

Commissioner Mc QUINCY moved adoption of
the following Resolution:

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EAGLE, STATE OF COLORADO**

RESOLUTION NO. 2017 - 007

**APPROVAL
OF THE AMENDED AND RESTATED GUIDE TO THE BEAVER CREEK PLANNED
UNIT DEVELOPMENT**

FILE NO. PDA-6452

WHEREAS, on or about August 24, 2016, the County of Eagle, State of Colorado, accepted for filing an application (File No. PDA-6452) submitted by the Beaver Creek Metropolitan District (hereinafter the "Applicant") for approval of a Planned Unit Development Amendment (hereinafter the "PUD Amendment"); and

WHEREAS, the PUD Amendment will update the existing Amended and Restated Beaver Creek Planned Unit Development Guide document (hereinafter the "PUD Guide"), as previously amended on January 22, 2013 (Resolution No. 2013-30); and

WHEREAS, the PUD Amendment will revise Section VI.f of the PUD Guide by striking the following language:

"If Lot 1 is developed residentially, a new roadway/access easement will be required as part of such residential development to be granted to the ski area operator over and across Lot 1 to permit vehicular access the resort service facilities and other activities on Beaver Creek mountain. It is the intent of such easement to allow the same type and intensity (or potentially greater intensity) of traffic as currently exists for Village Walk Road for use by the ski area operator;" and

WHEREAS, notice of the proposed amendment was mailed to all owners of property located within and adjacent to the PUD and was duly published in a newspaper of general circulation throughout the County concerning the subject matter of the application and setting forth the dates and times of hearings for consideration of the application by the Eagle County Planning Commission (hereinafter the "Planning Commission") and the Board of County Commissioners of the County of Eagle (hereinafter the "Board"); and

WHEREAS, at a public hearing held on December 21, 2016, the Planning Commission, based upon its findings, forwarded a recommendation for denial of the proposed PUD Amendment; and

WHEREAS, at a public hearing on January 24, 2017, the Board considered the proposed PUD Amendment; and

WHEREAS, at its regular meeting on January 24, 2017, the Board voted unanimously to approve the PUD Amendment request with the condition listed herein and authorized the Chair to sign on its behalf the foregoing resolution evidencing such approval; and,

WHEREAS, based on the evidence, testimony, exhibits, and study of the Comprehensive Plan for the unincorporated areas of Eagle County, comments of the Eagle County Planning Department, comments of public officials and agencies, the recommendation of the Planning Commission, and comments from all interested parties, the Board found 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, pursuant to the ECLURs Section 5-240.F.3.m (5) - Standards for the review of a PUD Amendment, all standards required for the review of a Preliminary Plan for Planned Unit Development **have been** met.
3. That, pursuant to the ECLURs Section 5-240.F.3.m. (1-4) - Amendment to Preliminary Plan for PUD, all standards required for the review of a PUD Amendment **have been** met.

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

THAT, the Amended and Restated Beaver Creek Planned Unit Development Guide, Eagle County File No. PDA-6452 (attached as Exhibit 'A' to this Resolution) be and is hereby **approved** with 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 meetings shall be adhered to and considered conditions of approval.

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

THAT, the Board further finds, determines and declares that this Resolution is necessary for the health, safety and welfare of the inhabitants of the County of Eagle, State of Colorado.

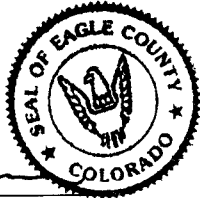
ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, on March 6, 2017, *nunc pro tunc* to the 24th day of January, 2017.

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

ATTEST:

BY:

Regina O'Brien
Clerk to the Board of
County Commissioners



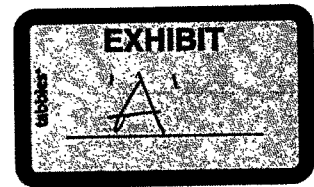
BY:

Jillian H. Ryan, Chair

Commissioner Chandler-Henry seconded approval of the PUD Amendment. The roll having been called, the vote was as follows:

Commissioner Jillian H. Ryan	Aye
Commissioner Kathy Chandler-Henry	Aye
Commissioner Jeanne McQueeney	Aye

Approval of the PUD Amendment passed by a unanimous vote of the Board of County Commissioner of the County of Eagle, State of Colorado.



Amended and Restated Guide to the Beaver Creek Planned Unit Development

Dated: January 24, 2017

**Originally adopted May 1, 1978
Amended and Restated:
August 20, 1983
July 26, 1988
March 29, 1994
April 2, 2013**

TABLE OF CONTENTS

I.	PURPOSE	1
II.	DEFINITIONS	1
III.	ASSIGNMENT OF DWELLING UNITS AND COMMERCIAL SPACE	5
IV.	LAND USE DESIGNATIONS.....	6
V.	SPECIAL USE PERMIT	12
VI.	ASSIGNED LAND USE DESIGNATIONS.....	13
VII.	FIREPLACE REGULATIONS, WILDFIRE MITIGATION GUIDELINES, AND ENERGY AND WATER CONSERVATION STANDARDS	16
VIII.	TIMESHARE REGULATIONS	17
IX.	RECORDATION.....	20
X.	AMENDMENTS TO THE BEAVER CREEK PUD	20
XI.	MINOR MODIFICATIONS.....	21
XII.	BUILDING ENVELOPE AMENDMENTS	21
XIII.	OTHER PROVISIONS	22

**AMENDED AND RESTATED GUIDE TO
THE BEAVER CREEK PLANNED UNIT DEVELOPMENT**

I. PURPOSE

On May 1, 1978, the Eagle County Board of County Commissioners (the "Eagle County Commissioners") authorized the Beaver Creek Planned Unit Development (the "Beaver Creek PUD"), as defined below, pursuant to the Eagle County Land Use Regulations then in effect and pursuant to the Planned Unit Development Act of 1972, C.R.S., 1973 (the "Planned Unit Development Act").

On August 20, 1983, the Eagle County Commissioners approved the Guide to the Beaver Creek PUD by Resolution 83-60 which Guide compiled and incorporated into one comprehensive document the Beaver Creek PUD and various amendments and revisions thereto. An Amended and Restated version thereof, dated July 26, 1988, was duly approved and recorded in the real property records of Eagle County, Colorado.

On March 29, 1994, the Eagle County Commissioners approved an Amended and Restated version of the Guide to the Beaver Creek PUD by Resolution 94-37 which included various amendments and revisions to the Beaver Creek PUD and was duly approved and recorded at Book 638 and Page 584 in the real property records of Eagle County, Colorado.

On April 2, 2013, the Eagle County Commissioners approved an Amended and Restated version of the Guide to the Beaver Creek PUD by Resolution 2013-30 which included various amendments and revisions for the purpose of changing the land use designation of Lot 1, Tract M to Resort Commercial One, and was duly approved and recorded at Reception Number 201308963 in the real property records of Eagle County, Colorado.

This Amended and Restated Guide to the Beaver Creek PUD (the "Guide") amends and restates, in its entirety, and supersedes the previously approved Guide to the Beaver Creek PUD. The purpose of this Guide is (i) to reiterate and clarify the standards, restrictions and regulations which govern development and land use within the Beaver Creek PUD, and (ii) to incorporate into this Guide amendments to the Beaver Creek PUD approved by the Eagle County Commissioners.

The Beaver Creek PUD authorizes a total of 3,161 Dwelling Units and 380,000 square feet of Commercial Space on a 2,126 acre parcel of land in Eagle County, Colorado. Development within the Beaver Creek PUD is administered by the Eagle County Department of Community Development based on provisions contained within this Guide. Building construction within the Beaver Creek PUD is governed by the Eagle County Building Resolution as amended from time to time.

II. DEFINITIONS

A. Beaver Creek PUD. The Beaver Creek PUD is a zone district authorized by the Eagle County Commissioners on May 1, 1978 pursuant to the Planned Unit Development Act according to the terms and conditions of the Master Plan Revision to the Beaver Creek Planned Unit Development dated February 1, 1978, as amended from time to time, and contains all the property described in Exhibit A, as amended from time to time.

B. Building Envelope. Building envelope specifies the boundaries within which improvements may be constructed on a particular property, as designated on a recorded subdivision plat for property within the Residential Low Density Land Use Designation.

C. Building Height. Building height is determined as follows: a vertical distance will be taken at a series of points at equal intervals around the perimeter of the building. The intervals may be of any equal distances less than 30 feet each. Within each interval, the height of any roof with a horizontal projection of 10 feet or greater will be measured from finished grade to the respective mid-point between eaves and ridge. These heights are then averaged to determine the height for that specific interval of the building. Finally, the height of the building is determined by averaging the heights of all intervals around the building. Finished grade for purposes of these height calculations is the final elevation of the surface material (soil, paving, decking, or plaza) adjacent to the building at the specific interval point as shown on the architect's site plan. (Example attached as Exhibit B).

D. Commercial Space. Commercial space is any area which may be used, rented or leased for the purpose of generating retail business or consumer services with the intent of producing a financial profit.

Commercial Space is measured from the inside of finished walls and shall include offices and storage spaces contiguous with the primary area but does not include auxiliary storage in remote areas.

