



**NOTICE OF ORDINANCE ADOPTION ON FIRST READING  
OF THE FRISCO, COLORADO TOWN COUNCIL  
ORDINANCE 24-01  
February 13, 2024**

**PUBLIC NOTICE IS HEREBY GIVEN** that the attached Ordinance has been adopted upon first reading at the Regular Meeting of the Town Council.

Posted on this 13<sup>th</sup> day of February, 2024, in accordance with Frisco Home Rule Charter Article III, Section 9 "Council Procedures – Procedures".

**CALLED BY ORDER OF THE TOWN CLERK:**

By: Stacey Nell, Town Clerk

[townclerk@townoffrisco.com](mailto:townclerk@townoffrisco.com)

(970) 668-5276

Copies of the Ordinance are available in the following methods:

1. Attached to this Notice
2. On the official Code Library website for the Town of Frisco:  
<https://library.municode.com/co/frisco>
3. Upon request to the Town Clerk

**TOWN OF FRISCO  
COUNTY OF SUMMIT  
STATE OF COLORADO  
ORDINANCE 24-01**

AN ORDINANCE REZONING FROM THE MIXED-USE (MU) ZONE DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) AT CERTAIN REAL PROPERTY LOCATED AT 101 WEST MAIN STREET AND LEGALLY DESCRIBED AS LOT B-1, WEST FRISCO 70 SUBDIVISION # 2.

WHEREAS, the Town of Frisco, Colorado ("Town") is a home rule municipality, duly organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, this ordinance is adopted pursuant to the Town's home rule authority, Section 1-4 of the Charter for the Town of Frisco, the Town's authority under Colorado Revised Statutes Section 31-23-301, and the authority of the Town Council under Section 180-2.4.1D. of the Code of Ordinances of the Town ("Code"); and

WHEREAS, the owner of certain real property located at 101 W Main Street legally described as LOT B-1 WEST FRISCO 70 SUBDIVISION # 2 (hereinafter the "Property") has made application to the Town for a changes of zoning classification from Mixed-Use (MU) Zone District to Planned Unit Development (PUD); and

WHEREAS, pursuant to the provisions of Section 180-2.4.1.D.3.a. of the Code, on November 16, 2023, the Frisco Planning Commission conducted a preliminary public hearing concerning the owner's application for the rezoning and made preliminary comments on the application; and

WHEREAS, pursuant to the provisions of Section 180-2.4.1.D.3.b. of the Code, on January 4, 2024, the Frisco Planning Commission conducted a final public hearing concerning the owner's application for the rezoning and made a recommendation for approval with conditions of the application; and

WHEREAS, the Town Council held a public hearing on January 23, 2024, to receive public comment, evidence and testimony relative to the proposed amendments to the Frisco Town Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO THAT:

Section 1. Findings. Based on the testimony and documents received and considered at the public hearing on this matter, the Town Council FINDS THAT:

- A. The rezoning is necessary to provide land for a community benefit that includes an increased density of affordable housing units and is in promotion of public health, safety, and welfare.
- B. That the project is beneficial or necessary for the economic development of Frisco by supporting the development of housing that will be available to the local workforce and therefore supports local businesses, employees, and residents.
- C. That the application is providing a community benefit in the form of workforce housing.
- D. That the application achieves a compatibility of land uses with neighboring land uses by listing a variety of permitted uses within the PUD that are consistent with the underlying zoning of the site including residential and office uses.

- E. That the modifications to the underlying zoning are in the best interest of the Town, and neighborhood in which the development is planned by furthering the goals within the guiding principles of the Frisco Community Plan. This includes providing opportunities for a balanced mix of housing and to maintain a diverse and vibrant community.
- F. That the projected capacity to fully serve the project site with water and sewer is available, which has been reviewed and approved by the Town Engineer and will be furthered reviewed by the Public Works Department and Frisco Sanitation upon subsequent site plan submittal.
- G. That Town services shall be provided in the most efficient manner practicable.
- H. That more than one housing type and housing price is offered to satisfy the needs of more than one segment of the community and the PUD includes requirements for a range of pricing based on Average Median Income level.
- I. That the project contributes amenities to the development itself and to the community at large by providing a 25-foot-wide non-exclusive public walkaway easement dedicated to the Town of Frisco that creates public access to Ten Mile Creek and by providing a car sharing program for residents.
- J. That an owners association will be established with the development of the project which will promote a sense of community and ensure the continued existence of a viable entity responsible for maintenance of private open space and other similar duties.
- K. That the project meets all the applicable requirements of this Chapter that are not expressly varied in the final PUD plan, contributes to design aesthetics and layout, and promotes efficient use of land by providing a PUD plan that is clear and consistent with the Frisco Community Plan.

