

Exhibit 14

**Berlaimont Presentation to
Eagle County Board of County
Commissioners, Dec. 10, 2013**

Berlaimont Estates

Variance from Improvement Standards

December 10, 2013

First Hearing - Oct. 1

- Applicant provided overall summary of the proposed variances
- Public provided significant input
- BOCC asked for some additional clarification and asked for a site visit
- Site visit was completed on October 21st (with Commissioners Ryan and Chandler-Henry)





Overview of the Request Reminder from October 1

Variance Overview

- **Variance from Improvement Standards** (Road Design)
- The action requested is very narrow in scope - dual access (one road or two) and should the technical standards be adjusted to reduces impacts to the land
- Provides Access to Residential Subdivision of 19 homes (Use by Right under Resource Zoning)
 - But use of the land and its impacts are not a consideration

Variance From Improvements Standards

- Dual Access Standards
- Emergency Vehicle Turn-Around Areas
(spacing)
- Other Minor Road Design Standards
(still meet AASHTO safety standards)

Variance Objectives

- Provide **necessary, reasonable and safe year-round access** into the Applicant's private property.
- **Limit environmental impact** of the road through engineering design, planning and mitigation.
- Work within the general framework of **Eagle County Roadway Standards** and coordinate the access design with **Eagle River Fire Protection District (ERFPD)**.

Criteria for the Variance: Dual Access

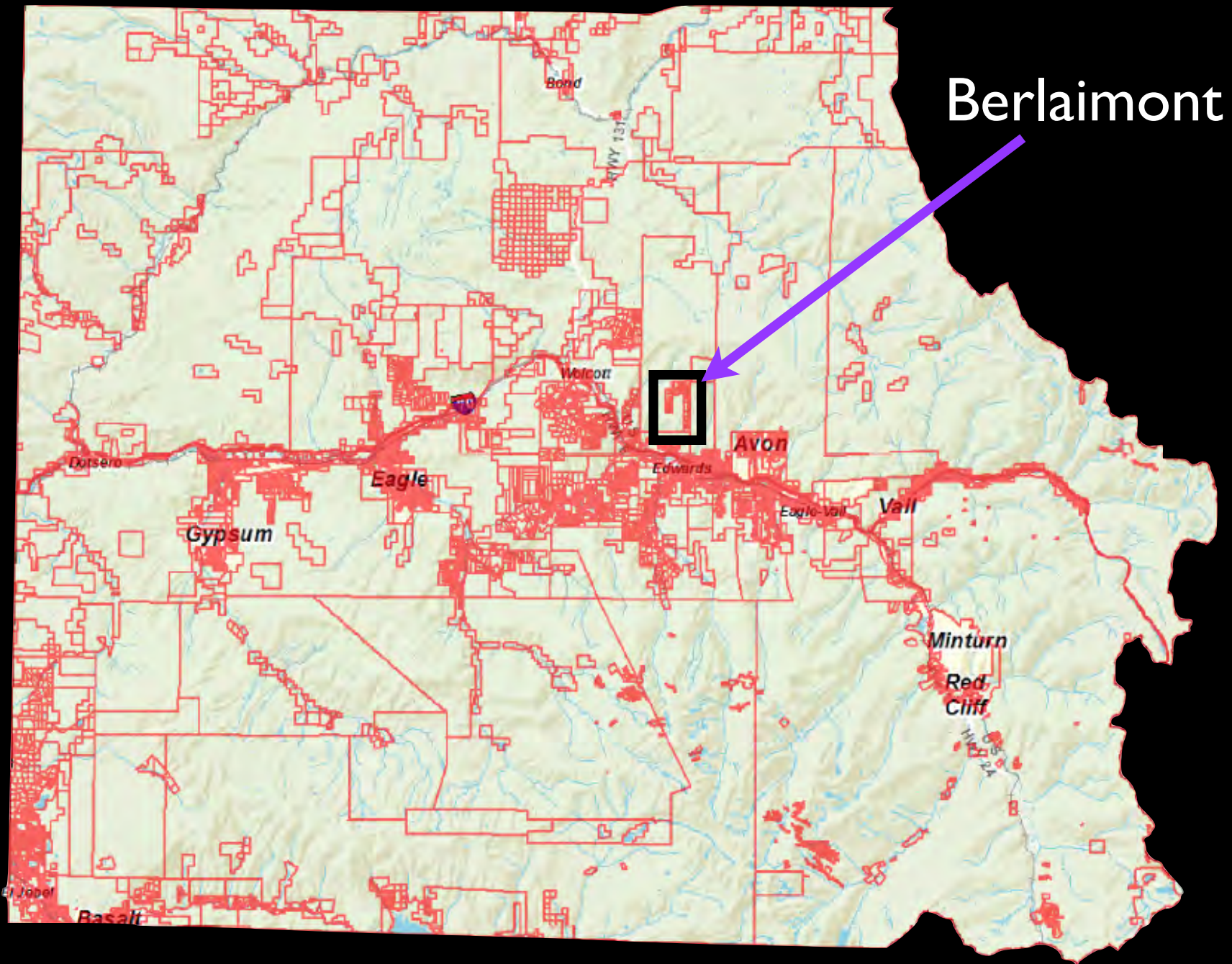
Depending upon the **length of the road, the wildfire hazard rating, the number of units proposed, the topography and the recommendation of the Local Fire Authority Having Jurisdiction**, the Board of County Commissioners may, at their discretion, grant a variance from this required improvement standard.

Section 4-620J.1.h

Criteria for the Variance: Improvement Standards

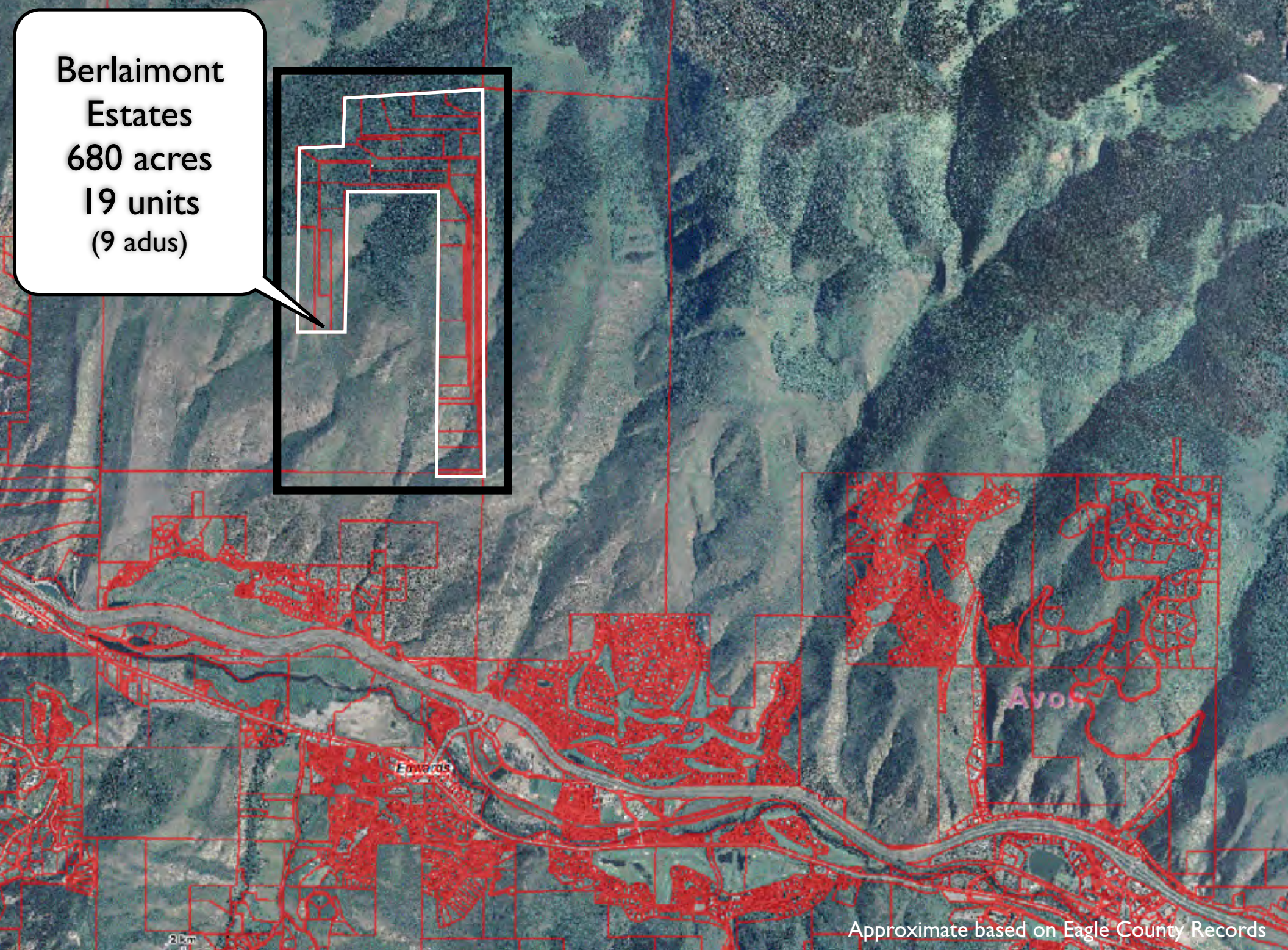
In determining whether to approve, approve with conditions, or disapprove the application for Variance to Improvement Standards, the Board of County Commissioners shall **balance the hardships to the applicant of not granting the Variance against the adverse impact on the health, safety, and welfare of persons affected, and the adverse impact on the lands affected**. In approving or approving with conditions said Variance, the Board of County Commissioners may impose such conditions that are necessary to ensure compliance with the terms of this Subsection, these Regulations, and the Comprehensive Plan.