1. Except as specifically provided below, Commercial Space includes, but is not limited to:

- a. business and professional offices;
- b. retail specialty and gift shops;
- c. restaurants;
- d. banks;
- e. barber and beauty shops;
- f. laundromat/dry cleaning;
- g. shoe repair;
- h. automobile repair and services;
- i. tavern;
- j. cinema;
- k. clothing stores;
- l. department stores;
- m. beverage stores;
- n. furniture stores;
- o. hardware stores;
- p. food stores;
- q. real estate sales offices;
- r. ski rental and sales stores; and
- s. skier cafeteria.

2. The following uses will not be considered Commercial Space:
- a. all residential and lodging facilities (except for areas used specifically as enumerated under Subparagraph 1 above) including, but not limited to:
 - (1) employee housing;
 - (2) condominiums;
 - (3) hotels;
 - (4) lodges;
 - (5) duplex residences;
 - (6) primary/secondary residences;
 - (7) single family residences; and
 - (8) townhouse residences.
 - b. meeting rooms;
 - c. banquet rooms;
 - d. educational classrooms;
 - e. cultural facilities including, but not limited to:
 - (1) churches;
 - (2) museums; and
 - (3) performance theaters made available for live performances of artistic merit.
 - f. recreational facilities or athletic facilities including, but not limited to:
 - (1) health spas;
 - (2) swimming pools;
 - (3) sports courts;
 - (4) equestrian facilities and horse operations
 - (5) golf club maintenance and operations facilities; and
 - (6) tennis maintenance facilities and locker rooms.
 - g. resort services (any area used for operation of the Beaver Creek Resort) including, but not limited to:
 - (1) operations staff and resort management offices;
 - (2) ski school;
 - (3) ski patrol;
 - (4) lift operations;
 - (5) lift maintenance;

- (6) child care centers;
- (7) resort marketing/central reservations;
- (8) personnel;
- (9) property management functions including, but not limited to:
 - (a) bus maintenance; and
 - (b) building maintenance.
- (10) ticket operations;
- (11) snowmaking facilities; and
- (12) firehouse and security operations.

E. Dwelling Unit. (i) One or more rooms occupied by one family or group of people living independently from any other family or group of people and having not more than one indoor cooking facility or (ii) an aggregate of hotel or lodge rooms as provided below:

A hotel or lodge room is a room within a hotel or lodge used primarily as a bedroom for transient lodging. A hotel or lodge room may include a bathroom, closet and balcony. Three hotel or lodge rooms will be counted as one Dwelling Unit as long as (i) none of such rooms contain more than 600 square feet of interior space, and (ii) no more than one indoor cooking facility is included within the three hotel or lodge rooms being counted as one dwelling unit. Any hotel or lodge room containing more than 600 square feet of interior space shall be counted as one dwelling unit. In the computation of total Dwelling Units for a given hotel or lodge project, any fractional value shall be rounded to the next highest integer.

The following terms shall expand and clarify the definition of Dwelling Unit.

1. Primary/Secondary Structure. A primary/ secondary structure consists of two Dwelling Units within a single fee simple estate: one primary unit and one secondary unit. The secondary unit can be no more than 25% of the Gross Residential Floor Area of the Primary/Secondary Structure, must be integral with the architecture of the primary unit, and cannot be subdivided or separately conveyed or transferred in ownership.

2. Duplex Structure. A duplex is considered to be one multi-family project consisting of two residences within an architecturally integrated structure. If the property is resubdivided each of the units can be owned separately as fee simple estates and ownership can then be conveyed or transferred independently. For purposes of Dwelling Unit definition, each residence counts as a Dwelling Unit, thereby counting as two Dwelling Units per structure.

3. Condominium. A condominium is defined as any group of rooms created as a fee simple estate in a defined air space within a multi-unit property. For purposes of Dwelling Unit definition, only condominiums which are considered residential condominium units shall be counted as Dwelling Units. The residential condominium will not have more than one kitchen and all rooms will be interconnected through doors or foyers. Within a residential

condominium, any bedrooms that connect by doorways directly into the living room, dining room, kitchen or entry foyer are considered part of a single Dwelling Unit. These rooms may "lock-off" from the remainder of the suite with direct access to a corridor or outside entry but would still be considered part of the residential condominium Dwelling Unit provided that the condominium will have not more than two lock-offs and one kitchen per Dwelling Unit. For the purposes of this document, two lock-offs will mean that the Dwelling Unit may be divisible into not more than three separately occupiable rooms or suites whether including the kitchen or not. (Example attached as Exhibit C.)

F. Floor Area. Floor Area means the sum of the gross horizontal areas of all floors of a building measured from the outside of all exterior walls, including penthouse, lofts, stairways, fireplaces, halls, useable and habitable attic space, and not including basements or areas designed for parking or loading within the building.

G. Parking Spaces. Twenty percent of the structured parking spaces in the Beaver Creek PUD may be sized for compact cars within a minimum space dimension of 8' X 17'. The remaining 80% of the spaces is required to be not less than 9' X 18'. This requirement applies to structured parking only, and all exterior parking spaces will not be less than 10' X 20'.

H. Timesharing.

1. The terms "interval estate", "timeshare estate", and "time-span estate" will each have the meaning set forth in § 38-33-110, C.R.S., 1973, as amended as of July 7, 1983, attached as Exhibit D.

2. "Organizational timesharing interest" will mean any arrangement by, through or under which the owners of stock in any corporation, the members of any nonprofit corporation, the partners in general or limited partnership, or the joint venturers in any joint venture shall arrange by means, formal or informal, to share the right to use real property on a regular basis; however, "organizational timesharing interest" will not include any arrangement involving a corporation, partnership or joint venture when there are twelve or fewer shareholders, members, partners or joint venturers. For purposes of this Article II.H.2, husbands and wives will be counted as one shareholder, member, partner or joint venturer.

3. "Vacation License" shall mean any other arrangement, formal or informal, under which thirteen or more persons or entities share the right to use real property on a regular basis.

4. "Interval ownership interest" will include any timeshare unit, any organizational timeshare interest, any vacation license, or any similar plan or arrangement.

III. **ASSIGNMENT OF DWELLING UNITS AND COMMERCIAL SPACE.**

A. Transfer of Dwelling Units and Commercial Space. Initially, Dwelling Units and Commercial Space were assigned to property within the Beaver Creek PUD by the Land Use Summary (P4) of the Master Plan Revision of the Beaver Creek PUD dated February 1, 1978.

However, transfer of such Dwelling Units and Commercial Space between property is permitted without requiring an Amendment to the Beaver Creek PUD as set forth below:

The Dwelling Unit Report as defined below functions as the mechanism to transfer Dwelling Units and Commercial Space between property prior to allocation by Vail Associates, Inc., its successors and assigns ("VAI"). Any transfer of Dwelling Units or Commercial Space must be approved in writing by the Eagle County Zoning Administrator.

B. Allocation of Dwelling Units and Commercial Space.

1. If VAI conveys or transfers property to a second party, a deed or lease is the mechanism by which the allocation is accomplished. Such deed or lease specifies the number of Dwelling Units and amount of Commercial Space allocated to the property. Such allocation may not be changed except as provided in Subparagraph 2. below.

2. If VAI retains ownership and develops a property, or if VAI agrees to change the number of Dwelling Units or an amount of Commercial Space previously allocated to a property, an Allocation Of Dwelling Units and/or Commercial Space Document ("Allocation Document") is the mechanism by which the allocation is accomplished. Such Allocation Document must specify the number of Dwelling Units and amount of Commercial Space allocated to the property and must be signed by VAI as grantor and by grantee if such a party is other than VAI.

C. Dwelling Unit and Commercial Space Report. The Dwelling Unit and Commercial Space Report (the "Dwelling Unit Report") is a detailed statement of the number of Dwelling Units and amount of Commercial Space then currently assigned to property whether by initial assignment, by transfer or by allocation by a deed, lease, or Allocation Document, all as set forth above. The Dwelling Unit Report is submitted annually by VAI to the Eagle County Zoning Administrator and must be approved in writing.

D. Other. Any transfer or allocation of Dwelling Units and Commercial Space within the Beaver Creek PUD must:

1. Only be made by VAI;
2. Be consistent with the land use designation of the property involved; and
3. Maintain the overall ceiling of 3,161 Dwelling Units and 380,000 square feet of Commercial Space approved for the Beaver Creek PUD by the Eagle County Commissioners.

