

TOWN OF MOUNTAIN VILLAGE  
TOWN COUNCIL REGULAR MEETING  
THURSDAY, JUNE 17, 2021, 2:00 PM  
TO BE HELD IN PERSON AND REMOTELY VIA ZOOM WEBINAR

**AGENDA REVISED**

(see login details below)

[https://zoom.us/webinar/register/WN\\_NQ7gk1vBTe-ej85VhqIP7Q](https://zoom.us/webinar/register/WN_NQ7gk1vBTe-ej85VhqIP7Q)

**Please note that times are approximate and subject to change.**

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	10	Legal		Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to: a. Sherry v. Moir, et al. Pursuant to § 24-6-402(4)(b) and (e)
3.	2:10	5			Public Comment on Non-Agenda Items
4.	2:15	5	Johnston	Action	Consent Agenda: All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: a. Consideration of Approval of the May 20, 2021 Regular Town Council Meeting Minutes b. First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Ordinance 2014-03 c. Consideration of Approval to Dissolve the Town Hall Subarea Planning Committee and the Conference Center Committee
5.	2:20	60	Knudtsen Bryant Brophy	Work Session	MIG Presentation on Mountain Village Economic Conditions and Implications for the Comprehensive Plan Amendment
6.	3:20	30	Vergari	Informational Action Work Session	Finance: a. Presentation of the May 31, 2021, Business & Government Activity Report (BAGAR) b. Consideration of Approval of the April 30, 2021, Financials c. 2022 Budget Policies and Goals Worksession
7.	3:50	10	Wisor Holmes	Action	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Amending Section 2.04.010(B) of the Town of Mountain Village Municipal Code to Clarify Oversight of and Reporting By Certain Department Heads
8.	4:00	10	Wisor Holmes	Action	Second Reading, Public Hearing and Council Vote on an Ordinance Authorizing Future Members of Town Council to be Eligible for Certain Benefits
9.	4:10	40	Haynes Wisor	Work Session	Discussion Regarding Draft Community Development Code Language Consistent with the Community Housing Initiatives to Re-Introduce Non-Subdividable and Subdividable Duplex Development in an Overlay District Within the Single-Family Zone District, Modify the Definition of an Accessory Dwelling Unit and Remove the Definition of a Mother-In-Law Suite
10.	4:50	30	Wisor	Action	Consideration of a Resolution Approving the Your Equity Support (YES) Program and Supporting Documentation
11.	5:20	5	Miller Applicant	Action <i>Quasi-Judicial</i>	Second Reading, Public Hearing and Council Vote on an Ordinance to Extend a Vested Property Right and Plan at Lot 1003R-1, 433 Mountain Village Boulevard, Gondola Parking Garage Expansion from October 20, 2021, to October 20, 2031
12.	5:25	5	Miller Applicant	Action <i>Quasi-Judicial</i>	Second Reading, Public Hearing and Council Vote on an Ordinance to Consider a Vested Property Right and Plan Extension for Lot 1001R, 415 Mountain Village Boulevard, Village Court Apartments (VCA) Phase

**TOWN COUNCIL MEETING  
AGENDA FOR JUNE 17, 2021**

					IV from July 18, 2021, to July 18, 2031
13.	5:30	10	Singer	Action	Consideration of Support for the Revised Wording of the Plaque on the Permanent Tribute to the Allred's and Jim Wells on Oak Street Plaza
14.	5:40	5	Montgomery	Informational	Staff Reports: a. Town Manager
15.	5:45	20	Council	Informational	Town Council Informational Council Boards and Commissions Updates 1. Telluride Tourism Board – Berry 2. Colorado Flights Alliance – Gilbride 3. Transportation & Parking – Benitez/Duprey 4. Budget & Finance Committee – Gilbride/Duprey 5. Gondola Committee – Caton/Berry 6. Colorado Communities for Climate Action – Berry 7. San Miguel Authority for Regional Transportation (SMART) – Caton/Prohaska 8. Telluride Historical Museum – Prohaska 9. Alliance for Inclusion – Binder 10. Green Team Committee – Berry/Prohaska 11. Business Development Advisory Committee – Caton/Benitez 12. Mayor's Update – Benitez
16.	6:05	5	Johnston	Informational	Other Business a. Ethics Commission July Appointments; One regular and One Alternate Seat
17.	6:10				Adjourn

SJ  
6/4/21

You are invited to a Zoom webinar.

June 17, 2021, Regular Town Council Meeting  
Beginning at 2:00 PM

Register in advance for this webinar:  
[https://zoom.us/webinar/register/WN\\_NQ7gk1vBTe-ej85VhqIP7Q](https://zoom.us/webinar/register/WN_NQ7gk1vBTe-ej85VhqIP7Q)

After registering, you will receive a confirmation email containing information about joining the webinar.

**Public Comment Policy:**

- The Town Council will take your comments during all virtual Town Council meetings through the zoom conference app through the raise hand function where when called for the presiding officer will acknowledge those who have used the raise hand function and unmute such speaker.
- Please do not comment or use the raise hand function until the presiding officer opens the agenda item to public comment.
- All those wishing to give public comment must identify their full name and affiliation, if any, to the Town of Mountain Village.
- Please keep your comments as brief and succinct as possible and under two minutes. Please refrain from repeating what has already been said by others in the interest of time. You may simply state that you agree with a previous speaker's comments.
- No presentation of materials through Zoom screen sharing shall be allowed for non-agendized speakers unless submitted 48 hours prior to the meeting date.
- Commenters shall refrain from personal attacks and maintain a civil tone while giving public comment.
- Written materials must be submitted 48 hours prior to the meeting date in order to be included in the meeting packet and of record. Written comment submitted within 48 hours will be accepted but shall not be included in the packet or be deemed of record.



TOWN OF MOUNTAIN VILLAGE  
455 Mountain Village Blvd. Suite A  
Mountain Village, Co 81435  
970-728-8000  
970-728-4342 Fax  
mvclerk@mtnvillage.org

**TOWN OF MOUNTAIN VILLAGE  
MINUTES OF THE MAY 20, 2021  
REGULAR TOWN COUNCIL MEETING  
DRAFT**

**Agenda Item 4a**

The meeting of the Town Council was called to order by Mayor Laila Benitez at 8:30 a.m. on Thursday, May 20, 2021. Due to the Town's Disaster Declaration of March 19, 2020 related to the COVID-19 virus, the meeting was held with virtual access provided through Zoom.

**Attendance:**

**The following Town Council members were present and acting:**

Laila Benitez, Mayor  
Dan Caton, Mayor Pro Tem  
Patrick Berry  
Pete Duprey Via Zoom  
Natalie Binder Via Zoom  
Jack Gilbride  
Marti Prohaska

**The following Town Council members were absent:**

Also in attendance were:

Kim Montgomery, Town Manager  
Susan Johnston, Town Clerk  
Christina Lambert, Senior Deputy Town Clerk  
Paul Wisor, Town Attorney  
Julie Vergari, Chief Accountant  
Chris Broady, Chief of Police  
Jaime Holmes, Human Resources Director  
Lindsay Niehaus, Human Resources Coordinator  
Zoe Dohnal, Business Development and Sustainability Director  
Kathrine Warren, Public Information Specialist  
Michelle Haynes, Director of Planning & Development Services  
John Miller, Senior Planner  
Luke Adamson, VCA Manager  
Jim Soukup, Chief Technology Officer  
Steven Lehane, Director of Broadband  
Jory Hasler, Cable Technician  
Kate Burns, Controller  
Finn Kjome, Public Works Director  
JD Wise, Assistant Director of Public Works  
Jim Loebe, Director of Transportation & Recreation  
Amy Ward, Planner  
Jodi Miller, Administrative Assistant & Evidence Technician  
Brian Helm  
Delanie Young  
Julia Caulfield  
Karen Engates  
Tim Reimink  
Andy Rutz

Natalie Grooms  
Jonathan Greenspan  
Jaquette Tara  
Christie Quinn  
Beth Hemenway  
Jennifer Vogel  
Phil Borgman  
Margaret Rinkevich  
Anthony Baker  
Corenna Howard  
Amy Levek  
Will Downing  
Tamara Ogorzaly  
Anton Benitez  
Rick Flores  
Cath Jett  
Winston Kelly  
Matt Lewis  
Michael Lynch  
Ken Alexander  
Susan Hewitt  
Tyler Newman  
Corinne Cavender  
Harvey Mogenson  
Justin Criado  
Lindsay Mills  
Allison McClain  
Doug Tooley

Uly Brophy  
Jay Renkens  
Sherri Reeder

Whitney Rosenfeld  
Heather Knox

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to add Marketing Telluride Inc. (MTI) negotiations to the Executive Session and add Consideration of an Appointment of a Telluride Mountain Village Owners Association (TMVOA) Representative to the Business Development Advisory Committee (BDAC) under agenda item 25, "Other Business".

Council moved to agenda item 21.

**Executive Session for the Purpose of Receiving Legal Advice and Determining Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations, and Instructing Negotiators with Respect to Community Housing Initiatives and Marketing Telluride Inc. (MTI) Pursuant to § 24-6-402(4)(b) and (e) (2)**

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to move into Executive Session for the purpose of receiving legal advice pursuant to Sec. 24-6-402(4)(b) and (e) regarding determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators with respect to community housing initiatives and MTI negotiations at 8:35 a.m.

Council returned to open session at 9:08 a.m.

**Public Comment on Non-Agenda Items (3)**

No public comment was received.

**Consent Agenda:**

**All matters in the Consent Agenda are considered to be routine by the Town Council and will be enacted with a single vote. There will be no separate discussion of these items. If discussion is deemed necessary, that item should be removed from the Consent Agenda and considered separately: (4)**

- a. **Consideration of Approval of the April 22, 2021 Regular Town Council Meeting Minutes**
- b. **Consideration of a Correction to Ordinance 2019-13**

Town Clerk Susan Johnston presented. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the Consent Agenda as presented.

**Consideration of a Proclamation Acknowledging May as Mental Health Month (5)**

Mayor Benitez read the Proclamation. Tri-County Health Behavioral Health Operations Coordinator Corrine Cavender accepted the Proclamation and thanked Council for their continued support. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted unanimously to approve a Proclamation proclaiming the month of May as Mental Health Month.

The Mayor reopened public comment. Public comment was received by Douglas Tooley and Allison McClain.

**Consideration of a Council Appointment to the San Miguel Watershed Coalition (6)**

Town Attorney Paul Wisor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to appoint Marti Prohaska to serve on the San Miguel Watershed Coalition.

**MIG Comprehensive Plan Update Regarding the Community Survey Results and Stakeholder Interviews (7)**

Michelle Haynes and MIG Project Managers Elly Brophy, Andy Rutz and Jay Renkens presented the survey results. Council discussion ensued. Public comment was received from Douglas Tooley.

9:45 Natalie Binder left the meeting.

**Discussion on Mountain Village Police Department Retirement Plan Administered by the Fire and Police Pension Association (FPPA) (8)**

Chief of Police Chris Broady presented along with Jaime Holmes, FPPA Representatives Anthony Baker, Phil Borgman, Christie Quinn, Jaquette Tara and Beth Hemenway. Council discussion ensued.

**Consideration of a Resolution Authorizing Participation in the Fire and Police Pension Association (FPPA) Defined Benefit System Administered by the FPPA for New Police Officers for the Town of Mountain Village (9)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted 5-1 (with Pete Duprey dissenting and Natalie Binder absent) to approve a Resolution authorizing participation in the Fire and Police Pension Association (FPPA) Defined Benefit System administered by the FPPA for new police officers for the Town of Mountain Village.

Council took a break from 11:00 a.m. to 11:10 a.m.

**2021 Community Housing Initiatives(10)**

**a. Proposed “Your Equity Support” (YES) Deed Restriction Program**

Michelle Haynes and Paul Wisor presented. Council discussion ensued. Council direction was to move forward with the program. Public comment was received from Douglas Tooley, Ken Alexander and Amy Levek. Paul Wisor will present supporting documentation to implement the program at the June meeting.

**b. Village Court Apartments Update**

Paul Wisor presented the update stating that because of the type of bond that was used to finance VCA, the Town would have to pay off or refinance the debt. Mr. Wisor’s recommendation was for the Town to continue to own and operate VCA, refinance the debt and subdivide buildings 8 and 9 in phase 4 so that they can be sold for private ownership. Council was in agreement. Public comment was received from Matt Lewis.

Natalie Binder rejoined the meeting at 12:00 p.m.

**c. Proposed Zoning Incentives**

Michelle Haynes presented. Council had no concerns with the proposed designations.

**i. Accessory Dwelling Units**

**ii. Duplex Overlay**

**d. Existing Financial and Zoning Incentives**

**e. Consideration of a Non-Renewal Notice Regarding the San Miguel Regional Housing Authority Intergovernmental Agreement**

Paul Wisor and Michelle Haynes presented. Discussion ensued regarding the development of a Community Housing Department. Council discussion ensued. Public comment was received by Michael Lynch and Douglas Tooley. On a **MOTION** by Dan Caton and seconded by Marti Prohaska, Council voted to send a notice of termination to the San Miguel Regional Housing Authority regarding the Intergovernmental Agreement termination and to recruit for a housing director.

Council took a break from 12:20 p.m. to 12:35

**Finance: (11)**

Chief Accountant Julie Vergari presented.

**a. Presentation of the April 30, 2021 Business & Government Activity Report (BAGAR)**

**b. Consideration of Approval of the March 31, 2021 Financials**

Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to approve the March 31, 2021 Financials as presented.

**c. Consideration and Ratification of the 2022 Budget Process**

On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the 2022 Budget Process.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Density Transfer and Rezone on Lot 30, 98 Aspen Ridge, to Increase the Condominium Density from Nine (9) Condominium Zoning Designation Units and Two (2), Employee Condominium Zoning Designation Units to Sixteen (16) Condominium Zoning Designation Units and Three (3) Employee Condominium Zoning Designation Units *The This Item is to be Continued to the July 15, 2021 Regular Town Council Meeting (12)***

Senior Planner John Miller presented stating that the item will be continued to the July 15, 2021 Regular Town Council meeting. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted unanimously to continue the item to the July 15, 2021 Regular Town Council meeting.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Extend a Vested Property Right and Plan at Lot 1003R-1, 433 Mountain Village Boulevard, Gondola Parking Garage Expansion from October 20, 2021 to October 20, 2031 (13)**

John Miller presented. Council discussion ensued. Public comment was received by Douglas Tooley. On a **MOTION** by Pete Duprey and seconded by Patrick Berry, Council voted 7-0 to approve an Ordinance on first reading to extend a vested property right and plan at Lot 1003R-1, 433 Mountain Village Boulevard, Gondola Parking Garage expansion from October 20, 2021, to October 20, 2031 pursuant to CDC section 17.4.17 and to set the second reading, public hearing and final vote for June 17, 2021.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Consider a Vested Property Right and Plan Extension for Lot 1001R, 415 Mountain Village Boulevard, Village Court Apartments (VCA) Phase IV from July 18, 2021 to July 18, 2031(15)**

John Miller presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Dan Caton, Council voted 7-0 to approve on first reading an Ordinance considering a vested property right and site-specific development plan application at Lot 1001R, 415 Mountain Village Boulevard, Village Court Apartments (VCA) Phase IV from July 18, 2021 to July 18, 2031 pursuant to CDC Section 17.4.17 and to set the second reading, public hearing and final Council vote for June 17, 2021.

**Environmental Efficiency and Grant Coordinator Discussion (16)**

Patrick Berry and Business Development and Sustainability Director Zoe Dohnal presented. Council discussion ensued. Council directed staff to move forward with adding the position.

**Return to Office Post Covid Plan (17)**

Town Manager Kim Montgomery and Director of Human Resources Jaime Holmes presented. Council discussion ensued.

**Consideration of an Amended and Restated Telluride Bluegrass Festival Parking Agreement (18)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Jack Gilbride, Council voted unanimously to approve the Amended and Restated Agreement with Telluride Bluegrass Festival, Inc. for production of the Telluride Bluegrass Festival.

**Consideration of an Emergency Ordinance Adding Chapter 8.13 to the Municipal Code Requiring Wildfire and Safety Mitigation of Trees (19)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to continue this item to the July 19, 2021 Regular Town Council meeting.

**First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Authorizing Future Members of Town Council to be Eligible for Certain Benefits (20)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Dan Caton and seconded by Laila Benitez, Council voted 7-0 to approve on first reading an Ordinance authorizing future member of the Town Council to be eligible for certain benefits and setting the second reading, public hearing and final vote for the June 17, 2020 Regular Town Council meeting.

**Consideration of an Emergency Ordinance Repealing Town of Mountain Village Face Covering Requirements (21)**

Paul Wisor presented. Council discussion ensued. On a **MOTION** by Marti Prohaska and seconded by Jack Gilbride, Council voted 7-0 to adopt an Emergency Ordinance repealing the Town of Mountain Village face covering requirements adopted by Emergency Ordinance 2020-10.

Council moved to agenda item 2.

**Consideration of a Revision to the Security Plan for the Common Consumption Area (22)**

President & Chief Executive Officer Anton Benitez and Rick Flores presented. Public comment was received by Douglas Tooley. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Marti Prohaska, Council voted to approve the revision to the security plan for the common consumption area.

**Staff Reports: (23)**

**a. Transit & Recreation**

Jim Loebe presented his report. Council discussion ensued.

**b. Public Works**

Finn Kjome presented his report. Council discussion ensued.

**a. 2021 Drought Planning Discussion and Council Direction**

Council directed staff to draft and implement the 2021 drought plan.

**c. Town Manager**

Kim Montgomery presented her report. Council discussion ensued.

**Town Council Informational Council Boards and Commissions Updates (24)**

1. **Telluride Tourism Board – Berry**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Benitez/Duprey**
4. **Budget & Finance Committee – Gilbride/Duprey**
5. **Gondola Committee – Caton/Berry**
6. **Colorado Communities for Climate Action – Barry**
7. **San Miguel Authority for Regional Transportation (SMART) – Caton/Prohaska**
8. **Telluride Historical Museum – Prohaska**
9. **Alliance for Inclusion – Binder**
10. **Green Team Committee – Berry/Prohaska**
11. **Business Development Advisory Committee (BDAC) – Caton/Benitez**
12. **Mayor's Update – Benitez**

**Other Business (25)**

**Consideration of a Telluride Mountain Village Owners Association (TMVOA) Appointment to the Business Development Committee (BDAC)**

The Mayor recused herself. Dan Caton presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Patrick Berry, Council voted unanimously to appoint Anton Benitez as the BDAC TMVOA representative.

There being no further business, on a **MOTION** by Patrick Berry and seconded by Jack Gilbride, Council voted unanimously to adjourn the meeting at 2:27 p.m.

Respectfully prepared and submitted by,

Susan Johnston  
Town Clerk

DRAFT





AGENDA ITEM 4b  
**PLANNING & DEVELOPMENT SERVICE**  
**PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Mountain Village Town Council  
**FROM:** Michelle Haynes, Planning and Development Services Director  
**FOR:** Town Council Meeting, June 17, 2021  
**DATE:** June 4, 2021  
**RE:** First Reading of an Ordinance 2021-\_\_ amending ordinance 2014-03

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**OVERVIEW**

One of the critical components of the Town’s settlement agreement with the county is inclusive of a passive and active open space calculation. The last recorded open space map and table was recorded in 2012. In 2014, when the Town revised the Town Hall Subarea Plan, a number of properties were replat and rezoned inclusive of open space areas within the subarea. Although the 2014-03 memo discussed the specific rezone calculations broadly, the accounting of the rezoned areas that affected open space was missing from the Ordinance.

Staff has amended the original ordinance by the attached ordinance, so that the open space calculations are more clearly articulated. Once approved by Council, we will record the original ordinance, which had not been recorded previously, and record the amending ordinance with the exhibit that expressly shows the rezoned areas and open space calculations. With this record in place, the town is better able to manage provide clear revisions to the open space map and table within the next 18 months.

