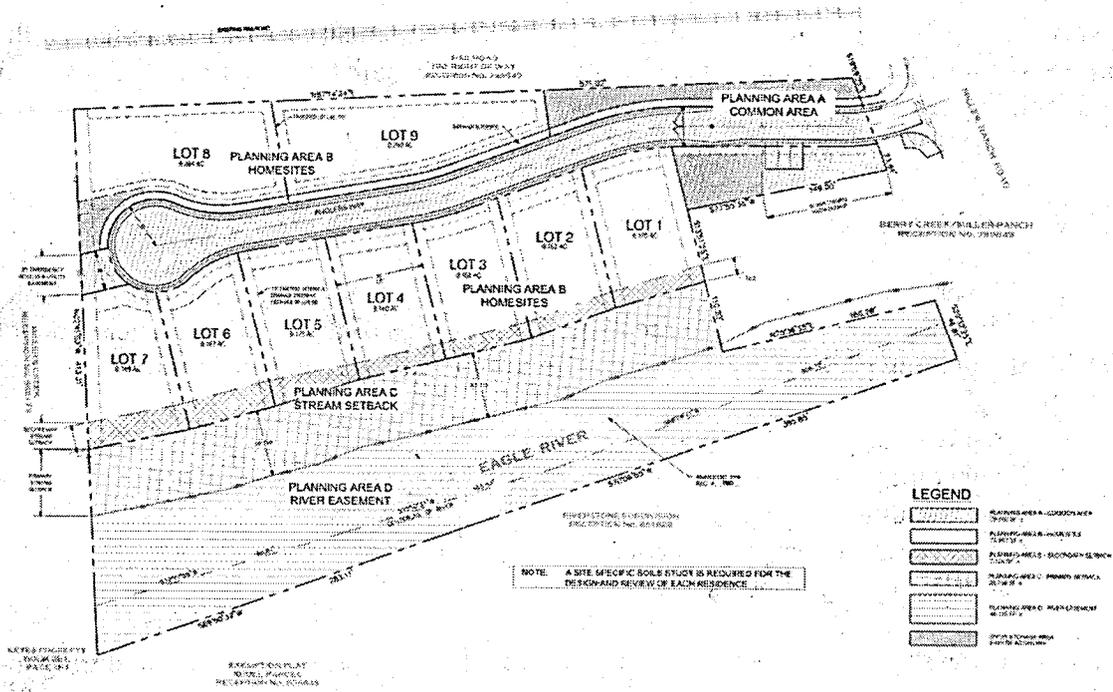
This Planned Unit Development guide ("PUD Guide") defines specific development standards for the Anglers PUD. The specific standards of this PUD Guide shall supersede any conflicting standards of the Eagle County Land Use Regulations ("ECLUR").

B. **Purpose of the Anglers PUD Guide:**

Building permits or other similar permits for development within the Anglers PUD should be reviewed in advance for conformance with the specific standards of this PUD Guide.

C. **Effective Date:** The effective date of this PUD Guide is June 14, 2016 ("Effective Date").

D. **Planning Area Standards:** The Anglers PUD consists of the following Planning Areas A, B, C and D ("Planning Areas") as generally depicted below, and as formally delineated on the Anglers PUD Preliminary Plan, Eagle County Clerk and Recorder Reception # 201611681



1. **Planning Area A – Common Area:**

- (a) **Area Description:** Planning Area A consists of the common areas and road right-of-way of the Anglers PUD. Planning Area A is approximately 29,660 square feet in size.
- (b) **Permitted Uses:** Pursuant to the Community Standards, the following uses shall be permitted within Planning Area A:
 - Private Roadway Right-Of-Way and Ingress/Egress Access, Signage, Lighting, Landscaping, Fencing/Berming, Community Entrance Gate, Emergency Access Gate, Wildlife, Snow Removal, Drainage, Utilities, and Solar. Planning Area A shall allow not less than three and not more than six public parking spaces, sidewalks, and trails for use to access the public open space.