IV. LAND USE DESIGNATIONS.

Land use designations within the Beaver Creek PUD are as follows:

A. RC - Resort Commercial.

1. Purpose: To provide accommodations, residences, Commercial Space, convention facilities, resort operations facilities, recreational and athletic amenities and facilities and parking consistent with the needs of a year-round resort village.
2. Uses by Right:
 - a. Hotel and lodge rooms.
 - b. Apartment accommodations; condominiums; and single family, primary/secondary, duplex and townhouse structures.
 - c. Commercial Space.
 - d. Timesharing: See Article VIII hereof.
 - e. Recreation amenities and facilities consistent with the needs of a year-round resort including, but not limited to, alpine and Nordic skiing, tennis, swimming pools, sports courts, picnics and ice skating.
 - f. Resort operations space and facilities necessary for the support of the resort function including, but not limited to, convention space, meeting rooms, cultural facilities, receiving and delivery space, and recreation administration.
3. Set Back: No minimum except must be sufficient to accommodate utilities, existing easements, drainage, access, fire code regulations, and flood plain of live streams.
4. Maximum Building Height: 55 feet, except for non-habitable architectural features such as chimneys, towers and steeples as authorized by the Eagle County Zoning Administrator pursuant to Article XI hereof.
5. Parking Requirements:

Hotel and Lodges	0.5 spaces per hotel or lodge room
Condominiums	1.0 space per unit
Commercial Space	1.0 space per 1,000 sq. ft.
Restaurants	1.0 space per 10 seats

Each specific parking requirement set forth above for any given project will carry any fractional value to the computation of the

total parking requirement. Any fractional value in the total parking requirement for any given project will be rounded to the next highest integer. Parking will be provided on-site or on another site with the same land use designation if approved by the owner of the other site.

A.I. RCI - Resort Commercial I.

1. Purpose: To provide a flexible zone allowing for transition from Resort Services uses to Resort Commercial uses as the Resort matures.
2. Uses by Right: All of those uses permitted as "Uses by Right" in the RC (Resort Commercial) and RS (Resort Services) Land Use Designations.
3. Setback: No minimum except must be sufficient to accommodate utilities, existing easements, drainage, access, fire code regulations and flood plain of live streams.
4. Maximum Building Height: 45 feet, except for non-habitable architectural features such as chimneys, towers and steeples as authorized by the Eagle County Zoning Administrator pursuant to Article XI hereof.

5. Parking Requirements:

Hotel and Lodges	0.5 spaces per hotel or lodge room
Condominiums	1.0 space per unit
Commercial Space	1.0 space per 1,000 sq. ft.
Restaurants	1.0 space per 10 seats

Resort Services Uses: Parking sufficient to meet the needs of the uses and in accordance with the then current Eagle County Land Use Regulations.

Each specific parking requirement set forth above for any given project will carry any fractional value to the computation of the total parking requirement. Any fractional value in the total parking requirement for any given project will be rounded to the next highest integer. Parking will be provided on-site or on another site with the same Land Use Designation if approved by the owner of the other site.

B. {Intentionally deleted as part of the amendments incorporated into this Guide}

C. RMD - Residential Medium Density.

1. Purpose: To provide residential development of medium density neighborhoods.
2. Uses by Right: Townhouses, condominiums, single family, primary/secondary and duplex structures not to exceed 12 Dwelling Units per acre.
3. Set Back: No minimum except must be sufficient to accommodate utilities, existing easements, drainage, access, fire code regulations, and flood plain of live streams.
4. Maximum Building Height: 35 feet.
5. Parking: One-half parking space per Dwelling Unit plus one-tenth of a space per 100 square feet of Floor Area. Maximum of two spaces per Dwelling Unit.

D. RLD - Residential Low Density.

1. Purpose: To provide residential development of low density neighborhoods.
2. Uses by Right: Single family, primary/ secondary and duplex structures not to exceed six Dwelling Units per acre, and ski lifts to the extent located in a duly granted or created ski lift corridor easement. Within Upper Bachelor Gulch only, in addition to the uses listed in the previous sentence, cluster homes/townhomes.
3. Set Back: All building improvements must be contained within the Building Envelopes as shown on the final plats and respect existing easements. However, minor encroachments outside the Building Envelopes may be allowed pursuant to Article XI hereof.
4. Maximum Building Height: 35 feet, except for the following lots which shall have a building height limitation restricted to 25' (calculated as herein defined): Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28 and 29, Block 1, Tract J.
5. Parking: Each residence shall provide a minimum of two on-site parking spaces per Dwelling Unit except for building improvements containing more than 3,000 square feet of Floor Area for which one on-site parking space per bedroom is required. Such parking requirements may be provided by "stacking". For purposes of this document, "stacking" means the parking of a car behind any other car as long as there is sufficient space on-site.

E. RS - Resort Services.

1. Purpose: To provide support functions and facilities for resort operations and recreational activities and facilities consistent with the needs of a year-round resort.
2. Uses by Right:
 - a. Resort Operations space and facilities including, but not limited to, parking, vehicle maintenance, building and grounds maintenance, offices, warehousing, central kitchen facilities, guest reception and reservations, residential units for caretaker or employee of the facility, transportation terminal and firehouse and security operations.
 - b. Recreation amenities and facilities consistent with the needs of a year-round resort including, but not limited to alpine and Nordic skiing, tennis, swimming pools, sports courts, picnics and ice skating.
3. Set Back: No minimum sufficient except to accommodate utilities, existing easements, drainage, access, fire code regulations and flood plain of live streams.
4. Maximum Building Height: 35 feet, except for non-habitable architectural features, such as chimneys, towers and steeples as authorized by the Eagle County Zoning Administrator pursuant to Article XI hereof.
5. Parking: Resort Services property will provide parking sufficient to meet the needs of its uses and in accordance with the then current Eagle County Land Use Regulations.

F. OSR - Open Space Recreation.

1. Purpose: To promote, foster and develop scenic and recreation activities of the natural environment and to provide for recreation administration.
2. Uses by Right: For use purposes, the Open Space Recreation district will be divided into two categories, one being referred to simply as Open Space Recreation (or "OSR") and the second being referred to as Open Space Recreation-Greenbelt (or "OSR-Greenbelt").
 - a. Uses by right in Open Space Recreation (OSR):

(1) All recreational activities and facilities compatible with the valley's environment and consistent with the needs of a year-round mountain resort, including but not limited to, activities and facilities associated with alpine and Nordic recreational and competitive skiing, equestrian operations, sports courts, swimming, ice skating, bicycling, fishing, bob sledding, snow shoeing, children's playgrounds, hiking, golf, special events, outdoor entertainment, utility installations and lines; roadways and bridges; mobile food service, mountain recreation lodging facilities as shown in an approved P.U.D. plan, mountain restaurants and picnic decks as shown in an approved P.U.D. plan, and private club/restaurant facilities as shown in an approved P.U.D. plan or provided that the same (i) be within the area as depicted on Exhibit E or (ii) shall be at least 250 feet from any boundary of platted property and contain a Floor Area of less than 2000 square feet or (iii) shall be at least 1000 feet from any boundary of platted property. Any existing restaurant as of the date hereof is not required to conform to the provisions of this Article IV.F.2.a.(1)

(2) Resort operations space and facilities owned or operated by the owner or operator of Beaver Creek Resort necessary for the support and operation of a year-round resort including, but not limited to, support staff for resort operations (facilities not to exceed 25,000 square feet in the aggregate), information centers, ski school, ski patrol, ski lockers and storage, lift operations and maintenance, ticket operations, snowmaking facilities, and security operations.

b. Uses by right in Open Space Recreation-Greenbelt (OSR-Greenbelt): Pedestrian, hiking, equestrian and biking paths and trails; ski trails, ski-ways, snow- cat and similar vehicle access-ways; skier platforms; snowmaking facilities and equipment; picnic tables and decks; utility installations and lines; roadways and bridges; and, additional uses similar to those listed above in this Article IV.F.2.b. Special uses shall not be permitted in OSR-Greenbelt.

3. Special Uses: The following special uses are permitted subject to the provisions set forth in Article V hereof.

a. Facilities owned or operated by the owner or operator of Beaver Creek Resort relating to meeting rooms, educational classrooms, health spas, retail sales of items for mountain recreation, cultural facilities (including but not limited to churches, museums and performance theaters made available for live performances of artistic merit), receiving and delivery space operations, child care centers, resort marketing/central

reservations, personnel, and property management functions (including but not limited to bus maintenance and building maintenance).b. Each mountain recreation lodging facility which meets the following criteria:

- (1) Be developed in concert with mountain recreation experiences.
 - (2) Be at least 2500 feet from the nearest boundary of any platted property within the Beaver Creek PUD.
 - (3) Have a Floor Area not to exceed 10,000 square feet.
 - (4) Be physically separated from and visually unobtrusive to other mountain recreation lodging facilities.
 - (5) Be integrated into the natural environment.
 - (6) Be owned by the owner or operator of Beaver Creek Resort.
4. Set Back: No minimum except must be sufficient to accommodate utilities, existing easements, drainage, access, fire code regulations and flood plain of live streams. Set back applies to building structures only.
 5. Maximum Building Height: 35 feet.
 6. Parking: Open Space Recreation property will provide parking sufficient to meet the needs of its uses and in accordance with the then current Eagle County Land Use Regulations.

V. SPECIAL USE PERMIT

The purpose of a Special Use Permit is to allow certain permitted uses in addition to Uses By Right in a given land use designation. A Special Use Permit may be authorized by the Eagle County Commissioners without requiring an amendment to the Beaver Creek PUD pursuant to the provisions of this Article. A Special Use Permit requires submission of an application therefor to the Eagle County Commissioners followed by two public hearings (one before the Eagle County Planning Commission and one before the Eagle County Commissioners) notice of which (i) has been placed in a newspaper of general circulation in Eagle County, Colorado, at least 10 days prior to the Planning Commission meeting and at least 30 days prior to the Eagle County Commissioners' meeting, and (ii) has been sent by first class mail, at least 15 days prior to the hearing before the Planning Commission, to (a) each owner of property, any boundary of which is within 500 feet of any boundary of the proposed Special Use Permit site and (b) any entity or person who is a then current property owner within the Beaver Creek PUD who has previously filed with the Eagle County Department of Community Development a request to receive notice of any Special Use Permit application. Such notices shall state the location and general nature of the Special Use Permit and the dates of both the Planning Commission and Eagle County Commissioners hearings.

