

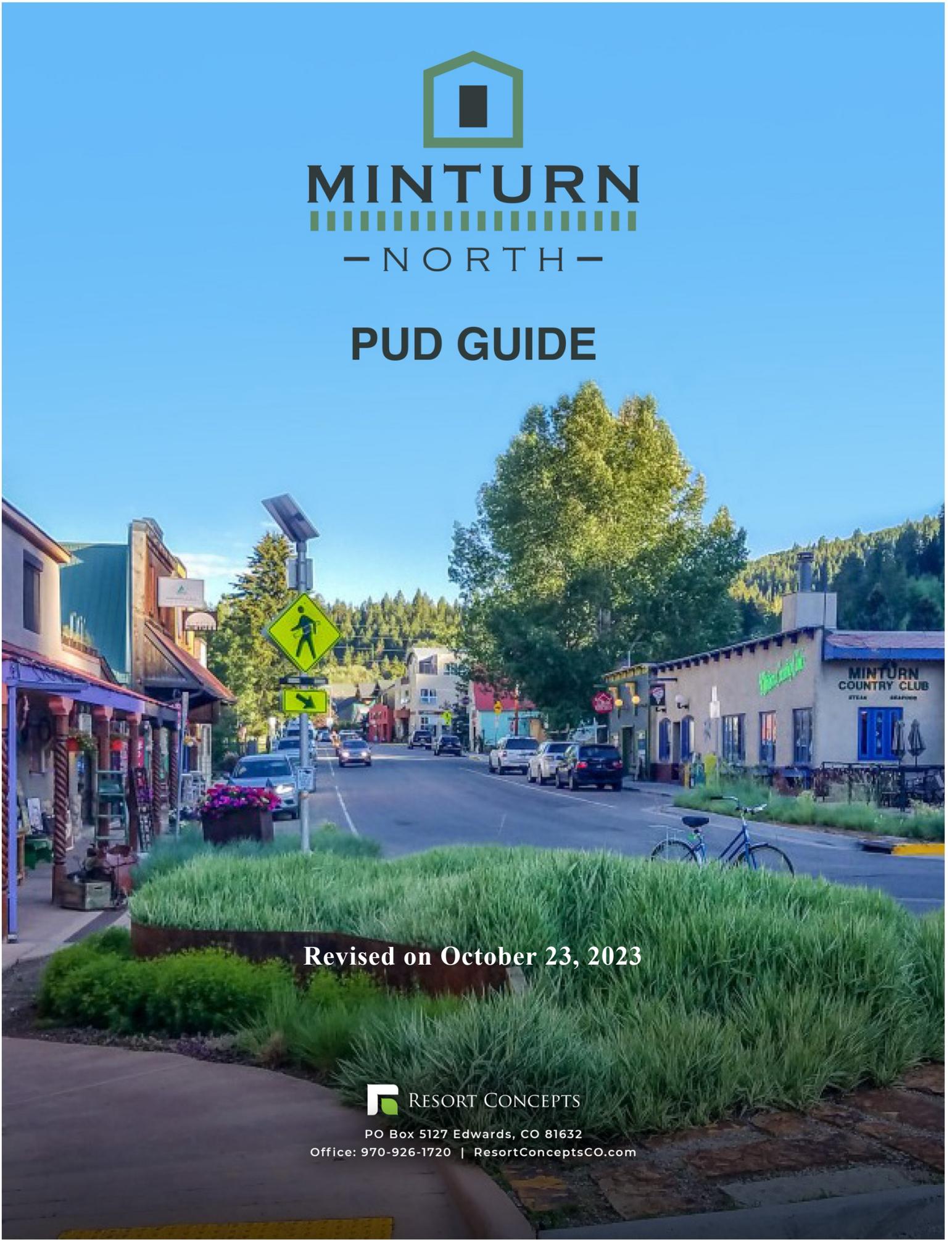


MINTURN



— NORTH —

PUD GUIDE



Revised on October 23, 2023



RESORT CONCEPTS

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SECTION 1.0: CONTEXTUAL INFORMATION

1.1 Introduction

The Minturn North PUD transforms an “infill” dormant property into a thoughtful, diverse and inclusive 39 single-family residential neighborhood. This PUD Guide seeks to acknowledge the rich heritage of the Town of Minturn by providing an appropriately scaled built environment interconnected by open space, play space, and connective circulation patterns. Minturn North resident lifestyle and service needs are provided within walking distance to the Town of Minturn commercial core.



Minturn North Site Looking North

The Minturn North PUD ensures future development will provide environmental sustainability, resource protection and energy efficiency as foundational land planning and architectural design elements. With the use of the latest technological advances in energy efficiency and water conservation, the goal is to provide a sustainable community designed for the future - enriched by its past.



Minturn North site looking West



Game Creek

The architectural character of this special place is grounded in the historical context of simple mining forms with additive forms and the introduction of colorful accents. The design elements are enhanced by modern building methods.



Architectural inspiration images

SECTION 2.0: GENERAL INFORMATION

2.1 PUD Guide Overview

This Minturn North PUD Guide (“PUD Guide”) is for certain real property located in the Town of Minturn, Eagle County, Colorado identified on **Exhibit A**. It is intended to establish the building forms, land uses, density and dimensional limitations that shall be permitted within the property which must be adhered to by future property owners, the Developer, Owner and its successors and assigns. This PUD Guide also specifies improvements which must be made and addresses conditions which must be fulfilled in conjunction with the development of the property.

