

Commissioner McCom moved adoption of the following resolution:

BOARD OF COUNTY COMMISSIONERS

COUNTY OF EAGLE, STATE OF COLORADO

RESOLUTION NO. 2008-024

RESOLUTION APPROVING CONSOLIDATION OF CORDILLERA PLANNED UNIT DEVELOPMENT WILDLIFE PROTECTION PLANS

WHEREAS, the Board of County Commissioners previously has adopted resolutions approving several separate but related Cordillera Planned Unit Developments (“Cordillera PUDS”); and

WHEREAS, each of such resolutions and PUDS included an approved Wildlife Protection Plan (“Approved Plans”) acceptable to the Colorado Division of Wildlife; and

WHEREAS, administration of the several separate Approved Plans by Cordillera has proven to be unnecessarily cumbersome, and uncertainty in enforcement of those plans has arisen from non-substantive differences in the wording of provisions in such plans; and

WHEREAS, Cordillera, working in collaboration with the Colorado Division of Wildlife and the Eagle County Community Development Department, has developed a Cordillera Consolidated Wildlife Protection Plan (“Consolidated Plan”) to replace and harmonize the existing individual Approved Plans; and

WHEREAS, the Community Development Department determined that the proposed Consolidated Plan incorporates and preserves the essential protective provisions of the several Approved Plans, and that the goal of protection of wildlife in the Cordillera development would be facilitated by approval of the Consolidated Plan as a replacement for the several Approved Plans.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF EAGLE, STATE OF COLORADO:

THAT, the Consolidated Wildlife Protection Plan attached hereto as Exhibit A is hereby approved and adopted as the document governing wildlife protection in all of the Cordillera PUDs, as listed on Appendix B hereto.

THAT, the Community Development Department is directed to arrange to record this Resolution in the records of the Eagle County Clerk and Recorder in such a way as to make it clear that the Consolidated Plan has supplanted the individual plans as the governing wildlife

protection document for all such PUDs.

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

MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held this 25 day of March 2008.

COUNTY OF EAGLE, STATE OF COLORADO
By and Through its Board of County
Commissioners

ATTEST:

Sally J. Smith
Clerk of the Board of County
Commissioners



Peter F. Runyon
Peter F. Runyon, Chairman

By:

Sara J. Fisher
Sara J. Fisher, Commissioner

By:

Arn M. Menconi
Arn M. Menconi, Commissioner

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

Commissioner Peter F. Runyon	<u>ay</u>
Commissioner Sara J. Fisher	<u>ay</u>
Commissioner Arn M. Menconi	<u>ay</u>

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

Cordillera Wildlife Plan

October 31, 2007

PURPOSE

The Cordillera community has been developed under five Wildlife Agreements. Since the development of the real estate (roads, sewers, water, and electricity), golf courses, equestrian center, and community center infrastructure is complete, it is the desire of the Cordillera Property Owners Association (CPOA), the Cordillera Club, and other interested parties to combine these five agreements into a single document.

Cordillera's wildlife mitigation and enhancement plans have been developed to avoid, minimize and mitigate wildlife impacts resulting from the development of this area. The current area's infrastructure is fundamentally complete, an exception being some water services that need to be enhanced. The golf courses are complete, the building lots are all platted, and the roads are built.

Cordillera is now fully platted, including parcel lines, building envelopes, open space and wildlife corridors. Big game migration and local movement corridors have been designated as open space and set off limits to development in perpetuity.

Over the years there has been an extensive body of work done on the subject of wildlife in Cordillera. As time passes, there have been changes in the wildlife patterns and we anticipate that these changes will continue. For example, the elk population has increased and in all likelihood it will continue to increase. The actions taken by Eagle County and the Cordillera committee for Wildfire Mitigation and Healthy Forests (think Pine Beetle, and root rot) have also changed the Cordillera environment.

Cordillera remains a vibrant wildlife habitat, with new sightings of animal, bird and plant species, and an overall abundance of wildlife. The bear control program has worked especially well; while to some, dogs remain a constant control issue. Cordillera dog regulations are more restrictive than the Eagle County regulations.

Cordillera is committed to maintaining a vibrant wildlife habitat and therefore, without reservation enters into this agreement.

The agreements in this document are a consolidation of all the prior agreements.

AREAS COVERED BY THIS AGREEMENT

Prior agreements covering Cordillera are:

1. Original 1991 Divide and Ranch
2. Bearden 1996
3. Territories 1997 (9/11/1997 632884)
4. Mountain Track 1999 (A Revision 8/5/1999 704765)
5. Density Shift from Tracks O to U (4/14/2000 727259)

This agreement includes the above areas. Other common names or marketing names include:

- The Divide
- The Ranch
- Settlers Loop
- The Summit
- The Territories
- Chaveno
- Mirador Ridge

Maps defining the total area are available at the CPOA offices in Chaveno. These large scale maps show all the parcels, filings, lots, and wildlife corridors that existed in the early part of this century. Copies of these maps are not included in this document mainly because current technology does not enable a downsized map that is easily readable.