Such Special Use Permit shall be reviewed by the Eagle County Commissioners and will be approved if the Eagle County Commissioners find that:

- a. The proposed use is not materially inconsistent with other existing uses in the area.
- b. There is no potential material adverse effect of the proposed use on the character of the adjacent neighborhood or the Beaver Creek Resort.
- c. Access to and from the site of the proposed use is adequate.
- d. Water and sanitation service for the site of the proposed use is adequate.
- e. The physical arrangement of the proposed improvements on the site of the proposed use is appropriate.

Any decision by the Eagle County Commissioners relating to a Special Use Permit may be appealed in writing within 30 days of such decision.

At such time as a Special Use Permit is approved, the Special Use Site will be classified SU immediately following its land use designation (e.g. OSR/SU).

VI. ASSIGNED LAND USE DESIGNATIONS.

The following list identifies properties, both platted and unplatted, included in the Beaver Creek PUD and their respective land use designations. Land use designations for all platted property must be included on the face of all plat maps recorded for property within the Beaver Creek PUD.

<u>Tract</u>	<u>Land Use Designation</u>
A	RC, except Lots 2, 7, 11, 15, 22, and 24 of Block 1; Lots 9 and 12 of Block 2; and Lot 5 of Block 4 which are designated RC/OSR; and Lot 17 and 17A of Block 2 which are designated RMD.
B	RC, subject to the following condition: <ol style="list-style-type: none">a. Residential density not to exceed 3 00 dwelling units
C	RMD
D	RMD
E	RC
F	RLD
G	RC, except Lot 5 which is designated OSR
H	RLD, except Lots 13 and 14 of Block 1, Lot 5 of Block 3; and Lot 18 of Block 4 which are designated OSR
I	RLD, except Lot 26 which is designated Golf Facilities Easement and Lots 7, 18 and 19 of Block 2 which are designated OSR
J	RLD, except Lot 31 of Block 1 and Lots 45 and 46 of Block 2 which are designated OSR
K	RLD
L	RLD, except Lot 17 which is designated Open Space, Equestrian and Ski Uses
M	RCI on Lot 1 and Lot 2 subject to the following conditions:

- a. Residential density not to exceed 32 dwelling units. Twenty-six (26) dwelling units are permitted on Lot 2, as currently constructed. Six (6) dwelling units are permitted on Lot 1.
 - b. Building height for residential: not to exceed 35'.
 - c. Buildings shall be set back at least 25' from the high water mark of Beaver Creek.
 - d. A fence delineating the limits of construction along the western boundary of Tract M and along the boundary of Lot 1 adjacent to Village Walk shall be erected prior to initiating construction in order to protect the adjacent open space parcel which includes the Beaver Creek corridor and the adjacent Village Walk development during construction. No construction traffic shall be allowed on Village Walk Road. In addition, erosion control measures necessary to control run-off from Lot 1 during and after construction shall be implemented and the developer of Lot 1 shall be required to construct and thereafter address future maintenance of proper drainage and detention facilities as necessary including, but not necessarily limited to, storm drain pipes, oil and sand traps, and underground detention improvements to control and address run-off and snow melt from Lot 1.
 - e. The permitted uses on Lot 1 shall be restricted to:
 - (1) Uses required for the operation of the Beaver Creek Metropolitan District allowable under RC1; and
 - (2) Residential uses and incidental and accessory residential structures and uses inclusive of a residential clubhouse for use by residents of Tract M with a maximum of six (6) dwelling units allowed. No additional uses of the RC-1 land use designation shall be allowed on Lot 1.
- N RS, except Lot 1 which is designated RC, Lot 6 which is designated RC/SU, and Lot 2 which is designated OSR and Lot 7 which is designated RCI with the following conditions:
- a. Building height: not to exceed 45'
 - b. The combined residential density constructed on Lot 7, Tract N, Tract P and Tract Q shall not exceed 300 dwelling units in the aggregate
- O OSR with the following conditions:
- a. Buildings will be set back at least 50' from the high water mark of the Eagle River (with the exception of the current snowmaking facilities on Tract O or any expansion or replacement thereof or additions thereto)
 - b. Building height: not to exceed 45'
- P RCI with the following conditions:

		<ul style="list-style-type: none"> a. The combined residential density constructed on Lot 7, Tract N, Tract P and Tract Q shall not exceed 300 dwelling units in the aggregate b. Buildings will be set back at least 50' from the high water mark of the Eagle River and at least 10' from the Highway 6 Right-of-Way c. Building height: not to exceed 45' d. Prior to the issuance of the first building permit for any buildings upon Tract P, VAI or its successors shall submit to Eagle County the following information for review and approval by the Director of Community Development: <ul style="list-style-type: none"> (1) An overall site plan for the parcel (2) A schematic landscape plan (3) Schematic building elevations <p>The purpose of this review is to ensure that the overall plan is generally consistent with the guidelines and recommendations for "Subarea 10" of the Town of Avon Comprehensive Plan dated March 29, 1990</p>
	Q	RCI with the following conditions: <ul style="list-style-type: none"> a. The combined residential density constructed on Lot 7, Tract N, Tract P and Tract Q shall not exceed 300 dwelling units in the aggregate b. Building height: not to exceed 45'
	R	RC with the following conditions: <ul style="list-style-type: none"> a. Residential density not to exceed 18 dwelling units b. Building height: not to exceed 35'
	S	OSR and OSR-Greenbelt according to the map attached as Exhibit F, except for Trappers Lodge, an unplatted 2.5 acre parcel, which is designated RC with conditions. Tract S includes a platted 144 acre parcel of land which comprises the Beaver Creek Golf Course and all of the unplatted land within the Beaver Creek PUD which is not assigned to another tract.
	T	RC
	U	RC
	Strawberry Park	<p>Lots 1-31: RLD with the following condition:</p> <ul style="list-style-type: none"> a. Each lot shall be allowed one single family or one single family primary/secondary dwelling
	Chair 14 Site	OSR
	Upper Bachelor Gulch	<p>RLD with the following condition:</p> <ul style="list-style-type: none"> a. Residential density shall not exceed 50 single family primary/secondary dwellings and a maximum of 25 cluster homes/townhomes

VII. FIREPLACE REGULATIONS. WILDFIRE MITIGATION GUIDELINES. AND ENERGY AND WATER CONSERVATION STANDARDS.

A. Fireplace Regulation.

1. Current Regulation. The current Beaver Creek fireplace regulation as of the date of this Guide is as follows:

a. Wood burning fireplaces within the Beaver Creek PUD are limited to (i) one per Dwelling Unit and (ii) one per restaurant. At the election of a developer of commercial property, the allowable wood burning fireplace in a restaurant may be located in a lobby instead of a restaurant.

Each wood burning fireplace will be equipped with a heat sensing monitor and a "no burning" light, the activation of which indicates that any existing fire in a fireplace is not to be refueled and no fire is to be lighted during the time that the indicator light is activated. Technical data relating to these and other construction requirements for wood burning fireplaces is available from the Beaver Creek Resort Company of Colorado.

b. In a primary/secondary structure which contains two Dwelling Units, two wood burning fireplaces are permitted. The wood burning fireplaces may be distributed one each to the primary and secondary units or both may be allocated to one unit.

c. An unlimited number of gas fireplaces may replace each wood burning fireplace permitted provided that they are constructed specifically as gas fireplaces, contain flues and vents suitable only and specifically for gas fireplaces, do not allow conversion to wood burning fireplaces and comply with all federal, state and local laws and regulatory requirements pertaining to gas fireplaces. Technical data relating to construction requirements for gas fireplaces is available from the offices of the Beaver Creek Resort Company of Colorado. No gas fireplace may be constructed in the same Dwelling Unit or restaurant (or lobby) containing a wood burning fireplace.

2. Regulation after October 1, 1994. The current Beaver Creek PUD fireplace regulation is less restrictive than the Eagle County wood burning regulations. . In order to bring the Beaver Creek PUD into compliance with the current Eagle County regulations and to allow for a transition period, all Dwelling Units within the Beaver Creek PUD applying for a building permit for Dwelling Unit construction after October 1, 1994 shall comply with the Eagle County wood burning regulation in effect at the time of building permit. Until October 1, 1994 the current Beaver Creek fireplace regulation shall apply.

B. Wildfire Mitigation Guidelines. On or before the date on which a final plat is submitted to Eagle County for either Strawberry Park or Upper Bachelor Gulch, the applicant for each such final plat shall submit to Eagle County design guidelines for wildfire mitigation with respect to the construction of Dwelling Units in either Strawberry Park or Upper Bachelor Gulch, as the case may be. Such guidelines shall be sensitive to potential visual impacts.

