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FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (hereafter referred to as the "First Amendment") is made and entered into effective this 16th day of July, 2003, by and among BOARDS OF COUNTY COMMISSIONERS OF LA PLATA COUNTY, COLORADO AND OF SAN JUAN COUNTY, COLORADO ("Counties"), the PURGATORY METROPOLITAN DISTRICT ("Metro"), and DSC/PURGATORY, LLC, a Colorado limited liability company, DURANGO MOUNTAIN LAND COMPANY, LLC, a Colorado limited liability company, and WINDOM PEAK, LTD., a Colorado limited partnership, (referred to collectively as "Owners") (sometimes hereafter collectively referred to as the "parties").

WHEREAS, the Counties and Metro entered into a Development Agreement with DSC/Purgatory, LLC, T-H Land Company, LLP, Windom Peak, LTD., and Henry P. Lustig, effective August 22, 2002, and recorded in La Plata County, Colorado on August 23, 2002 at Reception No. 836596, and recorded in San Juan County, Colorado on August 30, 2002 at Reception No. 142061; and

WHEREAS, within the Development Agreement, the parties adopted a Comprehensive Development Plan ("CDP") which consists of the Master Plan, DMR Regulations, and the Development Agreement; and

WHEREAS, Section 2.13 of the DMR Regulations provides that the CDP may be amended from time to time, and the parties have agreed that some of the Sections of the DMR Regulations should be amended; and

WHEREAS, the fee simple ownership of Tract I and Tract IV of the Property (see Exhibit "A" to the Development Agreement) has now been transferred to Durango Mountain Land Company, LLC, a Colorado limited liability company; and

WHEREAS, as conceptual planning evolved for Tacoma Village, Owners determined that some of the Townhome Dwellings, Single-Family Dwellings, and Townhome/Commercial development should be relocated in order to minimize scarring of existing land features and preserve existing vegetation; therefore, the parties have agreed to amend Exhibit "B" (Master Plan) to depict some relocation of Single-Family Dwellings, Townhome Dwellings, and Townhome/Commercial development within Tacoma Village; and

WHEREAS, La Plata County and San Juan County have differing code provisions and policies regarding the timing of issuance of building permits for final plat approved residential and commercial improvements, and the parties have determined that a uniform standard regarding the issuance of such building permits should be included in the DMR Regulations, the

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parties have agreed to amend Section 4.4 (Building Permits) in order to allow building permits to be issued under certain conditions prior to the completion of public improvements; and

WHEREAS, the parties have agreed to amend Sections 4.10.3, 4.10.4, 4.10.5, and 4.10.6 to provide that setbacks from public lands and open spaces shall be measured to the perimeter of building envelopes within subdivisions; and

WHEREAS, the parties have agreed to amend Sections, 4.10.2, 4.10.3, and to amend the provision regarding development on 30% or greater slopes; and

WHEREAS, the parties have agreed to amend Section 5.2.2 to add a section for Shared Accessway and Driveway Standards; and

WHEREAS, the parties have agreed to amend Section 5.12 regarding Workforce Housing; and

WHEREAS, the Joint Planning Commissions of La Plata County and San Juan County have duly noticed and held a public hearing with regard to this proposed First Amendment, and recommend the adoption thereof by the Board of County Commissioners of La Plata County and San Juan County; and

WHEREAS, the Board of County Commissioners of La Plata County and the Board of County Commissioners of San Juan County have duly noticed and held a public hearing on this First Amendment, and, based upon the evidence presented at the hearings, have determined that the approval of this First Amendment is warranted.

NOW THEREFORE, for and in consideration of the mutual obligations set forth herein, the First Amendment is hereby adopted by the County as a legislative act and the parties agree to the terms and conditions of this First Amendment as follows:

1. The First Amendment shall be effective thirty-one days after both final passage and the date of publication of a notice advising the general public of the First Amendment's approval by the La Plata and San Juan Boards of County Commissioners. If this First Amendment is subject to the right of the voters to initiate a referendum regarding its adoption, and if a legally sufficient referendum petition complying with all relevant statutory requirements is filed within thirty days after final passage and publication of the First Amendment in La Plata or in San Juan County, no part of the First Amendment shall take effect until approved by a vote of the registered electors of the County in which such vote occurs.
2. T-H Land Company, LLP, and Henry P. Lustig are hereby released, discharged, and terminated as parties to, and Owners under, the Development Agreement and the CDP; and

Durango Mountain Land Company, LLC is hereby substituted as a party to, and an Owner under, the Development Agreement and the CDP, and Durango Mountain Land Company, LLC agrees to be subject to, bound by, and benefited by all rights and obligations of the Development Agreement and CDP.