The more recent lot plats also show the crossing of wildlife corridors on affected lots.

The Cordillera Valley community and Timber Springs are not part of this agreement.

AGREEMENTS

The agreements in this document are a consolidation of all the prior agreements.

WILDLIFE CORRIDORS BIG GAME MIGRATION

Homes, even those on large (10 – 15 acre) lots, have been clustered to concentrate development, to the extent possible, outside of movement corridors and other important wildlife areas. Corridors were designed, to the extent possible, to incorporate and preserve physiographic features, such as saddles, ridgelines, forested side slopes, etc. presently used as existing big game movement corridors. Corridor entrances are funnel-shaped to direct nonaligned movements into corridors. Building envelopes have been established on all lots adjacent to wildlife corridors and open space to assure that the location of individual homes and housing pods follows a development design facilitating continued wildlife use.

Vegetation cover within designated corridors will be retained, except where manipulation is required as part of the winter range enhancement program, to reduce wildfire potential,

to mitigate mountain pine beetle or where corridors are crossed by roads, golf course facilities etc. Enhancement will only be conducted where remaining cover is considered adequate to buffer human disturbances from big game use. (Details for wildfire mitigation and mountain pine beetle are outlined under Forestry and Open Space Management.)

Cordillera is now fully platted, including parcel lines, building envelopes, open space AND wildlife corridors. Big game migration and local movement corridors have been designated as open space and set off limits to development in perpetuity.

Vegetative clearing will be minimized to what is required to establish horizontal and vertical sight-distances along roads except where it is necessary to mitigate vegetation for wildfire protection to assure property access and egress for residents and emergency personnel. Vehicle speeds on interior development roads will be 30 mph or less.

No construction activities (e.g. construction of homes, roads, the golf course and its ancillary facilities, sewer, water, power, telephone lines, water plants, tanks, etc.) other than emergency maintenance, will occur **within the migration corridors and designated wildlife habitats on the property between November 15 and May 15 dates inclusive.** Construction travel is permitted through the above defined areas year around, as long as the access is confined to designated roadways.

As part of the 1991 Wildlife Agreement (section 3.5) Cordillera developed several small (40 to 100 square foot) shallow detention pools to collect spring runoff, and/or detain water from a spring or an intermittent creek. One of these pools is in Red Draw and the others are up Squaw Creek, on USFS property. Cordillera will continue to maintain these pools.

CALVING

Recreation trails crossing calving areas will be closed to all usage between May 15 and June 30. Use of the adjacent Forest Service land will be discouraged. Two significant calving areas were mapped in the original PUD work by Rick Thompson. One is in the Red Draw area and the other in the upper southern part of the Territories below Webb Peak. The Red Draw area is largely in Cordillera open space, closely surrounded by residential area and has several recreation trails. The Webb Peak calving area is largely on private property, away from building envelopes, and therefore not affected by any recreation trails. Should new calving areas develop Cordillera will close associated recreational trails during the Calving Season.

As noted just above, Cordillera maintains water sources in two geographical areas; one in Red Draw on Timber Trail Loop and three on the Forest Service land south of the Squaw Creek Trailhead. The Red Draw site is a spring with a cattle trough. The USFS locations are springs with pools. (Sights to be marked and mapped in the summer of 2007).

RECREATIONAL USES

Cordillera recognizes that we must live in harmony with wildlife. In this spirit, if there is a conflict between wildlife wellbeing and recreation activities, than wildlife will be given the priority.

Cordillera has established a system of recreational trails, some of which lie in some type of movement corridor or potential winter range. Big game travel mostly during non-daylight hours. During severe winter conditions they are affected when their patterns are disturbed. Cordillera will therefore encourage winter use of recreation trails between 9 am and 4 pm. If wildlife concentrate in trail areas, the trails will be closed until the wildlife move to other areas. If areas have no wildlife wintering then the trails can be opened earlier. Changes in opening times will be agreed to by the CDOW and the staff representative of the CPOA, on a case by case basis.

Severe winter conditions may cause elk or deer to concentrate in certain areas within the development. Cordillera and CDOW will monitor these areas for wildlife's benefit.

Trails in calving areas will be closed between May 15 and June 30, this includes existing calving areas and any future areas determined to be calving areas.

National Forest access by Cordillera residents and guests will be discouraged between May 15 and June 30 to minimize disturbance to elk during calving.

Snowmobile use will be prohibited throughout the development, with the exception of snowmobile use for Nordic trail system safety considerations, Metro District trail maintenance and some golf course maintenance. There will be no night time use of snowmobiles except for safety/rescue. Snowmobile use for maintenance on the trails will be limited between 10 am and 4 pm. If wildlife concentrates in trail areas, the trails will be closed until the wildlife move to other areas. Snowmobile trail maintenance may occur outside the 10am to 4pm designation only if wildlife is not utilizing the area.