Section 5-260.G



Berlaimont

**Berlaimont
Estates**
680 acres
19 units
(9 adus)



Approximate based on Eagle County Records

**Berlaimont
Estates**
680 acres
19 units
(9 adus)



Wildridge
685 acres
850 units

Mountain Star
1,120 acres
93 units

Singletree
760 acres
1,000 units

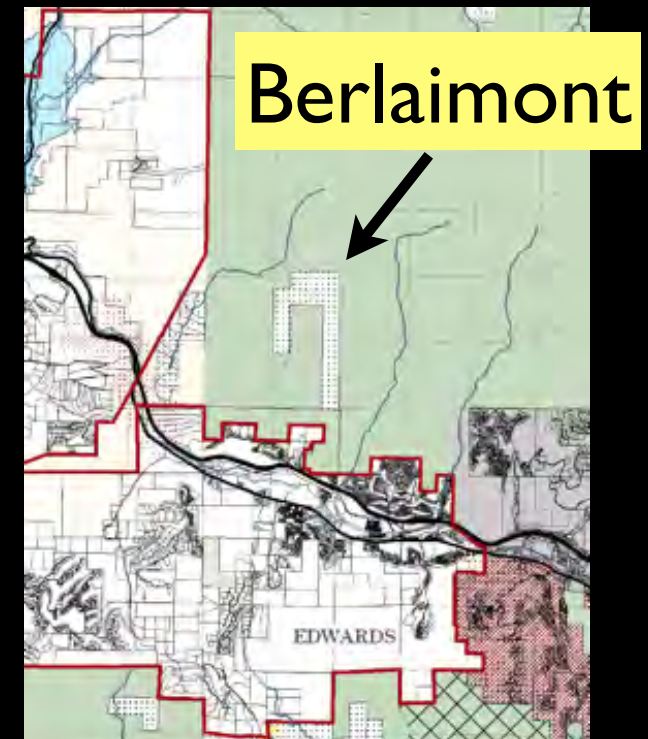
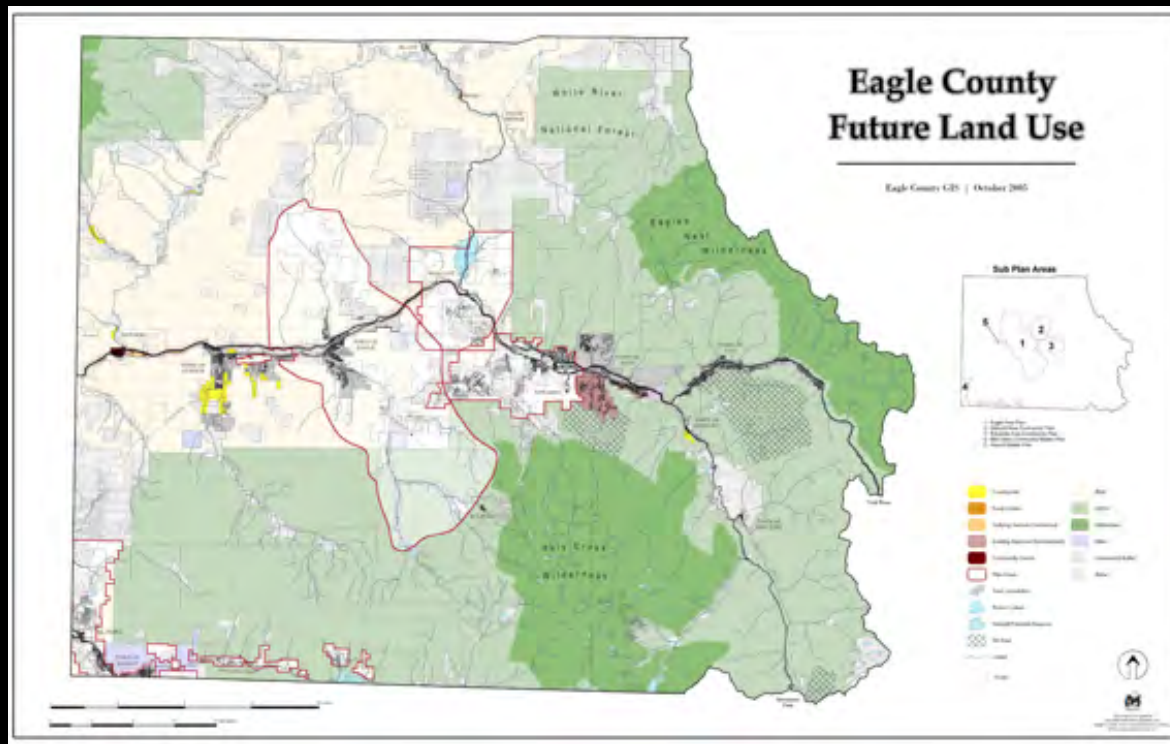
Cordillera Valley Club
400 acres
175 units

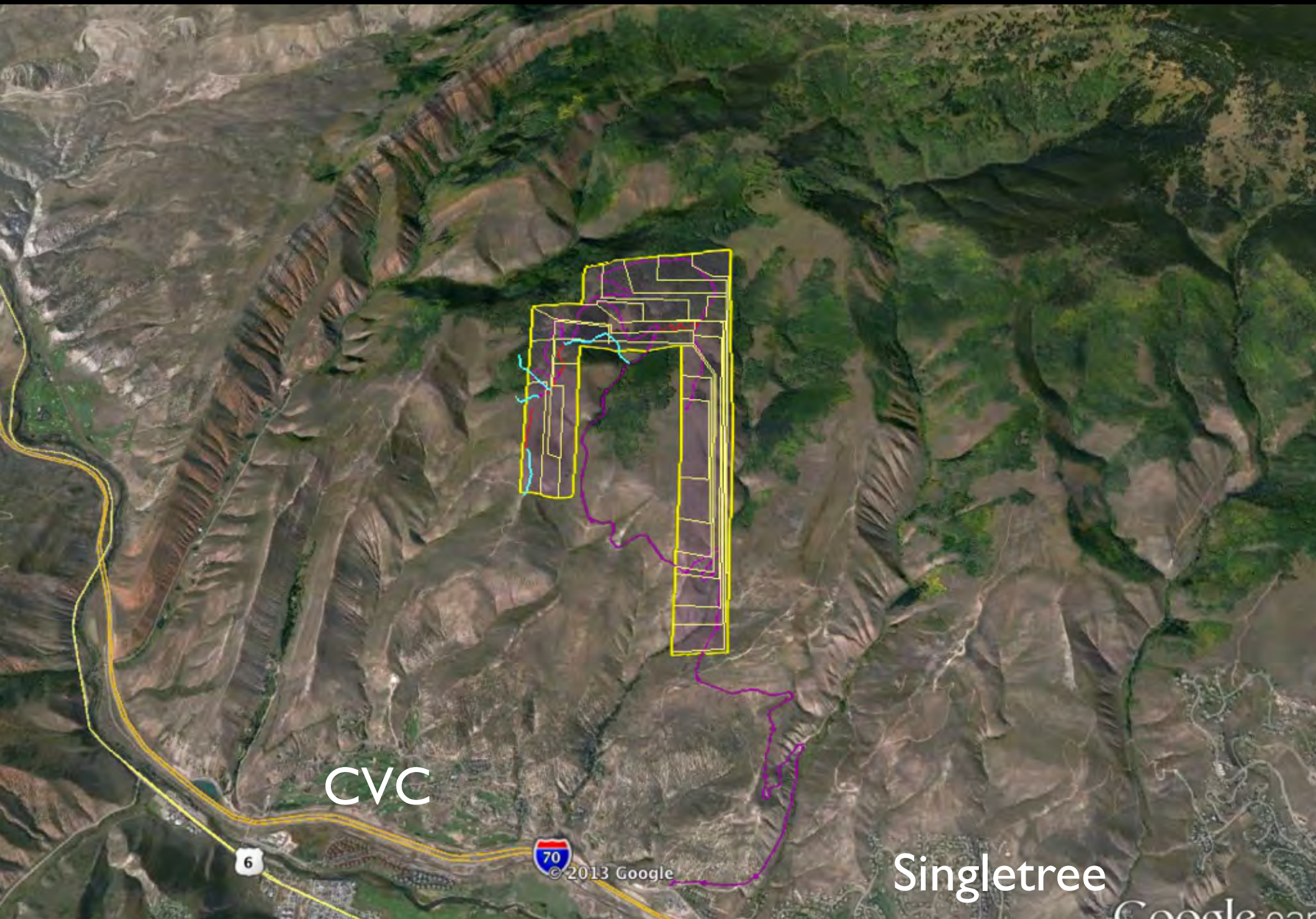
Moonridge
26 acres
70 units

Approximate based on Eagle County Records

Eagle County Comprehensive Plan

- Property designated “Rural” by the FLUM
- Rural allows for “very low density” residential development at 1 unit for 35-acres







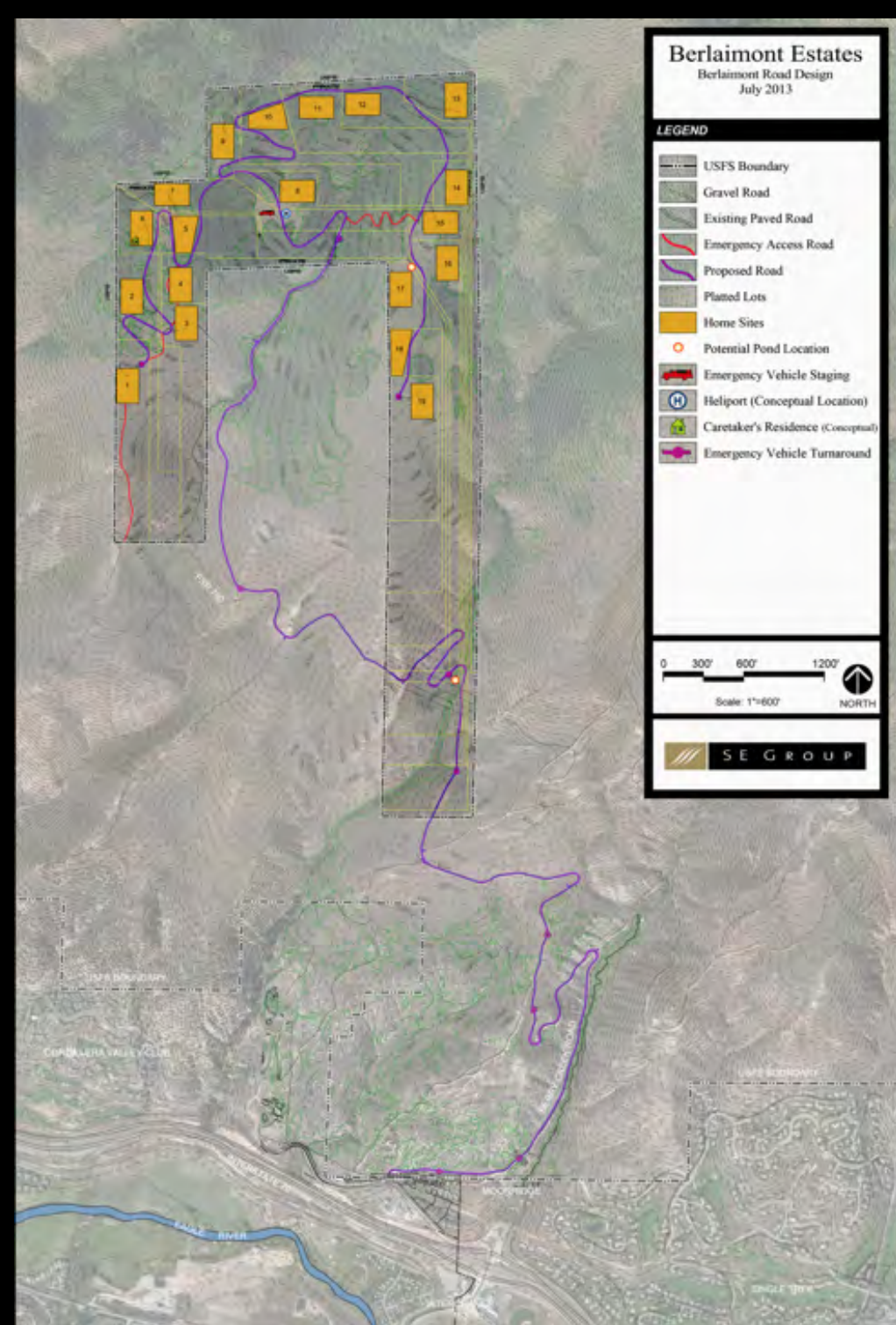






Road Design

- Single paved road access
- Follows existing roadbed as much as possible to reduce visual, environmental, and wildlife impacts
- Connects to several USFS roads along the way and will allow for public use and enjoyment of adjacent hiking trails
- Provides fire truck turnarounds and parking in logical locations
- Will allow for general public to access hiking trails, along with improvements in infrastructure and increase safety (maps, signage, emergency phone)



Environmental Factors

- Dual access would only increase disturbance and impacts
- The proposed roadway has been **designed to limit disturbance**
- When possible, the road **matches the existing FSR roadbed**, limiting visual impacts both from the I-70 corridor as well as from the south slopes

Design of the Road

- County engineering staff has indicated to us that the roadway is safe as designed - meets or exceeds AASHTO standards
- ERFPD has agreed that the road is safe with the wildfire mitigation measures proposed
- County Wildfire Specialist has agreed the access is safe with mitigation plan proposed subject to a condition

Wildland Fire Mitigation Plan

- Based on proposed roadway and plan for 19 homesites
- Developed specific strategies to mitigate risks without need for secondary access road
- Detailed Mitigation Plan developed



Berlaimont Estates

Wildland Fire
Mitigation Plan



A scenic landscape photograph featuring a dirt road winding through a grassy, hilly area. A small, dark-colored vehicle is visible on the road in the distance. The background shows a range of mountains with patches of snow, all under a bright blue sky filled with large, white, fluffy clouds. The text "Responses to Questions from Oct. I" is overlaid in a large, white, sans-serif font across the center of the image.