The PUD is to be developed as a 39 single-family residential neighborhood limited to the following:

- 33 Market Rate Units with a deed restriction requiring all non-permanent resident Buyers pay a 1% transfer assessment to the Town of Minturn at closing of a lot or residence within the PUD boundary. This transfer assessment is in addition to any other mandatory transfer fees or assessments payable to the Town of Minturn pursuant to applicable Town Ordinances. Non-Permanent Resident Buyers are defined below in section 3. A deed restrictive covenant must be executed by all buyers and residents within the Minturn North PUD.
- 6 Deed-restricted, market rate, “eligible household” resident-occupied (aka “locals housing”) single-family units. Eligible Households are defined below in section 3. A deed restrictive covenant must be executed by all buyers and residents within the Minturn North PUD.

Total Deed Restricted Residential Units = 39 (100% of PUD). The overall proposed density of the PUD is 3.1 dwelling units per acre, including the locals housing units. Lots 1-33 shall have a maximum allowable square footage of 6,000 square feet as calculated by the Town of Minturn Code. Lots 34-39 shall have a maximum allowable square footage of 3,000 square feet as calculated by the Town of Minturn Code. There is no minimum residential floor area or dwelling unit required by this PUD Guide.

Open space and common recreation space within the PUD is extensive with an approximate area of 4.23 acres (31.3% of the PUD) including PA-3 and PA-4.

2.2 Metropolitan Districts

The PUD does not include an overlapping Metropolitan District.

2.3 Property Owners Associations

Property Owners Association(s) (“POA’s”) or other similar governing organizations and governing documents including Declaration of Covenants, Conditions and Restrictions (“CCR’s”) may impose additional restrictions and limitations on individual and/or collective land use areas within the Minturn North PUD.

provisions of this PUD Guide applicable to the planning area in which such building, other structure or parcel of land is located, and for no other purposes. Such use, change, extension, enlargement, reconstruction, removal, structural alteration, conversion or relocation shall be subject to all other standards and requirements set forth or referred to in the standards and requirements for that area and to any other applicable standards and requirements of Town of Minturn Municipal Code, this PUD Guide, Property Owners Association, CCR's, governing documents and the Town of Minturn Design Guidelines.

2.7 Control Over Location and Scale

After the effective date of approval of this PUD Guide, the location and scale of all future buildings and other structures shall be in conformity with all standards and requirements set forth or referred to in the standards and requirements of this PUD Guide, Town of Minturn Municipal Code and the Town of Minturn Design Guidelines for the area in which such buildings and other structures are located.

2.8 Planning Area Boundaries

Planning Area boundaries have been depicted to assist in identifying zoning uses, limitations and standards within the PUD Guide planning areas. The planning areas are subject to change and refinement prior to the execution of a final plat. Planning areas may change in size up to ten percent (10%) with the approval of the Town of Minturn Town Manager or assigns and Planning Commission without an amendment to this PUD Guide.

2.9 Density Transfer

The transfer of density within the PUD is not allowed.

2.10 Vested Rights

The Minturn PUD shall be granted vested rights for a period of ten (10) years following the Town of Minturn Town Council approval of the PUD Preliminary Development Plan.

2.11 Signage and Illumination

Address signage for individual homes shall be attached to the structure of the residence including associated structured retaining walls. Address signage shall be easily visible from the street and shall be lit with dark sky compliant lighting approved by the Town of Minturn Design Review Board. Address signage enumeration shall not exceed 8" in height. Signage identifying the neighborhood is allowed within the privately owned interior roadway R.O.W. subject to approval by the Town of Minturn Design Review Board. The neighborhood signage may be lit with dark sky compliant downlighting.

All exterior lighting for individual residences shall be dark sky compliant. An exception to the Minturn PUD Illumination Standards shall be allowed for temporary holiday lighting. Such lighting shall be installed and illuminated on private property between December 1 and March 1.

All signage and illumination associated with public roadways and intersections shall comply with Town of Minturn Code and must be approved by the Town of Minturn.

2.12 Construction Management

Exterior construction within the PUD Boundary may occur between the hours of 7:00 am MST and 6:00 pm MST Monday – Saturday. Interior construction within the PUD boundary may occur between the hours of 7:00 am MST and 6:00 pm MST Monday – Sunday. Erosion control will be administered pursuant to the Town of Minturn approved plans and applicable building permits. A construction management plan shall be approved by the Town of Minturn Design Review Board which identifies limits of construction, dust, mud and debris mitigation techniques to be utilized, contractor parking, temporary toilet facilities and trash receptacle locations. All trash must be contained within an approved bear proof container. Trash and debris must be cleaned from the site daily and placed in a trash receptacle to assure cleanliness. Trash receptacles shall be replaced when full within 24 hours. Construction Fencing shall not be required.

SECTION 3: DEFINITIONS

Words or terms not defined herein shall be construed to have the meaning given by common and ordinary use as defined by the Merriam-Webster Dictionary New Edition 2016 or as defined in the Minturn Town Code unless otherwise provided herein.

Building Lot Coverage: The portion of a lot that is covered by buildings, including all interior space including garages, and all enclosed cantilevered portions of a building, covered porches, covered walkways and similar covered areas. Buildings are measured at the outside exterior wall. Additionally, fifty percent (50%) of the total area of second- and third-level decks shall be counted towards the allowable building lot coverage. Second- and third-level decks that cover a portion of a building that has already been counted towards the allowable lot coverage shall not count towards the total lot coverage. Second- and third-level decks that are structurally supported from the ground level shall have their entire area counted towards the allowable lot coverage.