Section 2. Designation. The real property located at 101 W Main Street legally described as LOT B-1 WEST FRISCO 70 SUBDIVISION # 2, is hereby designated as being designated as a Planned Unit Development (PUD) in accordance with the PUD Plan that is attached hereto.

Section 3. Zoning Map. The Director of the Community Development Department shall cause the Frisco Zoning Map to be amended to reflect the PUD designation approved by this ordinance, and shall cause the PUD Plan to be filed in the real property records for Summit County, Colorado.

Section 4. Effective Date. This ordinance shall become effective in accordance with the home-rule Charter of the Town of Frisco, Colorado.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION AND POSTING ORDERED THE 23<sup>RD</sup> DAY OF JANUARY 2024.

ADOPTED ON SECOND AND FINAL READING AND PUBLICATION BY TITLE ORDERED THIS 13<sup>TH</sup> DAY OF FEBRUARY 2024.

TOWN OF FRISCO, COLORADO:

DocuSigned by:  
Hunter Mortensen  
C9E8CC1AC16442E

Hunter Mortensen, Mayor

ATTEST:

DocuSigned by:  
Stacey Nell  
C0C0A3C8B8B8E

Stacey Nell, Town Clerk

(DRAFT)  
**101 W Main Housing  
 Planned Unit Development**

This Planned Unit Development Designation, to be known as the 101 W Main Housing Planned Unit Development, hereinafter referred to as the (“Designation”), was approved this \_\_day of \_\_\_\_\_2024, by the Town Council of Frisco, Colorado, for certain real property located in Frisco, Lot B-1, amended West Frisco 70, Filing No. 2, according to the plat filed April 16, 1974 under Reception NO. 140796, County of Summit, State of Colorado and described in attached Exhibit A, hereinafter referred to as the “Property”. This Designation establishes the land uses that shall be permitted on the Property, a Conceptual Development Plan (“Plan”) and development guidelines and conditions, which must be adhered to by the owner/developer of the Property, NHPF West Main, LLC, hereinafter referred to as the “Owner/Developer” and successors and assigns of the Owner/Developer. This Designation also specifies improvements which must be made and conditions which must be fulfilled in conjunction with this designation by the Owner/Developer.

Where this Designation does not address a specific development standard or requirement of the Frisco Unified Development Code (“UDC”) currently in effect, the Development Code shall apply. Where the Designation addresses a specific development standard or requirement, the provisions of this Designation shall supersede the provisions of the Unified Development Code. Use and development of the Property shall be in accordance with the specific requirements of this Designation, and in substantial compliance with the Plan attached as Exhibit B. This Designation is intended to further the objectives of blending into the development pattern of the adjacent areas and increasing the supply of affordable workforce housing for the community.

**A. Permitted Uses and Development Plan**

**1. Purpose and Intent**

This Designation is proposed to establish a mixed-use development that blends into the surrounding Town of Frisco. The residential portion of this development will consist entirely of deed-restricted, Affordable Workforce Housing units as defined in Section C.2 of this PUD Designation. The two primary goals of the development are to provide affordable housing for the local workforce and to ensure compatibility with the surrounding neighborhood. The exceptions to current Unified Development Code requirements proposed here are necessary to allow for the construction and operation of at least 45 deed-restricted affordable units, serving households up to 80% of the area median income. Minor deviations from this area median income will be allowed up to 100% of the area median income as outlined in the Development Agreement between the Town of Frisco and the NHP Foundation, but no modification to this Designation shall be required. More specifically, this development will further the following goals and Guiding Principles as reflected in the Town of Frisco Community Plan.

- 1.4: Reinforce Main Street as the heart of the community, from the lake to the mountains.
  - 1.4D: Preserve Frisco’s historic street grid to retain the character and walkability of the town core.
  - 1.4E: Design and orient buildings to maintain historic development patterns along public rights of way
- 1.5: Promote a balanced community through support for diverse and equitable housing options.