C. Conservation Guidelines. On or before the date on which a final plat is submitted to Eagle County for either Strawberry Park or Upper Bachelor Gulch, the applicant for each such

final plat shall submit to Eagle County recommended design guidelines for energy and water conservation with respect to the construction of Dwelling Units in Strawberry Park or Upper Bachelor Gulch, as the case may be. The recommended design guidelines shall be consistent with the intent of the Eagle County Energy and Natural Resource Conservation Building Award and water conservation standards.

VIII. TIMESHARE REGULATIONS.

A. Limitation on Interval Ownership Sales. No interval ownership interest involving real property within the Beaver Creek PUD may be sold unless such interval ownership interest has been approved by the Eagle County Commissioners as set forth in Article VIII hereof.

B. Resort Commercial Land Use Designations. Time-span estates, interval estates, and organizational ownership interest are allowed within the Resort Commercial and Resort Commercial I Land Use Designations of the Beaver Creek PUD.

C. Residential Low Density and Residential Medium Density Land Use Designations. No interval ownership interests are allowed within the Residential Low Density and Residential Medium Density Land Use Designations of the Beaver Creek PUD; however, corporations, partnerships, or joint ventures having twelve or fewer stockholders, members, partners or joint venturers may have arrangements providing for the sharing of the right to use real property on a regular basis.

D. Vacation Licenses Prohibited. Notwithstanding any- other provision hereof, vacation licenses are prohibited within the Beaver Creek PUD.

E. Eagle County Commissioners' Review.

1. Prior to the sale of any interval ownership interest involving real property in the Beaver Creek PUD, the owner of the property on which such interval ownership interest is located shall submit to the Eagle County Commissioners, and the Eagle County Commissioners shall have approved, the following:

a. Disclosure Statement. A disclosure statement which is to be given to each purchaser of an interval ownership interest at least three days prior to his purchase thereof. The disclosure statement shall set forth:

(1) A full description of the interval ownership interest being offered for sale;

(2) The owner's reasonable estimate of the dues, maintenance fees, real property taxes, sales taxes, real estate transfer taxes, and similar periodic expenses of owning such interest, and the method by which such costs will be apportioned;

(3) A description of all recreational amenities which the purchaser will be entitled to use by virtue of his ownership of an interval ownership estate, and

the date by which such amenities will be available; if amenities will not be available upon purchase of the interval ownership interest, describe whether funds are presently available for construction of the amenities and the source of such funds;

(4) A description of the parking available to the owner of an interval ownership interest, and the manner in which such parking spaces will be allocated and controlled;

(5) The extent to which the interval ownership interest may become subject to or affected by a tax or other lien arising out of claims against other interval ownership interests in the same interval ownership plan;

(6) A statement of the minimum number of interval ownership interests it intends to sell before it will proceed with the completion of the interval ownership project, if any such limitation is contemplated;

(7) A summary of how the interval ownership interest will be managed, who will initially manage it, and how the manager may be changed;

(8) A statement as to whether all of the Dwelling Units within the project are being offered as interval ownership interests; and if not, an accurate statement identifying the interests which will not be offered as interval ownership interests and any likely material consequences thereof.

The Eagle County Commissioners may disapprove the disclosure statement if, in its reasonable judgement, it is insufficient in any material respect or is inconsistent with the general health, safety and welfare of persons within Eagle County, Colorado.

b. Marketing Plans. A description of the marketing plans by which the interval ownership interests will be offered to the public. The marketing plan shall include:

(1) Information as to whether the interval ownership interests will be offered for sale by licensed real estate brokers and salespersons and/or licensed securities salespersons and, if so, the identity of the initially licensed broker or dealer;

(2) Information as to whether gifts, travel allowances, meals, drinks, entertainment or other inducements will (may) be offered to prospective buyers;

(3) Information as to the location of any on-site sales office (if any) and if so, the impact on parking and vehicular access.

The Eagle County Commissioners may disapprove the marketing plans if sales are to be made other than through Colorado licensed real estate or securities salespersons, if it appears that high pressure sales tactics will be utilized, if parking or traffic problems are likely, or if it is inconsistent with the general health, safety and welfare of persons within Eagle County,

Colorado. Any material change in the marketing plans must be approved by the Eagle County Commissioners prior to sales being concluded as a result of such changed marketing plans.

2. Any hearing with respect to any interval ownership plan within the Beaver Creek PUD may be held only after (i) written notice has been placed in a newspaper of general circulation in Eagle County, Colorado, at least ten days prior to the Planning Commission meeting and at least thirty days prior to the Eagle County Commissioners meeting, and (ii) written notice by first class mail, at least 15 days prior to the Eagle County Commissioners meeting, has been given to each developer owning land within the Resort Commercial Land Use Designation and to each condominium owners' association of any condominium project within the Resort Commercial Land Use Designation. Such notices shall state the general nature of the hearing and the dates of both the Planning Commission and Eagle County Commissioners hearing. For purposes of such notice, "developer" shall mean each owner of land within any Resort Commercial Land Use Designation except an owner of a condominium unit.

3. The Eagle County Commissioners may disapprove any time span estate which does not provide for the unit owners' association or corporation to pay real property taxes and assessments as provided by C.R.S. Section 38-33-111(3).

4. The Eagle County Commissioners will not approve any interval ownership plan unless it determines that the sale of such interval ownership or time-span estates is consistent with the general health, safety and welfare of owners, developers, and residents within the Beaver Creek PUD and persons within Eagle County, Colorado.

5. Within 30 days after the public hearing, the Eagle County Commissioners shall either approve, disapprove or table the sale of interval ownership interests in writing. Any disapproval or tabling shall state the reasons therefor in reasonable detail.

IX. RECORDATION

Upon approval by the Eagle County Commissioners, the Guide will be recorded in the public records of the Clerk and Recorder of Eagle County, Colorado.

X. AMENDMENTS TO THE BEAVER CREEK PUD

A. Substantial Amendments. No substantial modification, removal or release of the provisions of the Beaver Creek PUD shall be permitted except upon a finding by the Eagle County Commissioners, following a public hearing called and held in accordance with the provisions of Section 24-67-104(1)(e) C.R.S. 1973, as amended, that the modification, removal or release is consistent with the efficient development and preservation of the entire Beaver Creek PUD, does not affect in a substantially adverse manner either the enjoyment of land abutting upon or across the street from the Beaver Creek PUD or the public interest and is not

granted solely to confer a special benefit upon any person. For purposes of meeting the public notice requirement established by Section 24-67-104(1)(e), the term "adjoining land owners" shall mean all owners of real property within the Beaver Creek PUD as well as owners of land abutting upon or across the street from the Beaver Creek PUD. Such owners shall be given written notice delivered or mailed, first class, postage prepaid, at least 15 days prior to either the Planning Commission or Board of County Commissioners meeting at which such modification, removal or release is considered; except that in the case of condominium owners, notice may be given to the condominium owners' association.

Each of the following shall be considered a "substantial modification, removal or release" of the provisions of the Beaver Creek PUD:

1. Any increase in the total number of Dwelling Units or Commercial Space allowed within the Beaver Creek PUD;
2. Any change in land use designations of any land within the Beaver Creek PUD, except as provided in Article XI hereof;
3. Any removal or release of any land from the Beaver Creek PUD; or
4. Any other matter which the Eagle County Commissioners determines is a "substantial modification, removal or release".

B. Other Amendments. Any modification, removal or release of provisions of the Beaver Creek PUD which is not a "substantial modification, removal or release", or which is not a minor modification not requiring an amendment to the Beaver Creek PUD as set forth in Article XI below, may be adopted after a public hearing, written notice of which has been placed in a newspaper of general circulation in Eagle County, Colorado, at least 10 days prior to the Planning Commission meeting and at least 30 days prior to the Eagle County Commissioners' meeting. Said notice shall state the general nature of the proposed modification, removal or release and the dates of both the Planning Commission and County Commissioners hearing.

XI. MINOR MODIFICATIONS

Subject to the provisions set forth below, minor modifications in land use and in location, setting, bulk of structures, height or character of buildings may be authorized by the Eagle County Zoning Administrator without requiring an amendment to the Beaver Creek PUD. Minor changes which may be authorized by the Eagle County Zoning Administrator include the following:

- A. Change in land use of a parcel of property not to exceed 10,000 square feet to conform to the land use of property immediately adjacent to it, provided however, that the provisions of this Article XI.A (a) shall not apply to property adjacent to any parcel of property the land use of which has previously been changed pursuant to the provisions of this Article XI.A and (b) the net effect of which shall not eliminate an existing developed recreational use.

B. Building encroachments outside Building Envelopes (i) of non-habitable space such as roof overhangs, balconies, service areas, porches, patios, carports and garages provided that (a) view corridors of adjacent property owners are not substantially impacted in an adverse manner and (b) that written consent of the Beaver Creek Design Review Board has been obtained for such encroachments, and (ii) of habitable space not to exceed twelve inches.

C. Architectural features that exceed the maximum Building Height limitation set forth in Article II hereof such as chimneys and towers, not to exceed 15 feet from the highest point of the roof ridge of the structure, except for steeples for churches or chapels which may not exceed 30 feet.