Responses to Questions from Oct. I

Road Paving

- The road is required to be paved by the Eagle County Land Use Regulations
- Provides for a safe roadway for two-way traffic
- Allows for safer and more reliable emergency response

Recreation

- The new road may have some impacts to recreation - USFS will consider this in the NEPA review process
- The new road will still allow for mountain bike and pedestrian access
- May provide additional recreational opportunities
 - Will improve access to some areas - by providing parking areas higher up
 - New road biking opportunities
 - Could create opportunities for linking existing single track trails and dirt path parallel to the proposed road (subject to USFS review)
- We've reached out the VVMBA and believe we can work together with the USFS during that process

Wildlife

- Wildlife impacts are lessened with one road vs. two roads
- The development of the site is a use-by-right located on private property and is therefore not subject to review for wildlife impacts
- Development limited to 19 primary homes on 680 acres

Horses

- We are not sure that there will be a demand for homeowners to have horses on their property (though it is an allowed use in the R zone district)
- All barns or outbuildings housing animals will be built to the same standards as the main house
- Evacuation and preparedness plans will be required for property owners wishing to keep horses on property
 - In accordance with “Wildfire Preparedness for Horse Owners” from CSU Extension

A landscape photograph showing rolling green hills under a bright blue sky with scattered white clouds. The hills are covered in low-lying vegetation, and a few trees are visible in the foreground. The word "Hardship" is overlaid in large, white, sans-serif font in the center of the image.

Hardship

Hardship

- At October 1 hearing we gave an extensive overview of the hardship to the applicant of not approving the variances
- Gave overview of the additional impacts to the environment of not approving the variances
- Gave the history of the adoption of state and county regulations

Timeline



1964

Eagle County adopts
Subdivision Regs

Timeline

1964

Eagle County adopts Subdivision Regs

Timeline

1964

1972

Colorado adopts 35-acre
subdivision exemption

Eagle County adopts Subdivision Regs

Timeline

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Colorado adopts 35-acre subdivision
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Timeline

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Colorado adopts 35-acre subdivision
exemption

1974

Eagle County applies Resource
zoning to the property

Timeline

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Eagle County adopts Subdivision Regs

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Colorado adopts 35-acre subdivision exemption

1974

Eagle County applies Resource zoning to the property

Timeline

1964

1972

1974

1999

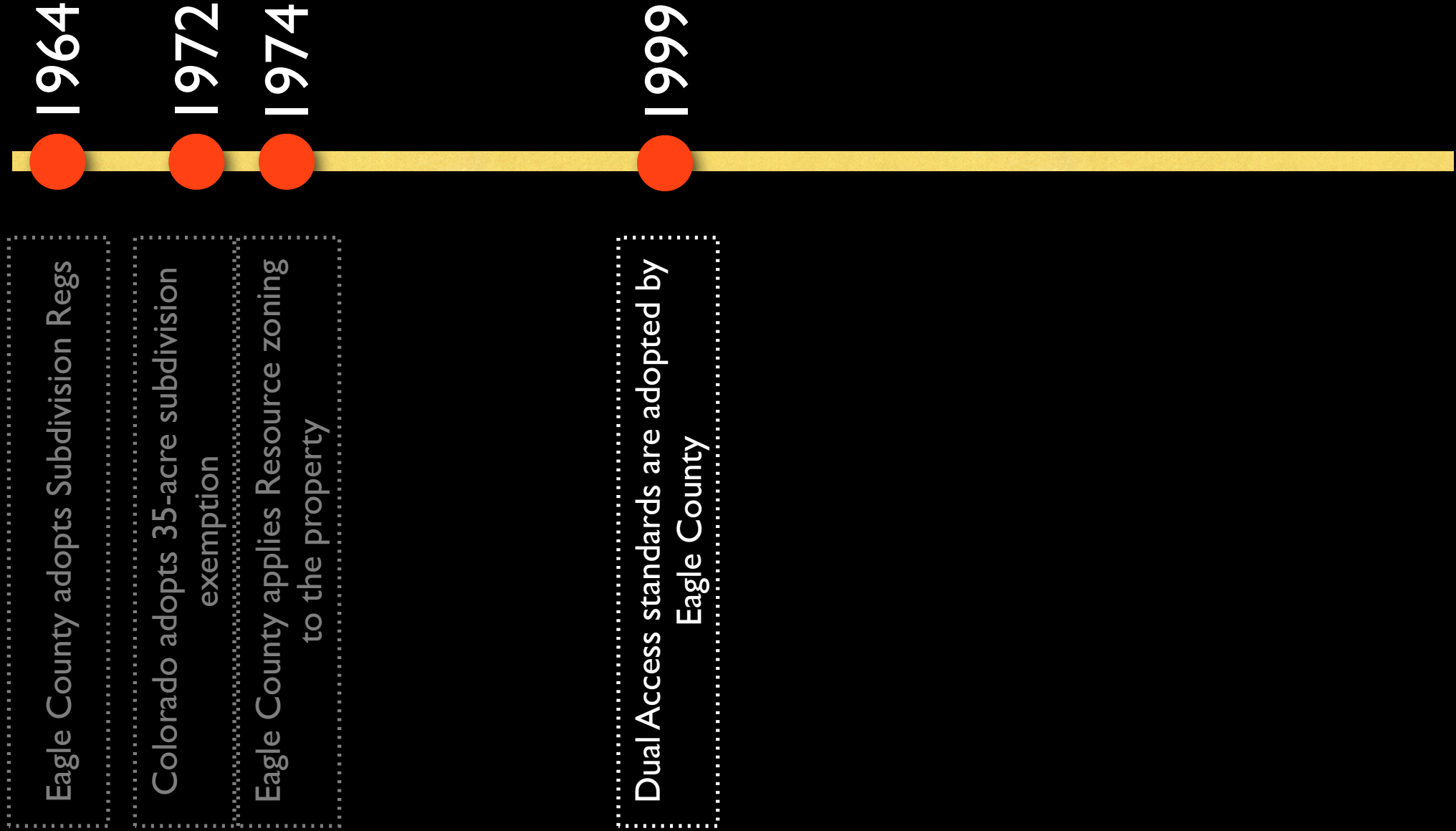
Dual Access standards are adopted by Eagle County