3. Exhibit "A" (Property) to the Development Agreement is hereby amended to reflect that the fee simple ownership of Tract I and Tract IV is now vested in Durango Mountain Land Company, LLC.

4. In order to implement the map amendment to the Master Plan for Tacoma Village, Exhibit "B" (Master Plan) to the Development Agreement is hereby revoked in its entirety, and the Exhibit "B" (Master Plan) attached hereto is substituted in its place.

5. Section 4.4 (Building Permits) is hereby revoked in its entirety, and the following Section 4.4 (Building Permits) attached hereto is substituted in its place:

4.4 Building Permits

Except as provided below, building permits, grading permits and improvement or use permits shall be issued in accordance with the appropriate County Code; provided, however, that no building, grading or improvement or use permit shall be issued to an Applicant until such time as the Applicant has provided to the County certificates issued by the Durango Fire and Rescue Authority, Purgatory Metro District, and the Durango Mountain Resort Design Review Committee (DRC) approving the proposed improvements for which the building permit and/or grading permit is being sought. In no case shall a structure be constructed across the County line.

Building permits for the construction of multi-family residential and commercial units may be issued by the applicable County prior to the completion and acceptance of all required public and private improvements that are included on a final plat or have been required as a condition of final plat approval, provided that the Applicant(s) to whom final plat approval has been given meets all of the following conditions:

- 1. A final plat for the development has been accepted and approved by the Board of County Commissioners;*
- 2. A fully executed and recorded Development Improvement Agreement to build all public improvements required of the Applicant by a County has been accepted and approved by the applicable County and Metro District. In addition to meeting the requirements of Section 2.4 of the DMR Land Use Regulations, such Development Improvement Agreement shall also be secured by such*

assurances as deemed appropriate and acceptable to Metro District based on Metro and County Engineers' estimate of the cost of the construction of the public improvements;

3. *A Development Improvement Agreement to build all private improvements required of an Applicant by a County, secured by assurances acceptable to the County, has been fully executed by the Applicant(s) and the applicable County, and has been recorded in the applicable County;*

4. *The surface of the access road, including road widths, grades, centerline radius, and height clearance, (together with necessary turnarounds and pullouts) providing access to the property for which a building permit(s) has been requested have been improved with a gravel surface acceptable to Metro District, and the applicable County engineer, and are deemed sufficient in the opinion of Durango Fire & Rescue Authority or its successor entity ("DFRA") to support emergency equipment;*

5. *Construction staging and parking areas acceptable to Metro District and the applicable planning Director have been provided;*

6. *Adequate sanitary facilities have been provided.*

Building permits for the above ground portions of any wooden construction shall not be issued until waterline(s) and fire hydrants have been installed, tested and accepted by Metro District, or alternate fire protection acceptable to DFRA has been provided to the property.

Certificates of Occupancy issued by the appropriate County shall be required for all buildings. No occupancy of a building shall occur until issuance of a Certificate of Occupancy. No certificates of occupancy shall be issued until all required public and private improvements have been satisfactorily completed and accepted by the County and/or Metro, as applicable, and the assurances in the form of adequate security have been fully released.

6. Sections 4.10.3, 4.10.4, 4.10.5, and 4.10.6 regarding Lot and/or Townhome Standards are hereby amended to add "measured to the perimeter of building envelopes within subdivisions" after "50 foot setback from public lands"; and to add "measured to the perimeter of building envelopes within subdivisions" after "50 foot setback from open spaces".

7. Sections 4.10.2 and 4.10.3 and are hereby amended to revoke the "bullets" regarding disturbance on 30% or greater slopes in their entirety and the following is substituted in its place:

- There shall be no disturbance on sections of 30% or greater slopes that have a vertical rise greater than or equal to 15 feet in height with the following exception. The base of a 30% or greater slope that has a vertical rise of greater than 15 feet in height may be disturbed provided that such disturbance is no more than 15 feet in height and further provided that there is a concurrent dedication of additional open space (beyond existing requirements) at a ratio of 1 to 1, open space to 30% slope impact area. The additional open space shall not comprise steep slopes, wetlands, required setback areas or other non-developable acreage. All disturbances of 30% or greater slopes shall require certification by a professional geotechnical engineer through a geotechnical investigation on the parcel prior to plat review. All recommendations, standard procedures and special precautions contained within the investigation shall be implemented.