Any decision by the Eagle County Zoning Administrator may be appealed in writing to the Eagle County Commissioners within 30 days after such decision.

XII. BUILDING ENVELOPE AMENDMENTS

Unless constituting a minor modification under Article XI hereof, building encroachments outside Building Envelopes require a Building Envelope Amendment. Property owners may amend Building Envelopes by either of the following procedures:

A. Administrative Procedure. The owner shall submit to Eagle County Zoning Administrator (i) an Amended Plan prepared by a licensed surveyor pursuant to Eagle County Land Use Regulations showing both the old and the new building envelope and (ii) the applicable Eagle County application fees; and (iii) the names, mailing addresses and written approval to amend the Building Envelope from all owners of any property abutting, directly across the street from or within 75 feet of the property for which the Building Envelope Amendment is requested.

If the foregoing requirements are met, the Eagle County Zoning Administrator will submit the Amended Plat to the Eagle County Commissioners for approval.

B. Public Meeting. The owner shall submit to the Eagle County Zoning Administrator (i) an Amended Plat prepared by a licensed surveyor pursuant to Eagle County Land Use Regulations showing both the old and the new Building Envelope and (ii) the applicable Eagle County application fees. A public meeting of the Eagle County Commissioners shall be held, notice of which has been sent by first class mail at least 30 days prior to the Eagle County Commissioners meeting to owners of property which has a boundary line abutting, directly across the street from or within 75 feet of the property for which the Building Envelope amendment is requested. Such notice shall state the general nature of the public hearing and the date of the Eagle County Commissioners hearing.

The Building Envelope Amendment will be approved by the Eagle County Commissioners if the Eagle County Commissioners find that the Building Envelope Amendment (i) does not substantially impact in an adverse manner the view corridor of any property owner to

whom notice of the proposed Building Envelope Amendment has been sent or (ii) is required by geologic or other hazard considerations.

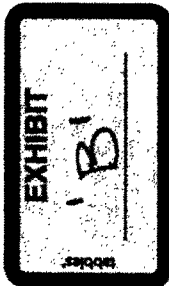
XIII. OTHER PROVISIONS.

A. Street Addresses. VAI shall designate and assign street addresses within the Beaver Creek PUD. The Eagle County Department of Community Development shall be notified of all street address assignments within 30 days of such assignment.

B. Subdivision of Property. Subdivision of property within the Beaver Creek PUD must be made in accordance with the then current applicable Eagle County Land Use Regulations.

C. Signs. Signs must conform to the then current Comprehensive Sign Plan for Beaver Creek as approved by Eagle County Department of Community Development.

D. Fees. Application fees for reviews by Eagle County shall be in accordance with the then current Eagle County fee schedules.



C-130

Legal Description
PARCEL 1

A parcel of land lying within Sections 11, 12, 13, 14, 23, 24 and 25, Township 5 South, Range 82 West; and Section 19, Township 5 South, Range 81 West of the 6th Principal Meridian, Eagle County, Colorado, said parcel of land being more particularly described as follows:

Beginning at a point on curve on the Southerly Right-of-Way line of U.S. Highways 6 and 24, whence the center 1/4 corner of said Section 12, Township 5 South, Range 82 West, bears N 18°18'32" E a distance of 143.28 feet; thence the following mean courses along said Southerly Right-of-Way line of U.S. Highways 6 and 24: (1) 142.85 feet along the arc of a 2,770.00 foot radius curve to the left, whose central angle is 2°18'15" and whose chord bears N 75°21'11" W a distance of 142.84 feet; (2) N 78°24'21" W a distance of 187.45 feet to a point on a curve; (3) 851.55 feet along the arc of a 1,970.00 foot radius curve to the right, whose central angle is 24°48'00" and whose chord bears N 84°07'10" W a distance of 845.02 feet to a point of tangency; (4) N 51°44'10" W a distance of 293.60 feet to a point of curvature; (5) 895.98 feet along the arc of a 2,232.00 foot radius curve to the left, whose central angle is 23°00'00" and whose chord bears N 63°14'10" W a distance of 889.95 feet to a point of tangency; (6) N 74°44'10" W a distance of 496.20 feet; (7) N 75°46'32" W a distance of 170.66 feet; (8) N 74°45'57" W a measured distance of 714.46 feet (a recorded distance of 726.20 feet) to a point of curvature; (9) 433.38 feet along the arc of a 2,790.00 foot radius curve to the left, whose central angle is 8°54'00" and whose chord bears N 79°11'10" W a distance of 433.02 feet to a point; (10) N 77°08'18" W a distance of 132.85 feet; (11) N 82°38'10" W a distance of 1,295.90 feet; (12) S 79°25'50" W a distance of 249.30 feet to a point on a curve; (13) 524.47 feet along the arc of a 2,995.00 foot radius curve to the right, whose central angle is 10°02'00" and whose chord bears N 78°37'10" W a distance of 523.80 feet to a point of tangency; (14) N 72°36'10" W a distance of 603.50 feet to a point of curvature; (15) 24.70 feet along the arc of a 825.00 foot radius curve to the left, whose central angle is 1°42'55" and whose chord bears N 74°27'37" W a distance of 24.70 feet to a point on the Westerly boundary line of the NE 1/4 NW 1/4 of said Section 11, Township 5 South, Range 82 West; thence S 0°57'45" W along said Westerly boundary line of the NE 1/4 NW 1/4 of Section 11, a distance of 291.97 feet to an existing rebar with plastic cap marking the NW 1/16 corner of said Section 11; thence S 0°37'45" W along the Westerly boundary line of the SE 1/4 NW 1/4 of said Section 11 a distance of 1,333.28 feet to an existing rebar with plastic cap marking the W 1/16 corner of Section 11; thence S 88°47'38" E along the Southerly boundary line of said SE 1/4 NW 1/4 of Section 11 a distance of 1,352.49 feet to an existing rebar with plastic cap marking the center 1/4 corner of said Section 11; thence S 88°47'38" E along the Southerly boundary line of the NE 1/4 of said Section 11 a distance of 1,355.12 feet to an existing rebar with plastic cap marking the E 1/16 corner of said Section 11; thence continuing S 88°47'38" E along the said Southerly boundary of the NE 1/4 of Section 11 a distance of 1,355.12 feet to an existing brass cap monument marking the 1/4 corner of said Section 11 and said Section 12, Township 5 South, Range 82 West; thence S 0°53'18" W along the Westerly boundary line of said Section 12 a distance of 1,322.28 feet to the S 1/16 corner of said Sections 11 and 12; thence continuing S 0°53'18" W along said Westerly boundary line of Section 12 a

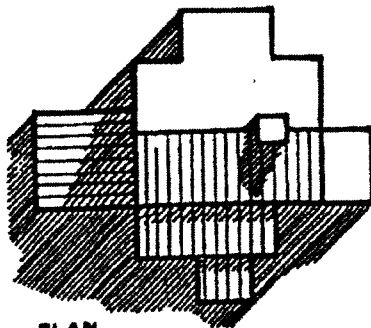
distance of 1,322.28 feet to an existing brass cap monument marking the Section corner of said Sections 11, 12, 13 and 14, Township 5 South, Range 82 West; thence S 1°08'48" W along the Westerly boundary line of said Section 13 a distance of 1,322.67 feet to the N 1/16 corner of said Sections 13 and 14; thence continuing S 1°08'48" W along said Westerly boundary line of Section 13 a distance of 1,322.67 feet to an existing brass cap monument marking the 1/4 corner of said Sections 13 and 14; thence N 88°28'17" W along the Northerly boundary line of the SE 1/4 of said Section 14 a distance of 1,350.55 feet to an existing rebar with plastic cap marking the E 1/16 corner of said Section 14; thence continuing N 88°28'17" W along said Northerly boundary line of the SE 1/4 of Section 14 a distance of 1,350.55 feet to an existing rebar with plastic cap marking the center 1/4 corner of said Section 14; thence N 88°28'17" W along the Northerly boundary line of SW 1/4 of said Section 14 a distance of 1,401.37 feet to an existing rebar with plastic cap marking the W 1/16 corner of said Section 14; thence continuing N 88°28'17" W along said Northerly boundary line of the SW 1/4 of Section 14 a distance of 1,401.37 feet to an existing brass cap monument marking the 1/4 corner of said Section 14 and Section 15, Township 5 South, Range 82 West; thence S 0°50'16" E along the Westerly boundary line of NW 1/4 SW 1/4 of said Section 14 a distance of 1,310.49 feet to the S 1/16 corner of said Sections 14 and 15; thence S 88°32'57" E along the Southerly boundary line of NW 1/4 SW 1/4 of said Section 14 a distance of 1,381.18 feet to the SW 1/16 corner of said Section 14; thence S 0°02'50" W along the Westerly boundary line of SE 1/4 SW 1/4 of said Section 14 a distance of 1,308.34 feet to the W 1/16 corner of said Section 14 and said Section 23, Township 5 South, Range 82 West; thence N 88°36'44" W along the Northerly boundary line of NW 1/4 NW 1/4 of said Section 23 a distance of 1,380.82 feet to an existing brass cap monument marking the Northwest corner of said Section 23; thence S 0°26'08" W along the Westerly boundary line of said Section 23 a distance of 1,306.56 feet to an existing brass cap monument marking the N 1/16 corner of said Section 23 and Section 22, Township 5 South, Range 82 West; thence S 88°41'44" E along the Southerly boundary line of NW 1/4 NW 1/4 of said Section 23 a distance of 1,358.92 feet to an existing brass cap monument marking the NW 1/16 corner of said Section 23; thence S 0°35'48" W along the Westerly boundary line of the SE 1/4 NW 1/4 of said Section 23 a distance of 1,305.28 feet to an existing brass cap monument marking the W 1/16 corner of said Section 23; thence S 88°48'42" E along the Southerly boundary line of the SE 1/4 NW 1/4 of said Section 23 a distance of 1,357.39 feet to an existing brass cap monument marking the center 1/4 corner of said Section 23; thence S 88°47'17" E along the Southerly boundary line of the NE 1/4 of said Section 23 a distance of 1,358.10 feet to an existing rebar with plastic cap marking the E 1/16 corner of said Section 23; thence continuing S 88°47'17" E along said Southerly line of the NE 1/4 of Section 23 a distance of 1,358.10 feet to an existing brass cap monument marking the 1/4 corner of said Section 23 and Section 24, Township 5 South, Range 82 West; thence S 0°43'05" W along the Westerly boundary line of said Section 24 a distance of 1,300.39 feet to an existing brass cap marking the S 1/16 corner of said Sections 23 and 24; thence S 88°10'48" E along the Southerly boundary line of NW 1/4 SW 1/4 of said Section 24 a distance of 1,348.56 feet to an existing brass cap monument marking the SW 1/16 corner of said Section 24; thence S 0°42'07" W along the Westerly boundary line of SE 1/4 SW 1/4 of said Section 24 a distance of 1,308.10 feet to an existing brass cap monument marking the W 1/16 corner of said Section 24 and Section 25, Township 5 South, Range 82 West; thence S 0°23'28" E along the Westerly boundary line of the NE 1/4 NW 1/4 of said Section 25 a distance of 1,304.78 feet to an existing brass cap monument marking the NW 1/16 corner of said Section 25; thence S 87°50'28" E along the Southerly