Eagle County adopts Subdivision Regs

Colorado adopts 35-acre subdivision exemption

Eagle County applies Resource zoning to the property

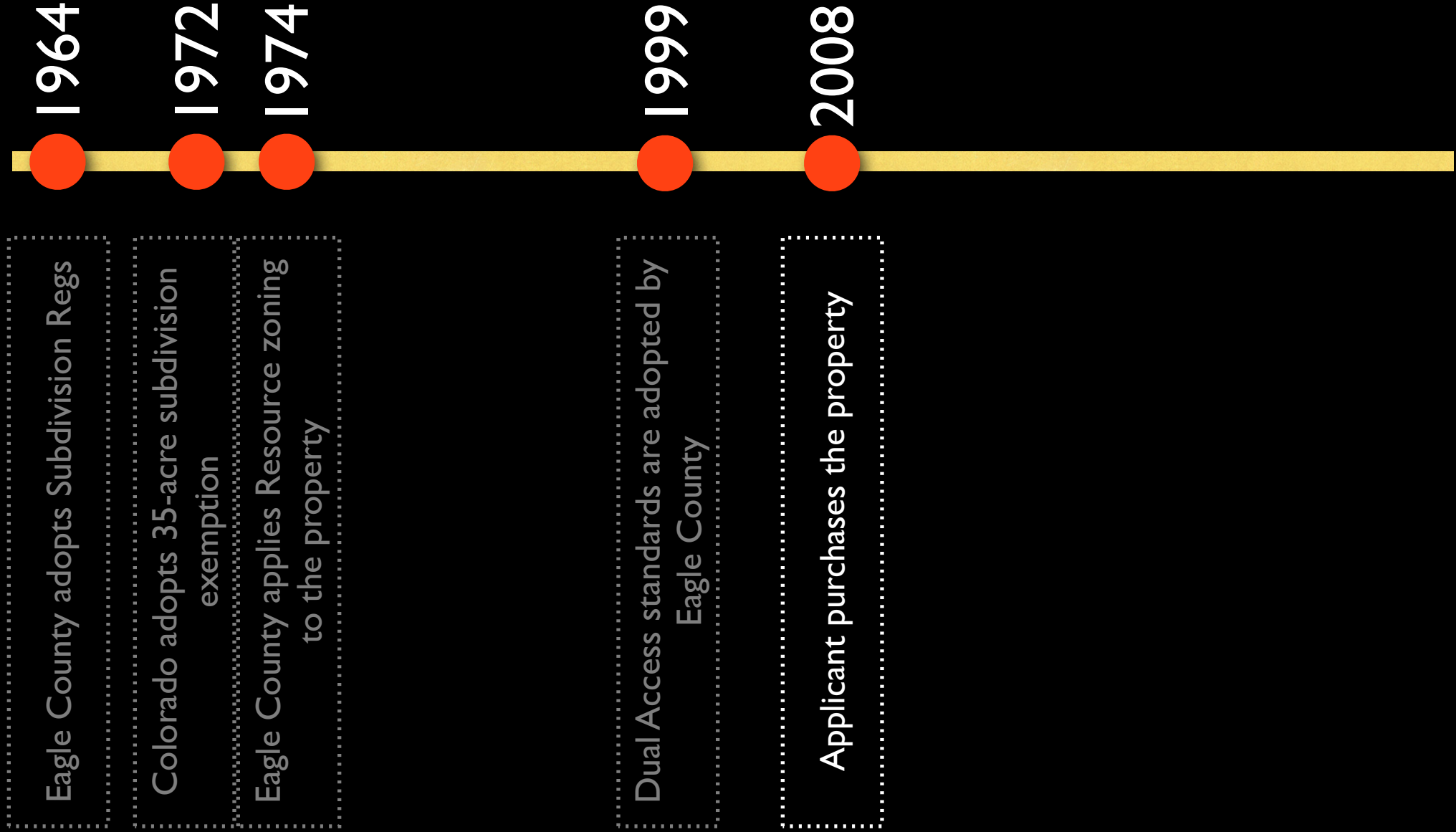
Timeline



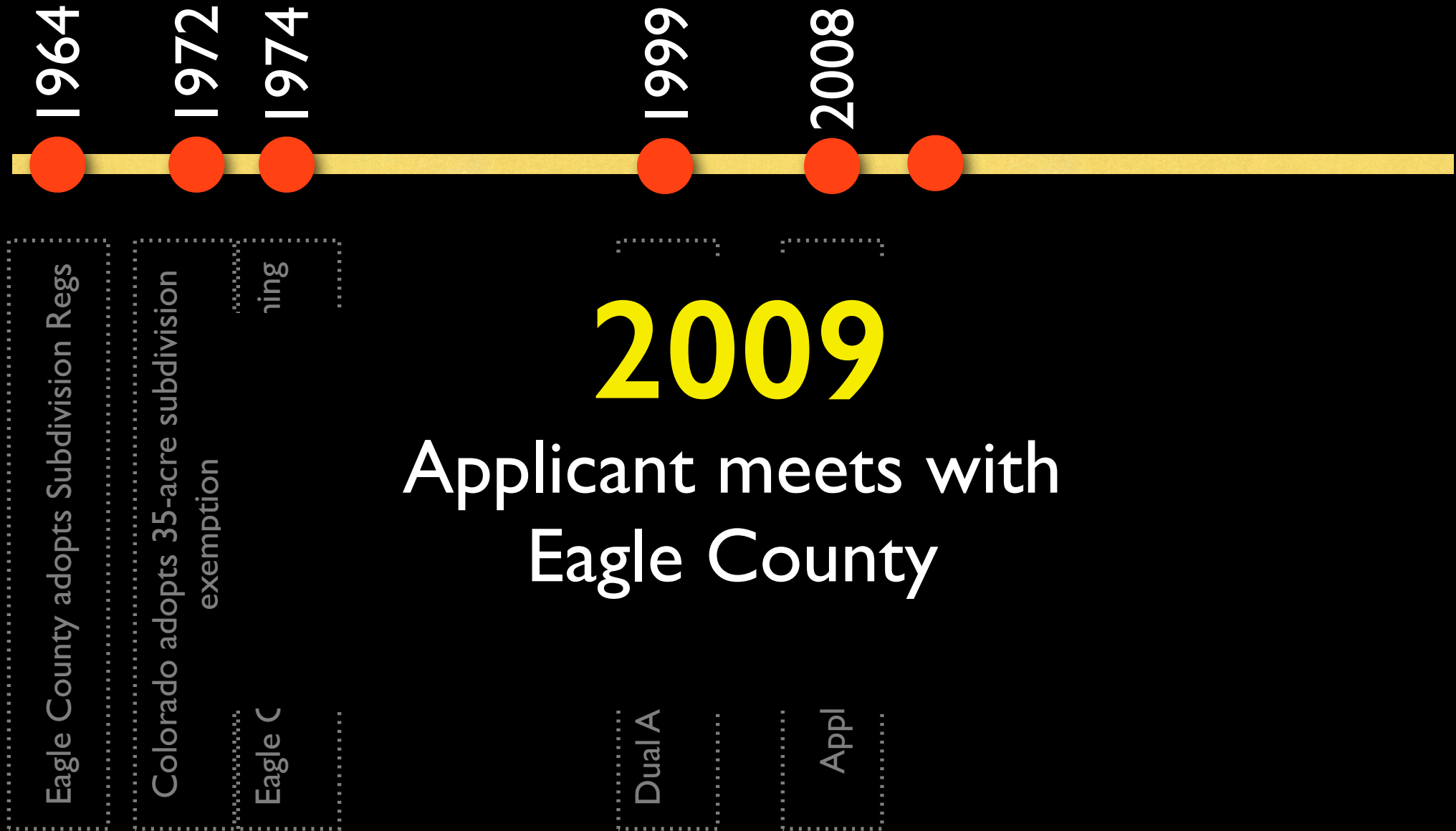
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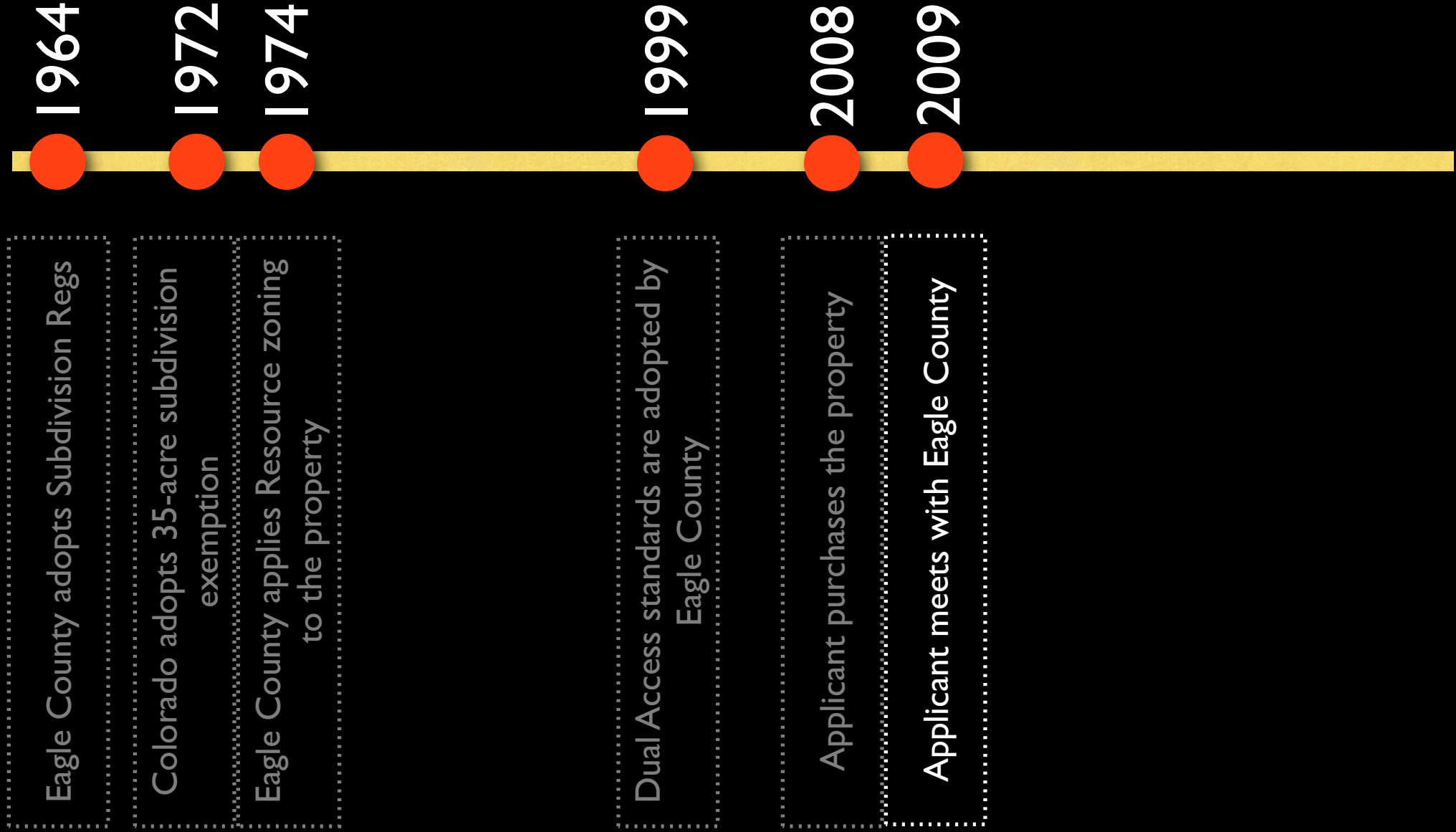
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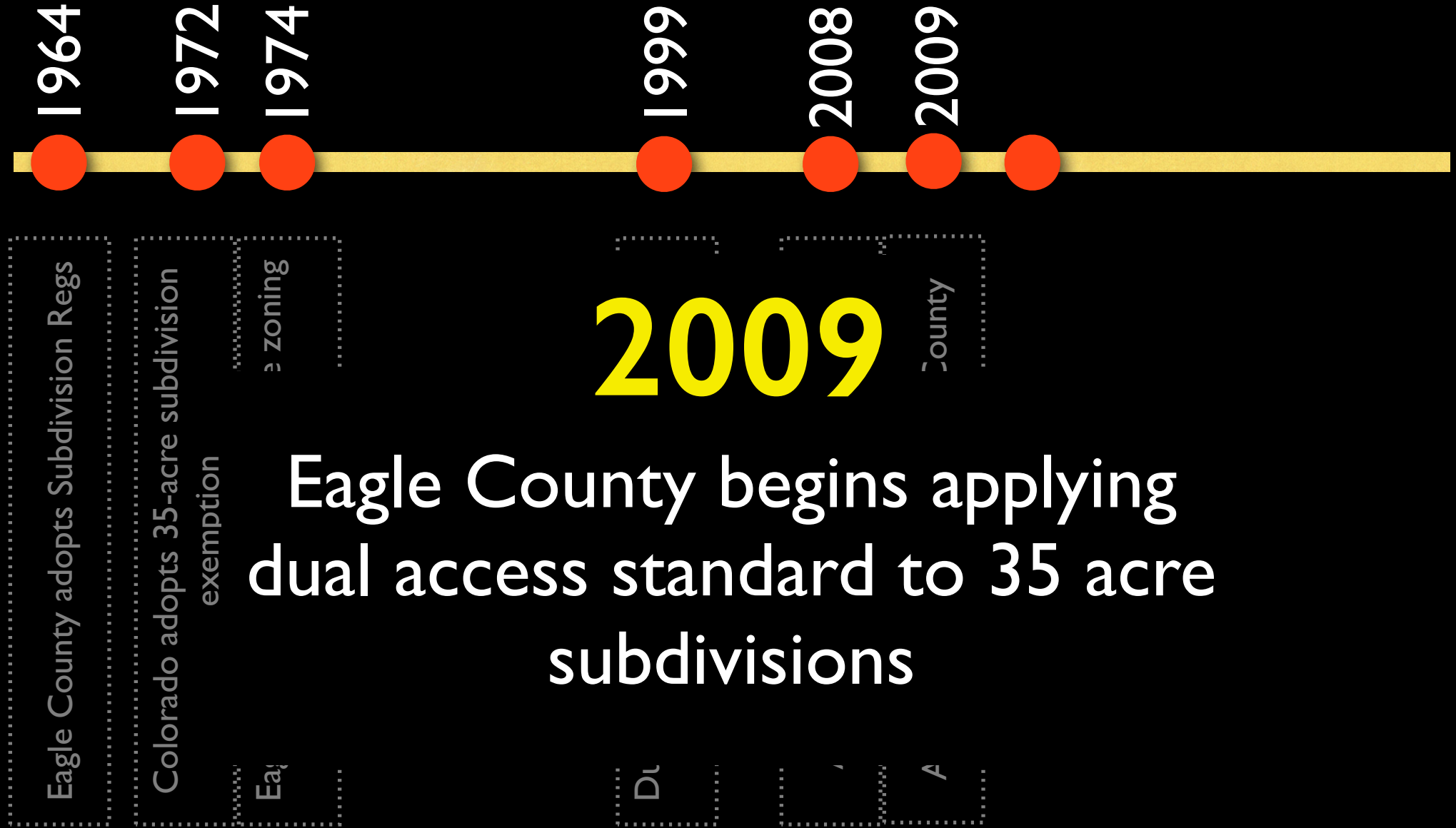
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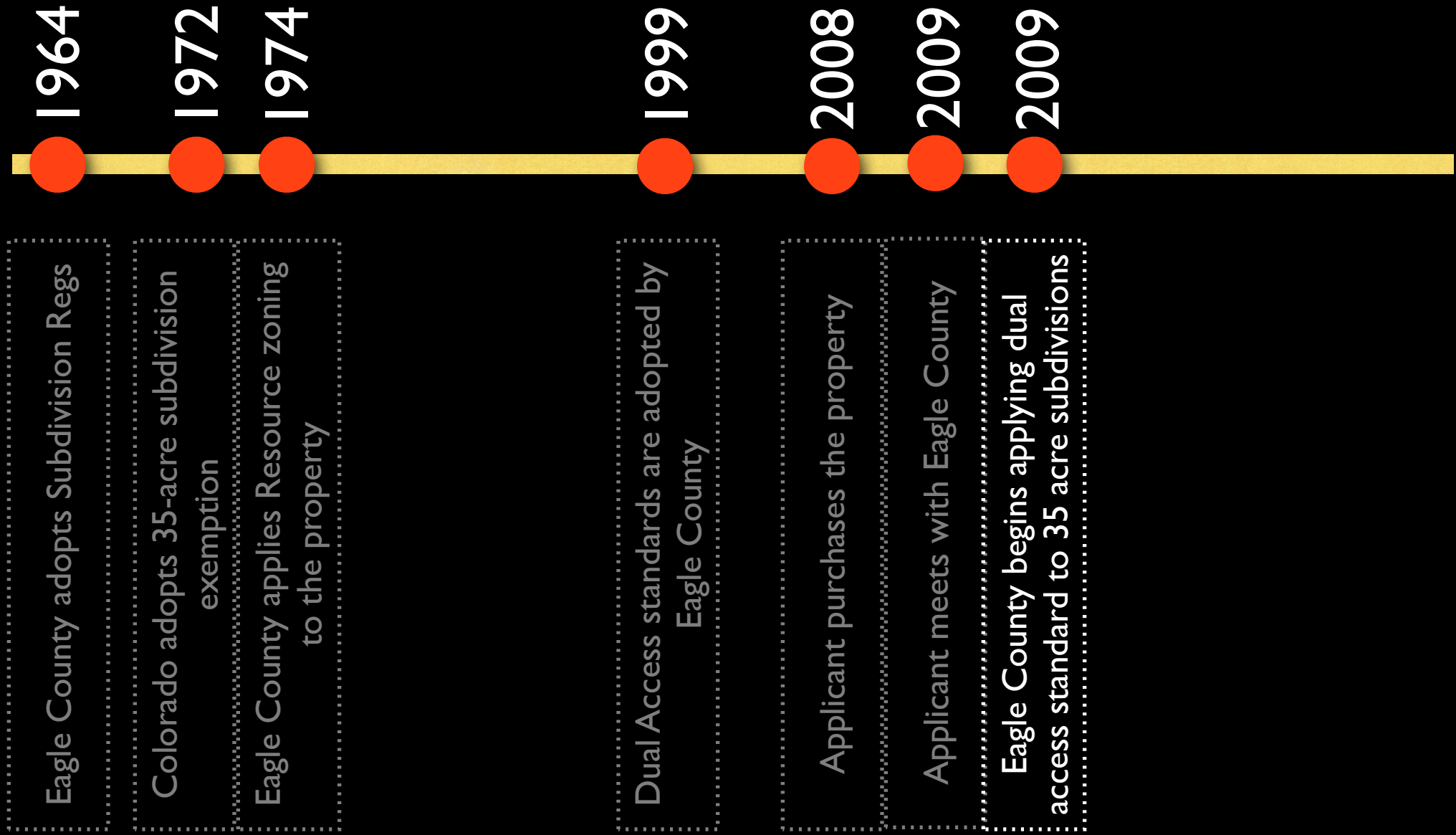