**ATTACHMENTS**

- Ordinance 2021-\_\_
  - Exhibit to the Ordinance
- Unrecorded Ordinance 2014-03

*No action is needed as it is listed under consent and is amending a prior ordinance for necessary clarity.*

/mbh

**ORDINANCE NO. 20142021-\_\_**

**AMENDING ORDINANCE 2014-03**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO TO REZONE LOTS 160R, 1001, 1003R-1, 1003R-2, 1003R-3, OS-1E, 1005, 1007,  
1008, A PORTION OF OS-1R1, AND A PORTION OF THE MOUNTAIN VILLAGE  
BOULEVARD RIGHT-OF-WAY IN BETWEEN LOTS 1007 AND 1008 FROM THE MULTI-  
FAMILY AND FULL USE ACTIVE OPEN SPACE ZONE DISTRICTS TO THE CIVIC AND  
FULL USE ACTIVE OPEN SPACE ZONE DISTRICTS**

**RECITALS**

- A. The Telluride Mountain Village Owners Association (“TMVOA”) is the owner of record of certain real property described as Lot 1007, Lot 1008 and condominium units on Lots 1003R-2 and 1003R-3 (“TMVOA Property”);
- B. The Telluride Fire Protection District (“TFPD”) is the owner of record of certain real property described as Lot 160R (“TFPD Property”);
- C. Telluride Ski and Golf (“TSG”) is the owner of record of certain real property described as a portion of Lot OS-1R1 (“TSG Property”);
- D. The Town of Mountain Village (“Town”) is the owner of certain real property known as Lot 1001, Lot 1005, Lot 1003R-1, land and condominium units on Lot 1003R-2 and 1003R-3, and the Mountain Village Boulevard Right-of-Way (“Town Property”);
- E. The TMVOA Property, the TFPD Property, the TSG Property and the Town Property are collectively referred to herein as the “Property”;
- F. The TMVOA Board of Directors, the TFPD Board of Directors, TSG and the Town Council authorized the Town Community Development Department to prepare and process the rezoning development application for the Property pursuant to the requirements of the Community Development Code (“CDC”);
- G. The Property has the following zoning and zone designations pursuant to the Official Zoning Map, Resolutions and the Official Land Use and Density Allocation, as applicable:

**Table 1 – ZONING AND ZONING DESIGNATIONS FOR THE PROPERTY:**

<b>Lot</b>	<b>General Description</b>	<b>Zone District</b>	<b>Zoning Designation</b>
160R	Municipal Building	Multi-Family	Firehouse/Commercial
1001	Village Court Apts.	Multi-Family	Employee Apt.
1005	Village Court Apts.	Multi-Family	Employee Apt.
1003R-1	Gondola Parking Garage/Town Hall Area	Multi-Family	Multi-family/Commercial
1003R-2	Town Hall/Grocery	Multi-Family	Multi-family/Commercial
1003R-3	Post Office Building	Multi-Family	Multi-family/Commercial
OS-1E	Town Hall Parking Lot	Full Use Active Open Space	NA
1007	North of Lot 1008	Multi-Family	Commercial

1008	Entry Buildings	Multi-Family	Commercial
Mountain Village Blvd. ROW		ROW Active Open Space	NA
Portion of OS-1R1	East of Post Office	Full Use Active Open Space	NA

H. The Town is proposing the following rezoning, with the zone districts illustrated in Exhibit A:

**TABLE 2 - PROPOSED ZONING AND ZONING DESIGNATIONS FOR THE PROPERTY:**

Lot	General Description	Zone District	Zoning Designation
160R	Municipal Building	Civic	Commercial-Civic Uses
1001	Village Court Apts.	Multi-Family	Employee Apt./Condo
		Full Use Active Open Space	NA
1005	Village Court Apts.	Multi-Family	Employee Apt./Condo
		Full Use Active Open Space	NA
1003R-1	Gondola Parking Garage/Town Hall Area	Civic	Commercial-Civic Uses
		Full Use Active Open Space	NA
1003R-2	Town Hall/Grocery	Civic	Commercial-Civic Uses
1003R-3	Post Office Building	Civic	Commercial-Civic Uses
OS-1E	Town Hall Parking Lot	Civic	Commercial-Civic Uses
1007	South of Lot 1008	Civic	Commercial-Civic Uses
1008	Entry Buildings	Civic	Commercial-Civic Uses
Mountain Village Blvd. ROW		Civic	Commercial-Civic Uses
Portion of OS-1R1	East of Post Office	Civic	Commercial-Civic Uses

Preservation as to Acreage and General Location. Active and passive open space shall be preserved as to acreage and general location as depicted on the 2012 Open Space Map and documented in the associated open space table as recorded at Reception Numbers 426871, 426872, and 426873 (“2012 Open Space Map”).

**TABLE 3 – REPLACEMENT OPEN SPACE PROVISIONS**

<u>Lot</u>	<u>Zoning</u>	<u>Acres</u>	<u>New Zoning</u>	<u>New Acres</u>	<u>Open Space Reduced in Acres</u>	<u>Open Space Addition in Acres</u>
<u>1001R</u>	<u>Multi-Family</u>	<u>8.394</u>	<u>Multi-Family</u>	<u>4.277</u>		
			<u>Active Open Space</u>	<u>4.117</u>		<u>4.117</u>
<u>1005R</u>	<u>Multi-Family</u>	<u>2.806</u>	<u>Multi-Family</u>	<u>2.5</u>		
			<u>Active Open Space</u>	<u>.26</u>		<u>.26</u>
<u>OS 1E</u>	<u>Active Open Space</u>	<u>.958</u>	<u>Active Open Space</u>			
			<u>Civic</u>	<u>.958</u>	<u>.958</u>	
<u>OS-1R1</u>	<u>Active Open Space</u>	<u>91.96 MOL</u>	<u>Active Open Space</u>	<u>90.539 MOL</u>		
			<u>Civic</u>		<u>1.421</u>	

<u>1003-R1</u>	<u>Multi-Family</u>	<u>4.415</u>	<u>Civic</u>	<u>3.632</u>		
			<u>Active Open Space</u>	<u>.783</u>		<u>.783</u>
<u>MBV ROW</u>	<u>Active Open Space</u>	<u>.923</u>	<u>Civic</u>	<u>.923</u>	<u>.923</u>	
<u>Approximate Total Area</u>					<u>3.3</u>	<u>5.2</u>

I. At a duly noticed and conducted public hearing on January 23, 2014, the Design Review Board recommended to the Town Council that the proposed rezoning be approved with conditions that have been incorporated into this resolution and modified for Council consideration or have been met;

I.——The Town will incorporate any changes to the 2012 Open Space Map and table subsequent to 2012, on a future revised open space map and table.

J. At a duly noticed and conducted public hearing on February 20, 2014, the Town Council approved the final rezoning of the Property as set forth in Exhibit A with the following findings:

**1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Mountain Village Comprehensive Plan (“Comprehensive Plan”) because the rezoning is:**

- a. Assisting the community in achieving the Comprehensive Plan’s universal visions statements;
- b. Promoting a land use pattern as envisioned by the Comprehensive Plan that will provide economic and social vibrancy, maintains a minimum of 60% open space, and better protect and preserve open space areas as shown on the Land Use Plan;
- c. Implementing the Comprehensive Plan’s principles, policies and actions;
- d. Encouraging development and redevelopment activities in the Town Hall Center Subarea to promote and focus economic and social vibrancy for visitors and residents;
- e. Fostering businesses and activities that complement the town's economy such as centers for the arts, culinary institutes, research foundations, education institutes, business incubators, and small businesses;
- f. Facilitating economic and social vibrancy throughout the year by providing opportunities for amenities, housing, indoor recreational options, cultural opportunities and non-winter activities in the Town Hall Center Subarea;
- g. Planning for the development and redevelopment of the Town Hall Subarea as envisioned in the Comprehensive Plan, with the Town Hall Center Subarea one of three subareas identified in the Comprehensive Plan for high density infill development planned to achieve the universal vision statements and the Comprehensive Plan’s principles policies and actions;
- h. Rezoning open space as envisioned in the Comprehensive Plan, in accordance with the County Settlement Agreement, in areas that are optimal for development, while also preserving those open space areas that have high scenic value, development constraints, resource conservation, or buffering;
- i. Implementing the Comprehensive Plan’s Future Land Use Map that shows Civic Land Uses in the Town Hall Subarea, with all rezoning development applications required to be in compliance with the Comprehensive Plan’s Land Use Plan;
- j. Providing and allowing for a broad mix of community and public facilities, such as

government offices, mail facilities, municipal facilities, fire stations, schools, libraries, community college, medical center, and deed restricted housing while also allowing for hotbed development and community-serving commercial uses such as a grocery and liquor store, pharmacy, coffee shop, restaurant, and retail;

- k. Allowing for a broad range of activities and development that fulfill the goal of creating an active and vital Town Hall/Civic Center;
- l. Providing a foundation to the vacation of the westbound lane of Mountain Village Boulevard for two-way traffic in the current eastbound lane, with a future Council ordinance required for such vacation and relocation;
- m. Rezoning land consistent with the concurrent Comprehensive Plan amendment for the expansion of Parcel D; and
- n. Reinforcing the Town Hall Center Subarea role as the civic hub of the community by encouraging the development and redevelopment of a variety of needed commercial, community, deed restricted housing and service uses that support year-round residents and also serve a purpose for visitors.

**2. The proposed rezoning is consistent with the Zoning and Land Use Regulations because:**

- a. All future development will have to comply with the requirements of the Civic Zone District, including but not limited to the permitted uses, prohibited uses, conditional uses, maximum building height and maximum average height (48 feet), maximum lot coverage and the general easement setback;
- b. The density limitation will not be exceeded since no new dwelling unit density is proposed with this rezoning, with any dwelling unit proposal in the future necessitating a rezoning development application as required by a condition set forth herein;
- c. The CDC platted open space requirement has been met with approximately 3.3 acres of open space being rezoned to the Civic Zone District and approximately 5.2 acres of replacement open space provided as required and allowed by the CDC and the Comprehensive Plan. A condition of approval requires these open space areas to be surveyed and replatted in general conformance with the Official Zoning Map attached hereto as Exhibit A, with the Town receiving a credit for the additional replacement open space provided above and beyond the approximately 3.3 acres being rezoned to the Civic Zone District.

**3. With compliance of a condition set forth herein, the proposed rezoning meets the Comprehensive Plan Project Standards because:**

- a. The rezoning of certain parcels in the Town Hall Center Subarea is a broad rezoning initiated by the Town to implement the Comprehensive Plan, and as such is not required to provide detailed building plans at this time;
- b. Future Design Review Process development applications shall be evaluated by the Town Council and DRB to ensure compliance with the Comprehensive Plan Project Standards as a class 4 development application with action by resolution concurrent with the Design Review Process Class 3 development application; and
- c. It is common for a jurisdiction to initiate a rezoning to implement a plan or achieve desired objectives, with such community based rezoning applications based on plans or objectives rather than a site specific plan.

**4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources because:**

- a. The rezoning is in general conformance with the Comprehensive Plan, which is the best expression of the public welfare and public interest;
- b. The CDC will require future development applications pursuant to the Subdivision

- c. Regulations and the Design Regulations, which are geared towards ensuring future development, will be designed to protect the public's health and safety;
- c. A Colorado Professional Engineer will be required to redesign the reconfigured eastbound lane of Mountain Village Boulevard as a part of the required subdivision development application in accordance with the requirements of the CDC, including but not limited to ensuring required right-of-way and/or easements for the roadway, roadway width, shoulder width, sidewalks, utilities, snow storage, drainage, any parking along the roadway, any required acceleration lanes, and a safe crosswalk for the Boulevard Trail;
- d. Emergency services will be provided by the TFPD and the Mountain Village Police Department;
- e. Water, sewer, trash and other required infrastructure are provided; and
- f. The rezoning allows for the creation of larger development sites as envisioned in the Comprehensive Plan, as concurrently amended by the Council for the expansion of Parcel D, that will provide for the efficiency and economy in the use of the land and its resources, with the goal to achieve the vision statements and associated principles, policies and actions contained in the Comprehensive Plan.

**5. The proposed rezoning is justified because there are specific policies in the Comprehensive Plan that contemplate the rezoning.**

- a. The Comprehensive Plan, as concurrently amended by the Council for the expansion of Parcel D, clearly contemplates the rezoning as documented herein and in the record document.

**6. Adequate public facilities and services are available to serve the intended land uses because:**

- a. Water and sewer service is provided by the Town;
- b. Fire protection is provided by the TFPD;
- c. Police protection is provided by the Town Police Department;
- d. Mass transit connections are provided by the gondola and supplemented by bus service as needed when the gondola is not in operation;
- e. Parking is readily available in the Gondola Parking Garage, with the Council having the ability to waive or require a parking payment in-lieu for future uses;
- f. Pedestrian connections are provided by the Boulevard Trail and by future sidewalks leading to the gondola station;
- g. Daycare and preschool are provided by Mountain Munchkins in Village Court Apartments; and,
- h. Trash and recycling services are provided by private vendors.

**7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion because:**

- a. A Colorado Professional Engineer will be required to redesign the reconfigured eastbound lane of Mountain Village Boulevard as a part of the required subdivision development application in accordance with the requirements of the CDC, including but not limited to ensuring required right-of-way and/or easements for the roadway, roadway width, shoulder width, sidewalks, utilities, snow storage, drainage, any parking, any required acceleration lanes, and a safe crosswalk for the Boulevard Trail;
- b. As a part of the required subdivision, a Colorado Professional Engineer will be required to ensure that all intersections are designed safely with adequate levels of service so as to not cause congestion or hazards, with traffic impact analyses provided for key intersections;
- c. The Design Review Process will ensure that site-specific issues concerning trash, parking, pedestrian and vehicular access, and deliveries are addressed in accordance with

- the CDC; and
- d. The transportation study conducted for the Comprehensive Plan indicated that Mountain Village Boulevard and intersections in the area will have adequate capacity to handle the increased traffic caused by the rezoning of the Town Hall Subarea.

**8. With compliance of the conditions set forth herein, the proposed rezoning meets all applicable Town regulations and standards.**

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council approves the rezoning of the Property as set forth in Exhibit A, subject to the conditions set forth in Section 1 below.

**Section 1. Conditions of Approval**

1. This Ordinance, as it relates only to the TSG Consent Area, is conditioned upon the Town's approval of the concurrent Comprehensive Plan amendment which is consistent with the proposed rezoning of the TSG Consent Area. In the event the Town Council fails to approve such an amendment to the Comprehensive Plan, the TSG Consent Area shall retain its current zoning.
2. Any future proposed condominium, lodge, and efficiency lodge units that are in general conformance with the Comprehensive Plan shall require a subsequent Rezoning Process and Density Transfer Process development applications to allow for such uses pursuant to the CDC.
3. Future Design Review Process development applications shall be evaluated by the Town Council and DRB to ensure compliance with the Comprehensive Plan Project Standards as a class 4 development application with action by resolution concurrent with the Design Review Process Class 3 development application. In evaluating any development applications, regardless of whether submitted pursuant to Section 17.4.12 of the CDC's Comprehensive Plan or not, the DRB and Town Council shall evaluate ways to minimize visual and other adverse impacts to neighboring properties, including minimizing perceived building heights and massing impacts on neighboring residential properties. The DRB and Town Council shall also evaluate any development application in order to, to the extent practical; minimize other impacts to neighboring properties, such as noise, light pollution and surface parking.
4. Any future development application proposing to re-align Mountain Village Boulevard in the Town Hall subarea shall provide (a) adequate road right of way and/or easements to meet the road way standards as set forth in the CDC; and (b) provide adequate easements or road right of way for utility infrastructure to the Town and provide for adequate pedestrian crossings from adjacent properties. Any re-alignment of Mountain Village Boulevard shall also take into consideration the potential impacts to neighboring property owners of re-aligning Mountain Village Boulevard to the south of the existing pavement. Such realignment should strive, to the extent practical, to avoid re-alignment of roadway improvements any further than five feet (5') to ten feet (10') south of the existing payment.
5. The Town Council will need to review and approve the vacation of the westbound right-of-way of Mountain Village Boulevard located in between Lots 1007 and 1008 by ordinance, with such vacation ensuring the eastbound lane has been engineered to meet the CDC requirements for a two lane road.
6. If the land uses deviate significantly from those evaluated in the Comprehensive Plan's traffic analysis, a traffic impact analysis shall be submitted with the required subdivision development application(s) to ensure road and intersections designs have adequate levels of service for the intended uses.
7. The Town shall adopt bylaws creating the Town Hall Center Task Force in order to evaluate development on lots within the Town Hall Subarea. Any development within the Town Hall Subarea shall be required to cooperate with the process for evaluation by the Town Hall Center Task Force as more particularly set forth in the Town Hall Center Task Force Bylaws as adopted by the Town.

## **Section 2. Amendment to Official Zoning Map**

The Official Zoning Map is hereby amended as set forth in Exhibit A, with direction to the Planning Division to amend the Official Zoning Map for the Mayor's signature.

## **Section 3: Effect on Plats and Other Legal Instruments**

This Ordinance replaces and supersedes all land use, zoning, and zoning designations on plats or other legal instruments that affect the TMVOA Property, TFPD Property, TSG Property and the Town Property.

## **Section 4. Ordinance Effect**

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

## **Section 5. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

## **Section 6. Effective Date**

This Ordinance shall become effective on ~~April 20, 2014~~ \_\_\_\_\_, 2021.

## **Section 7. Public Hearing**

A public hearing on this Ordinance was held on the ~~20<sup>th</sup> day of March, 2014~~ in 17th day of June, 2021 the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.