There is no public access to USFS property thru Cordillera as Kensington Partners provided alternative public access via a hiking trail located south of the dirt portion of Squaw Creek Road. There is no motorized access to this area from the North (Cordillera). The old road is closed to all motorized traffic, except emergency rescue, and administrative use, at the Cordillera and USFS boundary.

Hunting is the primary management tool the CDOW uses to manage wildlife populations within available habitat. Inadequate hunter access and/or hunter harvest will allow populations to grow, increasing game damage, and increasing wildlife/human incidents (including accidents) on Cordillera and adjacent properties. Hunting is currently prohibited in Cordillera by the CPOA Board of Directors. The CPOA Board has the option to authorize hunting. Should the Board pass a resolution allowing hunting; a written plan will be coordinated with CDOW.

The Cordillera Nordic Center (Mountain Golf Course) operates approximately from December 1 to April 1. Dates are dependent on snow conditions. A snow cat is used to groom trails and set track. Hours of operation are 9 am to 4 pm Sunday to Wednesday and 9 am to 8 pm Thursday and Friday. The Timber Hearth Grill sponsors horse drawn sleigh rides for dinner groups.. All of these activities occur on the groomed Nordic trails. Nordic trail maintenance is done between 6am and 4 pm. Use of the Cordillera Nordic Center trails and all associated uses will be suspended if wildlife are utilizing the area until such time that wildlife moves out of the designated areas.

When new outdoor activities are developed that might impinge on wildlife, these activities will be reviewed with the CDOW and agreement will be developed to mitigate any impacts on wildlife. These agreements may be verbal.

The CPOA and CMD shall be entitled to develop additional outdoor recreational activities within the Cordillera community. Any new activities shall follow the same stipulations, closure dates and hours or restricted use if wildlife is utilizing the area including closure of the area until wildlife move to a different location, as other areas presently managed within the development on wildlife habitat.

CPOA and the CMD will work with CDOW to develop and implement plans to decrease the elk intrusions of the equestrian center as interactions between elk and horses has been an increasing problem over the past several years.

COMPENSATION FOR THE LOSS OF BIG GAME WINTER RANGE.

As part of the prior agreements the Cordillera Wildlife Committee (also called CHEW, Cordillera Habitat Enhancement for Wildlife) was established and funded to provide monies for the enhancement of wildlife habitat. As of the second quarter of 2006, this fund has approximately \$200,000 in assets. The committee decides how the income earned from this fund is to be spent. Monies are to be spent solely for the benefit of wildlife habitat in Cordillera or on the associated habitat in the area.

CHEW is to be managed by the CPOA's Wildfire and Healthy Forest Committee with agreement from the CDOW. The Wildfire and Healthy Forest Committee consists of a chairperson and has representatives from each Cordillera neighborhood. Non-Cordillera neighbors are invited to comment on CHEW plans, and will be invited to participate in subject sessions if they express an interest in being more involved. It is recognized that communicating proposed activities to the affected neighborhoods and neighbors is a key part of the CHEW's work.

Actions will be finalized and agreed to by the CPOA and CDOW representatives.

BEARS, MOUNTAIN LIONS, NUISANCE WILDLIFE, TRASH CONTROLS, HERD CONTROL

Several parts of Cordillera are high quality bear habitat. Mountain lions have been sighted and carcasses of wildlife prey species have been noted. Cordillera instituted a

trash and pet feeding program, coupled with a homeowner education program several years ago. Since that time, the bear incidents have decreased dramatically. This program is on going, and will continued to be implemented.

Homeowners will be educated about bears and other local wildlife via Cordillera's CPOA document, orionally written by Rick Thompson, titled "Living in Harmony with Nature." Copies will be provided to new property owner's in Cordillera's "Property Owners Guide". The document will also be available on Cordillera's WEB site.

There shall be no outside storage of any trash or garbage, no matter how briefly (e.g. overnight), at any residence or anywhere within the development unless it is contained within individual bear-proof containers which meet Eagle County Feeding Ordinance specifications. These are generally non-mobile.

Prior to disposal, any refuse that might attract bears should be kept within the garage in a suitable receptacle with a bear resistant lid. Refuse should not be kept within detached garages or sheds because these structures are more likely to be broken into by bears. In the Territories and Casteel (parcels O,O2,O3, and O4), where outside structures are permitted, if trash is kept in these structures, the structure must be bear proof. Trash containers are to be taken to the point of collection the morning of collection.

There shall be no dumps or underground disposal of refuse within Cordillera.

Residents will be prohibited from using a garden compost pile, unless the compost pile is bear-proof, which meet standards or the definition of bear proof refuse containers designated within the Eagle County Wildlife Feeding ordinance. Residents will be educated that household and garden waste contributions to compost piles compose the materials that can attract bears and create problems. Yard compost waste consisting of leaves, grass, small branches, etc. maybe an attraction for bears.