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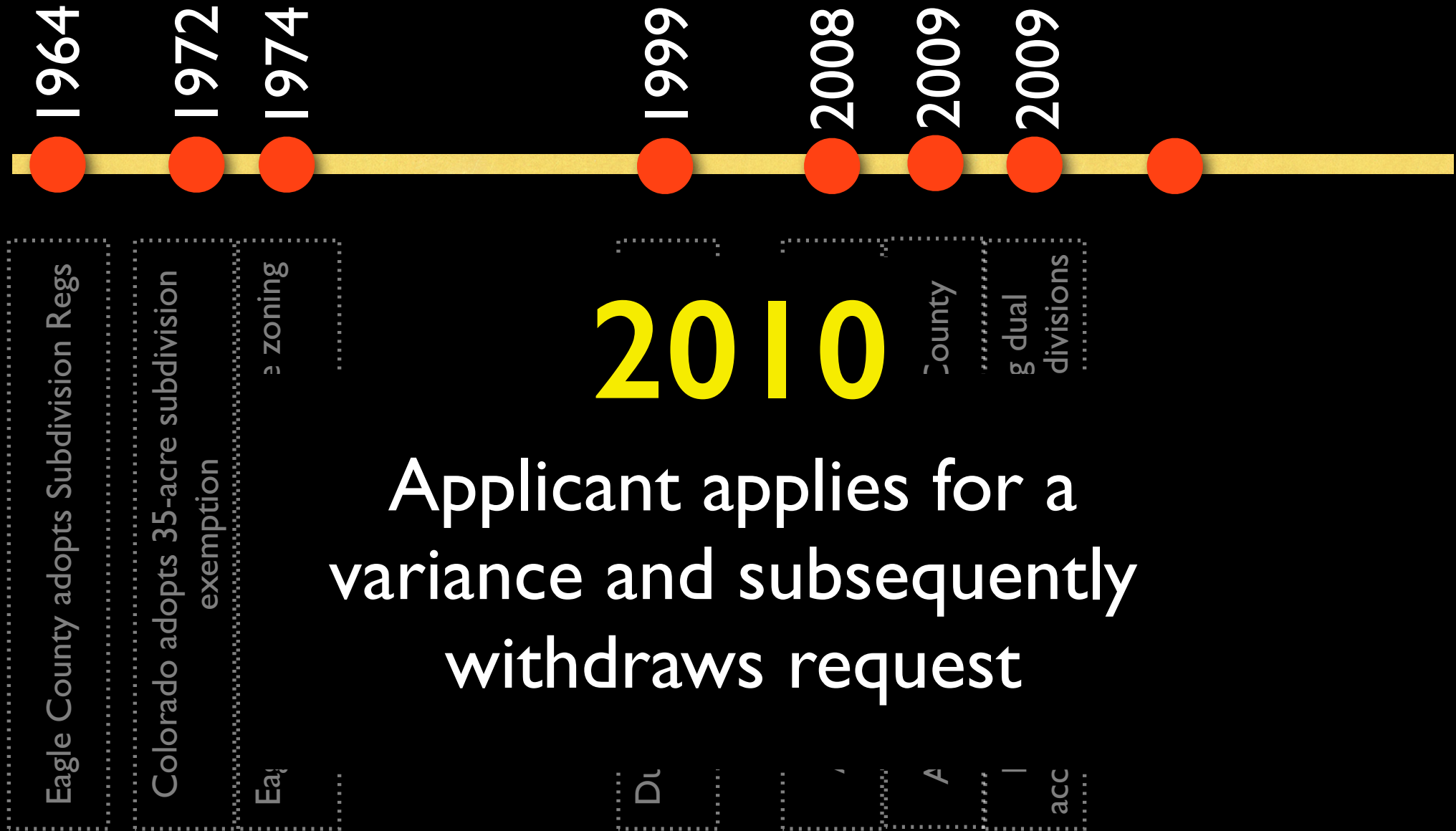
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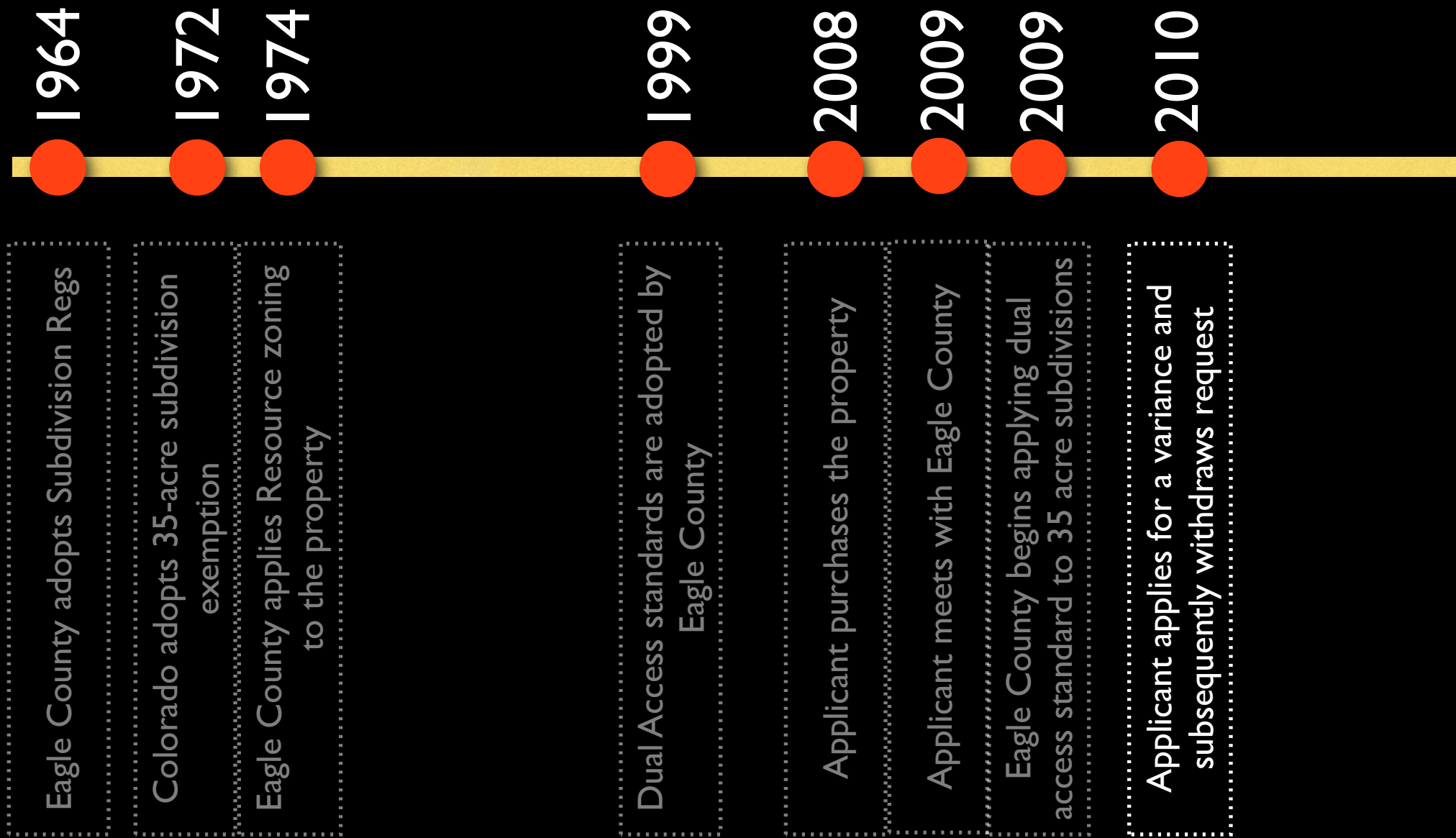
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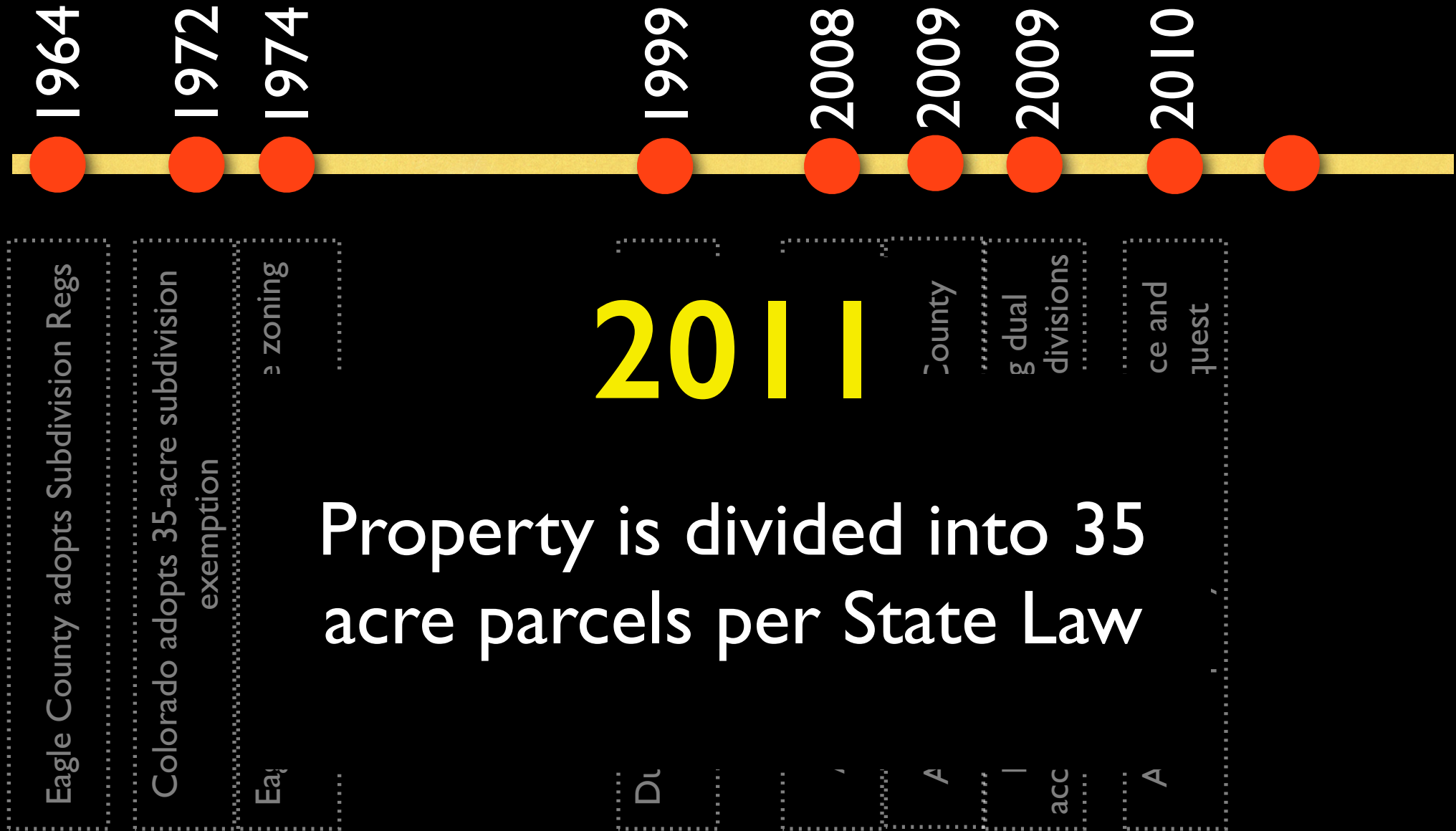
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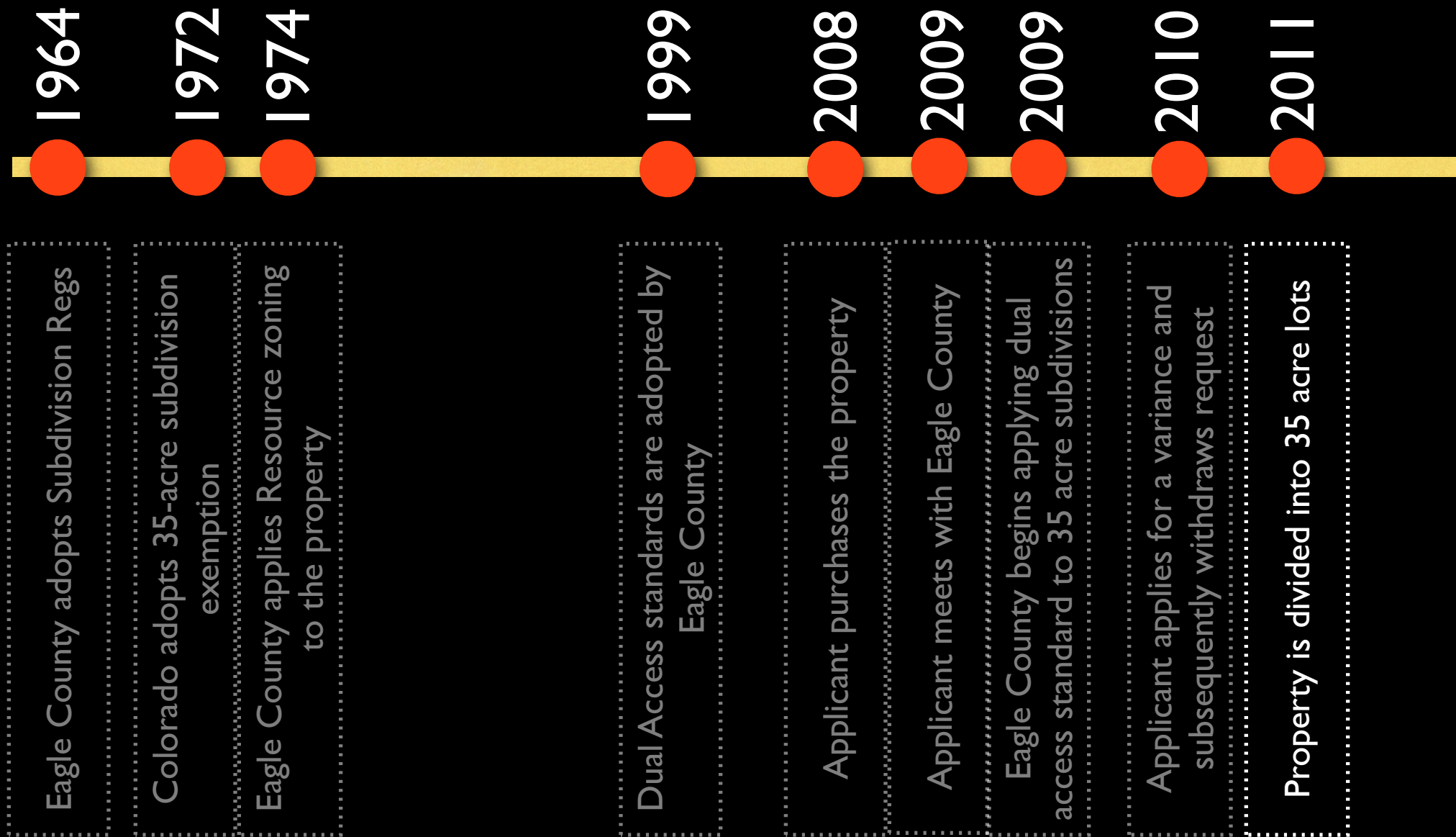
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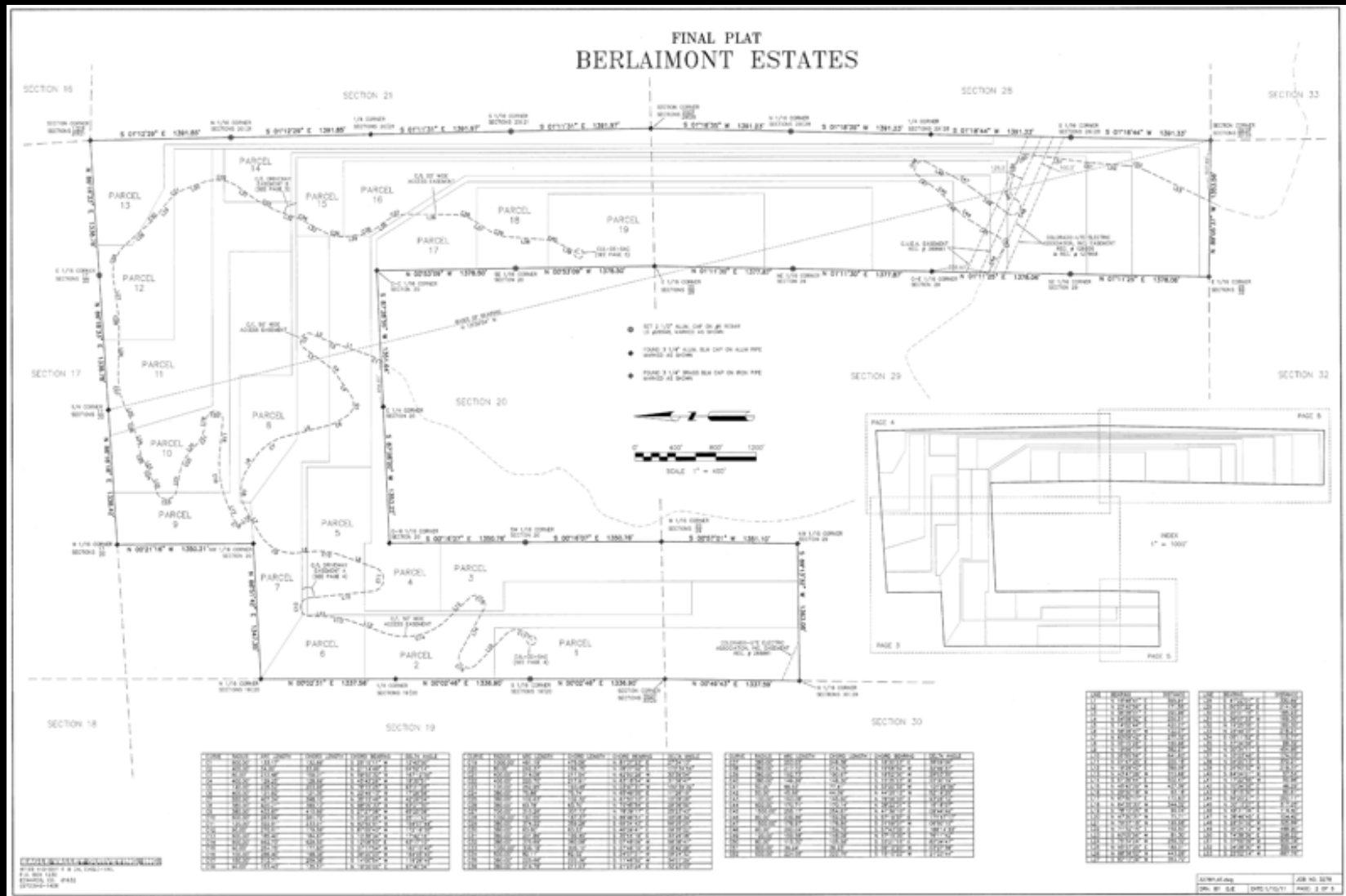