- 1.5A: Develop a diverse portfolio of workforce housing programs to support a broad range of housing needs—type of unit, rental vs. ownership, and price points—at the community and neighborhood level.
- 1.5B: Stimulate the creation of workforce housing through town policies, incentives, and regulatory procedures.
- 1.5C: Collaborate with community partners and the private sector to expand the reach of Frisco’s workforce housing efforts.
- 2.1: Maintain a diverse and strong economy.
  - 2.1B: Provide opportunities for a balanced mix of housing and services to support local businesses, employees, residents, and visitors.
- 2.3 Facilitate the retention and expansion of locally owned businesses.
  - 2.3C: Expand workforce housing options to support small businesses and local employees.
- 4.1: Provide a safe and efficient multimodal transportation system.
  - 4.1D: Manage parking resources downtown to promote the efficient use of available spaces.
- 5.1: Provide high quality, year-round recreational amenities that appeal to both residents and visitors.
  - 5.1D: Coordinate new facilities with the Trails Master Plan (and other Town Master Plans) to ensure appropriate connections and access.

## 2. Development Plan and Permitted Uses

- a. Development Plan: development of the Property shall be in general accordance with the associated Site Plan application and the following specific requirements of this Designation. There is one (1) Planning Area on the property as specified below, which encompasses all property within Lot B-1 West Frisco 70 Sub #2:

Permitted Uses for Planning Area 1 Include:

1. At least forty-five (45) Units of Affordable Workforce Housing.
  - a. Minor deviations from the 52-unit configuration shown on Exhibit B may be considered as part of future Site Plan Review, but no modification to this Designation shall be required.
  - b. Ground floor residential uses shall be permitted within this Designation.
  - c. The commercial space on-site shall be a minimum of 1,500 square feet.
  - d. Affordable Housing incentives per the Affordable Housing Incentive Program shall be applied in accordance with Section 180-5.5 of the Unified Development Code with exceptions as stated in this Planned Unit Development Designation.
- b. Permitted Uses: Uses which are permitted or accessory within the Mixed Use (MU) Zoning District, as set forth in Figure 1 and shall be calculated pursuant to the methodologies and procedures set forth in the Unified Development Code.

*Figure 1 Permitted Use table is meant to be inclusive rather than exhaustive. If a use that is not listed in the table below meets the intent of the permitted uses listed, the use can be permitted at the discretion of the Community Development Director.*

**Figure 1**

<b>Planning Area 1 – Mixed Use</b>	
Permitted Uses	<p>Residential Uses:</p> <ol style="list-style-type: none"> <li>1. Permitted as a primary use</li> <li>2. Permitted on the ground floor</li> </ol> <p>Commercial Uses:</p> <ol style="list-style-type: none"> <li>3. Offices</li> <li>4. Personal Services</li> <li>5. Recreation and Entertainment</li> <li>6. Retail</li> <li>7. Arts &amp; Entertainment Facility</li> <li>8. Radio &amp; Television Broadcasting</li> </ol> <p>Public or Quasi-Public:</p> <ol style="list-style-type: none"> <li>9. Community Facilities</li> <li>10. Civic, Youth, Social Organization</li> <li>11. Medical Clinic</li> </ol> <p>Recreation:</p> <ol style="list-style-type: none"> <li>12. Community Center</li> <li>13. Health Spa</li> <li>14. Open Space</li> <li>15. Trails</li> <li>16. Community Gardens</li> <li>17. Shared Public Space</li> </ol>

3. Supplements:

- a. Exhibit A – Site Plan
- b. Exhibit B – Housing Covenant
- c. Exhibit C – Parking Management
- d. Exhibit D – Car Share

**B. Development Standards**

1. Building Height: all structures shall be a maximum of 45 feet in height for pitched roofs, and 35 feet in height for flat roofs as defined in the Unified Development Code.
  - a. A ten percent increase in maximum building height as defined by the Mixed Use Zone in the Unified Development Code at the time of project construction shall be permitted for this Designation.
  - b. First floor building height for structure(s) shall be 9' minimum in height.