Pets shall not be fed outside. Bowls of pet food left outside are attractors of bears and other predators and nuisance species (e.g. skunks) of wildlife. Some of these wildlife species may carry diseases that can be transmitted to pets.

With the exception of birdfeeders, the feeding, baiting, salting, or other means of attracting wildlife is prohibited. All birdfeeders are prohibited when bears are out and about, which is usually April 15 to October 15.

Mountain lions are occasionally present in Cordillera. They may be more common from spring to fall when large numbers of deer and elk (prey species) are fawning/calving and summering at these elevations. Therefore, it is agreed that the following actions will be maintained:

- Homeowners will be educated about mountain lions and other local wildlife via CDOW's brochure entitled "Living with Wildlife in Bear Country" (available at www.wildlife.co.state.us) and/or Cordillera's

CPOA brochure. One copy of either brochure shall be provided to each homeowner at closing.

- With the exception of birdfeeders, the feeding, baiting, salting, or other means of attracting wildlife is prohibited

Other sections relating to bears, mountain lions and nuisance animals are covered elsewhere in this document i.e. Pet Control, Horses and other large animals.

Hunting is a means of controlling herd size. The number of elk appears to be increasing in Cordillera and elk intrusions into the equestrian center have become a problem. Therefore, the CPOA after consulting with the CDOW will manage and control any hunting in Cordillera and access to public lands, in accordance with state and county regulations and as permitted in the Cordillera PUD. However, at the present time the CPOA prohibits hunting in Cordillera.

Fencing (Covered in the Territories, Bearden, and Mountain Track Agreements)

Fencing will be restricted throughout the subject properties, to facilitate local and migratory wildlife movements, optimize habitat availability, and reduce wildlife mortality. Fencing approval will be under the purview of the CPOA, delegated to the DRB.

There shall be no fencing of perimeter lot lines (i.e. around the boundaries of individual or clustered lots), nor of the perimeter of the designated building envelope. Homeowners will be permitted a privacy fence to enclose up to 5,000 square feet (i.e. around a hot tub), provided it is immediately adjacent to the house and it is entirely within the designated building envelope. For the Bearden parcels the privacy fence is restricted to 2500 square feet. Fencing is also permitted around a swimming pool and garden, provided they are also clustered within the building envelope. Fencing may be subject to more restrictive provisions as stated in the DRB Guidelines or other related documents such as CPOA Resolutions.

Decorative fencing will be prohibited in designated movement corridors to facilitate corridor use. With respect to decorative fencing in other areas, maximum fence height shall not exceed 42 inches, maximum fence width (from a top view) shall not exceed 12 inches, and continuous fencing shall not exceed 100 feet without a minimum 50 foot unobstructed opening.

With respect to extensive buck and pole fencing, the maximum height shall not exceed 42 inches and continuous fencing shall not exceed 300 feet without a minimum 50 foot unobstructed opening.

Internal barbed-wire fences (formerly used as pasture or drift fences to direct livestock) on properties will be removed. If fencing is required to restrict domestic livestock grazing on adjacent properties, Cordillera will work with the adjacent landowners (where those landowners are willing to work with Cordillera) in an attempt to install a wildlife

friendly fence. Such a fence might include a three wire straight strand fence or a three-strand, barbed-wire fence, with strands located at 18, 30, and 42 inches above the mean ground level, and with gates in the fence that can be opened outside the period when livestock are present.

In the Territories decorative property corner fencing is permitted, provided it is limited to not more than 35 linear feet of fencing extending along each property line from each lot corner. Decorative Fencing is also allowed at the entry areas to each home site subject to the approval of the Cordillera DRB.

The two designated equestrian areas may contain fencing which excludes wildlife; however, these areas are located outside of the wildlife movement corridors. All other fencing, with the exception of enclosed dog runs, will be minimized and shall not restrict wildlife movements. (Note: the two designated equestrian areas in the PUDs are the existing one on Squaw Creek, and the second is in the Mountain Track, parcel J. The Mountain Track facility has never been built.)

Fence specifications are: top strand 42 inches above the ground (38 inches preferred), middle strand 12 inches below the top strand, and bottom strand shall be no lower than 16 inches above the ground.

Cordillera has been permitting 5,000 sq feet of fenced area for pools, etc., as noted above. The source of the above statement is the May 28, 1999 Wildlife Agreement #697723 page 7, section 7.1.8.

Corral fences are permitted where corals are permitted. See the DRB design guidelines for details. All corral fences must be within the building envelopes.

DOG AND PET CONTROL

This subject is covered by the Mountain Track Wildlife Plan #704765, the 1991 Wildlife Plan, Bearden plan, and the Territories Plan 632884. Other governing documents include the 10th Amendment of the PUD and the Eagle County Resolution #27 signed on February 23, 1998.