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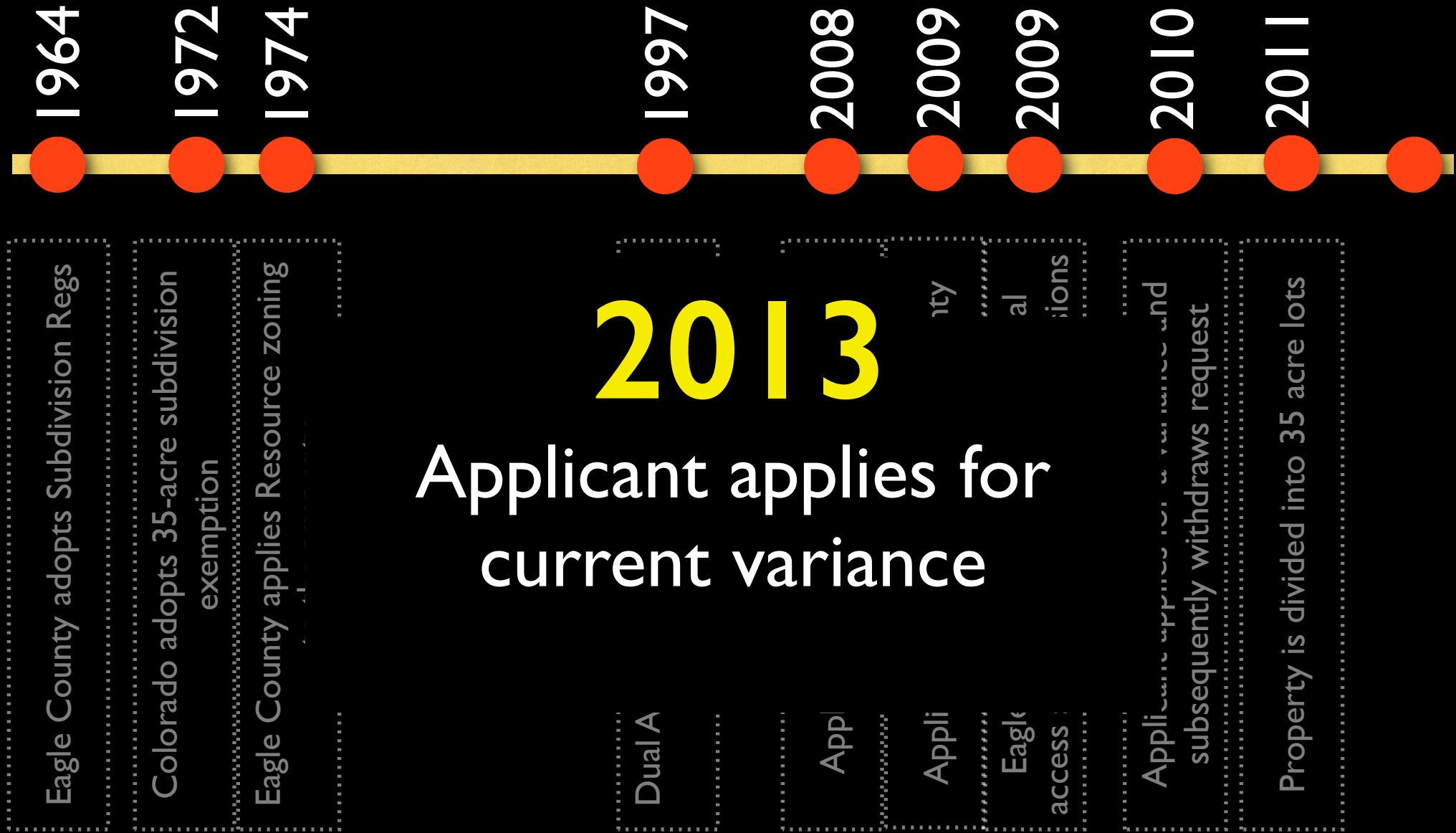