8. Section 5 is hereby amended to add the following new Section 5.2.2:

5.2.2 Shared Accessway and Shared Driveway Standards

Shared Driveways: A shared driveway is defined as a driveway for vehicles providing a connection from a public roadway to a maximum of six single-family dwelling units (including but not limited to Caretaker units and Workforce Housing units). There are two sub-categories of shared driveways: 1) those serving one to three single-family dwelling units, and 2) those serving four to six single-family dwelling units. Shared driveways shall be privately owned and maintained by the appropriate homeowner associations or individual property owners via shared use agreements. If a proposed shared driveway serves more than six (6) single-family dwelling units, it shall be classified as a roadway rather than a shared driveway and must meet the standards and requirements for road construction contained in the DMR Regulations.

Shared Accessways: A shared accessway is defined as an accessway for vehicles providing a connection from a public roadway to either townhome residences or to parking areas serving multi-family residences, recreation, maintenance, service, or utility land uses. These shared accessways shall be privately owned and maintained by the appropriate owners association or individual property owners via shared use agreements. A shared accessway may provide access to, and within common parking areas for, a maximum of 150 dwelling units (including but not limited to Caretaker units and Workforce Housing units), common parking areas for recreation, maintenance, service, or utility uses provided that the development meets the provisions of these DMR Regulations for townhome, multi-family, or maintenance, service, and utility uses. If a proposed shared accessway serves more than 150 dwelling units, or serves separate townhome or multi-family developments which cumulatively exceed the 150 dwelling

unit limitation, it shall be classified as a roadway rather than a shared accessway and must meet the standards and requirements for constrained rural roads contained in the DMR Regulations. Shared accessways with more than 200 Average Daily Trips (“ADT’s”) will require an emergency access. In addition to meeting the requirements contained within this section, shared driveways and shared accessways must meet any non-conflicting requirements of DFRA.

A shared accessway serving commercial or hotel, motel, cabin, or lodge (“lodge”) uses is required to meet additional provisions as outlined in the table under paragraph F below.

- A. Covenants, Deed Restrictions or Shared Use Agreements: Developers, builders or property owners proposing the use of shared accessways or shared driveways shall record in the following order: (1) an easement on the Final Plat establishing the accessway or driveway defining the location and width of the shared accessway or shared driveway and (2) the county required covenants, deed restrictions, or shared use and maintenance agreements providing for the shared use of the shared accessway or shared driveway at that location. Durango Mountain Resort shall ensure that a Master Homeowners association is responsible for plowing of snow to a minimum of within 150’ of each dwelling unit served by a shared accessway or shared driveway. All such snowplowing shall meet the standards of the approved Snow Removal Master Infrastructure Plan.
- B. Easements: Shared accessway easement widths shall include, at a minimum, the entire paved roadway width plus eight (8) feet on each side, and such additional right-of-way width as necessary for snow storage areas, cut and fill slopes, retaining walls, and clear zone areas at corners to attain sight distance. Driveways, aprons and parking spaces will be permitted to be constructed within the shared accessway easements, provided they do not infringe upon the driving surface of the accessway. All single-family shared driveways shall maintain a minimum 16 foot wide clear zone if serving 1 to 3 dwelling units and 20 foot wide clear zone if serving 4 to 6 dwelling units.
- C. Speed Limit: All shared accessways and shared driveways shall have a maximum speed limit of 15 MPH, appropriately signed and enforced for pedestrian and vehicular safety.
- D. Location Relative to Intersections: Shared driveways shall be placed so the following minimum distances are maintained to any intersection, including a T-intersection on the opposite side of the street from a property where a shared driveway is proposed.

- Where the shared accessway or shared driveway connects to a Rural Residential Road, a minimum distance of 100 feet for shared accessways and 50 feet for shared driveways, from the outside edge of pavement to the edge of any other intersecting road right-of-way shall be maintained. Aprons to multi-family residences are required to meet this spacing requirement.
 - Where a multi-family shared accessway or shared driveway connects to a Resort Collector Road, a minimum distance consisting of the left turn stacking distance plus 20 feet and in no case less than 50 feet as measured from curve return to curve return, shall be maintained. The left turn stacking distance shall be determined by the County Engineering Department based on available data from an acceptable traffic study.
 - Shared driveways shall not exceed a five percent grade within 15 feet of the intersection of any roadway.
 - All driveways shall have a top grade level at least eight inches lower than that of any intersecting roadway shoulder at a point 15 feet back from the roadway shoulder.
- E. Location Relative To Other Shared Driveways or Shared Accessways: Shared driveway openings shall be separated by at least 50 feet, as measured between pavement edges of the shared driveway, or else shall be combined. Shared accessways openings shall be separated by at least 100 feet, as measured between pavement edges of the shared accessway. More spacing may be required by the County Engineer for traffic safety and proper operation. Aprons to multi-family residences are not required to meet a minimum separation except that sufficient area shall be provided for retaining walls.
- F. Pavement Widths, Radii, and Grades: The widths, openings, centerline curve radii and maximum grades of shared accessway and shared driveways shall be as follows:

	Minimum Pavement Width	Minimum Opening Width (including flares)	Minimum Radii (centerpoint)	Maximum Centerline Grade (%)	Easement Width
Single-family Shared Driveway (1-3 DU)	12 feet with 2' shoulders	16 feet	40 feet	12%	20 feet

Single-family Shared Driveway (4-6 DU)	16 feet with 2' shoulders	20 feet	60 feet	10%	24 feet
Townhome/Multi-family Shared Accessway (Maximum 150 DU)	22 feet	26 feet	80 feet	8%	38 feet
Commercial, Lodge Shared Accessway	28 feet	38 feet	125 feet	8% (5% if parking)	44 feet
Connecting roads between parking lot tiers or separated levels	30 feet	N/A	60	10%	50 feet
Recreation, Maintenance, Service and Utility Shared Accessway	20 feet	24 feet	40 feet	10%	24 feet

Curves with a delta angle greater than 100 degrees shall be designed to ensure adequate sight distance for safe travel. Additional pavement widths may be required and snow storage, vegetation, and retaining walls, on the inside of the curve must not restrict the sight distance. Additional right-of-way width may be required at intersections and on the inside of curves in order to protect sight distances.

All shared accessways and driveways shall maintain a minimum of 13' 6" vertical clearance for Fire District purposes or as required by the Durango Fire and Rescue Authority.

Shared driveways shall provide a reasonable transition in terms of grade between the shared driveway and the ditch line. The shared driveway shall maintain a grade equal to or less than the crown slope of the road from the point where the shared driveway meets the road to where the shared driveway crosses the ditch line. This transition is needed to eliminate plows catching their blades on shared driveways with abrupt grade changes in the vicinity of the roadway. Shared accessway grades shall undulate as necessary to meet adjoining parking stall or apron grades and to minimize grading impacts and/or disruption to existing vegetation.

- G. Vehicle Turnarounds and Pullouts: All shared accessways or driveways exiting

onto collector roads or roadways with average daily counts greater than 1,000 vehicles per day shall be designed with a vehicle turnaround or second point of access to avoid vehicles having to back onto the roadway when exiting. Single family residence shared driveways in excess of 200 feet in length shall provide an adequate turnaround for emergency equipment as approved by the Fire District. Shared accessways serving townhome, commercial, recreation, lodge, maintenance, service and utility development shall provide an adequate turnaround for emergency equipment as specified by the Fire District. If the length of the shared driveway exceeds 400 feet, pullouts shall be provided approximately every 400 feet and be positioned roughly in the middle of each 400-foot segment. The pullout shall follow the same standards as the shared driveway and be a minimum of 25 feet long.

- H. Adjoining Parking Stalls and Driveway Aprons: Parking stalls and aprons which adjoin shared accessways may allow for parallel, angled or perpendicular parking of owner or guest vehicles. All such parking configurations shall meet the requirements of the applicable County code or the requirements of the County Engineer if the applicable code is silent regarding a certain parking configuration. These parking stalls or aprons may be either included in the same easement as the shared accessway, or may be in a separate easement or lot as appropriate.
- I. Surfacing: Shared driveways serving more than three (3) dwelling units must be paved. Shared driveways serving three (3) or less dwelling units may be graveled with the surface constructed of four inches of Class 6 ABC road base compacted to 95% standard proctor over adequate base material, provided that the driveway is paved for a distance of at least 40 feet from the edge of the roadway. Where a shared driveway is to be paved, the surface shall be constructed as specified in the pavement design certified by a registered engineer. All weather travel surfaces must be capable of supporting a 60,000-pound vehicle load.
- J. Drainage: Shared driveway and shared accessway design shall make adequate provision for drainage and prevention of erosion. Drainage from shared driveways and shared accessways shall be diverted to roadside ditches or other appropriate drainage ways. Drainage from shared driveways and shared accessways shall not flow onto streets and roads. All shared driveways and shared accessways shall have appropriately sized culverts to handle roadside drainage unless otherwise approved by the appropriate County staff. Property owners shall be responsible for keeping their culverts clean and ice-free.
- K. Minimum Sight Distance: Shared driveways and shared accessways shall be designed and located to provide a minimum sight distance clear of obstructions,

natural or man-made, consistent with the appropriate County Code and as referenced in the Street Master Plan. Proper easements for the sight distance and visibility triangles shall be provided at the platting phase to ensure future sight distance compliance.