Page 4 of 4 Note: This document is a poor copy and will not photograph well. This is not the fault of this office.

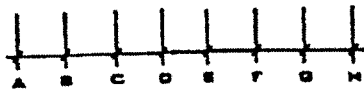
EXHIBIT

'C'

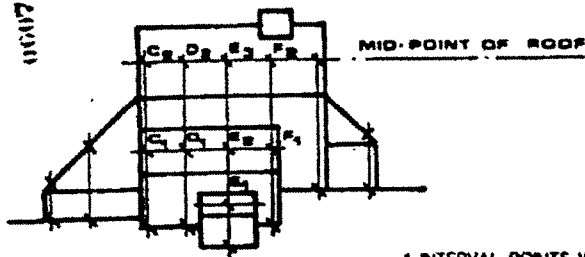
Building Height Limitations



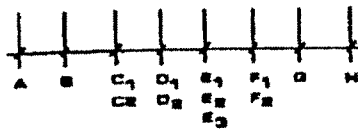
PLAN



EQUAL INTERVALS LESS THAN 30 FEET



ELEVATION



1. INTERVAL POINTS WITH MULTIPLE HEIGHTS = $\frac{C_1 + C_2}{2}$
(i.e. points C,D,E, in example)

$$\text{or} \\ \frac{E_1 + E_2 + E_3}{3}$$

2. BUILDING HEIGHT = $\frac{\text{SUMMATION OF ALL HEIGHTS FROM ALL ELEVATIONS}}{\text{NUMBER OF INTERVALS TAKEN}}$

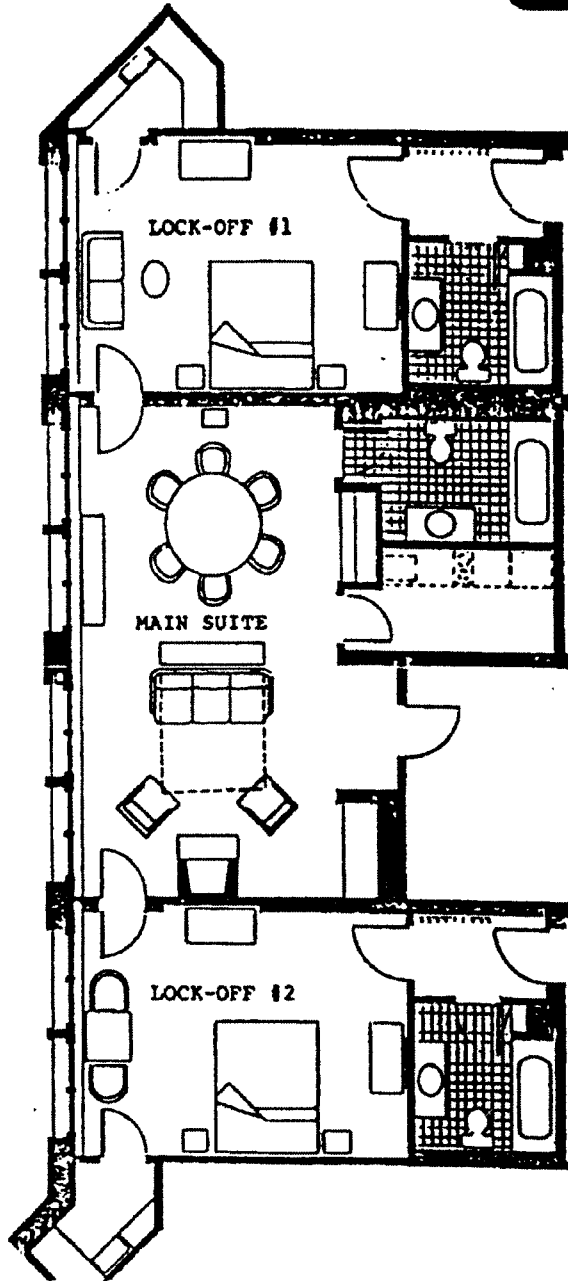
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'D'

EXAMPLE OF PERMITTED LOCK-OFF UNIT

33100

534635 B-638 P-584 04/26/94 11:10A PG 43 OF 47



6/2/90

38-33-110. Time-sharing - definitions. As used in this section and section 38-33-111, unless the context otherwise requires:

(1) (a) "Interval estate" means a combination of:

(i) An estate for years terminating on a date certain, during which years title to a time share unit circulates among the interval owners in accordance with a fixed schedule, vesting in each such interval owner in turn for a period of time established by the said schedule, with the series thus established recurring annually until the arrival of the date certain; and

(ii) A vested future interest in the same unit, consisting of an undivided interest in the remainder in fee simple, the magnitude of the future interest having been established by the time of the creation of the interval estate either by the project instruments or by the deed conveying the interval estate. The estate for years shall not be deemed to merge with the future interest, but neither the estate for years nor the future interest shall be conveyed or encumbered separately from the other.

(b) "Interval estate" also means an estate for years as described in subparagraph (i) of paragraph (a) of this subsection (1) where the remainder estate, as defined either by the project instruments or by the deed conveying the interval estate, is retained by the developer or his successors in interest.

(2) "Interval owner" means a person vested with legal title to an interval estate.

(3) "Interval unit" means a unit the title to which is or is to be divided into interval estates.

(4) "Project instruments" means the declaration, the bylaws, and any other set of restrictions or restrictive covenants, by whatever name denominated, which limit or restrict the use or occupancy of condominium units. "Project instruments" includes any lawful amendments to such instruments. "Project instruments" does not include any ordinance or other public regulation governing subdivisions, zoning, or other land use matters.

(5) "Time share estate" means either an interval estate or a time-span estate.

(6) "Time share owner" means a person vested with legal title to a time share estate.

(7) "Time share unit" means a unit the title to which is or is to be divided either into interval estates or time-span estates.

(8) "Time-span estate" means a combination of:

(a) An undivided interest in a present estate in fee simple in a unit, the magnitude of the interest having been established by the time of the creation of the time-span estate either by the project instruments or by the deed conveying the time-span estate; and

(b) An exclusive right to possession and occupancy of the unit during an annually recurring period of time defined and established by a recorded schedule set forth or referred to in the deed conveying the time-span estate.

(9) "Time-span owner" means a person vested with legal title to a time-span estate.

(10) "Time-span unit" means a unit the title to which is or is to be divided into time-span estates.

(11) "Unit owner" means a person vested with legal title to a unit, and, in the case of a time share unit, "unit owner" means all of the time share owners of that unit. When an estate is subject to a deed of trust or a trust deed, "unit owner" means the person entitled to beneficial enjoyment of the estate and not to any trustee or trustees holding title merely as security for an obligation.

Source: L. 77, p. 1716, § 1.

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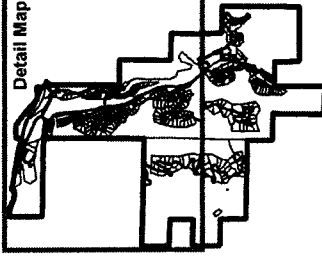
Beaver Creek PUD

- Beaver Creek PUD Boundary
- OSR Greenbelt
- Beaver Creek Tract
- Beaver Creek PUD Parcel

0 250 500 Feet

This map was created by the State of Oregon, Department of Transportation, and is for general reference only. It is not intended to be used for legal purposes.