2. Setbacks:
  - a. 5' from side property lines
  - b. 3' from front property lines along Main Street
3. Lot Coverage: maximum lot coverage shall not exceed 80%. Lot coverage calculation shall be evaluated per the definition of lot coverage in the Unified Development Code.
4. Landscaping: landscaping shall be in general accordance with the Site Plan and shall follow Town Code with the following exceptions:
  - a. Plant material quantities may be reduced by up to 20 percent from the Mixed-Use Development as outlined in the Unified Development Code at the time of project construction.
  - b. Species mix may be increased to a 50-percent maximum for each species, and minimum tree caliper size may be reduced to 50 percent of the caliper size requirement as outlined in the Unified Development Code at the time of project construction.
5. Parking Calculations and Requirements. Vehicular parking, on-site and off-site, shall be constructed and maintained in general accordance with the Site Plan and On-Street Parking Plan.
  - a. Residential Parking Requirement: one-half parking space per unit for studios and one-bedroom units, one parking space per unit for two-bedroom units, and two parking spaces per unit for three bedrooms or greater. One visitor parking space is required per seven dwelling units.
  - b. On-Street Parking: required parking, excluding ADA and handicap accessible spaces, may be accommodated on streets proximate to the property, on a one-for-one basis. Refer to *Section 8. Dedications and Other Agreements*, for description and approval timeline in "On-Street Parking Plan" for approval and management of on-street parking.
  - c. Car-Sharing Service: each car-sharing space provided shall count as four parking spaces, up to 20 percent of the parking residential parking requirement. Refer to *Section 8. Dedications and Other Agreements*, for the description and approval timeline for "Car Share Management" for approval, management and enforcement of car-sharing.
6. Bicycle Parking: Calculations for bicycle parking shall follow mixed-use and nonresidential bicycle parking requirements as outlined in the Unified Development Code at the time of the project construction.
7. Public Walkway Easement for Access to Ten Mile Creek. A 25' wide non-exclusive public walkway easement dedicated to the Town of Frisco shall be provided for future installation of trail, rec path or other improvement by the Town of Frisco. Refer to *Section 8. Dedications and Other Agreements*, "Public Walkway Easement" for description and approval timeline. Refer to Exhibit A for proposed easement location.

8. **Snow Storage.** Snow storage shall be accommodated at the rate per the Unified Development Code and shall be provided on-site. No snow storage or detention facilities will be allowed within 15' of the 100 year floodplain as shown on Exhibit A as approved at the time of approval. The Town Engineer may approve snow storage, detention, and water quality facilities between 15' and 25' from the 100 year floodplain. Owner/Developer shall comply with any other conditions required by the Town Engineer for improvements within the 25' setback from the 100 year floodplain.
9. **Design Guidelines:** The overall goal is to complement the surrounding neighborhood and to minimize and mitigate physical and visual impacts of the development. The development is subject to the following design guidelines.

A. **Façade Standard:**

- i. **Intent:** To ensure that the façade design of development is compatible with Frisco's small mountain town character and provides a human scale to enhance the walking experience in the neighborhood.
- ii. **Building Elements:** All building elevations shall employ varied articulation of wall surfaces. Each façade shall be articulated using at least four of the following techniques:
  - Deep eaves or overhangs, at least 24 inches in depth;
  - Balconies, porches, or patios;
  - Building elements that provide shelter from natural elements;
  - Offsets, insets, bays, or other similar architectural features to add a variety of depths to the wall plane;
  - A change in texture or material, provided all exterior wall textures and materials are consistent with the overall architectural style of the building;
  - Variation in roof planes or roof forms, including dormer or gables.

B. **Bulk Plane Standards:**

- i) Bulk plane encroachments shall be allowed up to 1,000 cubic feet per 10,000 square feet of lot area.
- ii) Bulk plane encroachments shall be allowed for livable/ habitable spaces.

C. **Roof Standards:**

- i. **Intent:** to ensure that roof elements are compatible with or complementary to existing historic or contributing buildings in the area and to encourage visibly pitched roofs or roof elements and the use of dormers and breaks in ridgelines.
- ii. **Roof Pitch:**
  - pitched roofs, or flat roofs augmented with pitched roof elements, are required
  - A minimum roof pitch of 6/12 is encouraged
  - Mansard roofs are prohibited.

- D. **Roof Design:** Roof lines shall be designed in a manner where they do not substantially deposit snow onto required parking areas, sidewalks, trash storage areas, stairways, decks, balconies or entryways.



E. Roof Materials:

- i. If metal roofs are used they shall be surfaced with a low-gloss finish, matte finish, or other finish proven to fade and not be reflective
- ii. Metal roofs, asphalt and fiberglass shingles are permitted provided that they provide substantial relief and shadow, and the design and color are compatible with the building
- iii. Bright colored roofs that exceed a chroma of four on the Munsell Color chart are prohibited