- L. Signage at Junction with Roadway: Stop signs shall be installed at the junction of a shared driveway and/or shared accessway with a roadway for all shared driveways serving four or more residential units, commercial areas, or when required by the County Engineer for protection of public safety.
- M. Snow Storage Space: Snow storage for shared driveways and shared accessways shall be provided on the owners' property or in a designated snow storage area. Easements for snow storage shall be dedicated and shown on the recorded plats. Use of Rural Residential Road or Resort Collector Road right-of-ways for storage of snow from adjoining single-family, multi-family, commercial, recreation, lodge, maintenance, service or utility parcels shall only be allowed with the prior approval of the "Metro District."
- N. Utility Easements: Adequate permanent easements shall be provided for the installation and maintenance of utilities. Dry utilities shall not be located under the travel service of any shared driveway or shared accessway.

9. Section 5.12 is hereby revoked in its entirety and the following is substituted in its place:

5.12 Workforce Housing

A. Workforce Housing shall be provided for all new development within the Property on a ratio of one (1) Workforce Housing Unit for each ten (10) non-employee housing residential (including lodging) units. Workforce Housing shall be provided for all new development within the Property on a ratio of one (1) Workforce Housing Unit for each 15,000 GSF of commercial space approved for development with the mutual agreement of the applicant and the appropriate County (or Counties for developments which cross the County line). An Applicant for Land Use Development approval may satisfy some or all of its Workforce Housing obligation hereunder by payment of a mutually agreeable housing assistance fee to the appropriate County or its designee, sufficient to defray the cost of providing permanent low cost, off-site housing for the specified Workforce Housing requirement, in lieu of providing the required housing on the Property. Upon establishment of a Regional Housing Authority in La Plata County, DMR shall designate that a minimum of 50% of the next twenty workforce housing units required in La Plata County be funded via a fee to the Regional Housing Authority equal to the current estimated cost of building like kind housing units. Such housing shall

address the Workforce housing demand, including type, location, and other factors as outlined in the most recent Workforce Housing Report pursuant to this Section, Part F.

B. To achieve this requirement, the following provision shall be included on all preliminary and final land use development approvals as a condition of approval for land use development: "This land use approval is expressly conditioned on satisfactory provision of Workforce Housing Units equivalent to 10% of the total number of approved residential/lodging units and/or one (1) Workforce Housing Unit for each 15,000 GSF of commercial space." The Workforce housing requirement shall be incorporated into a written agreement, approved by the appropriate Director and County Attorney, between the Applicant for Land Use Development or the Owner and the appropriate County. The written agreement shall among other things specify the number of Workforce housing units to be constructed, the approved time schedule for construction of the units and provide satisfactory financial assurances, in such form and amount as may be required by the applicable County, with regard to the obligation to build the Workforce housing units.

C. In order to be credited as Workforce Housing Units in accordance with this Section, units must meet the following criteria:

- 1)
 - (i) Workforce Housing Units must either be owned, leased or managed by Durango Mountain Resort, a Regional Housing Authority as established by La Plata County and/or other local governmental bodies, or another business located within the Durango Mountain Resort; or
 - (ii) Permanently restricted by County approved covenants or deed restrictions for use as Workforce Housing; or
 - (iii) Meet the criteria established in Section 4.7 herein for caretaker units.

2) Workforce Housing Units must be occupied as the person's primary place of residence by persons whose primary place of employment is Durango Mountain Resort or a resort-related business located within the boundaries Durango Mountain Resort; and

3) Workforce Housing Units must be located within the Property or offsite if approved by the respective county.

D. 1) 1/10 of all Workforce Housing required resort-wide shall be constructed in San Juan County. This requirement shall be met by requiring that the first of each ten workforce housing units be built in San Juan County (i.e. 1st, 11th, 21st, 31, ...workforce housing units project-wide).

2) 1/2 of the WFHU which must be provided in San Juan County (1/20th of all workforce housing resort-wide) shall be constructed in Silverton.