2. **Planning Area B – Single-Family Residential Homesites:**

- (a) **Area Description:** Planning Area B consists of the nine (9) home sites of the Anglers PUD. Planning Area B is approximately 74,967 square feet in size.
- (b) **Permitted Uses:** Pursuant to the Community Standards, the following uses shall be permitted within Planning Area B:
 - Each of the nine (9) home sites may contain one single family dwelling per home site, for a maximum total of nine (9) single family dwelling units for the Anglers PUD.
 - Additional ancillary uses include Signage, Lighting, Landscaping, Fencing/Berming, Wildlife, Snow Removal, Drainage, Utilities, and Solar.
 - Accessory dwelling units or ADUs are not permitted.
- (c) **Dimensional Limitations:**
 - **Minimum Lot Size:**

<u>Land Use Summary</u>			
<u>Parcel</u>	<u>Area</u>	<u>Use</u>	<u>Address</u>
Lot 1	0.17 acres	Single Family	TBD Anglers Way
Lot 2	0.15 acres	Single Family	TBD Anglers Way
Lot 3	0.15 acres	Single Family	TBD Anglers Way
Lot 4	0.15 acres	Single Family	TBD Anglers Way
Lot 5	0.16 acres	Single Family	TBD Anglers Way
Lot 6	0.16 acres	Single Family	TBD Anglers Way
Lot 7	0.16 acres	Single Family	TBD Anglers Way
Lot 8	0.28 acres	Single Family	TBD Anglers Way
Lot 9	0.28 acres	Single Family	TBD Anglers Way

- **Maximum Floor Area:** 4,250 square feet. The calculation of maximum floor area shall exclude any enclosed garage and below-grade basement (including the exclusion of any walkout basements).
- **Minimum Front Yard Setback:** 15 feet.
- **Minimum Rear Yard Setback:** 7.5 feet (note – the minimum rear yard setback does not apply to Lots 1 thru 7 due to the application of the minimum stream setback).
- **Minimum Side Yard Setback:** 7.5 feet; provided the east side yard setback of Lot 1 and the west side yard setbacks of Lot 7 and Lot 8 shall be 10 feet.
- **Minimum Stream Setback:** Please see the stream setback as provided for in Planning Area C, below.

- Maximum Building Height: 35 feet.
- Parking: Each developed home site must include a minimum of two (2) enclosed garage parking spaces and an additional minimum of two (2) uncovered spaces (which may be located in front or alongside of the garage, and within a front/rear yard setback).
- Measurement: Maximum Building Height (excluding chimneys and flues) shall be measured vertically at any given point along the sides of the building to the midpoint between the eave line and the peak of the main roof form. The average of the combined heights of all sides of the building shall not exceed the maximum specified height. Setbacks shall be measured to the face of building, excluding roof overhangs that do not exceed twenty-four (24) inches deep.

3. **Planning Area C – Stream Setback:**

(a) Area Description: Planning Area C consists of the stream setback, of which the component parts are:

- Primary Stream Setback: The Primary Stream Setback is 50 feet measured from the high- water mark of the Eagle River, as delineated on the Final Plat. The Primary Stream setback includes approximately 23,759 square feet of area.
- Secondary Stream Setback: The Secondary Stream Setback is between an additional 12.5 feet and 20 feet beyond the primary stream setback, as delineated on the Final Plat. The Secondary Stream Setback contains approximately 7,127 square feet, which is also a part of Planning Area B.