Cordillera residents and associated employees shall be educated regarding Cordillera's dog and pet policy. Residents shall be educated that they can not feed dogs and other pets outside their homes, including on decks, to avoid attracting nuisance wildlife or predators.

Each residential lot will be permitted to have up to two dogs and offspring up to three months old. Residents are prohibited from harboring dogs on their property unless they have adequate facilities (i.e. a fenced yard, dog run, or kennel) to contain the animals. Enclosed runs must be located immediately adjacent to the home, within the building envelope, and shall not exceed 1,000 square feet. Enclosed fenced runs must be

approved by the DRB. Homeowners are encouraged to enclose runs to protect dogs from possible mountain lion or coyote predation.

At no time are dogs to be allowed to run freely. The dog must be controlled by a leash of no more than 12 feet in length, under the direct control of its owner or authorized representative, unless the dog is legally hunting with its owner or authorized representative, or is being trained for such a purpose.

Contractors, subcontractors, guests (other than those of homeowners), visitors, delivery people, etc. shall be prohibited from bringing dogs onto Cordillera property, even if the dogs would be kept inside vehicles. Guests of homeowners shall comply with all Cordillera dog control measures. Violation of the dog policy by a person other than a resident or permanent member of Cordillera shall result in the immediate eviction of the dog and the dog's owner or representative from Cordillera property. In the event of a second violation by the same dog and/or the same dog's owner, the dog and the dog's owner or representative shall be immediately evicted from Cordillera property, and the offending person in question shall be prohibited from Cordillera property for the following seven consecutive calendar days. In the event of a third violation, the offending person in question shall be prohibited from Cordillera property for the following six consecutive calendar months.

The CPOA is responsible for enforcing dog and pet covenants. Stray dogs may also be controlled by the County and CDOW. Such control may include the destruction of stray dogs under Colorado law. Homeowners not in compliance with these restrictions will be responsible for any and all costs incurred by the CPOA, County and /or CDOW for enforcing these provisions. Should the CPOA knowingly fail to enforce these dog covenants, the County and /or CDOW may enforce the covenants and recover any and all costs incurred. CPOA penalties for first, second, and subsequent violations will be a warning, \$200 fine and a \$500 fine. At any time after the first offense and warning that the pet owner fails to comply, the CPOA may request removal of the dog from Cordillera. Non-payment of a fine or failure to remove the pet from Cordillera property shall be considered a separate violation for each day that a violation continues after the notice and shall be enforced (i.e. fined) accordingly.

Resident dogs must be licensed and wear numbered tags.

Cordillera provides a fenced dog park on Carterville Road. The park is less than an acre is not be in a wildlife wintering or migration area.

HORSES, LIVESTOCK AND OTHER LARGE ANIMALS

The agreement for the Territories and the 1991 Wildlife Plan are the principal documents relating to this subject. All prior documents refer only to horses. We have expanded this to include "Other Large Animals", such as llamas. This has been done for clarification purposes.

The Territories and Casteel (parcels O, O2, O3, and O4) are permitted to have horses and other large animals under the following restrictions:

Owners of each property will be permitted to keep up to 4 horses or other large animals on their lot.

Corrals to contain the animals shall not exceed 1.5 acres (65,340 square feet) and shall be entirely contained within the building envelope.

Once established, this corral should not be moved, except as provided herein. If the corral is relocated (which relocation shall be subject to the review of the Cordillera DRB), the original site shall be revegetated with native plants and restored to its former state within a reasonable time. The corral location shall be shown on the plans submitted for building approval to Cordillera and Eagle County. Before the corral is located, owners should consider prevailing wind direction (smell, dust, flies) and other logistics relative to the home and neighbors. If possible and acceptable to Eagle County Environmental Health Division, corrals should be located on top of leach fields to reduce impacts to native vegetation and critical winter range. Septic systems should be designed to accommodate this use.

Corrals shall not be located within 50 feet of any creek on any parcel. This buffer zone will help filter corral runoff, help maintain water quality, and reduce the possibility of surface water and well contamination.

There shall be no perimeter fencing of lots or building envelopes. (See Building Envelopes)

It shall be prohibited to graze horses, livestock or other large animals on properties unless part of a valid CHEW authorized wildlife enhancement program. Horse and other livestock grazing shall be prohibited on individual lots to preserve critical big game forage values. Owners hereby recognize that plant resources in a corral are inadequate to feed the large animals and that all required feed will have to be supplied. Owners also recognize that all vegetation within corrals will be lost to grazing and that corrals will become muddy sacrifice areas. Residents whose large animals graze their property, that of an adjacent property owner, or common open space areas in violation of this agreement shall be required by Eagle County, CDOW, and CPOA to reclaim the property to its former condition. Fines will be imposed following the spirit of guidelines detailed under enforcement of pet restrictions.

Hay used to feed horses must be certified weed free. This will help reduce the spread of noxious weeds that have degraded wildlife habitats. Hay storage will be in a barn to exclude elk and deer access.

