

OTTENJOHNSON

ROBINSON NEFF + RAGONETTI

November 11, 2009

AMANDA L. SMITH
303.575.7523
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Bob Narracci
Planning Manager
Eagle County
500 Broadway
Eagle, CO 81631

Re: Cordillera PUD Amendment Application

Dear Bob:

On behalf of our client, Behringer Harvard Cordillera, LLC (the "Applicant"), we are submitting an application (the "Application") to amend the existing Cordillera Subdivision Tenth Amended and Restated Planned Unit Development Control Document, dated as of September 23, 2003 (the "Existing PUD"), as set forth in the proposed Cordillera Subdivision Eleventh Amended and Restated Planned Unit Development Control Document (the "Amendment"). As you requested, the Application includes a clean copy of the Amendment, as well as a blacklined copy of the Amendment, marked to show changes against the Existing PUD.

As discussed in connection with the County's preliminary review of the Amendment and the Applicant's pre-application meeting held on November 10, 2009, the Amendment is intended to address certain "clean-up" items in the Existing PUD. The Amendment does not introduce new or additional density or uses to the Existing PUD, or otherwise substantively change the Existing PUD. Rather, the proposed changes include corrections to typographical errors, replacement of inaccurate Guide Maps, updates to reflect the current status of development approvals for the Lodge Parcel and the Village Center Parcel, and clarification of the treatment of the Lodge Parcel and the Village Center Parcel as a single planning parcel.

The Amendment clarifies the concept contained in the Existing PUD that density shifts are permissible among the various planning parcels, so long as the actual maximum densities for the project are not exceeded. More specifically, the Amendment clarifies that density is transferable between the Lodge Parcel and the Village Center Parcel, and that the permitted uses are the same for the Lodge Parcel and Village Center Parcel, effectively treating these adjacent areas as a single planning parcel. This treatment reflects existing development and the contemplated completion of the Lodge at Cordillera.

The Application is in conformance with the sections cited below of Article 5 of the County's Land Use Regulations (the "Code"). The following subsections are numbered as set forth in the Code:

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I. Section 5-240.F.3.c. (Standards for a Sketch and Preliminary Plan for PUD):

- (1) **Unified ownership or control.** Reviewed and confirmed in connection with approval of the Existing PUD. An updated Title Commitment and a Resolution of Consent of the Cordillera Homeowners' Association are included in the Application package.
- (2) **Uses.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (3) **Dimensional Limitations.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (4) **Off-Street Parking and Loading.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (5) **Landscaping.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (6) **Signs.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (7) **Adequate Facilities.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (8) **Improvements.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (9) **Compatibility with Surrounding Land Uses.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (10) **Consistency with Comprehensive Plan.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (11) **Phasing.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (12) **Common Recreation and Open Space.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.
- (13) **Natural Resource Protection.** Reviewed and confirmed in connection with approval of the Existing PUD; no change in the Amendment.

2. Section 5-240.F.3.m. (Amendment to Preliminary Plan for PUD)

(1) **Modification.** The changes contemplated in the Amendment are consistent with, and will further, the intent of the Existing PUD. By adding clarity to ambiguities in the Existing PUD, summarizing the current status of development approvals and actual improvements, and incorporating updated Exhibits, the Amendment will allow for the development contemplated in the Existing PUD to be executed more efficiently.

(2) **Adjacent Properties.** The Amendment will not have any effect on adjacent properties because it does not change the overall uses or densities currently contemplated in the Existing PUD.

(3) **Benefit.** The Amendment will not confer a special benefit upon any particular person. To the contrary, it will benefit the entire Cordillera PUD and surrounding areas, as it will make the development contemplated by the Existing PUD more efficient.

(4) **Standards.** As indicated above, the standards outlined in Section 5-240.F.3.e. were satisfied in connection with approval of the Existing PUD. The Amendment does not change the Existing PUD in a manner that triggers a new analysis of these standards. The Application includes a blackline of the Amendment, clearly marked to show changes against the Existing PUD.

(5) **Notification.** The Applicant has delivered to the County pre-addressed, stamped envelopes for every property owner in the PUD (including all adjacent property owners). The Application also contains a list of adjacent property owners, based upon the County's most recent records.

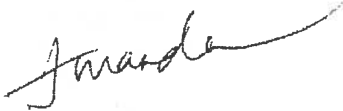
3. Section 5-280.B.3.e. (Standards for a Sketch and Preliminary Plan for Subdivision, if applicable pursuant to Section 5-240.F.1.d.):

N/A. Section 5-240.F.1.d. states that where a PUD also constitutes a subdivision, applicants are required to meet the requirements of Section 5-280 (Subdivision). In this case, because the Amendment does not include or affect a subdivision, the Application does not include a sketch plan or preliminary plan. Therefore, the requirements of Section 5-280.B.3.e. are not applicable to the Application.

As you will see in the Owner Resolution included in the Application package, the Applicant has authorized this firm, together with Harry Rosenthal of the Pharos Group, to act as the Applicant's agent in connection with the Application. We appreciate all of your efforts during the pre-application process and we look forward to working with you to finalize the Amendment. Thank you.

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Very truly yours,

A handwritten signature in black ink, appearing to read "Amanda", with a long, sweeping horizontal line extending to the right.

Amanda L. Smith
for the Firm

ALS/cc
Enclosures

927308 1

cc: Via email w/o encl.:
Robert Morris, Esq.
Harry Rosenthal
J. Todd Reeder
Tom Ragonetti