This map was generated in connection with PUD Amendment PDA-3563. The intent of generating this new map is to provide a more legible representation of tracts as referenced by the Beaver Creek PUD Guide and it is not intended to change any land use tract or designation within the PUD and is based upon the prior recorded PUD Guide maps.

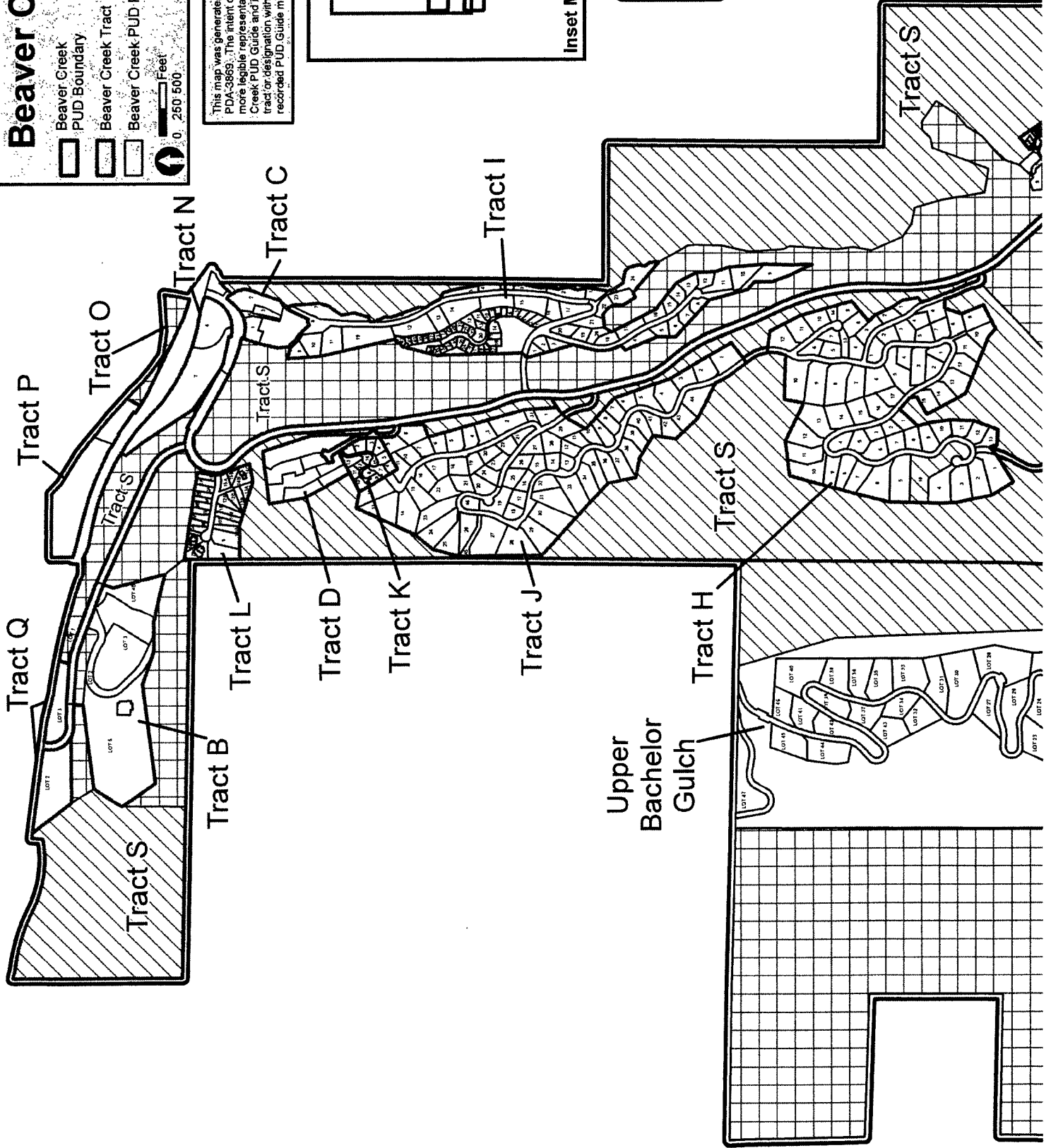


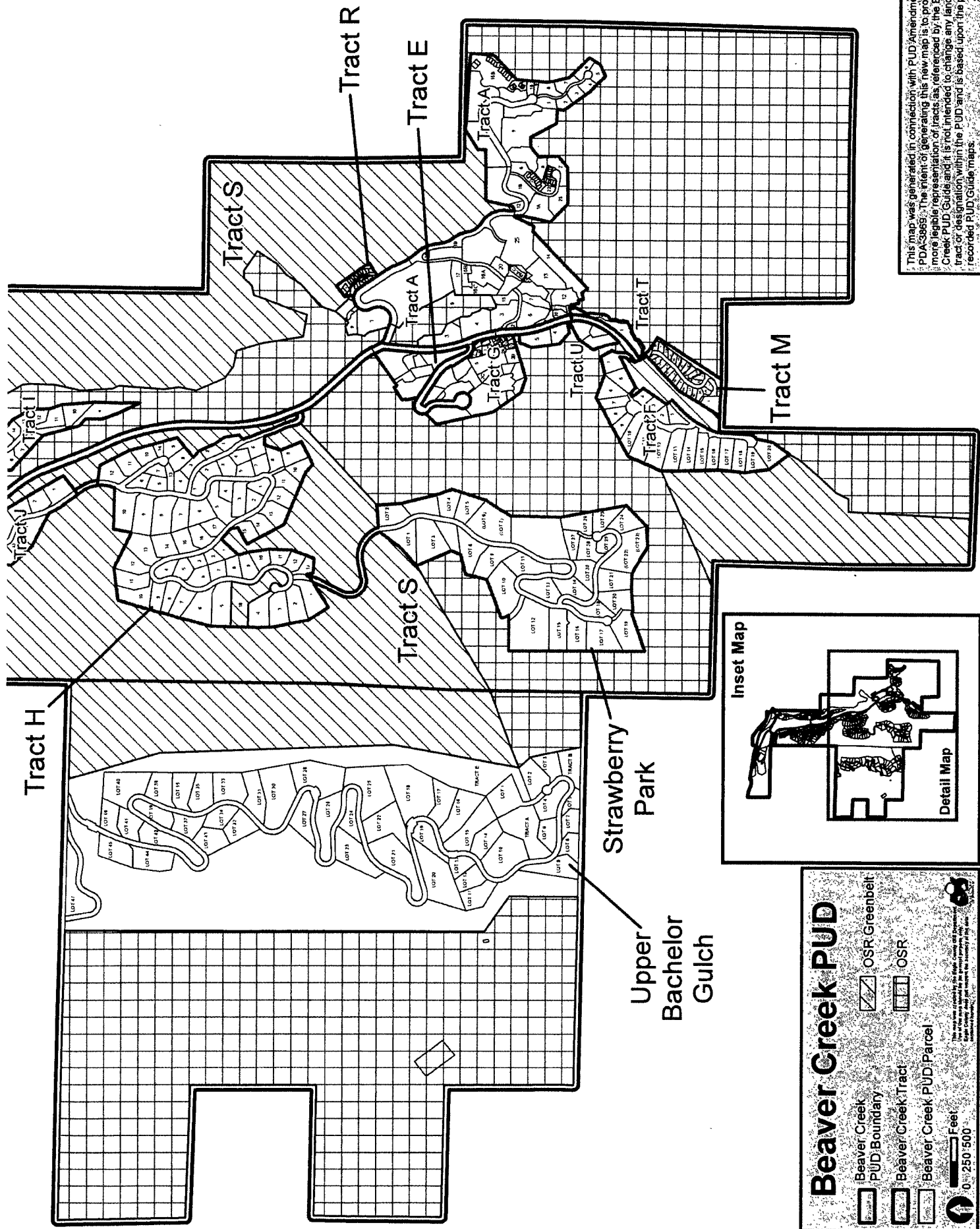
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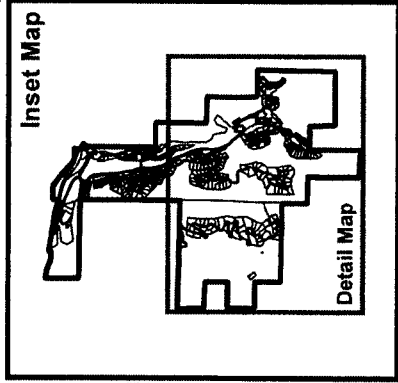
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Booklet





This map was generated in connection with PUD Amendment PDA-3885. The intent of generating this new map is to provide a more legible representation of tracts as referenced by the Beaver Creek PUD Guide and it is not intended to change any land use tract or designation within the PUD and is based upon the prior recorded PUD Guide maps.



Beaver Creek PUD

- Beaver Creek PUD Boundary
- Beaver Creek Tract
- Beaver Creek PUD Parcel
- OSR Greenbelt
- OSR

0 250 500 Feet

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