

Commissioner Ryan moved adoption
of the following Resolution:

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

RESOLUTION NO. 2014 - 001

**FILE NO. VIS-4398
VARIANCE FROM IMPROVEMENT STANDARDS**

WHEREAS, Berlaimont Estates, LLC ("Applicant") owns a 680 acre inholding in the White River National Forest; and

WHEREAS, the Eagle County Land Use Regulations ("LUR") require access serving developments of more than three residences to meet Eagle County Road Standards; and

WHEREAS, the 680 acres owned by the Applicant has been subdivided into 19 lots, each 35 acres or more; and

WHEREAS, the Applicant desires to develop 19 single-family residences and 9 accessory dwelling units; and

WHEREAS, Applicant seeks approval by the Eagle County Board of County Commissioners (the "Board") for variances from three LUR improvement standards relating to the safety of roads, specifically, those relating to Dual Access, Emergency Vehicle Turnaround Areas and Road Improvement Standards, as detailed in its application (the "Application") dated July 15, 2013 and the Staff Reports submitted to the Board; and

WHEREAS, at a public hearings on the Application before the Board on October 1, 2013 and December 10, 2013, the Board heard the presentations from the Eagle County Engineering Department, Eagle County Wildfire Mitigation Specialist and the Applicant's spokespersons; examined the Engineering Staff Report; viewed the Power Point presentation of maps and views; received written comments of representatives of Eagle River Fire Protection District; and queried staff, the Applicant and its representatives concerning the Application; and

WHEREAS, the Board conducted a site visit on October 21, 2013 in order to view the existing access road, surrounding topography and adjacent parcels; and

WHEREAS, at the conclusion of the hearing on December 10, 2013, it was moved, seconded and unanimously voted by the Board to approve each of the three variances, concluding, after hearing and seeing the evidence presented in these proceedings concerning variances from the LUR improvement standards relating to the safety of roads, that the hardship to the Applicant from denial of the variances outweighs the adverse impact on the health, safety and welfare of persons affected and the adverse impact on the land affected. The Board instructed the County Attorney to prepare a Resolution formally approving the Application,

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Eagle County, CO

Teak J Simonton

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DOC: \$0.00

including the findings of the Board based on the above-described record evidence concerning hardship to the Applicant and the safety of the public, for consideration at a meeting of the Board.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FINDS, based on the above-described record evidence and applying the criteria for evaluating requests for variances from improvement standards set out in applicable LUR, that the hardship to the Applicant from denying each of the three variances outweighs the adverse impact on the health, safety and welfare of persons affected and the adverse impact on the land affected if the variances are granted.

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

THAT the above-described Application for variances from three LUR improvement standards relating to the safety of roads, specifically, those relating to Dual Access, Emergency Vehicle Turnaround Areas and Road Improvement Standards be and hereby is approved as to each of the three variances therein requested, with the following conditions:

1. Except as otherwise modified by this Variance approval, all material representations made by the Applicant in this Application and in public meetings before the Board shall be adhered to and considered conditions of approval.
2. The Applicant shall incorporate the road improvement and construction recommendations provided by the Eagle County Wildfire Mitigation referral response dated September 9, 2013
3. The Applicant shall provide a debris and mudslide analysis as part of a drainage study at the time of Grading Permit application to size all culverts and/or bridges designed for the access road.
4. The Applicant will be responsible for all applicable permitting necessary to develop the proposed lots including, but not limited to, building permits, grading permits, etc.
5. At the time of Grading Permit application, the Applicant shall have approval from the USFS of the necessary easements for construction of the access road alternative presented in this Variance application prior to Grading Permit application.
6. Road design shall incorporate minimum spiral curve lengths where possible and consider use of simple tangent curves at locations with little tangent deflection.
7. Road Design shall include alternate switchback design (Alpine Engineering, 2010) that provides the necessary stopping sight distance between curves

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

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MOVED, READ AND ADOPTED by the Board of County Commissioners of the County of Eagle, State of Colorado, at its regular meeting held the 7 day of January, 2014.

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

ATTEST:

BY:

Teak J. Simonton
Teak J. Simonton
Clerk to the Board of
County Commissioners



Sara J. Fisher
Sara J. Fisher
Chairman

BY: [Signature], Deputy

BY:

Jillian H. Ryan
Jillian H. Ryan
Commissioner

BY:

Kathy Chandler-Henry
Kathy Chandler-Henry
Commissioner

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

Commissioner Sara J. Fisher Aye
Commissioner Jillian H. Ryan Aye
Commissioner Kathy Chandler-Henry Aye

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