(b) Permitted Uses: The following uses shall be permitted within Planning Area C:

- Primary Stream Setback: The primary stream setback shall exist predominantly in its natural habitat, provided:
 - Restorative and erosion prevention grading is permitted within the Primary Stream Setback to restore a more naturally gradual grade between the terrace above and the hillside transition to the Eagle River below, and to decrease the velocity of erosion- causing runoff. Notwithstanding, such restorative and erosion prevention grading is limited to occurring within the furthest, or northern most, 10 feet of the primary stream setback.
 - Rejuvenation of the natural habitat is permitted, including restoration of natural grasses, shrubs and trees, removal of manmade accumulated debris, and removal of overhead electrical/utilities.
 - Drainage is permitted (pursuant to the Anglers PUD drainage plan).
 - Underground Utility installation and maintenance is permitted.
 - Home structures, foundations, decks, and patios are prohibited.
 - Manicured and/or irrigated landscaping or pathways are prohibited. Temporary irrigation not to exceed two (2) years may be allowed only for establishment of natural habitat restoration: Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) are prohibited.
- Secondary Stream Setback:
 - Restorative and erosion prevention grading is permitted within the

Secondary Stream Setback to restore a more naturally gradual grade between the terrace above and the hillside transition to the Eagle River below, and to decrease the velocity of erosion-causing runoff.

- Grading for walkout basements is permitted.
- Rejuvenation and periodic maintenance of the natural habitat is permitted, including restoration of natural grasses, shrubs and trees, removal of manmade and natural accumulated debris, removal of overhead electrical/utilities, tree and brush trimming and pruning.
- Drainage is permitted (pursuant to the Anglers PUD drainage plan).
- Underground Utility installation and maintenance is permitted.
- Fencing/Berming is permitted.
- Home structures and related foundations and roof overhangs over 24 inches are prohibited, provided permeable decks, permeable patios and deck caissons and footers are permitted.
- Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) within the Secondary Stream Setback is limited to no more than 250 square feet per lot.

4. **Planning Area D – River:**

(a) **Area Description:** Planning Area D consists of the area below the high water mark of the Eagle River as it traverses the Anglers PUD. Planning Area D is approximately 48,115 square feet in size.

(b) **Permitted Uses:** Planning Area D shall exist in its natural habitat, provided rejuvenation of the natural habitat is permitted; including restoration of natural grasses, shrubs and trees, removal of manmade debris, removal of overhead electrical/utilities. Non-native landscaping (e.g., irrigated Kentucky blue grass or other non-native landscaping) is prohibited.

5. **Community Standards:** The described uses of Planning Areas A and B are subject to the following additional standards (“Community Standards”):

1. **Signage:**

(a) **Project Entry Monument and Sign:** A project entry monument and sign shall be limited in quantity to one, located at the entrance to the community on the east side of the Anglers PUD and shall not exceed thirty-two (32) square feet in size and the maximum height shall not exceed eight (8) feet.

(b) **Residential Identification Signage:** Residential identification signage shall be limited to one per dwelling unit and individual letters/numbers shall not exceed six (6) inches in height.

(c) **Directional Signage:** Signs shall be allowed throughout the Property where necessary to provide direction to residents and guests, provided such directional signs shall be limited in size to four (4) square feet and limited in quantity to four (4).

(d) **Other Allowed Miscellaneous Signs:** Standard temporary or permanent signage

erected by a public entity or utility is permitted. In addition, limited temporary signage approved in advance by the HOA may also be permitted.