Building Height: The maximum vertical (plumb) distance measured at any point along the perimeter of the structure from the finished or natural grade (whichever is more restrictive) and a point on the roof depending on the roof type. No portion of any structure shall exceed the applicable building height limitation contained in the Town of Minturn Municipal Code as may be amended from time to time.

Building Setbacks: The distance required between the face of a building and the lot line opposite that building face, measured perpendicularly to the building. Additional setbacks may further restrict building setbacks including wetland and Game Creek stream setbacks. Refer to each planning area development standards for prescribed building setbacks. Improvements which are allowed within building setbacks include the following: parking, sidewalks, trails, fences, driveways, roadways, site stairs and walkways, on-grade patios and plazas, HVAC equipment, roof overhangs no greater than 2'-0", cantilevered finished livable area no greater than 1'-6", drainage facilities, snow storage, landscaping, retaining walls and shoring walls. Substantially below grade improvements including but not limited to parking, stormwater

treatment, window wells, concrete sub-structure associated with the residence and shoring nails, mechanical and utility lines and similar uses and improvements, except as may be prohibited within wetland setbacks described herein.

Commercial Use(s): An activity involving the sale of goods or services carried out for profit. Commercial uses are prohibited within the Minturn North PUD.

Declarant: Declarant of the Minturn North PUD is Minturn Crossing, LLC, and/or assign. Declarant reserves all rights, authority and privileges granted by the PUD.

Density: Residential dwelling units per acre of total land area.

Dwelling Unit or Unit: Any room or group of rooms with not more than one (1) indoor kitchen facility designed for or used as a dwelling for one (1) family as an independent housekeeping unit. Dwelling unit shall include mobile and manufactured homes, but shall not include hotels, motels, clubs, boarding houses, dormitories or other institutions such as hospitals or jails. Dwelling Unit square footage shall be calculated per Town Code.

Eligible Household “Locals Housing”: Homes may be offered to all Eligible Households as defined below. An Eligible Household is a household where at least one member of the household meets at least one of the following criteria:

- A. Has earned a living primarily in Eagle County by having worked an average of at least thirty (30) hours per week on an annual basis at a business with an office or job site physically located in Eagle County (multiple jobs in Eagle County may be combined to reach 30 hours per week); or
- B. Has been hired for a job in Eagle County on a permanent basis to work at least thirty (30) hours per week; or
- C. Is an employee that makes their home in Eagle County but works for employers that are located outside of Eagle County (i.e. telecommuters) as long as all other eligibility requirements are met and the Household can prove Eagle County residency for at least 1 year before application submission; or
- D. Is over the age of sixty (60) and had earned a living primarily in Eagle County prior to his or her retirement; or
- E. Is a disabled person who had been a full-time employee in Eagle County for a minimum of two years immediately prior to his or her disability or has been granted an exception to the minimum of 30 hours per week in order to continue with a federal or state benefit program, if the person works the maximum number of hours per week the disabled person will have met the intent of the programs criteria; or
- F. The household cumulatively earns at least 75% of the Household’s Gross Household

Income in Eagle County.

Any of Lots 34-39 may be sold to an individual or entity that does not meet the requirements of “Eligible Household” so long as the occupant of the resident does meet the criteria of “Eligible Household.”

Fences: Fencing, if any, shall conform to the CPW Wildlife Friendly fencing guidelines. Fencing of lots shall be restricted to the building envelope.

Impervious Surface Area: Any material that prevents absorption of water into the ground. The area of the lot covered by the following shall be considered as impervious surface in all character areas:

- a. The principal building, excluding roof overhangs.
- b. All accessory buildings, parking garages, carports and sheds.
- c. Porches, stairways, decks, elevated walkways, sheds and other structures, together with paved areas or areas otherwise covered with materials impervious to water.

Metropolitan or Metro District or District: A special district or districts used to fund, maintain, operate, or regulate improvements and activities within or adjacent to the PUD. No Metropolitan or Metro District shall be allowed within the Minturn North PUD.

Non-Permanent Resident Buyer: The Buyer of a residence within the Minturn North PUD Boundary who is not a permanent resident of Eagle County and does not meet the definition of “Eligible Household”.

Owner or Applicant: The Owner is the owner of the property contained within the PUD at the time of application or a subsequent owner of the land. Applicant may not be an Owner of the property, however, in this event, applicant shall receive authorization from the Owner in writing.

Planning Area(s): Planning Areas 1-4 as indicated on the Planning Area Map and as defined herein.

Property Owners’ Association, Homeowners’ Association, or Master Association: The property owners’ association, homeowners’ association, or master association is the entity that will manage and direct the operation and maintenance within the PUD and their common elements once turned over to such association by the Developer. Assessments and voting rights of Property Owners are subject to the parameters specified within the Minturn North POA Declarations. The Declarations governing the Association shall stipulate the specific authority given to the Association.

Real Estate Transfer Fee: All properties within the Minturn North PUD are subject to the current Town of Minturn Transfer Fee. An additional one percent (1%) transfer assessment shall be charged on the gross sales price paid by any Non-Permanent Resident Buyer of a lot or residential dwelling unit within the PUD with the following exceptions: (1) common area or open space transfers (2) any purchase by any county, municipality, school district, housing authority or other governmental entity for workforce housing or public uses.