**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ~~20<sup>th</sup> day of February, 2014~~17<sup>th</sup> day of June, 2021.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
~~Dan Jansen~~Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
~~Jackie Kennefiek~~Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ~~20<sup>th</sup> day of March, 2014~~15<sup>th</sup> day of July 2021.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
~~Dan Jansen~~Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
~~Jackie Kennefiek~~Susan JohnstonSusan Johnston, Town Clerk

Approved As To Form:

\_\_\_\_\_  
~~Jim Mahoney, Assistant~~Paul Wisor, Town Attorney

I, ~~Jackie Kennefiek~~Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on ~~February 20, 2014~~June 17<sup>th</sup>, 2021, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
<del>Dan Jansen</del> <u>Laila Benitez</u> , Mayor				
<del>Dan Caton</del> , Mayor Pro Tem				
<del>Jonette Bronson</del> <u>Patrick Berry</u>				
<del>John Howe</del> <u>Natalie Binder</u>				
<del>Michelle Sherry</del> <u>Peter Duprey</u>				
<del>Cath Jett</del> <u>Jack Gilbride</u>				
<del>Dave Schillaci</del> <u>Marti Prohaska</u>				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, ~~2014~~2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on ~~March 20~~July 15, ~~2014~~2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
<del>Laila Benitez, Mayor</del> <u>Dan Jansen, Mayor</u>				
<del>Dan Caton</del> , Mayor Pro Tem				
<del>Patrick Berry</del> <u>Jonette Bronson</u>				
<del>Natalie Binder</del> <u>John Howe</u>				
<del>Peter Duprey</del> <u>Michelle Sherry</u>				
<del>Jack Gilbride</del> <u>Cath Jett</u>				
<del>Marti Prohaska</del> <u>Dave Schillaci</u>				

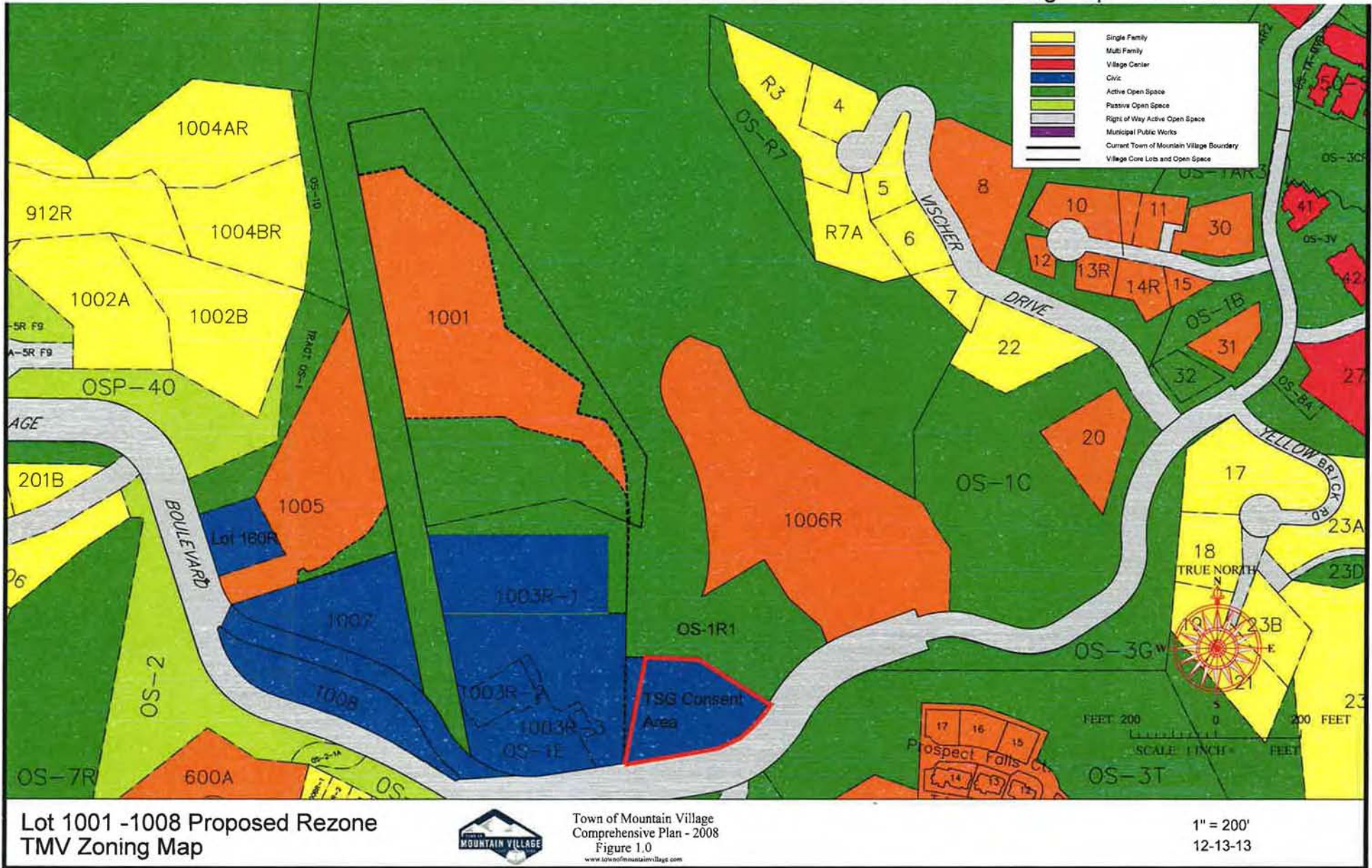
5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_ day of \_\_\_\_\_, ~~2014~~2021.

\_\_\_\_\_  
~~Jackie Kennefiek~~Susan Johnston, Town Clerk

(SEAL)

Exhibit A: Town Hall Subarea Official Zoning Map Amendment



**ORDINANCE NO. 2014-03**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
 COLORADO TO REZONE LOTS 160R, 1001, 1003R-1, 1003R-2, 1003R-3, OS-1E, 1005, 1007,  
 1008, A PORTION OF OS-1R1, AND A PORTION OF THE MOUNTAIN VILLAGE  
 BOULEVARD RIGHT-OF-WAY IN BETWEEN LOTS 1007 AND 1008 FROM THE MULTI-  
 FAMILY AND FULL USE ACTIVE OPEN SPACE ZONE DISTRICTS TO THE CIVIC AND  
 FULL USE ACTIVE OPEN SPACE ZONE DISTRICTS**

**RECITALS**

- A. The Telluride Mountain Village Owners Association (“TMVOA”) is the owner of record of certain real property described as Lot 1007, Lot 1008 and condominium units on Lots 1003R-2 and 1003R-3 (“TMVOA Property”);
- B. The Telluride Fire Protection District (“TFPD”) is the owner of record of certain real property described as Lot 160R (“TFPD Property”);
- C. Telluride Ski and Golf (“TSG”) is the owner of record of certain real property described as a portion of Lot OS-1R1 (“TSG Property”);
- D. The Town of Mountain Village (“Town”) is the owner of certain real property known as Lot 1001, Lot 1005, Lot 1003R-1, land and condominium units on Lot 1003R-2 and 1003R-3, and the Mountain Village Boulevard Right-of-Way (“Town Property”);
- E. The TMVOA Property, the TFPD Property, the TSG Property and the Town Property are collectively referred to herein as the “Property”;
- F. The TMVOA Board of Directors, the TFPD Board of Directors, TSG and the Town Council authorized the Town Community Development Department to prepare and process the rezoning development application for the Property pursuant to the requirements of the Community Development Code (“CDC”);
- G. The Property has the following zoning and zone designations pursuant to the Official Zoning Map, Resolutions and the Official Land Use and Density Allocation, as applicable:

**Table 1 – ZONING AND ZONING DESIGNATIONS FOR THE PROPERTY:**

<b>Lot</b>	<b>General Description</b>	<b>Zone District</b>	<b>Zoning Designation</b>
160R	Municipal Building	Multi-Family	Firehouse/Commercial
1001	Village Court Apts.	Multi-Family	Employee Apt.
1005	Village Court Apts.	Multi-Family	Employee Apt.
1003R-1	Gondola Parking Garage/Town Hall Area	Multi-Family	Multi-family/Commercial
1003R-2	Town Hall/Grocery	Multi-Family	Multi-family/Commercial
1003R-3	Post Office Building	Multi-Family	Multi-family/Commercial
OS-1E	Town Hall Parking Lot	Full Use Active Open Space	NA
1007	North of Lot 1008	Multi-Family	Commercial
1008	Entry Buildings	Multi-Family	Commercial
Mountain Village Blvd. ROW		ROW Active Open Space	NA
Portion of OS-1R1	East of Post Office	Full Use Active Open Space	NA

H. The Town is proposing the following rezoning, with the zone districts illustrated in Exhibit A:

**TABLE 2 - PROPOSED ZONING AND ZONING DESIGNATIONS FOR THE PROPERTY:**

Lot	General Description	Zone District	Zoning Designation
160R	Municipal Building	Civic	Commercial-Civic Uses
1001	Village Court Apts.	Multi-Family	Employee Apt./Condo
		Full Use Active Open Space	NA
1005	Village Court Apts.	Multi-Family	Employee Apt./Condo
		Full Use Active Open Space	NA
1003R-1	Gondola Parking Garage/Town Hall Area	Civic	Commercial-Civic Uses
		Full Use Active Open Space	NA
1003R-2	Town Hall/Grocery	Civic	Commercial-Civic Uses
1003R-3	Post Office Building	Civic	Commercial-Civic Uses
OS-1E	Town Hall Parking Lot	Civic	Commercial-Civic Uses
1007	South of Lot 1008	Civic	Commercial-Civic Uses
1008	Entry Buildings	Civic	Commercial-Civic Uses
Mountain Village Blvd. ROW		Civic	Commercial-Civic Uses
Portion of OS-1R1	East of Post Office	Civic	Commercial-Civic Uses

- I. At a duly noticed and conducted public hearing on January 23, 2014, the Design Review Board recommended to the Town Council that the proposed rezoning be approved with conditions that have been incorporated into this resolution and modified for Council consideration or have been met;
- J. At a duly noticed and conducted public hearing on February 20, 2014, the Town Council approved the final rezoning of the Property as set forth in Exhibit A with the following findings:
  1. **The proposed rezoning is in general conformance with the goals, policies and provisions of the Mountain Village Comprehensive Plan (“Comprehensive Plan”) because the rezoning is:**
    - a. Assisting the community in achieving the Comprehensive Plan’s universal visions statements;
    - b. Promoting a land use pattern as envisioned by the Comprehensive Plan that will provide economic and social vibrancy, maintains a minimum of 60% open space, and better protect and preserve open space areas as shown on the Land Use Plan;
    - c. Implementing the Comprehensive Plan’s principles, policies and actions;
    - d. Encouraging development and redevelopment activities in the Town Hall Center Subarea to promote and focus economic and social vibrancy for visitors and residents;
    - e. Fostering businesses and activities that complement the town's economy such as centers for the arts, culinary institutes, research foundations, education institutes, business incubators, and small businesses;
    - f. Facilitating economic and social vibrancy throughout the year by providing opportunities for amenities, housing, indoor recreational options, cultural opportunities and non-winter activities in the Town Hall Center Subarea;
    - g. Planning for the development and redevelopment of the Town Hall Subarea as envisioned in the Comprehensive Plan, with the Town Hall Center Subarea one of three subareas identified in the Comprehensive Plan for high density infill development planned to achieve the universal vision statements and the Comprehensive Plan’s principles policies

- and actions;
- h. Rezoning open space as envisioned in the Comprehensive Plan, in accordance with the County Settlement Agreement, in areas that are optimal for development, while also preserving those open space areas that have high scenic value, development constraints, resource conservation, or buffering;
  - i. Implementing the Comprehensive Plan's Future Land Use Map that shows Civic Land Uses in the Town Hall Subarea, with all rezoning development applications required to be in compliance with the Comprehensive Plan's Land Use Plan;
  - j. Providing and allowing for a broad mix of community and public facilities, such as government offices, mail facilities, municipal facilities, fire stations, schools, libraries, community college, medical center, and deed restricted housing while also allowing for hotbed development and community-serving commercial uses such as a grocery and liquor store, pharmacy, coffee shop, restaurant, and retail;
  - k. Allowing for a broad range of activities and development that fulfill the goal of creating an active and vital Town Hall/Civic Center;
  - l. Providing a foundation to the vacation of the westbound lane of Mountain Village Boulevard for two-way traffic in the current eastbound lane, with a future Council ordinance required for such vacation and relocation;
  - m. Rezoning land consistent with the concurrent Comprehensive Plan amendment for the expansion of Parcel D; and
  - n. Reinforcing the Town Hall Center Subarea role as the civic hub of the community by encouraging the development and redevelopment of a variety of needed commercial, community, deed restricted housing and service uses that support year-round residents and also serve a purpose for visitors.

**2. The proposed rezoning is consistent with the Zoning and Land Use Regulations because:**

- a. All future development will have to comply with the requirements of the Civic Zone District, including but not limited to the permitted uses, prohibited uses, conditional uses, maximum building height and maximum average height (48 feet), maximum lot coverage and the general easement setback;
- b. The density limitation will not be exceeded since no new dwelling unit density is proposed with this rezoning, with any dwelling unit proposal in the future necessitating a rezoning development application as required by a condition set forth herein;
- c. The CDC platted open space requirement has been met with approximately 3.3 acres of open space being rezoned to the Civic Zone District and approximately 5.2 acres of replacement open space provided as required and allowed by the CDC and the Comprehensive Plan. A condition of approval requires these open space areas to be surveyed and replatted in general conformance with the Official Zoning Map attached hereto as Exhibit A, with the Town receiving a credit for the additional replacement open space provided above and beyond the approximately 3.3 acres being rezoned to the Civic Zone District.

**3. With compliance of a condition set forth herein, the proposed rezoning meets the Comprehensive Plan Project Standards because:**

- a. The rezoning of certain parcels in the Town Hall Center Subarea is a broad rezoning initiated by the Town to implement the Comprehensive Plan, and as such is not required to provide detailed building plans at this time;
- b. Future Design Review Process development applications shall be evaluated by the Town Council and DRB to ensure compliance with the Comprehensive Plan Project Standards as a class 4 development application with action by resolution concurrent with the Design Review Process Class 3 development application; and

- c. It is common for a jurisdiction to initiate a rezoning to implement a plan or achieve desired objectives, with such community based rezoning applications based on plans or objectives rather than a site specific plan.
4. **The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources because:**
- a. The rezoning is in general conformance with the Comprehensive Plan, which is the best expression of the public welfare and public interest;
  - b. The CDC will require future development applications pursuant to the Subdivision Regulations and the Design Regulations, which are geared towards ensuring future development, will be designed to protect the public's health and safety;
  - c. A Colorado Professional Engineer will be required to redesign the reconfigured eastbound lane of Mountain Village Boulevard as a part of the required subdivision development application in accordance with the requirements of the CDC, including but not limited to ensuring required right-of-way and/or easements for the roadway, roadway width, shoulder width, sidewalks, utilities, snow storage, drainage, any parking along the roadway, any required acceleration lanes, and a safe crosswalk for the Boulevard Trail;
  - d. Emergency services will be provided by the TFPD and the Mountain Village Police Department;
  - e. Water, sewer, trash and other required infrastructure are provided; and
  - f. The rezoning allows for the creation of larger development sites as envisioned in the Comprehensive Plan, as concurrently amended by the Council for the expansion of Parcel D, that will provide for the efficiency and economy in the use of the land and its resources, with the goal to achieve the vision statements and associated principles, policies and actions contained in the Comprehensive Plan.
5. **The proposed rezoning is justified because there are specific policies in the Comprehensive Plan that contemplate the rezoning.**
- a. The Comprehensive Plan, as concurrently amended by the Council for the expansion of Parcel D, clearly contemplates the rezoning as documented herein and in the record document.
6. **Adequate public facilities and services are available to serve the intended land uses because:**
- a. Water and sewer service is provided by the Town;
  - b. Fire protection is provided by the TFPD;
  - c. Police protection is provided by the Town Police Department;
  - d. Mass transit connections are provided by the gondola and supplemented by bus service as needed when the gondola is not in operation;
  - e. Parking is readily available in the Gondola Parking Garage, with the Council having the ability to waive or require a parking payment in-lieu for future uses;
  - f. Pedestrian connections are provided by the Boulevard Trail and by future sidewalks leading to the gondola station;
  - g. Daycare and preschool are provided by Mountain Munchkins in Village Court Apartments; and,
  - h. Trash and recycling services are provided by private vendors.
7. **The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion because:**
- a. A Colorado Professional Engineer will be required to redesign the reconfigured eastbound lane of Mountain Village Boulevard as a part of the required subdivision development application in accordance with the requirements of the CDC, including but

not limited to ensuring required right-of-way and/or easements for the roadway, roadway width, shoulder width, sidewalks, utilities, snow storage, drainage, any parking, any required acceleration lanes, and a safe crosswalk for the Boulevard Trail;

- b. As a part of the required subdivision, a Colorado Professional Engineer will be required to ensure that all intersections are designed safely with adequate levels of service so as to not cause congestion or hazards, with traffic impact analyses provided for key intersections;
- c. The Design Review Process will ensure that site-specific issues concerning trash, parking, pedestrian and vehicular access, and deliveries are addressed in accordance with the CDC; and
- d. The transportation study conducted for the Comprehensive Plan indicated that Mountain Village Boulevard and intersections in the area will have adequate capacity to handle the increased traffic caused by the rezoning of the Town Hall Subarea.

**8. With compliance of the conditions set forth herein, the proposed rezoning meets all applicable Town regulations and standards.**

**NOW, THEREFORE, BE IT RESOLVED** that the Town Council approves the rezoning of the Property as set forth in Exhibit A, subject to the conditions set forth in Section 1 below.

**Section 1. Conditions of Approval**

- 1. This Ordinance, as it relates only to the TSG Consent Area, is conditioned upon the Town's approval of the concurrent Comprehensive Plan amendment which is consistent with the proposed rezoning of the TSG Consent Area. In the event the Town Council fails to approve such an amendment to the Comprehensive Plan, the TSG Consent Area shall retain its current zoning.
- 2. Any future proposed condominium, lodge, and efficiency lodge units that are in general conformance with the Comprehensive Plan shall require a subsequent Rezoning Process and Density Transfer Process development applications to allow for such uses pursuant to the CDC.
- 3. Future Design Review Process development applications shall be evaluated by the Town Council and DRB to ensure compliance with the Comprehensive Plan Project Standards as a class 4 development application with action by resolution concurrent with the Design Review Process Class 3 development application. In evaluating any development applications, regardless of whether submitted pursuant to Section 17.4.12 of the CDC's Comprehensive Plan or not, the DRB and Town Council shall evaluate ways to minimize visual and other adverse impacts to neighboring properties, including minimizing perceived building heights and massing impacts on neighboring residential properties. The DRB and Town Council shall also evaluate any development application in order to, to the extent practical; minimize other impacts to neighboring properties, such as noise, light pollution and surface parking.
- 4. Any future development application proposing to re-align Mountain Village Boulevard in the Town Hall subarea shall provide (a) adequate road right of way and/or easements to meet the road way standards as set forth in the CDC; and (b) provide adequate easements or road right of way for utility infrastructure to the Town and provide for adequate pedestrian crossings from adjacent properties. Any re-alignment of Mountain Village Boulevard shall also take into consideration the potential impacts to neighboring property owners of re-aligning Mountain Village Boulevard to the south of the existing pavement. Such realignment should strive, to the extent practical, to avoid re-alignment of roadway improvements any further than five feet (5') to ten feet (10') south of the existing payment.



5. The Town Council will need to review and approve the vacation of the westbound right-of-way of Mountain Village Boulevard located in between Lots 1007 and 1008 by ordinance, with such vacation ensuring the eastbound lane has been engineered to meet the CDC requirements for a two lane road.
6. If the land uses deviate significantly from those evaluated in the Comprehensive Plan's traffic analysis, a traffic impact analysis shall be submitted with the required subdivision development application(s) to ensure road and intersections designs have adequate levels of service for the intended uses.
7. The Town shall adopt bylaws creating the Town Hall Center Task Force in order to evaluate development on lots within the Town Hall Subarea. Any development within the Town Hall Subarea shall be required to cooperate with the process for evaluation by the Town Hall Center Task Force as more particularly set forth in the Town Hall Center Task Force Bylaws as adopted by the Town.

## **Section 2. Amendment to Official Zoning Map**

The Official Zoning Map is hereby amended as set forth in Exhibit A, with direction to the Planning Division to amend the Official Zoning Map for the Mayor's signature.

## **Section 3: Effect on Plats and Other Legal Instruments**

This Ordinance replaces and supersedes all land use, zoning, and zoning designations on plats or other legal instruments that affect the TMVOA Property, TFPD Property, TSG Property and the Town Property.

## **Section 4. Ordinance Effect**

- A. This Ordinance shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.
- B. All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

## **Section 5. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

## **Section 6. Effective Date**

This Ordinance shall become effective on April 20, 2014.