2. Lighting: All exterior lighting within the Anglers PUD shall be directed downward or be shielded.
3. Landscaping: The common area landscaping of the Anglers PUD shall be maintained by the HOA. The minimum landscaping requirements per developed home site are:
 - (e) Two (2) coniferous trees Minimum size – 6' to 8'
 - (f) Four (4) deciduous trees Minimum size – 2" caliper measured four feet from the ground
 - (g) Six (6) shrubs Minimum size – 5 gallonAny irrigated areas within the Anglers PUD shall be initially landscaped with sufficiently deep topsoil to permit deep root growth.
4. Storage: Trailers, campers (whether on a truck or one which can be towed), snowmobiles, boats, other recreational equipment, snow removal equipment, and other similar equipment shall be stored inside the residence or its garage. Outside storage of this or similar equipment is prohibited.
5. Fencing/Berming: A community perimeter fence/berm is permitted.
6. Community Entrance Gate: A community entrance gate is permitted.
7. Emergency Access Gate: Parking in the driveway of the emergency access gate is prohibited at all times. The emergency access gate shall be kept clear of snow and shall not be used for snow storage so as preclude emergency access.
8. Wildlife: All domestic pets within the community must be restrained when outside of the units. Garbage disposal precautions shall conform with standard best practices and Eagle County rules and regulations to limit access to bears and other wildlife.
9. Snow Removal: The community driveway of the Anglers PUD is a private road and the maintenance thereof, including snow removal, shall be the responsibility of the HOA.
10. Drainage: Drainage is permitted (pursuant to the Anglers PUD drainage plan).
11. Underground Utility: Underground Utility installation and maintenance is permitted.
12. Solar: Solar is permitted.
13. Public Access Parking: The public parking is for benefit of the Open Space only and not for Anglers guests. No overnight parking is allowed.
14. Drainage Easements: The purpose of the drainage easements centered on the property lines between each of the river lots is to allow for multiple dispersed shallow drainage swales to convey surface runoff generated from the new street and lots above and to provide necessary drainage away from constructed units. The drainage plan intent is to maintain multiple low-flow discharge points in lieu of combining all the runoff into one or two large discharges. The easements between the homes define the area in which the drainage must be conveyed. The drainage route should be constructed and maintained as drainage swales utilizing terracing

and landscape retention design as necessary to facilitate natural infiltration and impedance of large stormwater events. Landscape features and retaining walls designed in harmony with the purpose of the drainage plan are permitted within these easements. Non permeable surfaces are not allowed within the drainage easement except for roof overhangs 24 inches in length or less.

6. **Homeowners Association**: A homeowners association or other similar governing body (“HOA”) shall be created and may impose additional restrictions and limitations on the Anglers PUD.

EXHIBIT 'B'

Anglers PUD Variation Summary					
	Variance	ECLUR Standard	Street	Applicant Comment	Eagle County Staff Comments
ROW/Easements					
1	30' ROW	50' ROW	Private Road for Anglers PUD	<i>Applicant requests the sidewalk easement run the length of Anglers Way along the north side of the road as shown on the submitted engineering plans and that the approved right-of-way width remain as currently approved. The proposed sidewalk easement is 6-feet in width.</i>	During the Planning Commission hearing, the Planning Commission and applicant suggested the elimination of the internal sidewalks and sidewalk easements completely following a proposal from the applicant to construct all six (6) spaces in the Parking Lot, to construct a sidewalk from Miller Ranch Road connecting to the Parking Lot, and constructing a natural path from the Parking Lot down to the Eagle River. After consideration, staff agrees with this recommendation.
Sidewalks					
1	To not construct at this time.	6' Detached Sidewalks required for both sides of Anglers Way	Private Road for Anglers PUD	<i>Propose to maintain the variance as previously approved leaving sidewalks as an option for the Developer/HOA</i>	During the Planning Commission hearing, the Planning Commission and applicant suggested to eliminate the internal sidewalks and sidewalk easements completely following a proposal from the applicant to construct all six (6) spaces in the Parking Lot, to construct a sidewalk from Miller Ranch Road connecting to the Parking Lot, and constructing a natural path from the Parking Lot down to the Eagle River. After consideration, staff agrees with this recommendation.

CERTIFICATION OF ADOPTION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of the Anglers Preserve Owners Association, a Colorado nonprofit corporation (the "Association"); and

That the foregoing Design Guidelines dated July 28, 2016 constitute the original Design Guidelines of the Association and were duly adopted by the Executive Board of the Association by unanimous written consent on August 19, 2016.

A handwritten signature in blue ink, appearing to read "Richard D. MacCutcheon", written over a horizontal dashed line.

Richard D. MacCutcheon, Secretary