Rental: The rental or lease of any property for short-term or long-term use. The Town of Minturn Town Ordinances and Codes shall govern rental restrictions of all units within the Minturn North PUD.

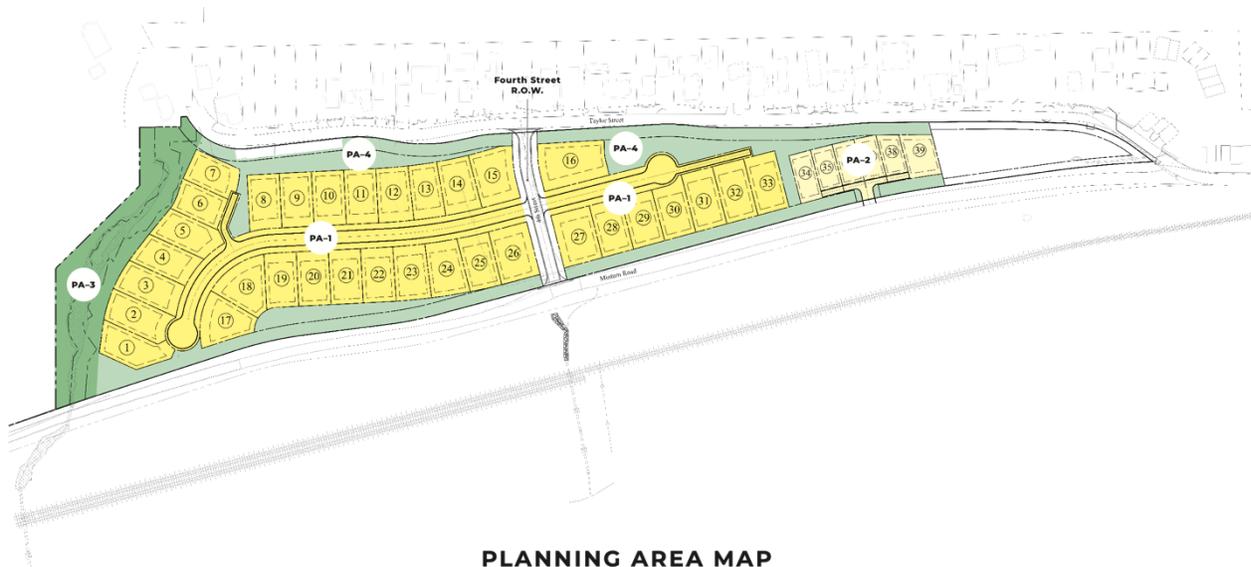
Resident Occupied: Certain properties within the PUD have been designated as Deed-Restricted Resident-Occupied. All Deed-Restricted Resident-Occupied units shall be sold at market rate. Resident Occupied units may not be rented to other occupants unless they meet the definition above of “eligible household”.

Wetlands Setbacks: Wetland Setbacks means an area within the PUD where the development of structures is not permitted within the prescribed site constraints including wetland areas and Game Creek stream setbacks for buildings. No structure, building or disturbance other than the addition of the preventative mudflow berm shall occur within the minimum 30’ Game Creek stream setback. The 30’ Game Creek setback shall be measured from the “ordinary high water mark.” Appropriate precautionary measures and maintenance shall be taken to assure the protection of all native vegetation within all wetland areas described above. Precautionary measures must be approved by the Town of Minturn.

SECTION 4.0: PLANNING AREAS, ALLOWED USES AND ZONING STANDARDS

Planning Areas 1-4 are represented on the Planning Area Map below. The following use allowances and zoning standards apply to each Planning Area.

LAND USE SUMMARY				
Planning Area	Allowed Uses	Density	Acreage	Density/Acre
PA-1	Residential	33 D.U.	7.29	4.53
PA-2	Residential	6 D.U.	0.68	8.82
PA-3	Open Space	N/A	1.45	N/A
PA-4	Common Area Open Space	N/A	2.78	N/A
Fourth Street	R.O.W.	N/A	0.385	N/A
TOTAL		39 D.U.	12.581	3.1



4.1 Planning Area 1 (PA-1) – Single-Family Residential

The primary intent of this Planning Area is to create a market rate single-family residential use zone surrounded by common area and open space.

4. **Permitted Uses:** Residential density is limited to 33 density units. Permitted uses include: dark sky compliant lighting, utilities, single-family residential, associated accessory uses, driveway access, parking and uses determined to be similar by the Town of Minturn Town Manager or assigns. Refer to **Exhibit B: Wildlife Mitigation Plan** for fencing regulations.

B. Development Standards:

1. Minimum Setbacks:
 - a. Front: 20' from Property Boundary per Final Plat
 - b. Rear: 10' from Property Boundary per Final Plat (Note: Any lot line abutting Taylor Avenue or Minturn Road shall require a minimum 15' setback from the road R.O.W.)
 - c. Side: 5' from Property Boundary per Final Plat (Note: Any lot line abutting the Fourth Street R.O.W. shall require a minimum 15' setback from the road R.O.W.)
2. Maximum Building Height: 28'
3. Parking: Minimum 4 spaces per dwelling unit including enclosed garage parking spaces
4. Impervious Surface Area: Max. 60%
5. Building Lot Coverage: Max. 50%

Note: Refer to Section 3 for definition of building height, building setbacks, impervious surface area and building lot coverage. A side setback shall be considered as the space between a shared lot line. Any lot line abutting an internal roadway R.O.W. shall be considered a front setback with the exception of Fourth Street which shall be considered a side setback.