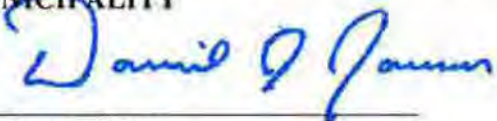
## **Section 7. Public Hearing**

A public hearing on this Ordinance was held on the 20<sup>th</sup> day of March, 2014 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

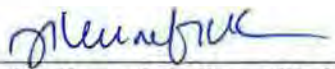
**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 20<sup>th</sup> day of February, 2014.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

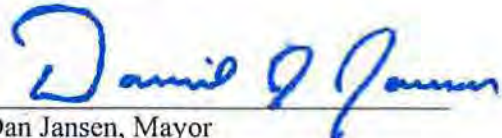
ATTEST:

  
Jackie Kennefick, Town Clerk

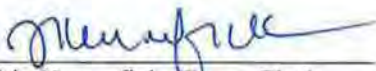
**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 20<sup>th</sup> day of March, 2014.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Dan Jansen, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

Approved As To Form:

  
Jim Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2014-03 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on February 20, 2014, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Jonette Bronson	X			
John Howe	X			
Michelle Sherry			X	
Cath Jett	X			
Dave Schillaci	X			

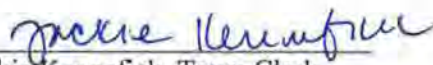
3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on February 25, 2014 in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on March 20, 2014. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Dan Jansen, Mayor	X			
Jonette Bronson	X			
John Howe	X			
Michelle Sherry	X			
Cath Jett			X	
Dave Schillaci	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

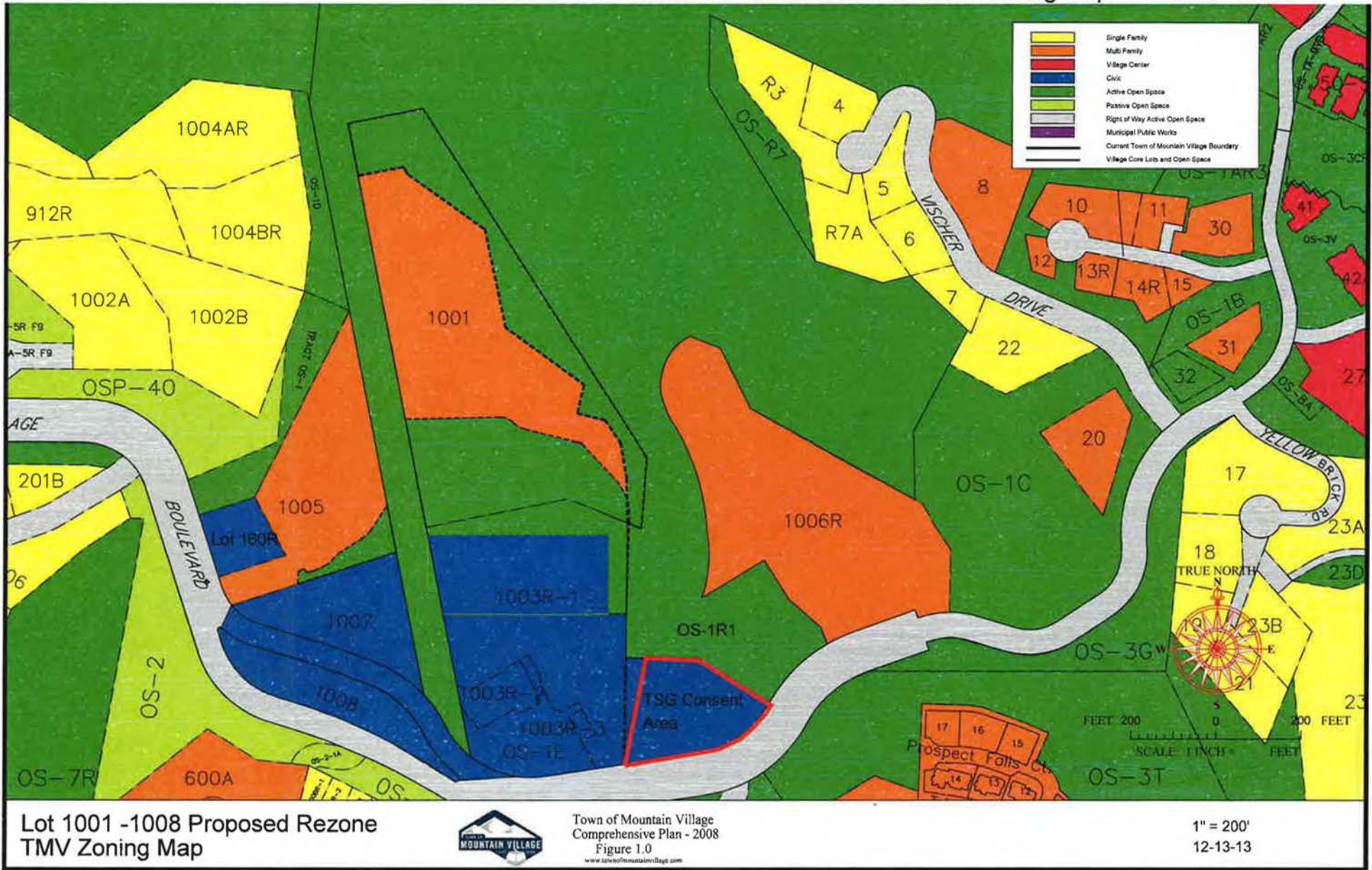
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 20th day of March, 2014.

  
Jackie Kennefick, Town Clerk

(SEAL)



Exhibit A: Town Hall Subarea Official Zoning Map Amendment



Lot 1001 -1008 Proposed Rezone  
TMV Zoning Map



Town of Mountain Village  
Comprehensive Plan - 2008  
Figure 1.0  
www.townofmountainvillage.com

1" = 200'  
12-13-13



AGENDA ITEM 4C  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Mountain Village Town Council  
**FROM:** Paul Wisor, Town Attorney  
**FOR:** Town Council Meeting, June 17, 2021  
**DATE:** June 11, 2021  
**RE:** **Dissolving the Town Hall Subarea Planning Committee and the Conference Center Committee**

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**OVERVIEW**

The Town Hall Subarea Planning Committee and the Conference Committee have served their respective purposes. Having fulfilled their mission, it is appropriate to know dissolve those committees.

**PROPOSED MOTION**

I move to dissolve the Town Hall Subarea Planning Committee and the Conference Center Committee.



AGENDA ITEM 5  
**PLANNING & DEVELOPMENT SERVICE**  
**PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392


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**TO:** Mountain Village Town Council  
**FROM:** Michelle Haynes, Planning and Development Services Director  
**FOR:** Town Council Meeting, June 17, 2021  
**DATE:** June 4, 2021  
**RE:** Comprehensive Plan Amendment – Economic Conditions and Implications

---

These materials will be provided via a public forum on Wednesday June 16<sup>th</sup> and then recapped with public and Council discussion on June 17<sup>th</sup>, 2021.

/mbh

 <b>Business and Government Activity Report</b> For the month ending: May 31st									
Activity	2021			2020			YTD or MTD Variance		
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %	
<b>Cable/Internet</b> <i>Reporting criteria is changing, prior period data not comparable. *New</i>									
TV Residential Sunscribers	465	(6)		NA	NA		NA	NA	
Fiber Video *	126	0		NA	NA		NA	NA	
TV Bulk Subscribers	612	0		NA	NA		NA	NA	
Fiber Commercial *	12	0		NA	NA		NA	NA	
TV Inactive Digital Subscribers	102	30		NA	NA		NA	NA	
Cable Modem Residential Cable Modem Subscribers	775	(8)		NA	NA		NA	NA	
Cable Modem Business Net Service Subscribers	33	(3)		NA	NA		NA	NA	
Cable Modem Hospitality Subscribers	272	0		NA	NA		NA	NA	
Dark Fiber Transport	8	0		NA	NA		NA	NA	
Fiber Hospitality Subscribers	8	0		NA	NA		NA	NA	
Fiber Residential Subscribers	341	16		NA	NA		NA	NA	
Phone Subscribers	66	(1)		86	(1)		(20)	-23.26%	
<b>Village Court Apartments</b>									
Occupancy Rate	%	99.55%	-0.45%	99.73%	97.73%	-1.82%	99.27%	0.46%	0.5%
# Vacated Units		2	0	10	4	3	9	1	11.1%
# Work Orders Completed		12	2	68	13	7	109	(41)	-37.6%
# on Waiting List		240	0		180	11		60	33.3%
<b>Public Works</b> <i>The increase in service calls is due to an increase in number of UNCC line locates we have due to the fiber project</i>									
Service Calls		1,025	82	4,212	1,056	245	3,685	527	14.3%
Truck Rolls		424	90	1,162	454	454	454	708	155.9%
Snow Fall	Inches	0	(4)	188	0	(9)	142	46	32.4%
Snow Removal - Streets & Prkg Lots	Hours	0	(56)	2,396	0	(73)	2,526	(130)	-5.1%
Roadway Maintenance	Hours	360	88	799	136	65	424	375	88.4%
Water Billed Consumption	Gal.	4,919,000	(609,000)	64,174,000	6,326,000	1,787,000	50,226,000	13,948,000	27.8%
Sewage Treatment	Gal.	6,984,000	(540,000)	40,357,000	5,934,000	(504,000)	42,983,000	(2,626,000)	-6.1%
<b>Child Development Fund</b> <i>The child care facility closed early in March 2020 due to the pandemic</i>									
# Infants Actual Occupancy		5.88	0.42		0.00	0.00		5.88	NA
# Toddlers Actual Occupancy		13.00	(0.38)		0.00	0.00		13.00	NA
# Preschoolers Actual Occupancy		15.19	0.19		0.00	0.00		15.19	NA
<b>Transportation and Parking</b> <i>Inbound traffic counter is not available at this time.</i>									
GPG (noon snapshot)		1,954	(459)	34,043	772	(30)	27,966	6,077	21.7%
GPG Parking Utilization (% of total # of spaces occupied)		13.7%	-3.80%	49.0%	5.40%	-0.40%	39.7%	9.3%	23.4%
HPG (noon snapshot)		465	(131)	8,791	246	134	5,592	3,199	57.2%
HPG Parking Utilization (% of total # of spaces occupied)		14.2%	-4.50%	54.9%	7.50%	4.00%	34.5%	20.4%	59.1%
Total Parking (noon snapshot)		4,799	(497)	61,864	2,647	252	47,649	14,215	29.8%
Parking Utilization (% of total # of spaces occupied)		19.1%	-2.70%	50.6%	10.60%	0.70%	38.5%	12.1%	31.4%
Paid Parking Revenues		\$8,626	(\$3,197)	\$175,584	\$608	\$959	\$120,136	\$55,448	46.2%
Bus Routes	# of Passengers	3,399	1,227	5,650	1,394	355	3,164	2,486	78.6%
Employee Shuttle	# of Passengers	0	0	0	0	0	3,598	(3,598)	-100.0%
Employee Shuttle Utilization Rate	%	0.00%	0.00%	0.0%	0.00%	0.00%	47.0%	-47.00%	-100.0%
Inbound (Vehicle) Traffic (Entrance)	# of Cars	0	0	0	38,838	14,647	260,753	(260,753)	-100.0%
Part Time EEs: Council (7), Judge (1), Child Care (5), GIS (1) MARRS: 6 employees Seasonal EEs: Gondola Ops, Plaza/ Sanitation Services, Groundskeepers New Hires: 1 Gondola Op FTYR, 5 Gondola Seasonal, 2 seasonal Groundskeepers, 2 Sanitation Services, 1 PT Childcare Assistant, 1 FT Water Tech Terms: 3 Gondola seasonal Reason for Terms: end of season/other job									
<b>Human Resources</b>									
FT Year Round Head Count		80	2		61	0		19	31.1%
Seasonal Head Count (FT & PT)		4	4		0	0		4	NA
PT Year Round Head Count		14	0		8	0		6	75.0%
Gondola FT YR, Seasonal, PT YR Head Count		46	3		38	31		8	21.1%
Total Employees		144	9		107	31		37	34.6%
Gondola Overtime Paid	Hours	305	142	1,015	11	(90)	960	55	5.7%
Other Employee Overtime Paid		60	3	322	59	39	213	109	51.2%
# New Hires Total New Hires		12	8	25	0	0	0	25	NA
# Terminations		3	(15)	31	1	(12)	1	30	3000.0%
# Workmen Comp Claims		0	(1)	4	0	0	0	4	NA
Workmen Comp Claims Costs		\$0	(\$2,396)	\$12,266	\$52	(\$936)	\$2,450	\$9,816	400.7%
Number of Reported Injuries		0	(1)	5	1	0	1	4	400.0%
<b>Marketing &amp; Business Development</b> <i>Town hosted meetings include Zoom meetings due to COVID-19</i>									
Town Hosted Meetings		4	(1)	27	21	4	58	(31)	-53.4%
Email Correspondence Sent		13	6	70	12	2	74	(4)	-5.4%
E-mail List	#	8,373	(384)		7,988	(9)		385	4.8%
Ready-Op Subscribers		1,987	0		1,997	0		(10)	-0.5%
News Articles		23	7	125	26	15	98	27	27.6%
Press Releases Sent		4	3	13	3	2	11	2	18.2%
<b>Gondola and RETA</b>									
Gondola	# of Passengers	43,138	6,161	853,895	0	0	923,825	(69,930)	-7.6%
Chondola	# of Passengers	0	(2,870)	77,388	0	0	80,532	(3,144)	-3.9%
RETA fees collected by TMVOA		\$ 1,853,196	\$ 294,625	\$ 7,684,182	\$ 158,590	\$ (104,927)	\$ 1,947,678	\$5,736,504	294.5%



**Business and Government Activity Report**  
For the month ending: May 31st

Activity	2021			2020			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %

Recreation									
		Winter = Nov 1 - Apr 30							
Disc Golf Registrations	209	209	209	0	0	0	209.00	NA	
Platform Tennis Registrations	39	19	194	na	NA	64	130	203.1%	

Police									
Calls for Service	#	415	42	2,382	155	40	1,492	890	59.7%
Investigations	#	7	(4)	82	4	2	56	26	46.4%
Alarms	#	10	(1)	99	19	3	99	0	0.0%
Arrests	#	0	0	8	0	0	9	(1)	-11.1%
Summons	#	1	1	7	1	1	12	(5)	-41.7%
Traffic Contacts	#	7	(6)	70	5	4	70	0	0.0%
Traffic Tickets Written	#	0	(1)	1	1	1	12	(11)	-91.7%
Parking Tickets Written	#	203	(23)	1,756	0	(1)	863	893	103.5%
Administrative Dismissals	#	1	0	22	0	0	13	9	69.2%

Building/Planning									
Community Development Revenues		\$133,789	(\$132,339)	\$968,147	\$25,427	\$23,886	\$84,901	\$883,246	1040.3%
# Permits Issued		63	7	201	30	21	125	76	60.8%
Valuation of Mtn Village Remodel/New/Additions Permits		\$5,241,924	(\$806,828)	\$28,045,590	\$458,150	\$403,150	\$1,016,150	\$27,029,440	2660.0%
Valuation Mtn Village Electric/Plumbing/Other Permits		\$1,019,438	\$375,283	\$1,974,130	\$124,101	\$44,001	\$1,452,830	\$521,300	35.9%
Valuation Telluride Electric/Plumbing Permits		\$472,543	\$85,033	\$1,544,522	\$214,200	\$153,200	\$790,707	\$753,815	95.3%
# Inspections Completed		569	173	1,907	180	27	1,028	879	85.5%
# Design Review/Zoning Agenda Items		14	0	76	9	0	54	22	40.7%
# Staff Review Approvals		55	17	151	38	(10)	114	37	32.5%

Plaza Services									
Due to unforeseen circumstances, Plaza Services data is unavailable at this time									
Snow Removal Plaza	Hours	NA	NA	795	0	(3)	971	(176)	-18.1%
Plaza Maintenance	Hours	NA	NA	2,476	137	96	1,486	990	66.6%
Lawn Care	Hours	NA	NA	44	97	70	166	(122)	-73.5%
Plant Care	Hours	NA	NA	287	95	92	219	69	31.4%
Irrigation	Hours	NA	NA	114	226	226	234	(120)	-51.3%
TMV Trash Collection	Hours	NA	NA	420	65	4	397	23	5.9%
Christmas Decorations	Hours	NA	NA	455	3	(43)	506	(51)	-10.1%
Residential Trash	Pound	NA	NA	319,155	21,150	(53,628)	108,525	210,630	194.1%
Residential Recycle	Pound	NA	NA	123,795	17,246	(13,774)	149,978	(26,183)	-17.5%
Diversion Rate	%	NA	NA	27.95%	44.92%	15.60%	58.02%	-30.07%	-51.8%

Vehicle Maintenance									
# Preventive Maintenance Performed		16	(7)	105	25	5	96	9	9.4%
# Repairs Completed		19	(3)	128	27	15	104	24	23.1%
Special Projects		0	0	4	5	3	8	(4)	-50.0%
# Roadside Assists		1	1	2	0	0	0	2	NA

Finance									
# Other Business Licenses Issued		41	0	1,059	24	4	921	138	15.0%
# Privately Licensed Rentals		2	1	84	0	(2)	68	16	23.5%
# Property Management Licensed Rentals		8	7	440	4	(3)	421	19	4.5%
# Unique VRBO Property Advertisements Listings for MV		504	0	449	449	3	55	55	12.2%
# Paperless Billing Accts (total paperless customers)		1,159	105	1,126	1,126	14	33	33	2.9%
# of TMV AR Bills Processed		2,190	140	10,863	2,191	159	10,655	208	2.0%

Accounts Receivable						General Fund Investment Activity			
	TMV Operating Receivables (includes Gondola funding)		Utilities - Broadband and Water/Sewer		VCA - Village Court Apartments				
Current	\$511,047	98.7%	\$391,594	84.7%	\$2,632	29.6%	Change in Value (Month)		(\$482,096)
30+ Days	216	0.0%	43,221	9.3%	614	6.9%	Ending Balance		\$9,473,471
60+ Days	864	0.2%	12,109	2.6%	-	0.0%	Investment Income (Month)		\$3,800
90+ Days	250	0.0%	9,468	2.0%	5,659	63.5%	Portfolio Yield		na
over 120 days	5,602	1.1%	5,913	1.3%	-	0.0%	Yield Change (Month)		na
Total	\$ 517,979	100.0%	\$ 462,305	100.0%	\$ 8,905	100.0%			
	Other Billings - CDF, Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR		Other Statistics		
Current	\$29,469	73.7%	\$ 934,742	90.8%	(\$410,405)	56.9%	Population (estimated)		1,434
30+ Days	3,984	10.0%	48,035	4.7%	33,483	-4.6%	(Active) Registered Voters		873
60+ Days	2,033	5.1%	15,006	1.5%	(344,264)	47.7%	Property Valuation		310,031,920
90+ Days	218	0.5%	15,595	1.5%	7,237	-1.0%			
over 120 days	4,257	10.7%	15,772	1.5%	(7,391)	1.0%			
Total	\$39,961	100.0%	\$ 1,029,150	100.0%	\$ (721,339)	100.0%			





Memorandum

**To:** Town Council  
**From:** Julie Vergari, Chief Accountant  
**Date:** June 10, 2021  
**Re:** Town of Mountain Village Financial Statements through April 2021

**Mountain Village Financials Statements through April 2021**

**General Fund Summary**

The April financials reflect budgets adopted for 2021 and prorated accordingly. As of April 30, 2021, the General Fund reflects a surplus of \$4 million primarily resulting from front end loaded property tax, sales tax collections, and development revenues. Revenues of \$7 million were over the budget by \$1.9 million.

Total GF operating expenditures of \$2.9 million were under budget by \$205,600. Many budgets reflect budget overages due to the retroactive salary and wage increase.

Transfers to other funds include:

<b>Fund</b>	<b>This Month</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Budget Variance</b>
Capital Projects Fund (From GF)	\$ 674	\$ -	\$ 674	674
Child Development Fund	\$ -	\$ 57,579	\$ -	(57,579)
Conference Center Subsidy	\$ 28,178	\$ 65,769	\$ 63,122	(2,647)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 19,845	\$ 98,315	\$ 292,561	194,246
Vehicle & Equipment Acquisition Fund	\$ -	\$ -	\$ -	-

Income transfers from other funds include:

<b>Fund</b>	<b>This Month</b>	<b>YTD Budget</b>	<b>YTD Actual</b>	<b>Budget Variance</b>
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 53,599	\$ 229,874	\$ 222,980	(6,894)
*Tourism Fund	\$ 4,214	\$ 33,644	\$ 45,910	12,266
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 1,346	\$ 8,647	\$ 6,563	(2,084)

**Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached**

There has been very little activity in this fund to date, \$576.

**Capital Projects Fund – No Fund Income Statement Attached**

\$422 has been spent on shop remodel costs and \$252 has been spent on Country Club title work.

**Historical Museum Fund – No Fund Income Statement Attached**

\$82,111 in property taxes were collected and \$80,469 was tendered to the historical museum. The county treasurer retained \$1,642 in treasurer’s fees.