E. A periodic review of this Workforce Housing requirement shall be conducted by the Counties and the Owners as part of each five (5) year review pursuant to Section 10 of the DMR Development Agreement. The intent of this review shall be to evaluate whether the Workforce Housing provided to date under the DMR Regulations is generally meeting the housing needs of the incremental new employees generated by the DMR development. As part of the review, the Counties and the Owners shall consider the following information:

- Within ninety days following the approval of the LUR, Owners shall provide the counties data sufficient to establish a baseline number of full time equivalent employees (FTE's) currently working within the Property;
- Owner's goal shall be to provide workforce housing for forty percent of the incremental number of full time equivalent (FTE) employees above the 2002 base;
- Total number of Workforce Housing Units (WFHUs) constructed or committed to as part of approved plats;
- Peak and average occupancy (including total employees housed in the WFHUs);
- Average rent and utility charges by WFHU type;
- Any additional information required by the Counties concerning unmet work force housing demand (such as number of employees on work force housing waiting lists, employee surveys, etc.).

Based upon this information, the Counties and the Owners shall adjust the Workforce Housing requirement in the DMR Regulations, provided that any one adjustment to the workforce housing requirement shall not alter the then-existing WFHU ratio by more or less than twenty percent (20%). The two Counties shall come up with a plan regarding the amount or nature of the adjustment of the then existing ratios that adequately addresses the Workforce Housing issues and that is reasonably based upon the criteria from each review (the "adjustment plan"). Should the Counties not be able to reach consensus on the adjustment plan, then the existing ratios shall be maintained. If the Counties reach agreement regarding an adjustment plan, then the adjustment plan shall be implemented with the agreement of the Owners, which agreement shall not be unreasonably withheld.

Rental housing shall be made affordable by providing a sliding rental scale available to all qualified employees earning less than 100% of median family income for La Plata County as determined annually by the United States Department of Housing and Urban

Development (HUD), Operation Healthy Communities, or other recognized independent community research organization. These affordable housing provisions will seek to attain a goal of making housing available at 30% - 40% of the household income of employees generated by the DMR development.

For purposes of this provision, the number of FTE employees shall be calculated as follows:

- The total number of hours worked by all employees within the Property during the six months immediately preceding the review ("the Review Period") shall first be determined. For purposes of this provision, "hours worked by all employees" shall include only hours worked by persons whose a) primary employment was within the Property (b) for at least 60 days during the "Review Period";
- Said number shall be divided by 1,040 (the number of hours an employee would have worked during the Review Period had he or she worked forty hours per week) to determine the number of FTE employee during the Review Period.

F. Workforce Housing Report

Concurrent with each five-year review identified above, DMR shall prepare and deliver to both the La Plata and San Juan County Planning Departments a report containing the following information. The report shall be reviewed by the Regional Housing Authority and/or other independent reviewing agency, if they exist and the County requests their input.

- Results of a survey of DMR employees identifying how many need housing assistance,
- the building name and unit number (or other information identifying the location, as appropriate) of each Workforce Housing Unit being provided,
- the number of bedrooms contained in each Workforce Housing Unit;
- the number of beds contained in each Workforce Housing Unit;
- the number of beds provided by a Regional Housing Authority pursuant to this Section, Part A;
- the location of Workforce Housing provided by the developer or by a Regional Housing Authority, as well as any Workforce housing provided outside of the provisions of this Land Use Regulation;
- the total number of FTE Employees from the previous Season along with an estimate of the total number of FTE Employees for the upcoming Season and where they may be housed;

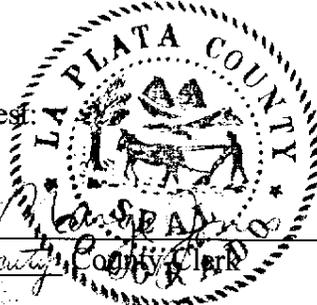
- the number of seasonal and year round employees housed in Workforce Housing Units for the year, assessed for each season, along with an estimate of the total number of seasonal employees for the upcoming year by season and where they may be housed;
- copies of any applicable leases affecting Workforce Housing Units that contain Employee Use Restrictions, to the extent such leases have not already been provided to the Planning Department; and
- an inventory of Employee-Owned Non-Restricted Units, together with the employment status of all owners and all occupants thereof that are Employees.

10. As amended hereby, the Development Agreement, including the CDP, is, in all respects, ratified, approved, and confirmed, and shall remain in full force and effect.