4.2 Planning Area 2 (PA-2) – Single-Family Residential

The primary intent of this Planning Area is to create a market rate, permanent resident occupied single-family residential use zone.

4. **Permitted Uses:** Residential density is limited to 6 density units. Permitted uses include: dark sky compliant lighting, utilities, single-family residential, associated accessory uses, driveway access, parking and uses determined to be similar by the Town of Minturn Town Manager or assigns. Refer to **Exhibit B: Wildlife Mitigation Plan** for fencing regulations.

B. Development Standards:

1. Setbacks:
 - a. Front: Varies 10’-20’ from Property Boundary per Final plat
 - b. Rear: 10’ from Property Boundary per Final Plat
 - c. Side: 5’ from Property Boundary per Final Plat
2. Maximum Building Height: 28’
3. Parking: Minimum 2 spaces per dwelling unit including enclosed garage parking spaces
4. Impervious Surface Area: Max. 65%
5. Building Lot Coverage: Max. 50%

Note: Refer to Section 3 for definition of building height, building setbacks, impervious surface area and building lot coverage. A side setback shall be considered as the space between a shared lot line.

4.3 Planning Area 3 (PA-3) – Open Space

The primary intent of this Planning Area is to create a protected environmentally sensitive buffer zone. Access, construction and disturbance within PA-3 is prohibited, except for purposes of drainage, berms, ECO Trail and maintenance, subject to approval by Town of Minturn. Refer to **Exhibit B: Wildlife Mitigation Plan** for fencing regulations.

- A. **Permitted Uses:** Greenspace, native vegetation maintenance, stormwater and drainage, berms, ECO Trail, snow storage, and uses determined to be similar by the Town of Minturn Town Manager.

B. Development Standards:

1. Setbacks: Setback shall be platted and no less than 30’ from the “ordinary high water mark.”
 - a. N/A
 - b. N/A
 - c. N/A
2. Maximum Building Height: N/A
3. Parking: N/A
4. Impervious Surface Area: N/A
5. Building Lot Coverage: N/A

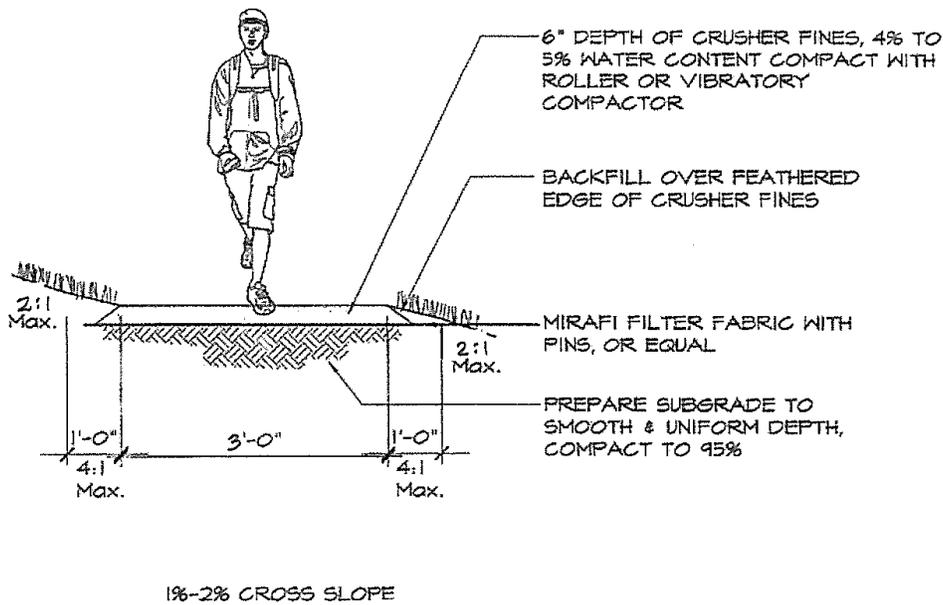
4.4 Planning Area 4 (PA-4) – Common Area Open Space

The primary intent of this Planning Area is to provide open space, parking, drainage snow storage, utilities, public trails, ECO Trail and landscaping.

- A. Permitted Uses:** Dark sky compliant lighting and signage, driveway access, parking, greenspace, public trails, ECO trail, paths, parking, passive recreation, snow storage, stormwater, landscaping and drainage facilities, and uses determined to be similar by the Town of Minturn Town Manager or assigns.
- B. Development Standards:**
1. Setbacks:
 - a. Front: N/A
 - b. Rear: N/A
 - c. Side: N/A
 2. Maximum Building Height: N/A
 3. Parking: Maximum 56 spaces on Taylor Avenue
 4. Impervious Surface Area: N/A
 5. Building Lot Coverage: N/A

SECTION 5.0: VEHICULAR AND PEDESTRIAN CIRCULATION STANDARDS AND DIMENSIONAL LIMITATIONS

Vehicular and Pedestrian Circulation uniquely defines the built environment. This PUD intentionally seeks a an environmentally sensitive “light footprint”. Vehicular circulation shall provide safe and efficient access throughout the community. Pedestrian circulation is intended to promote connectivity to outlying open spaces and amenities and the Town core commercial area. Miles End Lane shall provide a minimum 50’ R.O.W. and 24’ wide asphalt paved roadway with attached curb and gutter. Fourth Street R.O.W. shall be a minimum 50’ and 24’ wide asphalt paved roadway with attached curb, gutter and a 5’ concrete sidewalk on North side of roadway. The sidewalk shall be designed with ADA accessible ramps. The PUD includes a 10’ wide paved ECO Trail on the East side of Minturn Road. Three public access soft-surface crusher fine trails shall connect Miles End Lane with Taylor Avenue and the ECO Trail.