Owners are prohibited from boarding any horses or other large animals, other than their own or those of their Cordillera neighbors.. This is permitted to encourage neighbors to reduce the number of corrals in this critical wildlife habitat area. Horses or other large

animals of other Cordillera property owners may be kept overnight for up to two nights at an owner's private facilities, but longer stays shall constitute boarding, which is prohibited. Commercial boarding shall be prohibited on the individual home site within the aforementioned parcels, with the exception of remunerations between neighbors as defined above.

Owners of properties within the aforementioned parcels intending to board horses or other large animals on site shall submit a Management Plan to the Cordillera DRB prior to ground breaking for any facilities and before any large animals are kept on site. The Management Plan shall address:

- Proposed type, design, and location of all facilities, including fencing
- The number of large animals to be boarded and the duration they are to be kept
- Proposed waste management
- Proposed runoff management
- Proposed feed management
- Proposed trailer storage
- Documentation and credentials of a caretaker to manage the animals

All other Cordillera parcels are prohibited from boarding horses or other large animals on individual lots. Any horses owned by residents are to be maintained at one or more equestrian centers located outside of designated movement corridors elsewhere on the Cordillera properties. Lot owners, except in the Territories and Casteel, will not be permitted a temporary "saddle-up" area, corral or other fenced area to allow horses to be kept overnight, over a weekend, or for any length of time on their property.

BUILDING ENVELOPES

This subject is covered in all the Wildlife agreements, except the Density change agreement. It is also addressed in the 10th Amendment PUD section 1.05.3, and 1.10.

Building envelope size is limited to 22,500 square feet (0.52 acres), except for the Territories and other 35+acre lots, where the envelope is limited to 4+/- acres. All envelopes must contain all structural and vegetative disturbances on the lot. Excluded are disturbances for utilities, a driveway, and individual sewage disposal systems (ISDS) where they are approved.

The new wildfire rules and guidelines require the mitigation of lots outside the building envelope. These mitigation actions take precedence over the above disturbance statement.

It is agreed that no vegetative manipulation will be permitted outside of building envelopes, except for wildfire mitigation, manipulation required as part of any valid winter range enhancement program, as part of a community trail system, including spur trails to individual homes, that which might be associated with stock pond enhancement and as may be required to revegetate those areas disturbed by construction along access and utility easements.

The area of fertilized, irrigated landscaping each residence is permitted to have will be limited to 5000 square feet except for the Territories and lots O and V where the limit is to be 7500 square feet.

No portion of the building envelope shall encroach into the designated wildlife movement corridor.

Homeowners will be educated to appreciate and maintain the existing vegetative community, particularly forested and shrubby areas which provide critical cover and forage values. Residents will also be educated to recognize that they have moved into wildlife habitat, that some wildlife will have strong compulsions to eat what homeowners plant and that the CDOW and Eagle County will not be liable for this type of damage to landscaping.

FOREST MANAGEMENT AND OPEN SPACE

Wildfire Mitigation and Healthy Forests.

It is important to note that Cordillera has received national recognition as a “Firewise Community”. There are only 4 such communities in Colorado as of year end of 2006.

Cordillera will manage and promote fire mitigation and forestry according to standards established by the Colorado State Forestry (CSF) and Eagle County Wildfire Regulations. By regulation, all new development in Eagle County and Cordillera must conform to Eagle County Wildfire Regulations.

Cordillera standards for fuels modifications around homes are similar to Eagle County’s regulation except where Cordillera exceeds the county’s standards for distance of fuel modification, which is still consistent with CSF recommendations.

Specifically on lots less than 3 acres the whole lot is to be mitigated when building a new structure. On lots 3 acres or greater, mitigation shall take place 210 feet from the edge of the building or until the property line. All conifer trees are to be 20 feet or more from the edge of the building or building overhangs.

The CPOA has eliminated cedar shake roofs on all new construction.

The Cordillera Property Owners Association conducts fuel modification projects in open space and private property to benefit and protect neighborhoods. Wherever possible these projects will be in open space and along existing easements, primarily utility easements and recreation trails, as these lie below most homes and are well suited for fuel breaks. Fuel breaks will be constructed according to CSF recommendations for Zone 2 fuel modifications. Cordillera will construct “Shaded” fuel breaks and not “Clear cuts”. The shaded fuel breaks will thin and clear in patches. Cordillera will not use herbicides in

open space to discourage re-growth except in areas of high importance, such as under overhead power, as the new growth is forage for wildlife. Project maintenance will occur every 2 – 3 years where crews will cut recent growth. When constructing fuel breaks, Cordillera attempts to remove large stems and chip the slash. Some piles of slash will be left below the fuel breaks for wildlife.

Mountain Pine Beetle

Cordillera will aggressively and proactively identify and remove lodgepole pine trees infested with mountain pine beetle in order to minimize and slow the spread of the infestation. This includes private property and open space. All work will be done in accordance with CSF recommendations and consultations. Infested trees must be removed from individual owner's lots. If the lot owner does not remove infested or dead trees then the CPOA can remove the trees and bill the homeowner.