F. Building Material Standards:

- i. Intent: to ensure that building materials are compatible and complementary to existing historic and contributing buildings in the area, using a combination of mainly natural materials
- ii. Primary Materials:
  - Building materials shall be predominantly natural, including, but not limited to, wood siding, wood shakes, logs, stone, brick, or other similar materials
  - Other materials that imitate natural materials are also acceptable provided their texture, shape, and size are substantially similar to the natural materials they are imitating, and are not obviously artificial materials
  - Stucco or steel are acceptable materials when used in combination with other acceptable materials
- iii. Specific Material Standards
  - Concrete Block: concrete block shall not be allowed as the primary or extensive exterior finish. When used as an accent, concrete block shall be a split block, or other similarly shaped, textured, and colored materials that are found to be compatible with the building and the purpose of this section
  - Metal: metal shall have a matte finish or a finish proven to fade and not be reflective
  - Glass: the use of mirrored or reflective glass is prohibited unless required for compliance with the voluntary green building program as administered by the Town's Building Official
  - A variety of materials shall be used on all building elevations
  - There shall be a variety of quality and type of exterior materials, and their application shall be generally in balance and proportional on all elevations of the building
  - Materials that wrap around the building, such as a durable material at the base of the structure, shall continue around projecting outside exterior corners and end at recessed inside exterior corners

G. Accessory Structures: the same or similar building materials shall be used on main structures and any accessory structures located on the same site, unless an alternative material can be provided that will complement the project and which meets the other standards of this section.

- i. Additions: additions that are 50 percent or less of the existing building floor area, or exterior remodels or renovations, may be allowed to complement the

existing structure, even if the building does not currently meet the material standards of this section

H. Building Colors:

- i. Intent: to promote building colors compatible with the site and surrounding buildings
- ii. Maximum Color Chroma: no color may be used as the primary color of the building that exceeds a chroma of four on the Munsell Color chart. Pure white or black may not be utilized as the primary building color.
- iii. Exception for Building Accents: colors that exceed a chroma of four, but that do not exceed a chroma of eight on the Munsell Color chart may be used only sparingly as accents, such as on trim or railings. Luminescent, fluorescent, or reflective colors shall not be utilized on any exterior portion of the building.

10. Dedications and Other Agreements

Note: Changes to the recorded Operating Agreement shall be approved by the Town and re-recorded. No modification or amendment to this Designation shall be required.

Agreements	Description	Approval Timeline
<u>Public Walkway Easement</u>	- Provide access easement for future installation of trail, rec path or other improvement by Town of Frisco	- Record approved easement prior to certificate of occupancy
On-Street Parking Plan	- Provide specified parking spaces within Town Right of Way - Provide operating agreement	- On-street parking spaces finalized during Site Plan Approval - Operating Agreement to be recorded prior to certificate of occupancy
Car Share Management	- Provide operating agreement. - Acknowledge conditions of enforcement	- Operating Agreement to be recorded prior to certificate of occupancy.

**C. Workforce Housing Specific Regulations.**

1. This PUD Designation mandates the development of a minimum of 45 Affordable Workforce Housing Units.
2. Affordable Workforce Housing, as such term is specifically contemplated in this Designation, and for development purposes addressed herein, shall assume the meaning of the term Affordable Housing set forth in the Unified Development Code with the income restrictions as described in Section A.1. of this Designation.
3. The Units are planned as multi-family units as shown conceptually in the associated Major Site Plan. Nevertheless, the actual design and size of such units are subject to the physical conditions of the Property and market demands, and modifications to the design and nature of the Units may

be proposed provided that the level of Affordable Workforce Housing contemplated herein is reasonably maintained, in terms of the number of units, occupancy, amenities, et cetera. A final determination of the number of bedrooms and bathrooms for each unit will be made at Final Major Site Plan approval. Town approval shall be obtained for any deviation from the anticipated unit design or configuration, but no modification to this PUD Designation shall be required if the modifications are within 10% of the proposed unit mix.

4. Units shall be offered for rent, in accordance with the standards for such Units articulated in the attached draft sample Covenant (Exhibit B).
5. Renters approved for residence in this Planned Unit Development shall meet the income qualification requirements as enumerated in the Covenant (Exhibit B). The rental price of Units shall not exceed affordability limits established in the Covenant.
6. Owner/Developer may install the infrastructure for the entire Property at one time, or in phases, as is most advisable based on demand, site conditions, and prevailing construction conditions, provided that any such installation is conducted in accordance with this Designation and the Frisco Town Code.