Crusher Fines Trail

An asphalt paved cul-de-sac vehicle turnaround space shall be located at the northern and southern end of Miles End Lane. The cul-de-sac shall be designed sufficient to meet the requirements of emergency service providers. Miles End Lane and Silver Star Trail shall be owned and maintained by the Minturn North Property Owners Association.

SECTION 6.0: TEMPORARY USES

During construction, all Planning Areas may be used for temporary uses including, but not limited to, construction offices, unpaved parking, construction material and equipment storage, waste collection, restrooms, and sales offices. All such uses may be approved during the building permit review process as determined by the Town of Minturn Town Manager or assigns.

SECTION 7.0: TRASH AND RECYCLING

All trash shall be stored within wildlife proof containers.

SECTION 8.0: SUSTAINABILITY AND CONSERVATION

8.1 Water Quality Measures

The Minturn North PUD shall accommodate proper stormwater and snowmelt drainage pursuant to the approved civil engineering design and accompanying reports. Stormwater detention will only be utilized if it is found to be necessary to manage the rate of runoff through existing downstream culverts.

Low Impact Design has been incorporated into civil engineering and landscape plans by the incorporation of the “Water Wise Landscaping Regulations and Standards” in Chapter 16 of the Town of Minturn Municipal Code, with the exception of Sections 16-17-175 (a), (b) and (c), as may be amended from time to time. These regulations and standards apply to individual lot landscape designs, irrigation and maintenance, and all common area revegetation. Landscape design, irrigation and maintenance shall be limited to native, drought-tolerant seed mixes.

8.2 Water Quantity Measures

Indoor water fixtures and outdoor irrigation fixtures shall use the latest technologies and be water use efficient fixtures. Residential fixtures, including but not limited to, toilets, urinals, shower heads, faucets, irrigation controllers shall be certified by the EPA’s Water Sense program, or have an equivalent rating. Other irrigation devices, such as spray sprinkler bodies shall be rated for efficiency and low flow. All water using residential appliances, such as dishwashers, ice machines, and washing machines, shall be certified by the Energy Star program. This will reduce water needs for the project. Verification of the installation of required water efficiency fixtures and appliances will be inspected prior to occupancy.

8.3 Erosion Control

The PUD will comply with the Erosion Control Standards found in the Town Code or alternative best management practices as approved by the Town of Minturn.

8.4 Sustainability

The PUD has been developed with environmental sustainability and energy efficiency at the forefront of the design. The PUD incorporates the latest in electric technological advances into the land planning and architectural designs. The following sustainability measures will be used within this PUD.

1. The project is an infill development which includes trails, access to public lands, public amenities and open space.
2. The project does not interfere with wildlife corridors and preserves ecologically sensitive lands.
3. The project avoids ridgeline development.
4. The neighborhood has been designed as an inclusive and socially diverse live-work play space.
5. The project includes clustered development and a diverse mix of housing types including deed restrictions on 100% of the residential density.
6. The Minturn North PUD is a walkable community.
7. Small scale solar panels are encouraged on all homes.
8. Each single-family home shall include a minimum of one (1) electric vehicle charging outlet.
9. All homes will be equipped with efficient water fixtures (Water Sense certified or equivalent) and appliances (EnergyStar certified or equivalent).
10. Sidewalks on Fourth Street and incorporation of the ECO Trail will be provided within the PUD such that everyone living within the PUD or coming to the PUD will be afforded reasonable pedestrian and bicycle access. Three public access soft-surface trails shall connect Miles End Lane with Taylor Avenue and the ECO Trail.

11. Exterior light fixtures within the PUD will be Dark Sky Compliant in an effort to minimize light pollution. Non dark sky compliant security lighting may be incorporated on an as needed for safety basis as approved by the Town of Minturn Design Review Board.
12. Low Impact Design has been incorporated into civil engineering and landscape plans by the incorporation of the “Water Wise Landscaping Regulations and Standards” as noted in Section 8.1 above. These regulations and standards apply to individual lot landscape designs, irrigation and maintenance, and all common area revegetation. Landscape design, irrigation and maintenance shall be limited to native, drought-tolerant seed mixes.

SECTION 9.0: WATER USE COMPLIANCE

The Town of Minturn reserves the right to conduct water use audits as deemed necessary. Audits will be conducted if there is any indication that the criteria have not been followed. Any PUD Amendment which may affect the water usage of the PUD shall be approved by the Town of Minturn Town Council.