Project will progress through three phases, each dependent on funding and the progression of the pine beetle.

1. Phase One work will focus on the removal of beetle infested trees.
2. Phase Two work will continue to remove beetle infested trees with the addition of removing dead beetle trees that pose a fire hazard.
3. Phase Three will encompass Phase two with the addition of thinning according to CSF recommendations for forest health.

Cordillera will utilize minimal impact techniques as much as possible yet it must be recognized there needs to be a balance between techniques and cost. Marketable timber will be removed and slash chipped in place. Ski trails will not be bulldozed.

Spraying of pesticides will occur in areas of high visibility. Homeowners will be encouraged to spray. Spraying must occur before the bugs fly from their winter homes to attack new trees, which usually begins in mid July. While spraying operations must occur during calving season, impact should be minimal as spraying is limited by the length of hose, usually around 300 feet.

Spruce Fir Forest Issues

Cordillera's forests at higher elevations have large amounts of spruce and fir. As these stands age they have become very dense, making them susceptible to disease followed by bug attacks (Ips and Fir Beetle). As the budget allows, Cordillera will attempt to mitigate these issues. Primary focus will be along roads and easements for fire protection. As with the beetle issue, once the fire issue has been addressed Cordillera will attempt some thinning to encourage forest health and make the forest less susceptible to disease.

The Cordillera DRB has incorporated Wildfire Mitigation regulations that have been agreed to by Eagle County. Specifically on lots less than 3 acres the whole lot is to be mitigated when building a new structure. On lots 3 acres or greater mitigation shall take place 210 feet from the edge of the building. All conifer trees are to be 20 feet or more from the edge of the building or building overhangs.

Infected trees must be removed from individual owner's lots. If the lot owner does not remove infected or dead trees than the CPOA can remove the trees and bill the homeowner.

GOLF COURSES

This subject is addressed in the 8/05/1999 Mountain Tract Agreement. (It is also partly covered in the Seasonal Closure section of this document.)

Golf Course maintenance activities shall be consistent with the seasonal use restrictions. Winter maintenance actives shall take place between 10AM and 4 PM.

To facilitate big game winter range use, there shall be no unnecessary golf course maintenance activities from December 15 to April 1, the designated period of big game winter range occupancy. Legitimate, periodic maintenance activities associated with the golf course may be required during the winter period. However, such periodic maintenance activities shall be confined to 9am to 4pm, unless indoors, with the exception of emergencies. If areas have no wildlife wintering in the golf course areas then maintenance can start earlier. Changes in the maintenance times will be agreed to by the CDOW and the staff representative of the CPOA, on a case by case basis.

In non wildlife movement corridors and wildlife winter range, it is permissible to perform required necessary maintenance year around. However, such periodic maintenance activities shall be confined to 8am to 4pm hours, unless indoors, with the exception of emergencies.

Furthermore, there shall be no night golf, nor any lighting associated with the course or its ancillary facilities, except for downcast security lighting.

Golf Course maintenance personnel and other Cordillera employees' shall be prohibited from chasing, scaring, frightening, disturbing, or other forms of harassment in an attempt to coerce big game off the golf course, driving range, and open space areas. This provision shall apply year-around.

The golf course shall have the right to locally restrict wildlife from golf course tees, greens, landscaping clumps, and other sensitive areas by using temporary fencing, ropes, flashing lights, and other passive means. Any fencing erected shall not restrict free movement of wildlife, but shall be used in small localized areas to help avoid possible problems.

Geese control measures shall be permitted, in accordance with the U.S. Fish and Wildlife Regulations. (www.fws.gov/migratorybirds)

Snowmobile use on the property shall be restricted to “official” golf course maintenance personnel only. There shall be a good faith effort to minimize this “official” snowmobile use. Snowmobiles should only be used if other means of transport are untenable. Snowmobile use shall be limited to weekly inspection of protective fencing and/or other measures around tee boxes and greens, weekly inspection of restroom facilities, monthly water well monitoring, and bonafide emergency maintenance situations.

WILDLIFE MORTALITY ON LOCAL ROADS

This is addressed in all Wildlife agreements except the Density transfer. It is not addressed in the 10th Amendment PUD. The following is a replication of the statement in the agreements.

Vehicle speeds on roads within Cordillera will be slow enough to avoid killing most wildlife that may be crossing roads. The posted speed limit of 25-35 mph is generally slow enough to avoid most wildlife mortality. Obeying posted speed limits not only reduces wildlife mortality, but also reduces the risks of damage to personal property and injury to motorists. Residents and contractors should obey posted speed limits to avoid wildlife mortality on roads.