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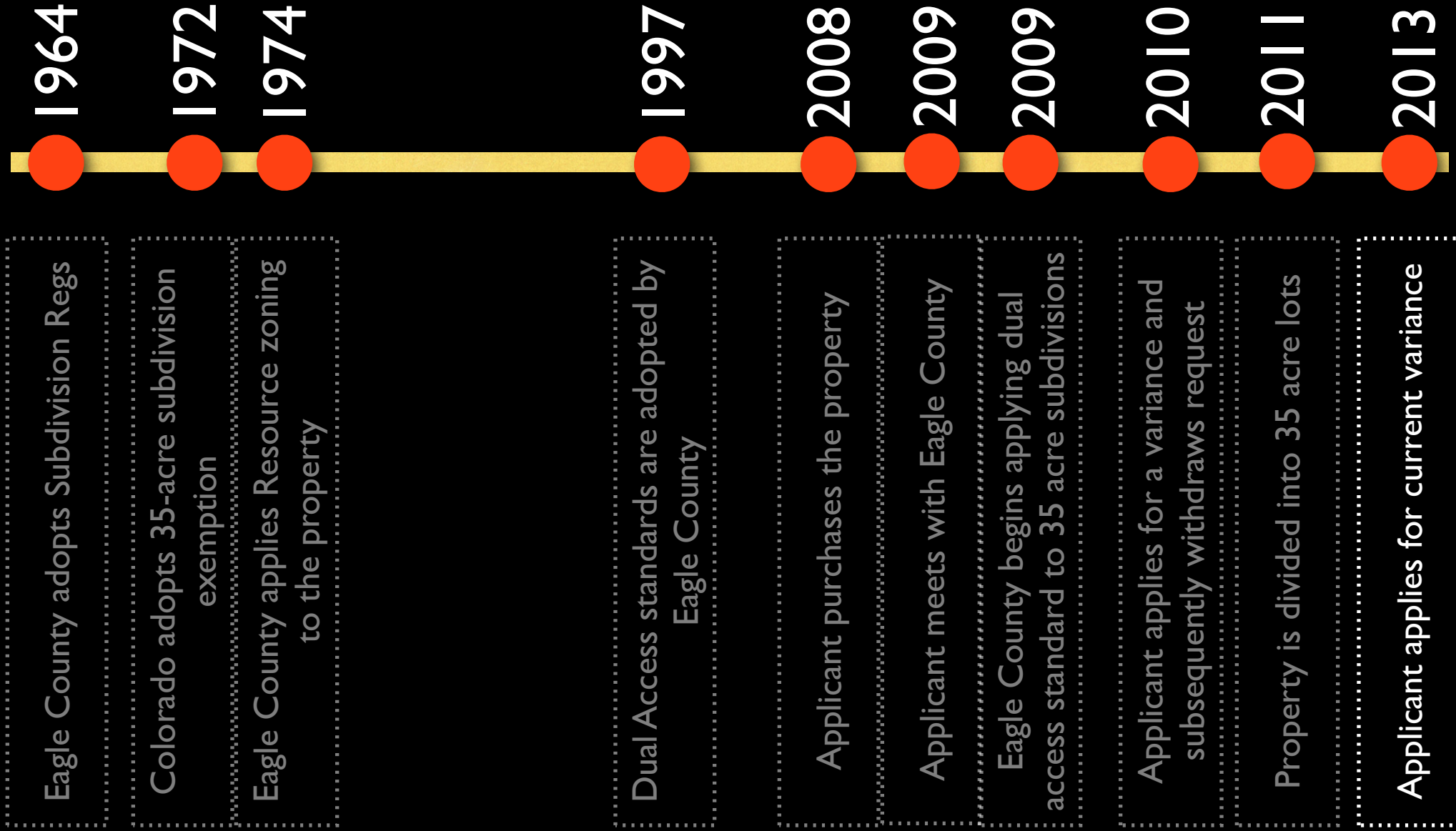