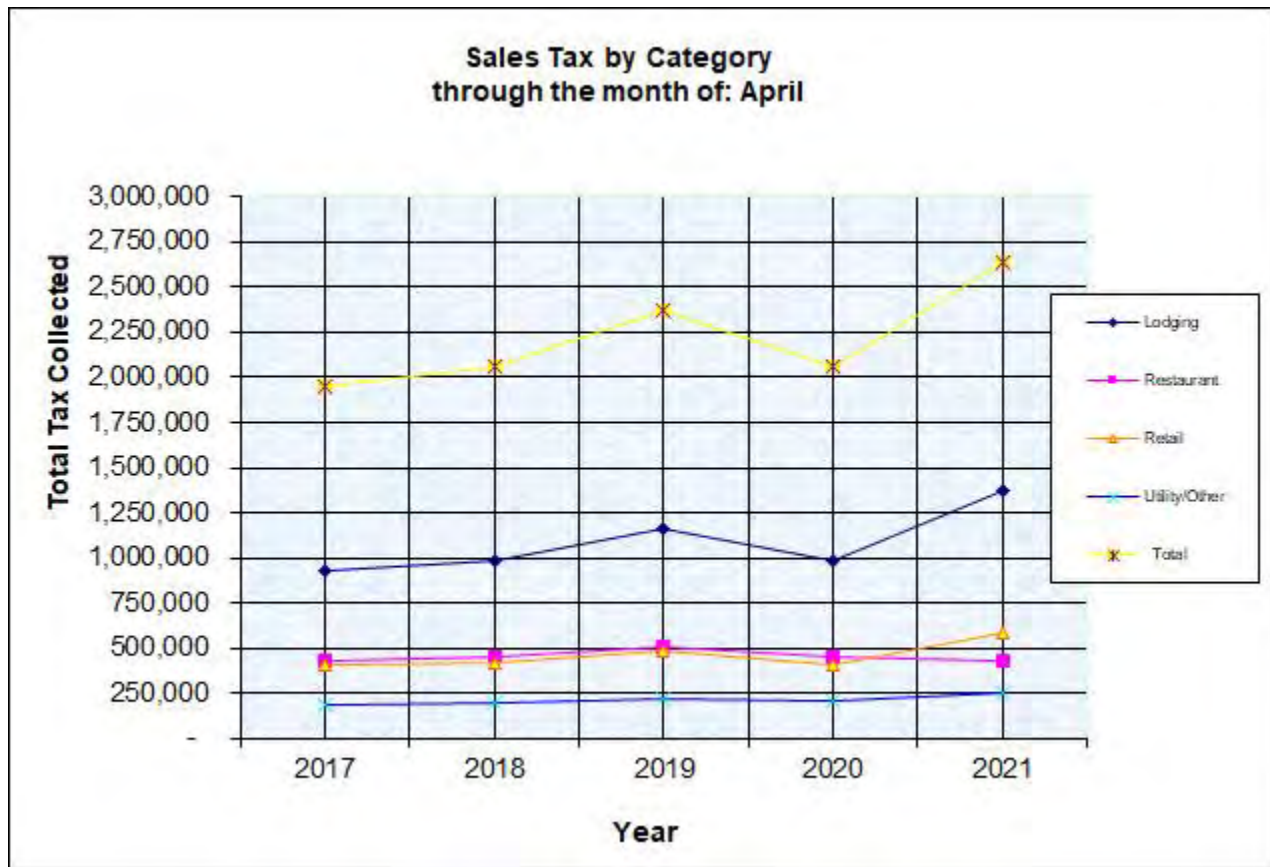
**Mortgage Assistance Fund – No Fund Income Statement Attached**

There has been \$6,521 in interest collected in this fund to date.

**Sales Tax**

Sales taxes of \$2.6 million are 28% over 2020 through this period and are over budget. Retail shows the highest increase at 42.7%, followed by Lodging at 39.2%. March 2021 was the highest collection month on record.

Actual Sales Tax Base By Class, Through April 2021										
Category	Actual 2017	Actual 2018	PY % Increase	Actual 2019	PY % Increase	Actual 2020	PY % Increase	Actual 2021	PY \$ Variance	PY % Increase
	4.5%	4.5%	2017 to 2018	4.5%	2018 to 2019	4.5%	2019 to 2020	4.5%	2020 to 2021	2020 to 2021
Lodging	20,683,750	21,909,232	6%	25,758,674	18%	21,893,516	-15%	30,474,973	8,581,456	39.20%
Restaurant	9,514,031	10,137,216	7%	11,282,634	11%	10,088,658	-11%	9,486,975	(601,683)	-5.96%
Retail	9,022,652	9,276,418	3%	10,705,758	15%	9,108,175	-15%	12,995,302	3,887,127	42.68%
Utility/Other	4,178,720	4,446,928	6%	4,847,311	9%	4,586,199	-5%	5,541,083	954,884	20.82%
<b>Total</b>	<b>43,399,153</b>	<b>45,769,794</b>	<b>5%</b>	<b>52,594,377</b>	<b>15%</b>	<b>45,676,549</b>	<b>-13%</b>	<b>58,498,332</b>	<b>12,821,784</b>	<b>28.07%</b>



## Tourism Fund

2021 restaurant taxes totaling \$189,525 have been collected and \$185,735 was tendered to the airline guarantee program. \$1.1 million in lodging taxes were collected and \$1,129,151 was tendered to the airline guarantee program and to MTI. The Town retained \$20,985 in administrative fees, and penalties and interest of \$712.

Lodging taxes are over prior year by 31.1% and over budget by 52%. Restaurant taxes are under prior year by 5.6% and over budget 19%, respectively.

Town of Mountain Village Colorado Lodging Tax Summary									
	2017	2018	2019	2020	2021		2020	2021	Budget
	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)		Var %	Budget (1)	Var %
January	245,628	273,707	300,246	325,337	271,522		-16.54%	205,924	24.16%
February	260,809	262,096	310,947	334,936	358,131		6.93%	212,240	40.74%
March	312,990	322,588	401,256	212,698	474,872		123.26%	132,906	72.01%
April	8,353	18,205	17,822	855	41,821		4790.10%	500	98.80%
May	12,493	18,134	24,335	784	-		-100.00%	554	NA
June	122,193	137,760	139,428	55,426	-		-100.00%	34,095	NA
July	158,585	170,730	196,062	242,927	-		-100.00%	151,026	NA
August	112,264	136,080	160,993	226,805	-		-100.00%	142,644	NA
September	148,624	171,040	158,287	173,096	-		-100.00%	110,511	NA
October	34,399	34,696	46,789	94,985	-		-100.00%	60,115	NA
November	18,535	17,307	14,761	38,597	-		-100.00%	23,842	NA
December	290,808	283,658	295,803	266,888	-		-100.00%	161,269	NA
<b>Total</b>	<b>1,725,680</b>	<b>1,846,001</b>	<b>2,066,729</b>	<b>1,973,334</b>	<b>1,146,346</b>		<b>-41.91%</b>	<b>1,235,627</b>	<b>-7.79%</b>
<b>Tax Base</b>	<b>43,142,003</b>	<b>46,150,032</b>	<b>51,668,223</b>	<b>49,333,357</b>	<b>28,658,662</b>			<b>30,890,675</b>	

Town of Mountain Village Colorado Restaurant/Bar Tax Summary									
	2017	2018	2019	2020	2021		2020	2021	Budget
	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)		Var %	Budget (1)	Var %
January	54,097	57,188	62,864	73,576	45,206		-38.56%	56,344	-24.64%
February	60,144	63,140	66,720	76,476	59,218		-22.57%	58,501	1.21%
March	74,202	75,202	87,671	50,565	79,916		58.05%	38,723	51.55%
April	1,829	7,119	7,364	85	5,185		6015.36%	65	98.75%
May	4,448	4,838	4,299	553	-		-100.00%	424	NA
June	34,365	39,048	38,614	9,040	-		-100.00%	6,923	NA
July	46,470	46,603	60,113	37,654	-		-100.00%	28,836	NA
August	34,998	39,031	44,673	37,777	-		-100.00%	28,929	NA
September	39,291	36,920	42,922	32,718	-		-100.00%	25,055	NA
October	13,519	12,695	17,657	19,674	-		-100.00%	15,066	NA
November	5,352	7,221	3,503	8,215	-		-100.00%	6,292	NA
December	54,303	53,383	57,178	39,602	-		-100.00%	30,327	NA
<b>Total</b>	<b>423,017</b>	<b>442,390</b>	<b>493,579</b>	<b>385,935</b>	<b>189,525</b>		<b>-50.89%</b>	<b>295,485</b>	<b>-55.91%</b>
<b>Tax Base</b>	<b>21,150,852</b>	<b>22,119,524</b>	<b>24,678,936</b>	<b>19,296,742</b>	<b>9,476,233</b>			<b>14,774,250</b>	

Business license fees of \$311,073 are over budget (8%) and prior year (4%). \$292,408 was remitted to MTI and \$24,180 in admin fees and penalties were transferred to the General Fund.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
April 2021**

	2021					2020	2019	2018	
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
<b>Revenues</b>									
Charges for Services	\$ 235,380	\$ 49,596	\$ 185,784	374.59%	\$ 291,458	\$ 56,078	\$ 37,603	\$ 59,954	\$ 112,221
Contributions	10,368	2,230	8,138	364.93%	33,340	22,972	19,818	1,036	-
Fines and Forfeits	100	5,303	(5,203)	-98.11%	11,841	11,741	2,130	5,354	2,164
Interest Income	(40,560)	48,921	(89,481)	-182.91%	100,000	140,560	133,863	91,501	(2,050)
Intergovernmental	258,780	228,448	30,332	13.28%	413,533	154,753	264,963	261,087	246,413
Licenses and Permits	209,758	33,813	175,945	520.35%	339,828	130,070	34,109	50,678	112,759
Miscellaneous Revenues	12,330	16,007	(3,677)	-22.97%	89,118	76,788	43,830	25,405	18,241
Taxes and Assessments	6,385,716	4,787,291	1,598,425	33.39%	8,653,973	2,268,257	5,235,616	5,520,301	5,241,937
<b>Total Revenues</b>	<b>7,071,872</b>	<b>5,171,609</b>	<b>1,900,263</b>	<b>36.74%</b>	<b>9,933,091</b>	<b>2,861,219</b>	<b>5,771,932</b>	<b>6,015,316</b>	<b>5,731,685</b>
<b>Operating Expenses</b>									
Legislation & Council	25,691	22,706	2,985	13.15%	115,516	89,825	21,048	20,690	22,417
Town Manager	102,943	101,579	1,364	1.34%	269,210	166,267	129,654	78,193	82,869
Town Clerk's Office	100,291	115,312	(15,021)	-13.03%	311,190	210,899	124,364	112,764	111,046
Finance	394,184	382,863	11,321	2.96%	894,821	500,637	372,287	349,172	345,084
Technical	193,971	219,949	(25,978)	-11.81%	507,346	313,375	191,040	142,004	154,547
Human Resources	112,321	105,249	7,072	6.72%	341,381	229,060	111,348	115,508	113,037
Town Attorney	71,583	73,817	(2,234)	-3.03%	310,000	238,417	118,892	148,705	139,869
Communications and Business Development	191,494	198,781	(7,287)	-3.67%	539,144	347,650	128,348	153,873	97,292
Municipal Court	9,532	8,644	888	10.27%	34,255	24,723	8,612	9,918	9,016
Police Department	347,427	335,046	12,381	3.70%	1,032,734	685,307	298,916	287,366	273,150
Community Services	18,698	19,522	(824)	-4.22%	59,610	40,912	16,871	16,967	14,778
Community Grants and Contributions	53,838	53,838	-	0.00%	112,338	58,500	84,293	62,363	32,850
Roads and Bridges	204,901	260,543	(55,642)	-21.36%	1,136,648	931,747	261,178	220,701	220,851
Vehicle Maintenance	137,486	142,878	(5,392)	-3.77%	464,635	327,149	124,562	130,941	141,324
Municipal Bus	34,081	17,401	16,680	95.86%	218,440	184,359	43,171	32,163	33,440
Employee Shuttle	7,528	16,844	(9,316)	-55.31%	79,983	72,455	20,230	12,664	15,225
Parks & Recreation	149,438	184,163	(34,725)	-18.86%	514,139	364,701	148,722	153,650	175,520
Plaza Services	394,231	443,474	(49,243)	-11.10%	1,410,250	1,016,019	399,533	399,688	388,081
Public Refuse Removal	19,880	18,637	1,243	6.67%	61,345	41,465	17,715	19,026	19,476
Building/Facility Maintenance	93,122	92,070	1,052	1.14%	285,248	192,126	78,315	72,693	43,991
Building Division	82,759	117,895	(35,136)	-29.80%	95,000	12,241	90,259	59,825	84,723
Housing Division Office	7,347	5,864	1,483	25.29%	438,406	431,059	5,973	5,863	5,559
Planning and Zoning Division	137,213	158,507	(21,294)	-13.43%	21,696	(115,517)	75,484	96,110	104,351
Contingency	-	-	-	NA	686,553	686,553	-	-	-
<b>Total Operating Expenses</b>	<b>2,889,959</b>	<b>3,095,582</b>	<b>(205,623)</b>	<b>-6.64%</b>	<b>9,939,888</b>	<b>7,049,929</b>	<b>2,870,815</b>	<b>2,700,847</b>	<b>2,628,496</b>
Surplus / Deficit	4,181,913	2,076,027	2,105,886	101.44%	(6,797)	(4,188,710)	2,901,117	3,314,469	3,103,189
Capital Outlay	58,130	58,130	-	0.00%	191,535	133,405	142	41,524	24,555
Surplus / Deficit	4,123,783	2,017,897	2,105,886	104.36%	(198,332)	(4,322,115)	2,900,975	3,272,945	3,078,634
<b>Other Sources and Uses</b>									
Sale of Assets	-	-	-	NA	-	-	-	12,496	14,183
Transfer (To) From Affordable Housing	(292,561)	(98,315)	(194,246)	197.58%	(415,792)	(123,231)	(221,163)	(263,131)	(229,585)
Transfer (To) From Affordable Housing-Housing Off	-	-	-	NA	21,696	21,696	-	-	-
Transfer (To) From Broadband	-	-	-	NA	(447,120)	(447,120)	-	-	-
Transfer (To) From Child Development	-	(57,579)	57,579	-100.00%	(126,770)	(126,770)	-	(9,660)	(1,662)
Transfer (To) From Capital Projects	(674)	-	(674)	NA	(1,046,546)	(1,046,546)	(16,629)	-	(19,724)
Transfer (To) From Debt Service	6,563	8,647	(2,084)	-24.10%	32,000	25,437	6,681	8,597	9,881
Transfer (To) From Overhead Allocation	222,980	229,874	(6,894)	-3.00%	590,993	368,013	223,966	233,139	165,825
Transfer (To) From Parking Services	-	-	-	NA	-	-	-	-	-
Transfer (To) From Conference Center	(63,122)	(65,769)	2,647	-4.02%	(151,538)	(88,416)	(113,803)	(79,849)	(102,882)
Transfer (To) From Tourism	45,910	33,644	12,266	36.46%	51,362	5,452	42,113	16,620	33,843
Transfer (To) From Vehicle/Equipment	-	-	-	NA	(290,831)	(290,831)	(62,402)	(14,602)	(206,816)
Transfer (To) From Water/Sewer	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>(80,904)</b>	<b>50,502</b>	<b>(131,406)</b>	<b>-260.20%</b>	<b>(1,782,546)</b>	<b>(1,701,642)</b>	<b>(141,237)</b>	<b>(96,390)</b>	<b>(336,938)</b>

Actual YTD	2021				Annual Budget	Budget Balance	2020	2019	2018
	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Actual YTD			Actual YTD	Actual YTD	

Surplus / Deficit \$ 4,042,879 \$ 2,068,399 \$1,974,480 95.46% \$ (1,980,878) \$ (6,023,757) \$ 2,759,738 \$ 3,176,555 \$ 2,741,696

<u>Beginning Fund Balance Components</u>	<u>Actual YTD</u>	<u>Annual Budget</u>
Emergency Reserve	\$ 3,478,961	\$ 3,478,961
Unreserved	10,326,924	9,327,247
<b>Beginning Fund Balance</b>	\$ 13,805,885	\$ 12,806,208
<u>YTD Ending Fund Balance Components</u>		
Emergency Reserve	\$ 3,478,961	\$ 3,478,961
Unreserved	14,369,803	7,346,369
<b>Ending Fund Balance</b>	\$ 17,848,764	\$ 10,825,330

**Revenues**

Taxes & Assessments - Property taxes are over budget 4%. This is mainly due to the timing of receipts. Specific Ownership taxes are over budget \$7,000 and are \$5,300 over prior year. We have collected 70% of the annual budget in sales tax revenues. Construction use tax is at 72% of the annual budget.  
Licenses & Permits - Construction permits are over budget \$151,000.  
Intergovernmental - Intergovernmental revenues are exceeding budget in R&B taxes.  
Charges for Services - DRB fees and plan review fees are over budget \$67,204 and \$97,794, as well as road impact fees, \$43,461.  
Fines & Forfeitures - \$100 in fines have been assessed to date.  
Investment Income - Investment income is down and is netted with gains or losses on investments.  
Miscellaneous - Plaza use application fees and Plaza use fees are under budget.  
Contributions - Defensible space and roof rebate contributions have been received.

**Top Ten Budget Variances**

**Over Budget**

The following departments have overage due to the wage increase: Municipal Bus, Finance, Human Resources, Housing Office, Trash Services, Facility Maintenance, Municipal Court  
Police - \$12,381 Savings in worker's compensation and group insurance but over because of the wage increase.  
Legislation & Council - \$2,985 Over budget for the comp study.

**Under Budget**

Road & Bridge - \$55,642 Under budget in vehicle repair & maintenance and employee expenses.  
Plaza Services - \$49,243 Savings in group insurance and worker's compensation.  
Building Division - \$35,136 Under budget in group insurance and contract labor.  
Parks and Recreation - \$34,725 Salaries and wages are under budget.  
Technical - \$25,978 Under budget in contracted services, and certain software support fees.  
Planning & Zoning - \$21,294 Savings in personnel costs due to a vacancy for the forester at the beginning of the year.  
Town Clerk's Office- \$15,021 Under budget in electricity and communications expenses.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
April 2021**

	2021						2020	2019	2018	
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual	
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD	
		(\$)	(%)							
<b>Tourism Fund</b>										
<b>Revenues</b>										
Business License Fees	\$ 311,073	\$ 288,991	\$ 22,082	8%	\$ 315,307	\$ 4,234	\$ 298,430	\$ 291,423	\$ 292,279	
Lodging Taxes - Condos/Homes	807,545	292,208	515,337	176%	678,055	(129,490)	519,368	605,410	514,038	
Lodging Taxes - Hotels	337,088	259,363	77,725	30%	557,572	220,484	354,217	424,860	360,970	
Lodging Taxes - Prior Year	3,727	-	3,727	NA	-	(3,727)	(338)	2,537	4,815	
Penalties and Interest	6,228	4,958	1,270	26%	10,500	4,272	7,089	3,490	10,609	
Restaurant Taxes	189,525	153,633	35,892	23%	295,485	105,960	200,618	224,619	202,332	
Restaurant Taxes - Prior Year	84	-	84	NA	-	(84)	348	1,779	394	
<b>Total Revenues</b>	<b>1,655,270</b>	<b>999,153</b>	<b>656,117</b>	<b>66%</b>	<b>1,856,919</b>	<b>201,649</b>	<b>1,379,732</b>	<b>1,554,118</b>	<b>1,385,437</b>	
<b>Tourism Funding</b>										
Additional Funding	-	-	-	NA	-	-	-	24,375	11,555	
Airline Guaranty Funding	748,513	420,830	327,683	78%	895,033	146,519	624,837	727,945	629,785	
MTI Funding	860,847	544,679	316,168	58%	908,025	47,178	712,781	785,177	710,255	
<b>Total Tourism Funding</b>	<b>1,609,360</b>	<b>965,509</b>	<b>643,851</b>	<b>67%</b>	<b>1,803,057</b>	<b>193,697</b>	<b>1,337,619</b>	<b>1,537,498</b>	<b>1,351,594</b>	
Surplus / Deficit	45,910	33,644	12,266	36%	53,862	7,952	42,113	16,620	33,843	
<b>Administrative Fees</b>										
Audit Fees	-	-	-	NA	2,500	2,500	-	-	-	
<b>Total Administrative Fees</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>NA</b>	<b>2,500</b>	<b>2,500</b>	<b>-</b>	<b>-</b>	<b>-</b>	
Surplus / Deficit	45,910	33,644	12,266	36%	51,362	5,452	42,113	16,620	33,843	
<b>Other Sources and Uses</b>										
Transfer (To) From Other Funds	(45,910)	(33,644)	(12,266)	36%	(51,362)	(5,452)	(42,113)	(16,620)	(33,843)	
<b>Total Other Sources and Uses</b>	<b>(45,910)</b>	<b>(33,644)</b>	<b>(12,266)</b>	<b>36%</b>	<b>(51,362)</b>	<b>(5,452)</b>	<b>(42,113)</b>	<b>(16,620)</b>	<b>(33,843)</b>	
Surplus / Deficit	\$ -	\$ -	\$ -		\$ -		\$ -	\$ -	\$ -	