Permanent irrigated area on each lot shall not exceed 2,000sf. Common area permanent irrigation shall not exceed 2,000 s.f. All other temporary irrigation shall be removed by applicant after a 2-year growth cycle. Applicant has agreed to limit temporary irrigation to a maximum of 50,000 s.f. in any given year which will require applicant to have at least 3 phases of temporary irrigation. Applicant has agreed to limit temporary irrigation to a 2-year growth cycle after which the temporary irrigation must be removed by applicant unless approved otherwise by the Town of Minturn. Applicant shall be required to notify the Town Planning Department and Town Manager before beginning and at the end of each 2-year temporary irrigation period. Permanent irrigation associated with individual residences shall be on a common, multi-zoned irrigation system controlled by the Minturn North Property Owners Association.

Sections 9.1-9.3 below shall be governed by the Town of Minturn “Water Wise Landscaping Regulations and Standards” in Chapter 16 of the Town of Minturn Municipal Code, with the exception of Sections 16-17-175 (a), (b) and (c), as may be amended from time to time. These regulations and standards apply to individual lot landscape designs, irrigation and maintenance, and all common area revegetation. Landscape design, irrigation and maintenance shall be limited to native, drought-tolerant seed mixes.

9.1 Irrigation Requirements

To ensure the efficient use of water, the irrigation system shall be designed, installed, operated, and maintained in accordance with best management practices. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations. Permanent irrigation associated with individual residences shall be on a common, multi-zoned irrigation system controlled by the Minturn North Property Owners Association.

9.2 Planting

Relevant soils information such as soil type and infiltration rate shall be utilized when designing irrigation systems. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turfgrass to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree. Temporary above ground irrigation to reestablish native

vegetation of disturbed areas shall be on separate zones from permanent irrigation system. Temporary irrigation shall be physically removed after two growing seasons unless approved by the Town of Minturn. Native vegetation shall be protected to the greatest extent practicable. Removal of trees, shrubs and irrigated areas and/or revisions to existing landscaping are subject to Town of Minturn Design Review approval.

9.3 Irrigation System Maintenance

As the landscape matures, adjustments to the system shall be in harmony with the original intent of the irrigation design. Scheduling of irrigation events shall match the needs of the plants to maintain health, appearance and meet the function of the landscape and adhere to the outdoor watering use regulations of the Town of Minturn. Irrigation systems shall be maintained by the Minturn North Property Owners Association to ensure proper operation and function for water use efficiency.

SECTION 10.0: PUD ENFORCEMENT

All provisions and requirements of this PUD Guide shall be enforced by the Town of Minturn to ensure the PUD is operated and maintained in accordance with the governing documents, guidelines, plans and requirements contained herein.

The Town of Minturn reserves the right to enforce issues related to water use in accordance with the PUD approval.

SECTION 11.0: PUD AMENDMENTS AND MODIFICATIONS

It is anticipated that modifications to this PUD Guide may be necessary from time to time as the development of the PUD progresses. An amendment may be filed only with the approval of the Declarant. The amendment procedures found in the Town of Minturn Code shall govern amendments to this PUD during the period of declarant control.

Subject to the provisions set forth below, Minor Modifications may be authorized by Declarant and approved at the discretion of the Town of Minturn Town Manager or assigns, Town Planning Commission or Town Council without requiring an amendment to the PUD, provided that the changes are similar in nature and, do not impact the listed permitted uses, are consistent with the intent of boundaries of a given parcel, do not adversely affect environmentally sensitive areas, or affect Game Creek stream setback requirements. Minor Modifications shall include, without limitation, the following:

1. Internal road and sidewalk alignment alterations subject to approval by the Town Engineer;
2. Trails alignment alterations, subject to approval by the Town Engineer;
3. Technical and engineering considerations first discovered during actual development which could not reasonably be anticipated during the approval process, subject to approval by the Town Engineer;
4. Modifications to development standards, not including building height or perimeter setbacks or parking requirements approved as part of the PUD, which do not have a

- significant material impact upon the overall intent of the PUD and which allow the improvements to be developed in a safe and efficient manner;
5. Adjustments to Planning Area boundaries up to 10% where the modification does not change the overall intent of the PUD nor result in the increase in the overall density approved within the PUD;
 6. Additions of land uses not previously itemized in the PUD Guide but are found to be similar, consistent, or having similar impacts to or with other uses listed in the PUD Guide;
 8. Temporary uses and lay down, if determined by the Town of Minturn Town Manager or assigns to be necessary to ensure appropriate review of the proposed uses; and
 9. Any other minor change that has no effect on the overall intent of the PUD.

Appeals of any decision hereunder by the Town of Minturn Town Manager shall be heard by the Town of Minturn Town Council pursuant to applicable administrative processes governed by the Minturn Town Code.

Major PUD Amendments not identified above as Minor Amendments shall require Town Council approval and are subject to the provisions of the Minturn Town Code.

EXHIBIT B

Wildlife Mitigation Plan

APPENDIX AD
MINTURN NORTH
WILDLIFE MITIGATION PLAN

This Wildlife Mitigation Plan is provided to avoid, minimize, and mitigate wildlife impacts resulting from the Minturn North PUD. The Town of Minturn and the Minturn North Property Owners Association will have the responsibility and authority to enforce this plan. **This plan will be incorporated by reference into the Declaration of Covenants, Conditions and Restrictions for the PUD.**

1.0 DOGS

Each residential lot will be permitted to have up to two dogs and offspring up to three months old. Dogs shall not be allowed off-leash within the PUD unless contained within an adequate facility such as fences, walled space, dog run, or kennel. These facilities must be located immediately adjacent to the residence within the building envelope and shall not exceed 500 square feet.