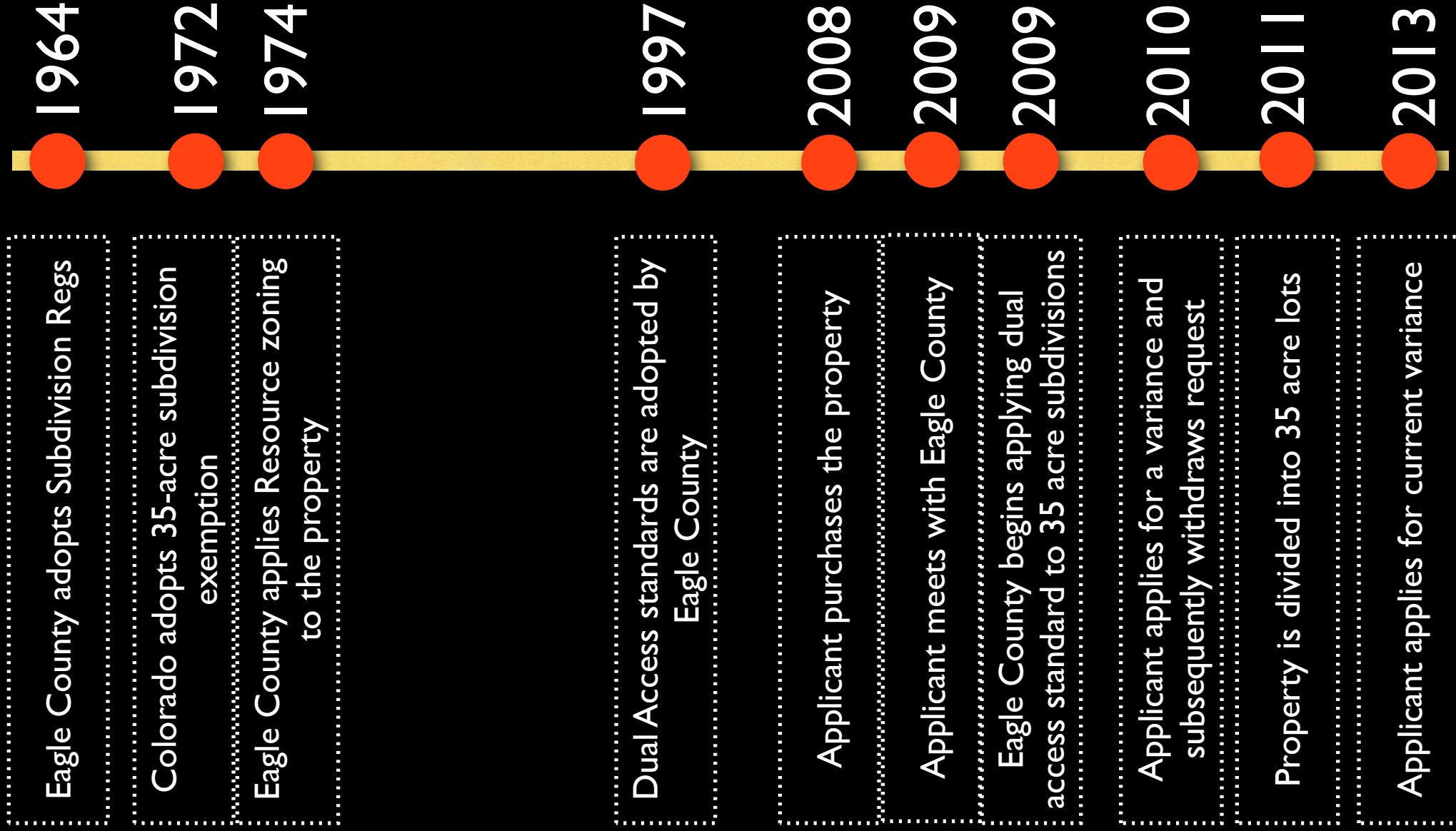
Timeline



Timeline



Timeline



Resolution No. 2009-115

- Until November of 2009, Eagle County did not apply access standards to 35 acre subdivisions
- First mention of the regulation to access to Exempt Subdivisions

Hardship

- Legally created inholding parcel (78 years ago)
- Legally subdivided for use as allowed by State Statute for 35-acre parcels
- Legally zoned for 19 homesites (since 1974)
- Remotely located from County street network
- Steep and difficult terrain
- USFS restrictions on access
- No reasonable alternative to allow use of property per Resource zoning
- Not granting the variance would create greater environmental impact
- Without variance owner deprived of reasonable access and use of property

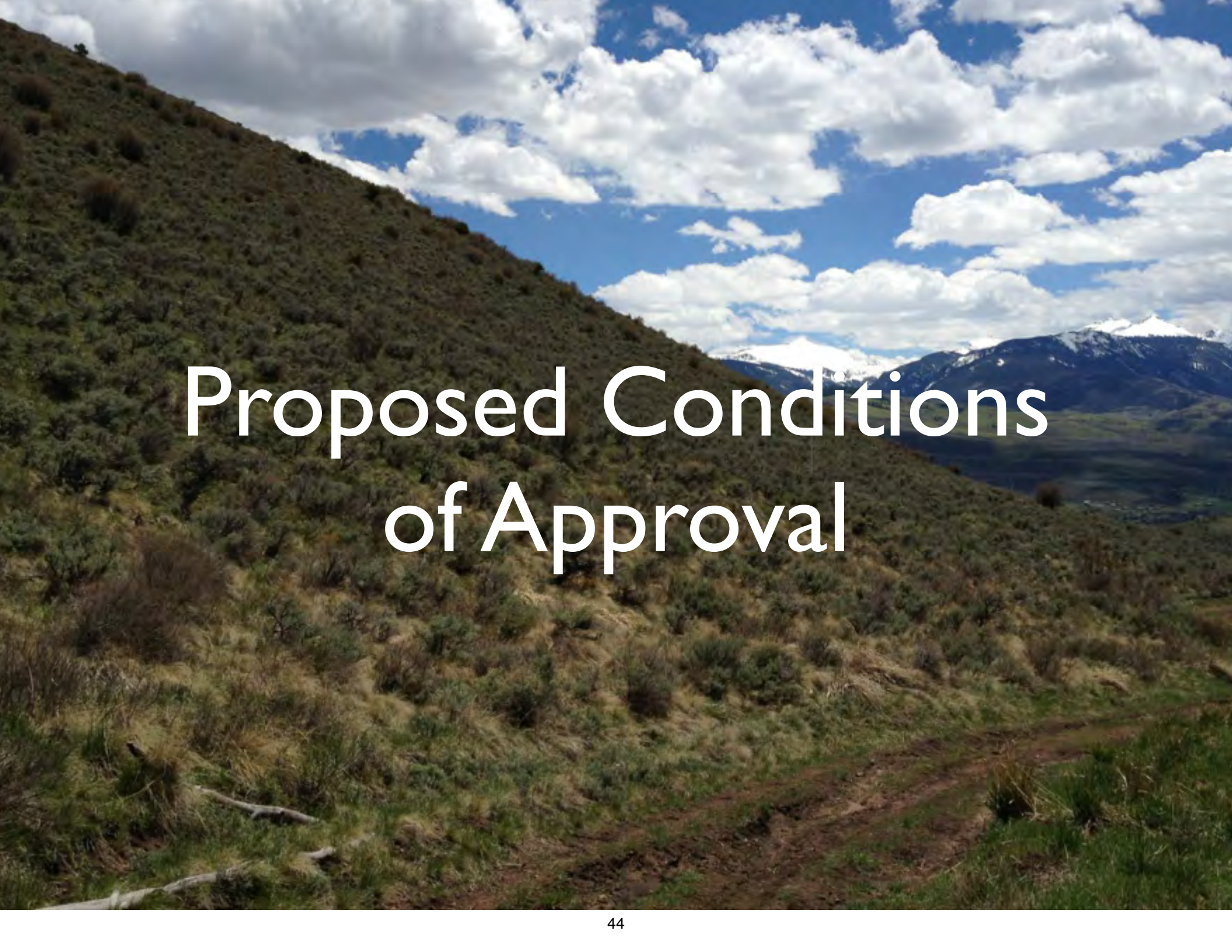
Hardship

Our application materials show that there is sufficient hardship to the applicant that the variances are warranted and that the applicant has adequately addressed:

- **Roadway safety**
- **Wildland Fire protection and mitigation**
- **Adverse impacts on the environment**
- **Impacts to the general welfare of the community**

Variance is Warranted

- Use of the land is consistent with zoning and state statutes for 35 acre exempt subdivision
- Single access can accommodate allowable development with appropriate mitigation measures
- There is a reduction in impacts to the environment with one road versus two roads and with other variations
- Applicant has proposed extraordinary measures to mitigate safety hazards
- There are hardships which warrant the granting of the variance:
 - Steep Slopes
 - Remote location
 - No direct access to the County's road system
 - Inholding surrounded by Forest Service Land
- Forest Service will only allow one access
- Not allowing the variance would deprive the owner of use of property consistent with Resource zoning and State Statutes
- Not economically viable to limit development to three homes given the infrastructure required for roadway and other costs associated with the property



Proposed Conditions of Approval

Conditions Proposed by Applicant

1. Fire safety - adoption of mitigation plan
2. Density reduction - limit to 9 accessory units
3. Open Space Easement
4. Public access of road (USFS restrictions apply)
5. Landscape improvements at Moonridge area
6. Homeowner's association formed
7. Horses and Livestock
8. Pets and Wildlife
9. Fencing restrictions

Fire Safety

- I. In order to reduce exposure caused by fire, the development of lots within the Berlaimont Estates Subdivision, including all structures, driveways, vegetation, shall be developed or constructed in accordance with the conditions and recommendations contained in the Wildland Fire Mitigation Report prepared by Anchor Point. The recommendations and conditions included in this report address the following summary of issues: Construction type, defensible space, fire suppression and sprinkler systems, vegetation management, and refuge area development.

Density Reduction

2. In order to reduce traffic volumes on the proposed roadway thus improving safety and reducing potential conflicts with wildlife, residential density shall be reduced to 19 single-family residential structures and 9 accessory dwelling units located within Berlaimont Estates subdivision. This represents a reduction of 13 accessory dwelling units otherwise allowed as a use by right in the Resource zone district. After 9 accessory dwelling units have been constructed in Berlaimont Estates, no further permits for accessory dwelling units shall be issued by Eagle County.

Open Space Easement

3. In order to reduce future development and visual related potential impacts to the land and further reduce potential impacts to wildlife, the applicant shall record a open space easement as generally depicted in the graphic shown previously.

This easement shall prevent the development of structures within the easement but allow trail access, vegetation management, and other infrastructure and utilities in some areas. The applicant shall provide measures to ensure that the easement could not be modified in the future without the consent of the Board of County Commissioners. The easement shall be in form and substance acceptable to the County Attorney's office and recorded prior to obtaining a grading permit to construct the proposed roadway.

Public Access

4. The proposed roadway shall be publicly accessible until such point that the roadway completely departs from land controlled by the USFS (where the roadway crosses Parcel 4, of Berlaimont Estates), unless otherwise dictated by the USFS.

Roadway and Landscape Improvements adjacent to Moonridge Subdivision

5. If permitted by the USFS and in order to lessen the impact of public and private traffic on the residents in the Moonridge Subdivision, the applicant shall improve the drainage in accordance with the proposed roadway plans. Additionally, the applicant agrees to provide a earthen berm with landscape materials adjacent to the proposed roadway to help screen the road and traffic from adjacent homes in the Moonridge Subdivision. This landscape berm shall be appropriately irrigated and by maintained by the applicant or a homeowners association established for Berlaimont Estates. Additionally, if approved by the Eagle River Fire Protection District and the USFS the first fire truck turnaround shall be eliminated or relocated further to the east in order to reduce impacts to neighboring homes. The first parking area proposed shall either be eliminated or relocated to the other side of the roadway in order to reduce visual impacts to adjacent residential uses. Should the USFS not allow these improvements, this condition has no affect.

Homeowners Association

6. The applicant shall establish a Homeowners Association for the Berlaimont Estates Subdivision which shall provide for the maintenance of the entirety of the roadway and related safety and drainage improvements, maintenance of required landscape areas, wildfire and vegetation management, water improvements, and open space easement restrictions. These requirements shall be included in a Covenants, Conditions, and Restrictions (CC&R) document and recorded against all properties within the Berlaimont Estates final plat in a form and substance acceptable to the County Attorney's office.

Horses and Livestock

7. In order to reduce traffic and reduce potential conflicts with wildlife, only one equestrian facility accommodating 3 or more horses shall be located within Berlaimont Estates, developed on one of the parcels. All other parcels shall be limited to the keeping or boarding of a maximum of 2 horses. No other livestock shall be allowed within Berlaimont Estates. These provisions shall be included in the CC&Rs.

Need to
update

Pets and Wildlife

8. In order to reduce potential conflicts with wildlife, the CC&Rs shall require pets to be kept indoors or when outside, within a fenced area or under the direct control of the owner either by leash or other device. The feeding of pets or storage of food shall not be allowed outside of homes. All trash shall be stored within structures and within bear proof containers. These provisions shall be included in the CC&Rs.

Fencing

9. Fencing shall not be allowed within the open space easement. All other site fencing shall be wildlife friendly to allow for the movement of wildlife. These provisions shall be included in the CC&Rs