**Town of Mountain Village Monthly Revenue and Expenditure Report  
April 2021**

	2021					2020	2019	2018	
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
<b>Parking Services Fund</b>									
<b>Revenues</b>									
Contributions/Shared Facility Expenses	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ 666
Fines and Forfeits	20,765	18,188	2,577	14%	35,000	23,450	12,750	19,695	15,749
Gondola Parking Garage	35,543	21,667	13,876	64%	65,000	20,665	36,185	18,545	13,715
Heritage Parking Garage	114,278	52,317	61,961	118%	110,000	106,374	71,232	100,917	79,611
Parking in Lieu Buyouts	-	-	-	NA	-	-	-	-	-
Parking Meter Revenues	12,707	5,827	6,880	118%	82,000	10,390	8,106	9,046	6,862
Parking Permits	4,430	4,606	(176)	-4%	10,000	6,390	4,005	5,895	3,120
Special Event Parking	-	-	-	NA	106,000	-	-	-	-
<b>Total Revenues</b>	<b>187,723</b>	<b>102,605</b>	<b>85,118</b>	<b>83%</b>	<b>408,000</b>	<b>167,269</b>	<b>132,278</b>	<b>154,098</b>	<b>119,723</b>
<b>Operating Expenses</b>									
Other Operating Expenses	4,026	816	3,210	393%	5,458	1,432	2,309	1,469	2,338
Personnel Expenses	47,976	48,646	(670)	-1%	154,999	107,023	41,095	46,512	37,478
Gondola Parking Garage	13,528	18,236	(4,708)	-26%	68,834	55,306	13,030	24,506	11,171
Surface Lots	9,237	9,422	(185)	-2%	28,900	19,663	7,214	1,828	2,181
Heritage Parking Garage	41,020	35,189	5,831	17%	86,830	45,810	31,282	30,520	28,099
Meadows Parking	-	-	-	NA	1,000	1,000	-	-	-
<b>Total Operating Expenses</b>	<b>115,787</b>	<b>112,309</b>	<b>3,478</b>	<b>3%</b>	<b>346,021</b>	<b>230,234</b>	<b>94,930</b>	<b>104,835</b>	<b>81,267</b>
Surplus / Deficit	71,936	(9,704)	81,640	-841%	61,979	(62,965)	37,348	49,263	38,456
<b>Capital</b>									
Capital	10,417	10,500	(83)	-1%	29,800	19,383	5,415	2,920	-
Surplus / Deficit	61,519	(20,204)	81,723	-404%	32,179	(82,348)	31,933	46,343	38,456
<b>Other Sources and Uses</b>									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	15,345	-	15,345	NA	-	(15,345)	-	-	-
Overhead Allocation	(12,831)	(12,831)	-	0%	(32,077)	(19,246)	(13,448)	(16,535)	(10,141)
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>2,514</b>	<b>(12,831)</b>	<b>15,345</b>	<b>-120%</b>	<b>(32,077)</b>	<b>(34,591)</b>	<b>(13,448)</b>	<b>(16,535)</b>	<b>(10,141)</b>
Surplus / Deficit	\$ 64,033	\$ (33,035)	\$ -	0%	\$ 102	\$ 18,485	\$ 29,808	\$ 28,315	
<b>Beginning Fund Balance</b>	\$ 468,403	\$ 324,550	\$ 143,853						
<b>Ending Fund Balance</b>	\$ 532,436	\$ 291,515	\$ 240,921						

Parking revenues are over budget \$85,100. HPG revenues are over budget 1118% and prior year 60.4%. Parking meter (surface lots) revenues are under budget 118% and over prior year 56.8%. GPG is over budget and under prior year 64% and 1.8%. Prior year variance is mainly due to bulk valet ticket sales in January of last year. Parking fines are over budget. Personnel costs are under budget but other general expenses are over budget because of communications. GPG is under budget in electricity and supplies. Surface lots is meeting budget. HPG has budget savings in tech support but is over budget in maintenance. The 2021 transfer to the General Fund is \$12,831, which is the overhead allocation. \$15,345 in insurance proceeds were received for the HPG door damage from 2020.

**Town of Mountain Village Monthly Revenue and Expenditure Report**  
**April 2021**

	2021				2020	2019	2018		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Gondola Fund</b>									
<b>Revenues</b>									
Event Operations Funding	\$ -	\$ -	\$ -	NA	\$ -	\$ -	6,831	\$ 1,896	\$ 2,667
Event Operations Funding - TOT	-	-	-	NA	36,000	36,000	-	-	-
Capital/MR&R Grant Funding	-	-	-	NA	320,000	320,000	-	-	42,252
Operations Grant Funding	-	-	-	NA	133,354	133,354	39,740	-	331,569
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Miscellaneous Revenues	-	-	-	NA	-	-	-	-	661
Sale of Assets	-	-	-	NA	-	-	-	-	-
TSG 1% Lift Sales	179,491	117,648	61,843	52.57%	150,000	(29,491)	146,951	183,520	151,854
TMVOA Operating Contributions	1,304,632	1,284,707	19,925	1.55%	4,023,556	2,718,924	1,157,054	800,081	1,160,209
TMVOA Capital/MR&R Contributions	257,080	248,106	8,974	3.62%	439,500	182,420	7,782	183,520	155,406
<b>Total Revenues</b>	<b>1,741,203</b>	<b>1,650,461</b>	<b>90,742</b>	<b>5.50%</b>	<b>5,102,410</b>	<b>3,361,207</b>	<b>1,358,358</b>	<b>1,169,017</b>	<b>1,844,618</b>
<b>Operating Expenses</b>									
Overhead Allocation Transfer	8,582	18,333	(9,751)	-53.19%	55,000	46,418	10,628	10,764	16,035
MAARS	20,578	21,180	(602)	-2.84%	79,363	58,785	17,036	13,869	18,333
Chondola	83,231	92,131	(8,900)	-9.66%	242,657	159,426	69,373	79,796	151,764
Grant Success Fees	-	-	-	NA	-	-	-	-	-
Operations	721,138	592,484	128,654	21.71%	1,952,917	1,231,779	596,377	485,062	570,484
Maintenance	462,025	485,142	(23,117)	-4.76%	1,436,841	974,816	482,211	322,473	393,164
FGOA	188,569	193,085	(4,516)	-2.34%	456,132	267,563	174,951	162,111	167,945
Major Repairs and Replacements	228,107	219,133	8,974	4.10%	710,000	481,893	7,782	94,942	526,570
Contingency	-	-	-	NA	120,000	120,000	-	-	-
<b>Total Operating Expenses</b>	<b>1,712,230</b>	<b>1,621,488</b>	<b>90,742</b>	<b>5.60%</b>	<b>5,052,910</b>	<b>3,340,680</b>	<b>1,358,358</b>	<b>1,169,017</b>	<b>1,844,295</b>
Surplus / Deficit	28,973	28,973	-	0.00%	49,500	20,527	-	-	323
<b>Capital</b>									
Capital Outlay	28,973	28,973	-	0.00%	49,500	20,527	-	-	323
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund is \$90,700 under budgeted expenditures.

MARRS is under budget with savings primarily in worker's compensation. Chondola expenses are under budget due mainly to employee costs and Telski utilities. Gondola operations is under budget in worker's compensation, but is over budget in staffing expenses. Maintenance is under budget with savings in worker's compensation and group insurance. FGOA costs are under budget mainly in natural gas and legal. MR&R expenditures were for gearbox rebuilds and spare parts and conveyer parts. Capital expense was for bike racks.



**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2021				Annual Budget	Budget Balance	2020	2019	2018
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
<b>Child Development Fund</b>									
<b>Revenues</b>									
Infant Care Fees	\$ 19,492	\$ 27,665	(8,173)	-29.54%	\$ 82,104	\$ 62,612	\$ 19,888	\$ -	\$ -
Toddler Care Fees	40,149	65,327	(25,178)	-38.54%	193,752	153,603	43,356	82,503	89,820
Preschool Fees	47,498	59,645	(12,147)	-20.37%	176,772	129,274	41,268	265	1,950
Fundraising Revenues - Infant	-	-	-	NA	3,550	3,550	-	-	-
Fundraising Revenues - Preschool	-	-	-	NA	5,000	5,000	-	650	-
Fundraising Revenues - Toddler	-	-	-	NA	8,450	8,450	-	-	-
Grant Revenues - Infant	45,579	9,772	35,807	366.42%	14,500	(31,079)	25,233	-	-
Grant Revenues - Preschool	33,079	12,796	20,283	158.51%	19,134	(13,945)	19,134	23,125	29,505
Grant Revenues - Toddler	53,906	20,308	33,598	165.44%	36,500	(17,406)	25,987	-	-
Regional Childcare Tax - Infant	-	-	-	NA	15,000	15,000	15,000	18,183	14,700
Regional Childcare Tax - Preschool	-	-	-	NA	-	-	-	62,514	57,631
Regional Childcare Tax - Toddler	-	-	-	NA	15,000	15,000	15,000	-	-
<b>Total Revenues</b>	<b>239,703</b>	<b>195,513</b>	<b>44,190</b>	<b>22.60%</b>	<b>569,762</b>	<b>330,059</b>	<b>204,866</b>	<b>187,240</b>	<b>193,606</b>
<b>Operating Expenses</b>									
Toddler Care Other Expense	13,616	17,128	(3,512)	-20.50%	54,306	40,690	12,732	25,551	19,263
Toddler Care Personnel Expense	72,927	79,109	(6,182)	-7.81%	248,060	175,133	76,136	111,241	110,562
Infant Care Other Expense	6,581	6,819	(238)	-3.49%	25,206	18,625	4,231	-	-
Infant Care Personnel Expense	34,905	58,303	(23,398)	-40.13%	141,589	106,684	41,572	-	-
Preschool Other Expense	14,162	9,856	4,306	43.69%	39,838	25,676	7,856	14,582	16,783
Preschool Personnel Expense	36,780	81,877	(45,097)	-55.08%	187,533	150,753	48,738	45,526	48,660
<b>Total Operating Expenses</b>	<b>178,971</b>	<b>253,092</b>	<b>(74,121)</b>	<b>-29.29%</b>	<b>696,532</b>	<b>517,561</b>	<b>191,265</b>	<b>196,900</b>	<b>195,268</b>
Surplus / Deficit	60,732	(57,579)	118,311	-205.48%	(126,770)		13,601	(9,660)	(1,662)
<b>Other Sources and Uses</b>									
Contributions	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	-	57,579	57,579	100.00%	126,770	126,770	-	9,660	1,662
<b>Total Other Sources and Uses</b>	<b>-</b>	<b>57,579</b>	<b>57,579</b>	<b>100.00%</b>	<b>126,770</b>	<b>126,770</b>	<b>-</b>	<b>9,660</b>	<b>1,662</b>
Surplus / Deficit	\$ 60,732	\$ -	\$ (60,732)	NA	\$ -		\$ 13,601	\$ -	\$ -

Child Development revenues are \$44,200 over budget. Child care fees are under projections, but grant monies make up for the loss. Operating expenses are \$74,100 under budget due primarily to personnel expenses in each program. The program has not required funding from the General Fund in 2021.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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		2021				2020	2019	2018	
Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD	
<b>Water &amp; Sewer Fund</b>									
<b>Revenues</b>									
Mountain Village Water and Sewer	\$ 959,535	\$ 952,602	\$ 6,933	0.73%	\$ 3,205,415	\$ 2,245,880	\$ 876,383	\$ 854,237	\$ 959,141
Other Revenues	3,664	2,877	787	27.35%	8,650	4,986	1,098	2,665	2,538
Ski Ranches Water	91,514	87,426	4,088	4.68%	268,017	176,503	80,598	60,941	49,434
Skyfield Water	7,841	7,801	40	0.51%	34,482	26,641	7,018	7,911	7,003
<b>Total Revenues</b>	<b>1,062,554</b>	<b>1,050,706</b>	<b>11,848</b>	<b>1.13%</b>	<b>3,516,564</b>	<b>2,454,010</b>	<b>965,097</b>	<b>925,754</b>	<b>1,018,116</b>
<b>Operating Expenses</b>									
Mountain Village Sewer	217,765	190,400	27,365	14.37%	564,101	346,336	184,271	131,339	149,267
Mountain Village Water	257,869	328,966	(71,097)	-21.61%	1,379,339	1,121,470	300,768	272,695	333,673
Ski Ranches Water	8,276	6,950	1,326	19.08%	42,071	33,795	2,301	9,596	5,214
Contingency	-	-	-	NA	35,000	35,000	-	-	-
<b>Total Operating Expenses</b>	<b>483,910</b>	<b>526,316</b>	<b>(42,406)</b>	<b>-8.06%</b>	<b>2,020,511</b>	<b>1,536,601</b>	<b>487,340</b>	<b>413,630</b>	<b>488,154</b>
Surplus / Deficit	578,644	524,390	54,254	10.35%	1,496,053		477,757	512,124	529,962
<b>Capital</b>									
Capital Outlay	111,463	111,500	(37)	-0.03%	2,080,500	1,969,037	54,434	88,980	62,005
Surplus / Deficit	467,181	412,890	54,291	13.15%	(584,447)		423,323	423,144	467,957
<b>Other Sources and Uses</b>									
Overhead Allocation Transfer	(74,922)	(74,922)	-	0.00%	(187,305)	(112,383)	(69,804)	(68,390)	(50,802)
Mountain Village Tap Fees	64,536	65,000	(464)	-0.71%	100,000	35,464	-	-	38,224
Grants	-	-	-	NA	-	-	-	-	-
Ski Ranches Tap Fees	-	-	-	NA	5,000	5,000	-	-	-
Skyfield Tap Fees	-	-	-	NA	2,000	2,000	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>(10,386)</b>	<b>(9,922)</b>	<b>(464)</b>	<b>4.68%</b>	<b>(80,305)</b>	<b>(69,919)</b>	<b>(69,804)</b>	<b>(68,390)</b>	<b>(12,578)</b>
Surplus / Deficit	\$ 456,795	\$ 402,968	\$ 53,827	13.36%	\$ (664,752)		\$ 353,519	\$ 354,754	\$ 455,379

Mountain Village water revenues are over budget in base water and sewer fees. Ski Ranch water is over budget in excess water fees. Other revenues and Skyfield revenues are on budget. Sewer expenditures are over budget by 14%, primarily for wages, because of a PTO payout and wage increase and ToT sewer billing. MV water is under budget in electricity, legal, and insurance. Ski Ranch operations is over budget because of employee costs. Capital costs are mainly for Ski Ranches and sewer capital.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
April 2021**

	2021				Annual Budget	Budget Balance	2020	2019	2018
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
<b>Broadband Fund</b>									
<b>Revenues</b>									
Cable TV User Fees	\$ 317,568	\$ 338,260	\$ (20,692)	-6.12%	\$ 997,471	\$ 679,903	\$ 340,908	\$ 340,901	\$ 327,229
Internet User Fees	434,241	320,233	114,008	35.60%	1,012,200	577,959	378,435	370,730	344,050
Other Revenues	11,224	17,985	(6,761)	-37.59%	70,540	60,787	13,451	17,102	18,107
Phone Service Fees	9,753	12,619	(2,866)	-22.71%	35,000	23,776	12,821	13,973	14,171
<b>Total Revenues</b>	<b>772,786</b>	<b>689,097</b>	<b>83,689</b>	<b>12.14%</b>	<b>2,115,211</b>	<b>1,342,425</b>	<b>745,615</b>	<b>742,706</b>	<b>703,557</b>
<b>Operating Expenses</b>									
Cable TV Direct Costs	278,938	280,801	(1,863)	-0.66%	933,383	654,445	286,769	290,293	279,934
Phone Service Costs	6,047	4,330	1,717	39.65%	12,000	5,953	6,961	7,678	7,866
Internet Direct Costs	52,308	64,600	(12,292)	-19.03%	190,000	137,692	88,166	71,237	68,000
Broadband Operations	215,539	202,194	13,345	6.60%	707,803	492,264	240,567	177,359	171,524
Contingency	-	-	-	NA	3,000	3,000	-	-	2,313
<b>Total Operating Expenses</b>	<b>552,832</b>	<b>551,925</b>	<b>907</b>	<b>0.16%</b>	<b>1,846,186</b>	<b>1,293,354</b>	<b>622,463</b>	<b>546,567</b>	<b>529,637</b>
Surplus / Deficit	219,954	137,172	82,782	60.35%	269,025		123,152	196,139	173,920
<b>Capital</b>									
Capital Outlay	31,084	21,200	9,884	46.62%	545,000	513,916	338,251	1,588	-
Surplus / Deficit	188,870	115,972	72,898	62.86%	(275,975)		(215,099)	194,551	173,920
<b>Other Sources and Uses</b>									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer from General Fund	-	-	-	NA	447,120	447,120	-	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
Overhead Allocation Transfer	(68,458)	(68,458)	-	0.00%	(171,145)	(102,687)	(70,900)	(68,294)	(52,419)
<b>Total Other Sources and Uses</b>	<b>(68,458)</b>	<b>(68,458)</b>	<b>-</b>	<b>0.00%</b>	<b>275,975</b>	<b>344,433</b>	<b>(70,900)</b>	<b>(68,294)</b>	<b>(52,419)</b>
Surplus / Deficit	\$ 120,412	\$ 47,514	\$ 72,898	153.42%	\$ -		\$ (285,999)	\$ 126,257	\$ 121,501
<b>Beginning (Available) Fund Balance</b>	\$ -	\$ -	\$ -						
<b>Ending (Available) Fund Balance</b>	\$ 120,412	\$ 47,514	\$ 72,898						

Cable user revenues are under budget 6.1% and less than prior year 6.8%. Internet revenues are over budget 35.6% and over prior year 14.75%. Other revenues are under budget 37.6% due primarily to labor revenues and equipment rental. Direct costs for cable are under budget .7% and lower than prior year because of the transition to Fiber Video. Internet costs are under budget 19%. Phone service revenues are under budget by 22.7%, while phone service expenses are over budget by 40%. Broadband operating expenses are over budget due to the wage increase. Capital expenses are for continuing system upgrades.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2021				Annual Budget	Budget Balance	2020	2019	2018
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
<b>Telluride Conference Center Fund</b>									
<b>Revenues</b>									
Beverage Revenues	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	NA	-	-	-	-	-
Facility Rental	-	-	-	NA	-	-	-	-	-
Operating/Other Revenues	-	-	-	NA	-	-	-	-	-
<b>Total Revenues</b>	-	-	-	NA	-	-	-	-	-
<b>Operating Expenses</b>									
General Operations	-	-	-	NA	-	-	4,600	-	2,017
Administration	63,122	65,769	(2,647)	-4.02%	131,538	68,416	59,203	48,378	46,293
Marketing	-	-	-	NA	-	-	50,000	25,000	50,000
Contingency	-	-	-	NA	-	-	-	-	-
<b>Total Operating Expenses</b>	63,122	65,769	(2,647)	-4.02%	131,538	68,416	113,803	73,378	98,310
Surplus / Deficit	(63,122)	(65,769)	2,647	-4.02%	(131,538)		(113,803)	(73,378)	(98,310)
Capital Outlay/ Major R&R	-	-	-	NA	20,000	20,000	-	6,471	4,572
Surplus / Deficit	(63,122)	(65,769)	2,647	-4.02%	(151,538)		(113,803)	(79,849)	(102,882)
<b>Other Sources and Uses</b>									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	63,122	65,769	(2,647)	-4.02%	151,538	88,416	113,803	79,849	102,882
Overhead Allocation Transfer	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	63,122	65,769	(2,647)	-4.02%	151,538	88,416	113,803	79,849	102,882
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -		\$ -	\$ -	\$ -