#### **D. Utilities and Improvements.**

1. Road and Driveway Access:
  - A. The Property shall be accessed from Creekside Drive.
  - B. Road and driveway access is depicted on the Site Plan (Exhibit A). All road and driveway construction on the Property shall be in general accordance with such Plan, and the standards of the Frisco Town Code.
2. Right-of-Way and Easement Dedication:
  - A. All additional required easements for access, snow storage, utilities and maintenance will also be dedicated on the Plat, to the satisfaction of the Town of Frisco Public Works and Community Development Departments.
3. Sidewalks:
  - A. Concrete sidewalk to be constructed along Creekside Drive.
  - B. Main Street sidewalk to be realigned for new parking.
4. Water Systems: the water supply shall be provided by the Town of Frisco for all development on the Property.
5. Wastewater Disposal: wastewater disposal for all development shall be provided by the Frisco Sanitation District.
6. Fire Protection and Wildfire Hazard Mitigation: the Property is located within the jurisdiction of the Summit Fire & EMS. All development on the Property shall meet all fire protection requirements of the District.

#### **E. Implementation**

1. **Development Phasing.** The Owner/Developer intends to build the project in one phase. Although, the Owner/Developer may develop the project in phases, if advisable based on demand, site conditions, and prevailing construction conditions; provided that a proposed phasing plan is reviewed and approved by the Town in conjunction with the Site Plan Review.

## **E. General Provisions**

1. **Enforcement:** the provisions of this Designation and the dedication relating to the use of land shall run in favor of the Town of Frisco and shall be enforceable at law or in equity by the Town of Frisco without limitations on any power or regulation otherwise granted by law. Other provisions of this Designation and the Plan shall run in favor of the residents, occupants, or landowners of the Property, but only to the extent expressly provided in, and in accordance with the terms of this Designation and the Plan. Provisions not expressly stated as running in favor of the residents, occupants or owners of the Property shall run in favor of the Town of Frisco.
2. **Breach of Provisions:** if at any time, any provision or requirements stated in this Designation have been breached by the Owner/Developer, the Town may withhold approval of any or all subdivision plats, or the issuance of any or all grading or building permits or occupancy permits applied for on the Property, until such breach has been remedied; provided, however, that the Town shall not take affirmative action on the account of such breach until it shall have first notified the Owner/Developer in writing and afforded the Owner/Developer a reasonable opportunity to remedy the same.
3. **Binding Effect:** this Designation shall run with the land and be binding upon the Owner/Developer, their respective successors, representatives and assigns, and all persons who may hereafter acquire an interest in the Property or any part thereof, with the exception that provisions of this Designation may be modified through an amendment in accordance with the procedure stated in the Development Code. This Designation shall be recorded in order to put prospective purchasers or other interested persons on notice as to the terms contained herein.
4. **Amendments:** the Unified Development Code includes procedures and requirements for review of all Planned Unit Developments. The Owner/Developer shall be on notice of these requirements and their potential impact should modifications to this Designation be desired. Amendments to the provisions of this Designation shall be reviewed and acted upon as a rezoning application, subject to the Town's procedures for zoning amendments and the requirements for findings under the Planned Unit Development Act of 1972 at CRS section 24-67-106(3)(b), unless such amendment is determined to be minor in nature in accordance with the provisions outlined in the Unified Development Code.
5. **Notices:** all notices required by this Designation shall be in writing and shall be either hand-delivered or sent by certified mail, return receipt requested, postage pre-paid, as follows:

Notice to Town:

Town of Frisco  
Post Office Box 4100  
Frisco, Colorado 80443

Notice to /Owner/Developer:

NHP Foundation  
Attn: Neal Drobenare  
1090 Vermont Avenue, NW, Suite 400  
Washington, DC 20005

6. Entire Designation: this Designation contains all provisions and requirements incumbent upon the Owner/Developer relative to the 101 W Main Planned Unit Development, except as modified by subsequent action of the Town Council in accordance with the procedures set forth in the Unified Development Code and the Colorado Planned Unit Development Act (CRS Section 24-67-106) for amending planned unit developments, and except that nothing contained herein shall be construed as waiving any requirements of the Unified Development Code or other regulations otherwise applicable to the development of the Property.
7. Effective Date: to be legally effective and binding, this Designation must be recorded by the Summit County Clerk and Recorder. The date of such recording is referred to herein as the "Effective Date."
8. Legality of Provisions: in the case one or more of the provisions contained in this Designation, or any application thereof, shall be invalid, illegal, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained in this Designation and the application thereof shall not in any way be affect or impaired thereby.

IN WITNESS WHEREOF, the Town and the Owner/Developers have executed this Designation as of the date first written above.

TOWN OF FRISCO, COLORADO

DocuSigned by:



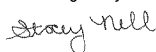
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Hunter Mortensen, Mayor

Town of Frisco

ATTEST:

DocuSigned by:



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Stacey Nell, Clerk and Recorder

Town Clerk

Owner/Developer