IN WITNESS WHEREOF, this First Amendment has been executed effective as of the date written above.

BOARD OF COUNTY COMMISSIONERS
OF LA PLATA COUNTY, COLORADO

By: Josh Joswick
Chairperson

Attest: 
Melanie Adams
County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SAN JUAN COUNTY, COLORADO

By: Ernie F. Kehlman
Chairperson

Attest: Dorothy A. Zamora
County Clerk

PURGATORY METROPOLITAN DISTRICT

By: Nancy L. Furry
Nancy L. Furry, President

DSC/PURGATORY, LLC,
a Colorado limited liability company

By: Gary S. Derck
Gary S. Derck, Manager

DURANGO MOUNTAIN LAND COMPANY, LLC,
a Colorado limited liability company

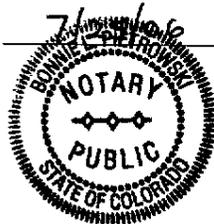
By: Gary S. Derck
Gary S. Derck, Manager

State of Colorado)
) ss
County of La Plata)

Be it remembered that on this 9th day of July, 2003 the foregoing instrument was acknowledged before me by Nancy L. Furry, who attested that she is the President of PURGATORY METROPOLITAN DISTRICT, and who acknowledged the signing and execution of this instrument as the duly authorized act and deed of said entity. In testimony whereof, I have hereunto set my hand and affixed my notarial seal on the day and year aforesaid.

My commission expires on 7/25/06

Bonnie L Pietrowski
Signature of Notary Public



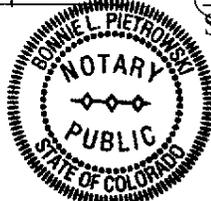
State of Colorado)
) ss
County of La Plata)

MY COMMISSION EXPIRES:
JULY 25, 1998 - 2006 JUNE

Be it remembered that on this 30th day of May, 2003 the foregoing instrument was acknowledged before me by Gary S. Derck who attested that he is the Manager of DSC/PURGATORY , LLC, a Colorado limited liability company, and who acknowledged the signing and execution of this instrument as the duly authorized act and deed of said entity. In testimony whereof, I have hereunto set my hand and affixed my notarial seal on the day and year aforesaid.

My commission expires on 7/25/2006

Bonnie L Pietrowski
Signature of Notary Public



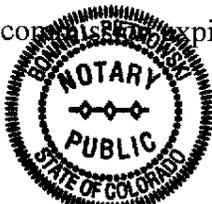
State of Colorado)
) ss
County of La Plata)

MY COMMISSION EXPIRES: June
JULY 25, 1998

Be it remembered that on this 30 day of July, 2003 the foregoing instrument was acknowledged before me by Gary S. Derck who attested that he is Manager of DURANGO RESORT, LLC, a Delaware limited liability company, a Member of DURANGO MOUNTAIN LAND COMPANY, LLC, a Colorado limited liability company, and who acknowledged the signing and execution of this instrument as the duly authorized act and deed of said entity. In testimony whereof, I have hereunto set my hand and affixed my notarial seal on the day and year aforesaid.

My commission expires on 7/25/06

Bonnie L Pietrowski
Signature of Notary Public



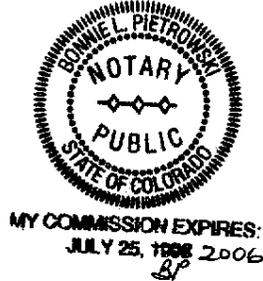
MY COMMISSION EXPIRES:
JULY 25, 1998 - 2006

State of Colorado)
) ss
County of La Plata)

Be it remembered that on this 18th day of ~~May~~^{June}, 2003 the foregoing instrument was acknowledged before me by John M. Wells who attested that he is the General Partner of WINDOM PEAK, LTD, a Colorado limited partnership, and who acknowledged the signing and execution of this instrument as the duly authorized act and deed of said entity. In testimony whereof, I have hereunto set my hand and affixed my notarial seal on the day and year aforesaid.

My commission expires on 7/25/2006

Bonnie L. Pietroneri
Signature of Notary Public



**EXHIBIT A
PROPERTY**

TRACT I: Owner: Durango Mountain Land Company, LLP

Tracts A, B, C and D of PURGATORY RESORT SUBDIVISION EXEMPTION, PROJECT NO. 2000-041 according to the plat thereof filed for record May 1, 2000 as Reception No. 785618.