Expenses for the year are HOA dues.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2021				2020	2019	2018		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Affordable Housing Development Fund</b>									
<b>Revenues</b>									
Contributions	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	NA	-	-	-	-	-
Rental Income	11,784	11,617	167	1.44%	34,630	22,846	11,804	10,199	4,380
Sales Proceeds	-	-	-	NA	-	-	-	-	-
<b>Total Revenues</b>	<b>11,784</b>	<b>11,617</b>	<b>167</b>	<b>1.44%</b>	<b>34,630</b>	<b>22,846</b>	<b>11,804</b>	<b>10,199</b>	<b>4,380</b>
<b>Operating Expenses</b>									
Community Garden	-	-	-	NA	750	750	-	-	-
Property Purchase Expenses	-	-	-	NA	-	-	-	-	-
Leased Properties	7,560	7,200	360	5.00%	21,600	14,040	5,400	6,329	-
HA Consultant	-	-	-	NA	-	-	-	-	-
RHA Funding	46,625	46,313	313	0.67%	92,625	46,000	46,625	50,000	50,000
Town Owned Properties	10,271	10,437	(166)	-1.59%	18,506	8,235	6,487	13,601	18,609
Density Bank	16,086	17,002	(916)	-5.39%	17,002	916	16,475	14,580	8,856
<b>Total Operating Expenses</b>	<b>80,542</b>	<b>80,952</b>	<b>(410)</b>	<b>-0.51%</b>	<b>150,483</b>	<b>69,941</b>	<b>74,987</b>	<b>84,510</b>	<b>77,465</b>
Surplus / Deficit	(68,758)	(69,335)	(577)	0.83%	(115,853)	(47,095)	(63,183)	(74,311)	(73,085)
<b>Other Sources and Uses</b>									
Transfer (To) From MAP	-	-	-	NA	(60,000)	(60,000)	-	-	-
Gain or Loss on Sale of Assets	(15,716)	-	(15,716)	NA	-	15,716	-	-	-
Transfer (To) From General Fund - Sales Tax	292,561	98,315	194,246	197.58%	415,792	123,231	221,163	263,131	229,585
Transfer (To) From VCA	-	-	-	NA	(141,751)	(141,751)	-	-	-
Transfer (To) From General Fund Housing Office	-	-	-	NA	(21,696)	(21,696)	-	-	-
<b>Total Other Sources and Uses</b>	<b>276,845</b>	<b>98,315</b>	<b>178,530</b>	<b>181.59%</b>	<b>192,345</b>	<b>(84,500)</b>	<b>221,163</b>	<b>263,131</b>	<b>229,585</b>
Surplus / Deficit	\$ 208,087	\$ 28,981	\$ (179,107)	-618.03%	\$ 76,492	\$ (131,595)	\$ 157,980	\$ 188,820	\$ 156,500
<b>Beginning Fund Equity Balance</b>	<b>\$ 2,553,553</b>	<b>\$ 2,432,635</b>	<b>\$ 120,918</b>						
<b>Ending Equity Fund Balance</b>	<b>\$ 2,761,640</b>	<b>\$ 2,461,616</b>	<b>\$ 300,025</b>						

Expenses consist of HOA dues, lease payments for a rental unit, 1/2 the RHA funding, and maintenance and utilities on town owned properties.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
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	2021						2020	2019	2018
	Actual YTD	Budget YTD	Budget Var (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
<b>Village Court Apartments</b>									
<b>Operating Revenues</b>									
Rental Income	\$ 663,663	\$ 754,247	\$ (90,583)	-12.01%	\$ 2,262,740	\$ 1,599,076	\$ 580,729	\$ 757,889	\$ 759,345
Other Operating Income	34,484	28,799	5,684	19.74%	91,210	56,726	43,021	39,793	37,471
<b>Total Operating Revenue</b>	<b>698,147</b>	<b>783,046</b>	<b>(84,899)</b>	<b>-10.84%</b>	<b>2,353,950</b>	<b>1,655,803</b>	<b>623,750</b>	<b>797,682</b>	<b>796,816</b>
<b>Operating Expenses</b>									
Office Operations	66,659	77,310	(10,651)	-13.78%	220,524	153,865	70,093	65,574	58,849
General and Administrative	114,559	118,079	(3,520)	-2.98%	158,762	44,203	127,668	93,630	89,818
Utilities	116,369	102,690	13,679	13.32%	307,071	190,702	150,250	147,026	138,078
Repair and Maintenance	166,579	216,339	(49,760)	-23.00%	687,322	520,743	159,007	147,273	119,049
Major Repairs and Replacement	23,329	27,667	(4,337)	-15.68%	181,000	157,671	40,664	119,329	38,486
Contingency	-	-	-	NA	14,500	14,500	-	-	-
<b>Total Operating Expenses</b>	<b>487,496</b>	<b>542,085</b>	<b>(54,589)</b>	<b>-10.07%</b>	<b>1,569,179</b>	<b>1,081,683</b>	<b>547,682</b>	<b>572,831</b>	<b>444,280</b>
<b>Surplus / (Deficit) After Operations</b>	<b>210,651</b>	<b>240,961</b>	<b>(30,310)</b>	<b>-13%</b>	<b>784,770</b>		<b>76,068</b>	<b>224,852</b>	<b>352,536</b>
<b>Non-Operating (Income) / Expense</b>									
Investment Earning	(7)	(1,167)	1,160	-99.43%	(3,500)	(3,493)	(1,360)	(2,838)	(1,186)
Debt Service, Interest	87,626	89,000	(1,374)	-1.54%	354,198	266,572	91,953	94,163	97,284
Debt Service, Fees	-	-	-	NA	-	-	-	-	-
Debt Service, Principal	-	-	-	NA	434,079	434,079	-	-	-
<b>Total Non-Operating (Income) / Expense</b>	<b>87,620</b>	<b>87,833</b>	<b>214</b>	<b>0.24%</b>	<b>784,777</b>	<b>697,157</b>	<b>90,593</b>	<b>91,325</b>	<b>96,098</b>
<b>Surplus / (Deficit) Before Capital</b>	<b>123,031</b>	<b>153,128</b>	<b>(30,097)</b>	<b>-19.65%</b>	<b>(7)</b>		<b>(14,526)</b>	<b>133,526</b>	<b>256,438</b>
Capital Spending	-	-	-	NA	-	-	3,835	84,669	8,636
<b>Surplus / (Deficit)</b>	<b>123,031</b>	<b>153,128</b>	<b>(30,097)</b>	<b>-19.65%</b>	<b>(7)</b>		<b>(18,361)</b>	<b>48,858</b>	<b>247,802</b>
<b>Other Sources / (Uses)</b>									
Transfer (To)/From General Fund	(58,186)	(58,186)	-	0.00%	(145,466)	(87,280)	(59,186)	(65,184)	(36,427)
New Loan Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Grant Revenues	-	-	-	NA	-	-	-	-	-
Transfer From AHDF	-	-	-	NA	141,751	141,751	-	-	-
<b>Total Other Sources / (Uses)</b>	<b>(58,186)</b>	<b>(58,186)</b>	<b>-</b>	<b>0.00%</b>	<b>(3,715)</b>	<b>141,751</b>	<b>(59,186)</b>	<b>(65,184)</b>	<b>(36,427)</b>
<b>Surplus / (Deficit)</b>	<b>64,844</b>	<b>94,941</b>	<b>(30,097)</b>	<b>-31.70%</b>	<b>(3,722)</b>		<b>(77,546)</b>	<b>(16,326)</b>	<b>211,375</b>

Rent revenues are under budget 12% and over prior year 14% because of the rent waivers. Other revenues are over budget 20% due mainly to laundry revenues and an SMPA rebate. Office operations are under budget 14% which is mainly due to worker's compensation premiums and software support. General and administrative is under budget because of legal costs, however, association dues exceed the annual budget. Utilities are 13% over budget in electricity because of the electric submetering and over budget in cable. Maintenance is under budget 23% due to employee costs and sub contracting. MR&R expenses include carpet and vinyl replacement, appliance and hot water heater replacements, and window repairs.

**Town of Mountain Village Monthly Revenue and Expenditure Report  
April 2021**

	2021				2020	2019	2018		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
<b>Debt Service Fund</b>									
<b>Revenues</b>									
Abatements	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	-	-	-	NA	206,000	206,000	-	-	-
Miscellaneous Revenue	-	-	-	NA	-	-	-	-	-
Property Taxes	378,675	364,545	14,130	3.88%	480,012	101,337	411,713	437,301	370,143
Reserve/Capital/Liquidity Interest	100	1,286	(1,186)	-92.20%	2,000	1,900	1,281	1,695	1,472
Specific Ownership Taxes	6,563	8,647	(2,084)	-24.10%	32,000	25,437	6,681	8,597	9,881
<b>Total Revenues</b>	<b>385,339</b>	<b>374,478</b>	<b>10,861</b>	<b>2.90%</b>	<b>720,012</b>	<b>334,673</b>	<b>419,675</b>	<b>447,594</b>	<b>381,496</b>
<b>Debt Service</b>									
<b>2001/2011 Bonds - Gondola - Paid by contributions from TMVOA and TSG</b>									
2001/2011 Bond Issue - Interest	-	-	-	NA	76,000	76,000	-	-	-
2001/2011 Bond Issue - Principal	-	-	-	NA	130,000	130,000	-	-	-
<b>2006/2014/2020 Bonds - Heritage Parking</b>									
2014 Bond Issue - Interest	-	-	-	NA	144,032	144,032	-	-	-
2014 Bond Issue - Principal	-	-	-	NA	320,000	320,000	-	-	-
<b>Total Debt Service</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>NA</b>	<b>670,032</b>	<b>670,032</b>	<b>-</b>	<b>-</b>	<b>-</b>
Surplus / (Deficit)	385,339	374,478	10,861	2.90%	49,980		419,675	447,594	381,496
<b>Operating Expenses</b>									
Administrative Fees	495	1,182	(687)	-58.11%	3,182	2,687	289	328	250
County Treasurer Collection Fees	11,361	11,374	(13)	-0.12%	14,797	3,436	12,352	13,128	11,112
<b>Total Operating Expenses</b>	<b>11,856</b>	<b>12,556</b>	<b>(700)</b>	<b>-5.58%</b>	<b>17,979</b>	<b>6,123</b>	<b>12,640</b>	<b>13,456</b>	<b>11,362</b>
Surplus / (Deficit)	373,483	361,922	11,561	3.19%	32,001		407,035	434,138	370,133
<b>Other Sources and Uses</b>									
Transfer (To) From General Fund	(6,563)	(8,647)	2,084	-24.10%	(32,000)	(25,437)	(6,681)	(8,597)	(9,881)
Transfer (To) From Other Funds	-	-	-	NA	-	-	-	-	-
Payment to Refunding Bonds Escrow	-	-	-	NA	-	-	-	-	-
Proceeds From Bond Issuance	-	-	-	NA	-	-	-	-	-
<b>Total Other Sources and Uses</b>	<b>(6,563)</b>	<b>(8,647)</b>	<b>2,084</b>	<b>-24.10%</b>	<b>(32,000)</b>	<b>(25,437)</b>	<b>(6,681)</b>	<b>(8,597)</b>	<b>(9,881)</b>
Surplus / (Deficit)	\$ 366,920	\$ 353,275	\$ 13,645	3.86%	\$ 1		\$ 400,354	\$ 425,541	\$ 360,253
<b>Beginning Fund Balance</b>	<b>\$ 369,490</b>	<b>\$ 405,573</b>	<b>\$ (36,083)</b>						
<b>Ending Fund Balance</b>	<b>\$ 736,410</b>	<b>\$ 758,848</b>	<b>\$ (22,438)</b>						

## Memorandum

June 10, 2021

To: Mayor Benitez and The Town of Mountain Village Town Council

From: Julie Vergari

RE: Town Council Budget 2022 Goals, Policies, and Initiatives

### Introduction

Finance is requesting that Town Council shall establish its broader budget policies, funding goals and initiatives for the 2022 Budget adoption.

### 2022 Town Council Budget Goals and Initiatives

In May the Town Council Budget and Finance Team met and discussed the 2022 Budget and its goals and concerns for that. The team suggests the following for Town Council consideration in kicking off the 2022 budget process:

### Revenue Forecast

- Sales taxes – Use 2021 actuals for the first quarter and add 2020 actuals for the rest of the year. Put a 4%-5% inflator for 2022
- Property taxes – we will receive a preliminary valuation in August
- Update this year's development revenue projections and budget for \$50,000,000 in valuation for the coming years
- Water/sewer fees increase 10% and 20% for MV and Ski Ranches/Skyfield, respectively

### New and Re-allocated Positions

- New GIS re-allocated from ½ Road and Bridge and ½ Water/Sewer to Information Technology
- Sustainability/Grant Coordinator – New position in Communications and Business Development
- Planning Tech – New position for planning, re-allocate existing admin from 50/50 planning and building to 100% building
- Community Housing Program Director – New position

### Compensation and Benefits

- The team asked for HR to reach out for information from other communities to provide benchmarks. Please see attached for responses we have received to date.
- Consider recommendations that may come from the Employee Development Committee for implementation in the 2022 Budget.

### Capital Spending

- Town of Telluride Sewer- we continue to receive annual updates to current and future year budget numbers



- Town Hall trash facility – TMVOA has confirmed that the project is still on track and has no budget change at this time
- Town Hall subarea improvements – Mayor, Mayor Pro-tem pursuing discussions with TSG and TMVOA
- Town Hall Remodel – We are proceeding with some smaller remodel projects, i.e. turning the ski locker room into an office, but would like to wait until we assess our needs before doing any more at this time
- The shop remodel is in the 2022 budget, Congressional Disbursement Funds are being pursued for the solar system on this project
- Put in a place holder of \$500,000 for the purpose of the Your Equity Support “YES”
- Trails – continue to fund \$300,000 per year. Council will have a work-session and consideration of the adoption of the Trails Master Plan to determine priorities
- No money has been allocated for the VCA expansion plans until refinance is complete

### **Operating Budgets**

- Legal –Garfield and Hecht under Paul Wisor will provide budget estimates
- Grants – Take back to total \$150,000 level
- Forestry – Increase budget from \$50,000 to \$300,000

### **Other Budget Considerations**

- As needed

*Hello all! Has anyone started budgeting for or have already budgeted for salary/wage increases for 2022?*

*We have a budget session this month with Council and they have asked what other municipalities are doing now to plan for salary/wage increases for 2022, if anything.*

*If you have already budgeted for this, what is the overall increase you are considering? Do you budget for a COLA increase each year or merit based or both?*

*Thank you in advance for any help you can provide!*

*Jaime*

Responses received are as follows:

Telluride - We are doing a comp study this year for 2022 implementation, and are continuing our 4% (potential) annual merit increases corresponding with annual evals. We generally adjust the comp plan based on CPI in between comp study years (3 yr cycle). Our budget process begins in July and I am not sure if any additional adjustments on top of the 4% merit will be considered for 2022 yet.

Castle Rock - The Town of Castle Rock will be budgeting a 3.5% merit increase – we do not have COLA increases.

Brush - Following as we are just starting to work on this and we were curious how other communities are looking to proceed.

Frederick - We typically budget for up to a 5% merit increase. We don't do COLA increases.

Aurora - considering a 2-3% COLA tied to successful performance.

Montrose - The City of Montrose is just starting the budget and market process. We are interested in this information as well.

Firestone - We're just starting the process. We will probably be changing our Step plan for officers. We typically budget for both merit and COLA increases.

Sheridan - We have not started our budgeting yet for 2022, we typically do a 3-5% increase depending on performance and our Police are on a step program. We do not do a COLA increase.



**TO:** Honorable Mayor Laila Benitez and Councilmembers  
**FROM:** Paul Wisor, Town Attorney  
**RE:** Ordinance to Amend Section 2.04.010(B)  
Regarding Oversight of Certain Town Employees  
**DATE:** June 17, 2021

**Agenda Item # 7**

**SUMMARY:** The proposed amendment to the Town Code clarifies that while the Mayor, with the consent of Council, hires the Town Clerk and Director of Community Development, the Town Manager, who oversees their day to day activities, is responsible for suspending or terminating such employees. Any suspension or termination may only be carried out with the advice and consent of the Mayor.

**BACKGROUND:** Section 6.1(a)(2)(H) of the Charter provides the Mayor, with the consent of Council shall be responsible for hiring individuals for the following positions:

- 1) The Town Attorney
- 2) The Town Manager
- 3) The Town Treasurer
- 4) The Town Clerk
- 5) The Police Chief
- 6) The Municipal Judge
- 7) The Director of Community Development
- 8) The Director of Operations and Development

Section 6.1(a)(2)(I) of the Charter provides “all other personnel shall be hired, suspended or dismissed by the Town Manager, with the advice and consent of the Mayor.” The Charter does not identify the individual responsible for suspending or dismissing an individual who fills the positions enumerated in Section 6.1(a)(2)(H).

The Town’s Code provides the Town Manager, the Town Clerk, the Town Treasurer, the Town Attorney, the Chief of Police, and the Director of Community Development shall serve at the pleasure of the Mayor. However, as a matter of operation of the Town, the Town Clerk and the Director of Community Development report to the Town Manager

**PROPOSED ORDINANCE:** The proposed ordinance makes clear the Town Manager is the individual responsible for the suspension or termination of the Town Clerk or Director of Community Development. Such suspension or termination may only proceed with the advice and consent of the Mayor.

**PROPOSED MOTION:** I move to approve the proposed Ordinance amending Section 2.04.010(B) on first reading and setting a public hearing for July 15, 2021.

**ORDINANCE 2021-\_\_\_\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO AMENDING SECTION 2.04.010(B) OF THE TOWN MUNICIPAL CODE**

**WHEREAS**, the Section 6.1(a)(2)(H) of the Town of Mountain Village Home Rule Charter (the “Charter”) provides the Mayor, with the consent of Council shall be responsible for hiring individuals for the following positions:

- 1) The Town Attorney
- 2) The Town Manager
- 3) The Town Treasurer
- 4) The Town Clerk
- 5) The Police Chief
- 6) The Municipal Judge
- 7) The Director of Community Development
- 8) The Director of Operations and Development; and

**WHEREAS**, Section 6.1(a)(2)(I) of the Charter provides “all other personnel shall be hired, suspended or dismissed by the Town Manager, with the advice and consent of the Mayor”; and

**WHEREAS**, the Charter does not identify the individual responsible for suspending or dismissing an individual who fills the positions enumerated in Section 6.1(a)(2)(H); and

**WHEREAS**, Section 2.04.010(B) of the Town’s Municipal Code (the “Code”) provides the Town Manager, the Town Clerk, the Town Treasurer, the Town Attorney, the Chief of Police, and the Director of Community Development shall serve at the pleasure of the Mayor; and

**WHEREAS**, as a matter of operation of the Town, the Town Clerk and the Director of Community Development report to the Town Manager; and

**WHEREAS**, Town Council hereby determines it is appropriate amend Section 2.04.01(B) of the Code to reflect for the Town Manager, were the need to arise, to be the party responsible for suspending or terminating the Town Clerk or the Director of Community Development and it is necessary to amend.

**NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:**

**Section 1. Amendment to Section 2.04.010(B).** Town Council hereby delegates to the Town Manager, Section 2.04.010(B) is hereby amended to read as follows with **strike-out** indicating language to be deleted and **underline** indicating language to be adopted:

The Office of the Town Manager/Clerk/Treasurer/Attorney/Police Chief/Director of Community Development are hereby created and established. The department

head of each office shall be nominated by the Mayor and confirmed by the Town Council wholly on the basis of his/her administrative and executive abilities and qualifications, and his/her knowledge of the accepted practice in respect to the duties of his/her office. ~~Each department head~~ The Town Manager, Treasurer Police Chief and Town Attorney, after confirmation, shall serve at the pleasure of the Mayor. The Town Clerk and Director of Community Development shall be suspended or dismissed by the Town Manager, with the advice and consent of the Mayor. (Town Charter Article VI, Section 6.1H)

**Section 2. Ordinance Effect.** All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced, and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability.** The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause, or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date.** This Ordinance shall become effective on July 15, 2021, following public hearing and approval by Council on second reading.