OTHER ITEMS:

Graham Ditch: The Graham Ditch conducts water from late April to early October. The Graham Ditch may be enclosed; however, some areas are to be left open to accommodate wildlife use. While Graham Ditch exists, if changes to the ditch are contemplated, the open areas should be in or near aspen or conifer habitat.

CDOW INDEMNIFICATIONS (Addressed in all Wildlife agreements except the Density transfer.)

Cordillera (CPOA) shall indemnify the CDOW from any and all future wildlife damage claims. This commitment should be provided to residents as part of Cordillera’s brochure, “Living in harmony with Nature: a Field Guide for Prospective Residents, Homeowners, and Guests”

EDUCATING RESIDENTS

Homeowners moving to Cordillera will do so partly because of the natural setting and the wildlife it contains. Many homeowners will be unfamiliar with the wildlife of Colorado and its mountains and the responsibility that goes with living in this setting. Homeowners generally do not want to disturb, harass, or impact wildlife, but they often unwittingly do. Cordillera has developed a brochure (“Living in harmony with Nature: a Field Guide for Prospective Residents, Homeowners, and Guests”) that educates

homeowners about the local wildlife community, what planning went into the design of the community to accommodate the future need of wildlife, what they must do to assure that this wildlife use continues, and that they have certain stewardship responsibilities and demands that go along with living in this special situation. Many of the issues presented above are covered in that brochure. A copy of that brochure will be provided to residents at the time of closing.

ADDITIONAL COMMITMENTS

The Restrictive Covenants, as set forth above in this agreement, shall not be amended without the consent of the CDOW, Eagle County, and the CPOA. If any conflict occurs between CPOA control documents, the more restrictive provisions shall take precedent. This entire wildlife mitigation plan and, specifically, those sections addressing dogs, fencing and bears, can be enforced by the CDOW and/or Eagle County through Restrictive Covenants.

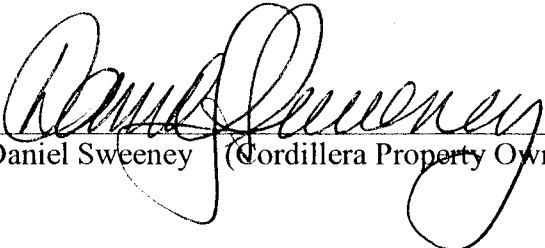
CDOW has the right to review and recommend changes to this plan at anytime. The CPOA agrees to an annual review of the Cordillera trail plan to insure that trails and wildlife continue to co-exist.

Copies of this final signed agreement shall be provided to all prospective residents of Cordillera with initial contract documents and at the time of closing.

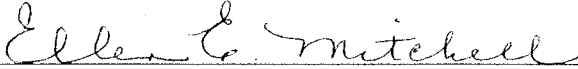
CORDILLERA WILDLIFE PLAN

ENDORSEMENT


By execution of this document the parties below hereby agree that this is an acceptable plan and management process for the Cordillera Community.


Daniel Sweeney (Cordillera Property Owners Association)

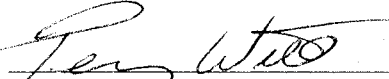
1/22/08
Date


Ellen E. Mitchell (Cordillera Metropolitan District)

2/6/08
Date

 PRESIDENT
Joe Petrash (Club at Cordillera)


2/19/08
Date

 Area Wildlife Mgr.
Perry Will Colorado Division of Wildlife

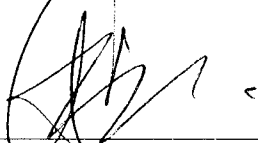
3/5/08
Date


Eagle County Commissioner

Date


Eagle County Commissioner

Date


Eagle County Commissioner

Date

CORDILLERA

RECREATION TRAILS AND BIG GAME CORRIDORS

Area & Trails	Trail Usage W=Winter S=Summer	Winter Range	Migration	Elk Calving
The Territories				
Quarter Horse	WS	X	X	
Kicking Horse	WS	X	X	
Fox Trotter	S	X		
Arabian Loop	S	X	X	X
Mountain Tract Summit				
Get-A-Long	S	X	X	X
Zinn/Yordi	S	X	X	
Ranch				
Sleigh Ride Loop	W	X	X	
Jack Frost	W	X	X	
Yuletide	W	X	X	
Red Draw	WS	X	X	X
Trailhead	WS	X	X	
Timbers	WS	X	X	
East Elk Spring	S	X	X	
West Elk Spring		X	X	
Whittaker Walk	S	X	X	
Nordic Center Trails	W			
Sleigh Rides				
Divide				
Camino Del Norte	WS			
Upper El Mirador	WS			
Lower El Mirador	WS			
Golf Course Short Course	W			
Equestrian Center Trails				
Part of Bearden Agreement				
Bearcat	WS	X	X	
Sky Trail	WS	X	X	
Buckboard	WS	X	X	
Hitching Post	WS	X	X	
Mule Skinner	WS	X	X	
Circleback	WS	X	X	
Horseshoe	WS	X	X	