At no time are dogs allowed to run freely. When dogs move beyond their owner's building envelope, the dogs must be controlled by a leash and under the direct control of its owner(s) or owner(s) representative. Owner(s) or Owner(s) representative shall be required to immediately pick up any fecal waste of their animals and dispose of in an appropriate manner. Guests of homeowners shall comply with all 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.

Contractors, Sub-Contractors, and employees working within the PUD are prohibited from bringing dogs onto the PUD.

The Town, Property Owners Association, Eagle County and Colorado Parks and Wildlife (CPW) may also control stray dogs within the PUD. Persons not in compliance with these dog restrictions will be responsible for all costs for enforcing these provisions.

Homeowners will be educated regarding dog policies. Homeowners will also be educated that they should not feed dogs and other pets outside their homes, including decks, to avoid attracting nuisance wildlife or predators.

2.0 FENCING

a) Wildlife movements, optimize habitat availability, and reduce wildlife mortality. Except for designed character fencing (including privacy fencing), dog runs, temporary erosion, sediment control, Game Creek setback fencing, and construction fencing, fencing is prohibited throughout the PUD. All fencing must comply with the CPW approved fencing designs to facilitate local and migratory wildlife. Homeowners must educate themselves about bears and other wildlife via CPW's online brochure entitled: "Living with Wildlife in Bear Country".

Fencing along the Game Creek setback shall be maintained by the Association and conform to CPW approved fencing designs. Game Creek fencing shall not restrict movement of deer and elk with an opening in the lower ½ of at least 16” to allow passage of deer fawns and elk calves. This does not apply to approved individual lot fences. Individual lot owners shall maintain fencing on their property. All fencing shall not exceed 42” in height.

3.0 LIVESTOCK

It is expressly prohibited to board or keep any livestock with the Minturn North PUD.

4.0 BEARS AND MOUNTAIN LIONS

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 regularly. This increases the chance of bear-human interaction. After repeated use of a food source, the bear may even act aggressively toward residents, their pets, or their unsuspecting neighbors. When this occurs and wildlife authorities are notified, the bear may be killed to protect human safety.

The following measures are required to reduce potential bear interaction:

- a) All lots must use bear proof trash cans. During construction, all trash bins must be regularly cleared of debris.
- b) Except for construction dumpsters, outside storage of trash or garbage, no matter how briefly (e.g., overnight), at any residence or anywhere in the PUD is not permitted. If wildlife damages trash containers to a point where they are ineffective, the trash containers must be kept indoors until they are replaced by effective containers by the Owner.
- c) There shall be no dumps or underground disposal within the PUD. Buried garbage will attract bears.
- d) Residents are prohibited from using a garden compost pile, unless the compost pile is contained within a bear proof receptacle meeting North American Bear Society, CPW, or U.S. National Park Service specifications. Town DRB approval is required for all compost bins and piles.
- e) Pets shall not be fed outside. Bowls of food left outside will attract bears and other predators and nuisance species (e.g., skunks) of wildlife. Some of these wildlife species may carry disease that can be transmitted to pets.
- f) Bird Feeders must be taken in at night.
- g) Homeowners must educate themselves about bears and other wildlife via CPW's online brochure entitled: "Living with Wildlife in Bear Country".
- h) Mountain Lions are occasionally present year-round in the Minturn area but may be more common from fall through spring when deer and elk are wintering and fawning/calving at lower elevations. Homeowners must educate themselves about bears and other wildlife via CPW's online brochure entitled: "Living with Wildlife in Mountain Lion Country". Except for

bird feeders, the feeding, baiting, salting, or other means of attracting wildlife to the PUD is prohibited.

5.0 GAME CREEK PRESERVED AREA

Riparian habitats support some of the highest wildlife values on any habitat type. As a result, the PUD has created a minimum 30' Game Creek setback with limited access for the purpose of enhancements and maintenance only. Permanent impacts to wetlands will be avoided. Appropriate precautionary measures shall be taken to assure the protection of all native vegetation with the wetland areas.

6.0 NEIGHBORHOOD LANDSCAPING

Landscaping within the PUD shall utilize plant material intended to minimize attraction to wildlife as well as visual cover for Mountain Lions.

7.0 ADDITIONAL COMMITMENTS

This Wildlife Mitigation Plan will be incorporated by reference into the Property Owners Association Declaration of Covenants, Conditions and Restrictions and cannot be changed without the written consent of CPW and the Town of Minturn.

8.0 ENFORCEMENT

The authority to enforce the terms of the Plan is granted to CPW, Eagle County, the Property Owners Association, and the Town of Minturn. If there is a violation of this Plan by an owner within the PUD, then the following procedures shall be taken to enforce the terms hereof:

- a) The owner violating the Plan shall first receive a written warning of the violation. The violation must be cured as reasonably determined by the Property Owners Association.
- b) If a second offense occurs of the same violation or owner does not remedy the offense within the reasonable timeframe, a \$100 fine will be assessed against the owner.
- c) If a third offense occurs of the same violation, owner will be assessed a \$500 fine.
- d) Future offenses by the same owner of the same violation will double as they occur.
- e) All remedies available under Colorado law shall be used to collect fines including the POA's right to lien a property.
- f) All collected fines will be paid 30% to the POA and 70% to the Town of Minturn.

Enforcement of the Wildlife Mitigation Plan shall be administered by the Minturn North Property Owners Association.