TOWNSHIP 39 NORTH, RANGE 9 WEST, N.M.P.M., SAN JUAN COUNTY, COLORADO

Section 13: SW1/4NW1/4NW1/4NE1/4, SW1/4NW1/4NE1/4, SW1/4SE1/4NW1/4NE1/4, SW1/4NE1/4, W1/2W1/2SE1/4NE1/4, W1/2W1/2E1/2SE1/4, W1/2SE1/4

TOWNSHIP 39 NORTH, RANGE 9 WEST, N.M.P.M., LA PLATA COUNTY, COLORADO

Section 24: E1/2SE1/4NW1/4, E1/2E1/2NE1/4NW1/4, W1/2NE1/4, W1/2NE1/4NE1/4, NW1/4SE1/4NE1/4, N1/2SW1/4SE1/4NE1/4, N1/2SW1/4SW1/4SE1/4NE1/4, SE1/4SW1/4SE1/4NE1/4

TRACT II: Owner: DSC/Purgatory, LLC

Lots 2, 3, 4 and 5 of PURGATORY RESORT SUBDIVISION EXEMPTION, PROJECT NO. 2000-041 according to the plat thereof filed for record May 1, 2000 as Reception No. 785618.

TRACT III: Owner: Windom Peak, LTD

The SARAH G. LODGE MINING CLAIM, Survey No. 20762 in the Needle Mountain Mining District of La Plata County, Colorado.

LESS AND EXCEPT the Northeasterly 300.39 feet of said Sarah G. Lode Mining Claim Survey No. 20762 adjoining the Northeasterly boundary line of said claim.

ALSO LESS AND EXCEPT tract in the Southwesterly corner of said Sarah G. Lode Mining Claim, Survey No. 20762, said tract more particularly described in Deed from Charles C. Goulding to Leonard C. Ottaway and Mary E. Ottaway dated June 19, 1964 and recorded June 19, 1964 in Book 463 at Page 163.

ALSO LESS AND EXCEPT tract described in Deed to the State Department of Highways, Division of Highways, State of Colorado recorded April 30, 1991 as Reception 609544.

TRACT IV: Owner: Durango Mountain Land Company, LLC

The Northeasterly 300.39 feet of the Sarah G. Lode Mining Claim, Survey No. 20762 in the Needle Mountain Mining District of La Plata County, Colorado, adjoining the Northeasterly line of said Claim.

TOGETHER WITH a non-exclusive right of way for an access road across the Northwest Corner of the S1/2 of said claim.

LESS AND EXCEPT that portion of said Sarah G. Lode Mining Claim being more particularly described as follows, to-wit:

A tract of land situated in the S1/2 of Section 24 and the N1/2 of Section 25, Township 39 North, Range 9 West, N.M.P.M., La Plata County, Colorado, described as follows:

BEGINNING at a point from which the S1/4 Corner of said Section 24 bears North 29° 54' East, a distance of 31.72 feet;

Thence North 70° 00' West, a distance of 444.73 feet;
North 44° 38' East, a distance of 125.32 feet;
North 75° 08' East, a distance of 146.94 feet;
South 20° 00' West, a distance of 117.28 feet;
South 70° 00' East, a distance of 272.25 feet;
South 20° 00' West, a distance of 80.00 feet to the point of beginning.

ALSO LESS AND EXCEPT

A tract of parcel of land No. 55 of the State Department of Highways, Division of Highways, State of Colorado, Project No. FC(CX) 550-2(16) in Lot 2 of Section 24, Township 39 North, Range 9 West, N.M.P.M., in La Plata County, Colorado, said tract or parcel being more particularly described as follows:

BEGINNING at a point from which the South 1/4 Corner of said Section 24 (a 1" diameter Iron Pipe referenced by a B.L.M. Brass Cap) bears South 74° 05' 37" East, a distance of 475.43 feet;

Thence North 70° 01' 29" West, a distance of 26.29 feet to the Easterly Right of Way of S.H. 550 as established by Federal Aid Project F 019-2(1);
North 17° 00' 54" East, along said Right of Way, a distance of 293.21 feet to C.D.O.H. PNT-561;
South 9° 08' 43" West, a distance of 171.13 feet to C.D.O.H. PNT-560;
the point of beginning.

EXHIBIT B
MASTER AND CONCEPTUAL PLAN

See Master and Conceptual Plan Map recorded in San Juan County, Colorado on _____, 2003
under Reception No. _____.

See Master and Conceptual Plan Map recorded in La Plata County, Colorado on _____, 2003
under Reception No. _____.