**Section 5. Public Hearing.** A public hearing on this Ordinance was held on the 17th of June 2021 at Town Council Chambers, Town Hall located at 455 Mountain Village Boulevard, Suite A, Mountain Village, Colorado 81435.

[SIGNATURE PAGE FOLLOWS]

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17th day of June 2021.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST: \_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 17th day of June 2021**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado (“Town”) do hereby certify that:

1. The attached copy of the Corrected Ordinance No.2021-\_\_\_\_\_ (“Ordinance”) is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading and referred to public hearing by the Town Council the Town (“Council”) at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 17, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>“Yes”</b>	<b>“No”</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council’s approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on July 15, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>“Yes”</b>	<b>“No”</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town this 15th day of July 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk



AGENDA ITEM 8  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

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**TO:** Mountain Village Town Council

**FROM:** Paul Wisor, Town Attorney; Jamie Holmes. HR Director

**FOR:** Town Council Meeting, June 17, 2021

**DATE:** June 11, 2021

**RE:** **Second Reading of an Ordinance** Authorizing Town Council Members to Receive Benefits

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### **OVERVIEW**

The Town Charter authorizes Town Council to set its own compensation by ordinance, provided any change in compensation shall not apply to Town Council members who vote on such compensation change. The proposed ordinance would make benefits currently available to Town employees available to members of Town Council and their families, at their election. Current benefits include medical, dental, vision and a \$20,000 life insurance policy.

### **PROPOSED MOTION**

I move to approve on second reading of an ordinance authorizing members of Town Council to receive benefits currently available to Town employees.

### **ATTACHMENTS**

Exhibit A. Proposed Ordinance



**TOWN OF TOWN OF MOUNTAIN VILLAGE, COLORADO  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO, AUTHORIZING FUTURE TOWN COUNCIL MEMBERS TO RECEIVE  
TOWN BENEFITS

**WHEREAS**, Section 3.4 of the Town of Mountain Village Home Rule Charter (the “Charter”) establishes compensation for Town Council; and

**WHEREAS**, Section 3.4(c) of the Charter provides The Town Council may, by ordinance, amend or otherwise modify the compensation of Town Council; and

**WHEREAS**, Section 3.4(c) of the Charter further provides that in the event the compensation set forth in this Charter is amended or modified by ordinance, such amendment or modification shall not affect the compensation of any member of Town Council then in office during their current term of office; and

**WHEREAS**, the Town Council has recognized members of Town Council are required to commit a significant amount of time in service to the Town; and,

**WHEREAS**, the Town Council has further recognized making benefits provided to Town employees – which benefits currently include medical, dental, vision and a \$20,000 life insurance policy – available to future Town Council members and their families will assist in recruiting future qualified members of Town Council; and,

**WHEREAS**, the Town desires to further clarify and simplify the administration of the Use Tax particularly with respect to the reconciliation of the estimated use tax by a property owner;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:**

**Section 1.**     Recitals. The foregoing recitals are incorporated by reference herein as findings and determinations of the Town of Mountain Village Town Council.

**Section 2.**     Town Council Member Compensation. Town Council hereby authorizes Town Council members and their families to be eligible to receive, at their election, benefits provided to all Town employees; provided, however, such benefits shall not be available to any Town Council member serving as of the date of passage of this ordinance.

**Section 3.**     Severability. If any provision of this Ordinance, or the application of such provision to any person or circumstance, is for any reason held to be invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be

severable. The Town Council hereby declares that it would have passed this Ordinance and each provision thereof, even though any one of the provisions might be declared unconstitutional or invalid. As used in this Section, the term “provision” means and includes any part, division, subdivision, section, subsection, sentence, clause or phrase; the term “application” means and includes an application of an ordinance or any part thereof, whether considered or construed alone or together with another ordinance or ordinances, or part thereof, of the Town.

**Section 4. Safety Clause.** The Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town of Mountain Village, that it is promulgated for the health, safety and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Town Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

**Section 5. No Existing Violation Affected.** Nothing in this Ordinance shall be construed to release, extinguish, alter, modify, or change in whole or in part any penalty, liability or right or affect any audit, suit, or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing which may have been incurred or obtained under any ordinance or provision hereby repealed or amended by this Ordinance. Any such ordinance or provision thereof so amended, repealed, or superseded by this Ordinance shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of such penalty, liability, or right, and for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered, or made in such actions, suits or proceedings, or prosecutions imposing, inflicting, or declaring such penalty or liability or enforcing such right, and shall be treated and held as remaining in force for the purpose of sustaining any and all proceedings, actions, hearings, and appeals pending before any court or administrative tribunal.

**Section 6. Publication.** The Town Clerk is ordered to publish this Ordinance in accordance with Chapter 5.9 of the Town of Mountain Village Municipal Code.

**INTRODUCED AND ADOPTED ON FIRST READING AND REFERRED TO PUBLIC HEARING** on May 20, 2021 and setting such public hearing for June 17, 2021 at the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

BY:

ATTEST:

\_\_\_\_\_

\_\_\_\_\_

Laila Benitez, Mayor

Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED** by the Town Council of the Town of Mountain Village, Colorado this 21st day of January 2021.

**TOWN OF MOUNTAIN VILLAGE  
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

BY:

ATTEST:

\_\_\_\_\_  
Laila Benitez, Mayor

\_\_\_\_\_  
Susan Johnston, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on May 20, 2021, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 17, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

<b>Council Member Name</b>	<b>"Yes"</b>	<b>"No"</b>	<b>Absent</b>	<b>Abstain</b>
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the  
Town this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)



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**TO:** Mountain Village Town Council

**FROM:** Michelle Haynes, Planning and Development Services Director & Paul Wisor Town Attorney

**FOR:** Town Council Meeting, June 17, 2021

**DATE:** June 4, 2021

**RE:** Mountain Village Community Housing Initiatives – Community Development Code Amendments Worksession, Zoning Incentives

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**OVERVIEW**

The Town Council is delighted to launch a Community Housing Initiative for 2021 and beyond. The Town of Mountain Village continues to be a leader in supporting existing and new community housing in Mountain Village. In light of the regional housing urgency, we are sharing our comprehensive plan and vision to demonstrate our ongoing commitment to support, create and pave the way for community housing.

**ZONING INCENTIVES OVERVIEW**

Staff discussed zoning incentives at the last Town Council meeting in May as a subset of the Community Housing Initiatives. The zoning incentives included re-introducing duplex development as an overlay within the single-family zone district in a limited vicinity called the Duplex Overlay District. This also included providing more clarity regarding accessory dwelling units, specifically that they are allowed within detached condominiums in addition to the Single-Family zone district. We will take a deeper dive into these proposed code amendments as part of this worksession.

**ATTACHMENTS**

- Proposed duplex overlay areas map

**RE-INTRODUCE DUPLEX DEVELOPMENT**

Subdividable duplex and non-subdividable duplex zoning designations were first introduced as part of the final Mountain Village Planned Unit Development Agreement and allowed within the single-family zone district in 1991, before we incorporated as a community. These zoning designations carried into our incorporation and settlement agreement with the County.

Single family, subdividable duplex and non-subdividable duplex carry the following zoning designations and person equivalents found in the table below.

Table 1. Zoning Designations in the single-family zone district and person equivalents

<b>Zoning Designation</b>	<b>Person Equivalent</b>
Single family	4

Non-Subdividable Duplex	6.5
Subdividable Duplex	8

In 2013 when the CDC replaced the LUO (Land Use Ordinance) duplex zoning designations were removed except in a handful of cases where duplexes were already platted but not yet built.

Below are the definitions of each with proposed modifications shown as strikethroughs.

**Non-Subdividable Duplex Dwelling Unit:** A lot containing either (a) a detached building containing only two (2) dwelling units that are located on one (1) lot; or (b) two (2) detached buildings with each building only containing one (1) dwelling unit, both as limited under the single-family zone district requirements. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. ~~A mother-in-law suite is permitted.~~

**Subdividable Duplex Dwelling Unit:** A Lot zoned as Subdividable Duplex, which may be used for the construction of two (2) Dwelling Units ~~plus Accessory Dwelling Unit(s).~~ A Subdividable Duplex Lot may be condominiumized by staff subdivision application.

Here are a few examples of attached duplex development

Figure 1. conceptual image of an attached duplex



Figure 2. An existing MV duplex home circa 2000



The primary difference between a non-subdividable duplex and a subdividable duplex is that the **non-subdividable** duplex second unit could only be rented and required to be deed restricted. The **subdividable duplex** second unit could be held in separate ownership via a condominium regime and need not be deed-restricted but could participate in the YES program to deed-restrict one or both units.

### **Duplex History Detail**

**Non-Subdividable Duplex Zoning Designation.** The original intent of the non-subdividable duplex designation was to assist in meeting the affordable housing requirements of the Mountain Village with the following general requirements:

- 1) The non-subdividable duplex lot may not be further subdivided unless the property acquires the necessary density, subdivision and rezone approvals through the town and it otherwise shall not increase the density limitation established [by the agreement].
- 2) The second unit may be attached or detached.
- 3) The second unit may only be used as an affordable housing unit and rented. Meaning it is deed restricted.
- 4) There is one access point of the public right of way to serve both units.

**Subdividable Duplex Zoning Designation.** The purpose and intent of a subdividable duplex unit (attached or detached) is similar to the non-subdividable duplex in the following ways but also different as noted below:

- 1) The property must acquire the necessary density, subdivision and rezone and does not otherwise increase the density limitation of the town.
- 2) There is one access point of the public right of way to serve both units.
- 3) The units may be held in separate ownership through a condominium map process.

Staff recommends the following modifications to the definitions.

**Non-subdividable duplex.** Staff recommends we re-instate the non-subdividable duplex as originally intended that the second unit stays in the same ownership, is deed restricted and rented to a qualified local renter. Staff also recommends a requirement that both units must be constructed at the same time.

**Subdividable duplex.** Staff recommends the second unit may be (but not required to be) deed restricted, and allowed to have separate ownership. Deed restriction of either or both units are eligible to participate in the YES program. Staff also recognizes that there is a no further subdivision provision in the CDC. we recommend modifying the definition so that the units can be condominiumized. The CDC is otherwise clear that in the event detached duplex units were constructed as detached, the property could not be further subdivided by plat or later rezoned to two single family lots.

### **Other land use matters of relevance.**

In both duplex scenarios the site coverage, height limitations and parking requirements are the same as that carried by the single-family zoning so although you may see two units attached or detached, the massing and context will be similar to that of a single-family home.

**Staff analysis:** Re-introducing duplex development within a discrete overlay district in combination with the YES program is one means to incentive the development of additional housing inventory in the Mountain Village. It also varies the mix of housing inventory which is a goal of any Community Housing Initiative.



## **DUPLEX DEVELOPMENT AND ADU'S – A SECONDARY CONSIDERATION**

The original duplex code provisions also allowed ADU's within duplex development. Town Council can consider any of the following:

- Duplex developments prohibit ADU's
- Duplex developments allow free market ADU's
- Duplex developments allow ADU's as long as they are deed-restricted
- Duplex development allow for a kitchen and a kitchenette to allow for an informal secondary set up, like the mother-in-law suite scenario for design flexibility.

### **Staff analysis:**

Given the 2016 prohibition on further subdivisions within the single-family zone district and a concern regarding density, staff recommends no ADU on duplex zoning designation lots.

## **DUPLEX OVERLAY DISTRICT PROPOSED**

Staff recommends re-introduction of non-subdividable duplex and subdividable duplex zoning designations within a **Duplex Overlay District** as shown on the map attached. Staff proposes the following recommendation. The option #1 map is a small area in which duplex development could occur simply by right. These lots are smaller, less visible and consists of a higher proportion of unbuilt versus built properties, seeming prime for the option to build duplex lots.

Staff recommends a wider area as shown as Option #2 in which there could be a process of adjacent owner consent, and then a property owner could consider duplex development. Staff thinks its important to provide the community options; however in the larger area, neighborhood context is important to consider and we believe adjacent lot owner consent would be an important element to introduce duplex development as infill to these otherwise established community pods.

## **ACCESSORY DWELLING UNIS**

Accessory Dwelling Units are allowed within the single-family zone district as attached [to the primary home] if the lot size is less than .75 acres and detached [from the primary home] if the lot size is over .75 acres. This accessory use is considered ancillary to the primary home, allows for a separate lock-off entrance and a full kitchen. Traditionally the ADU's were intended for caretaker and ancillary uses to manage estate properties in the Mountain Village. ADU's have functioned like this, and provided extended family, long term and short-term rental options for homeowners at their discretion. The ADU's size is limited and subordinate to the main dwelling consistent with the regulations found in the CDC.

The original definition of the ADU allowed for it as a normal incidental to, subordinate to and devoted exclusively to the main use of the residence (1998 LUO)

The current definition is as follows:

**Accessory Dwelling Unit:** A single-family dwelling that is located on the same lot as the primary single-family dwelling that meets the requirements for an accessory dwelling unit contained in Chapter 3. Each dwelling unit may have one (1) kitchen without size limitation. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit.

The current CDC also allows for a mother-in-law suite in detached condominiums. This is very similar to an ADU except there must be a common shared entrance, and the kitchen facility is limited in size. Staff recommends removing this and replacing it with an allowance for an ADU.

### **Proposal**

Staff recommends removing the definition of a mother-in-law suite, then integrating some of the mother-in-law language into the ADU definition. Staff also recommends making clearer that an ADU is allowed within detached condominiums in addition to the single-family zone district.

### **Proposed definition:**

**Accessory Dwelling Unit:** A single family An accessory dwelling unit that is defined as a unit located on the same lot or within the same primary dwelling (as applicable) as the primary single-family or detached condominium dwelling that also meets the requirements for an accessory dwelling unit contained in Chapter 3. Each dwelling unit may have one (1) kitchen without size limitation. A separate entrance is allowed. Size limitations apply as contained in Chapter 3. Wet bars are also allowed in common living rooms, entertainment rooms and similar common areas that cannot be locked-off from the dwelling unit. An accessory dwelling unit can share a common entrance or common hallway in the primary dwelling, and can provide a limited kitchen facility consisting of a sink, microwave, two-element burner and a six (6) cubic foot (maximum) refrigerator if desired.

### **Allowable Zone Districts:**

The proposed CDC amendment will make it clear that an ADU is allowed in the Single-Family zone district, Single family Common Interest Community zone district, and Multi-Family zone district when the unit configuration is detached condominium.

Above we have touched on the possible prohibition of ADU's under the duplex zoning designation scenario.

### **Parking:**

In the CDC there is no parking requirement for an ADU; however, it can be determined by the Design Review Board with development review on a case-by-case basis per CDC Section 17.5.8.A(5).

### **FURTHER CONSIDERATIONS**

ADU's are currently limited in size. Two additional council considerations could be that an ADU can be larger than otherwise required per the CDC if the owner agreed to deed restrict the ADU. Council could also consider a site coverage bonus e.g. 5% in the event a land owner constructs a deed restricted ADU. These are other possible ideas to incentivize community housing.

### **NEXT STEPS**

If Town Council recommends moving forward, below is a proposed outline of the CDC timeline and amendment process:

- May 20, 2021 – Launched the Community Housing Initiatives
- June 17, 2021 – Work session to receive direction regarding zoning incentives in the Community Development Code (CDC)

- July 1, 2021 – Design Review Board recommendation on proposed zoning incentives
- July 15, 2021 – First Reading of an Ordinance regarding proposed zoning incentives
- August 19, 2021- Second Reading of an Ordinance regarding proposed zoning incentives

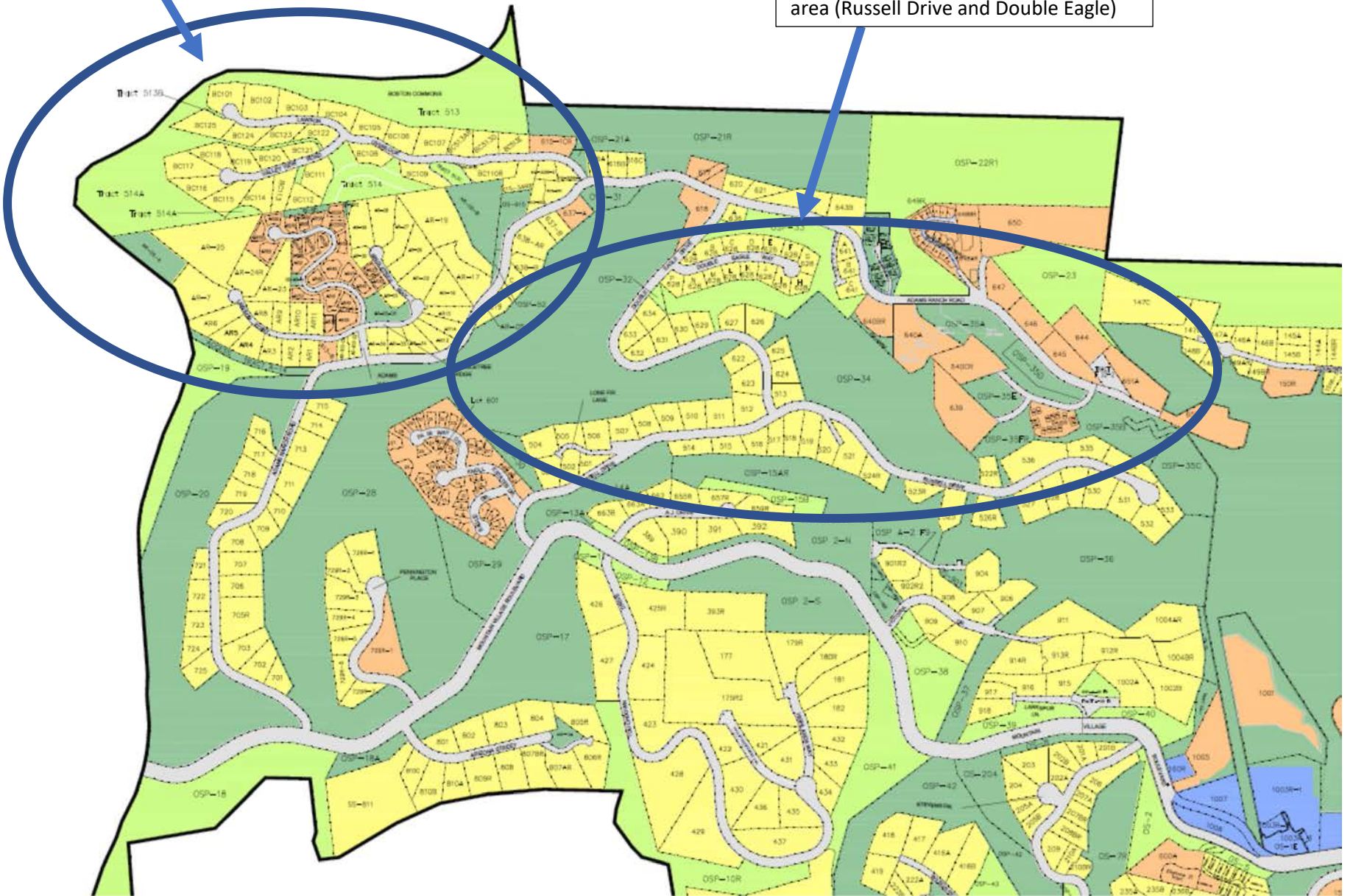
**COUNCIL DIRECTION AND SUMMARY OF TALKING POINTS**

- Affirm that the second unit of a non-subdividable duplex is required to be deed restricted.
- Is Council in agreement that ADU's be prohibited on duplex lots?
- Affirmation of an option #1 and option #2 duplex overlay map. Option #1 is a use by right, option #2 require adjacent homeowner consent.
- Confirm that we will modify the accessory dwelling unit definition as discussed.
- Confirm that we will remove the mother-in-law suite definition.
- Confirm that we are clarifying that ADU's are allowed in the single-family zone district (except not in duplex development), and within detached condominiums in the multi-family zone district and single family common interest zone district.
- Do we want to consider site coverage or ADU square footage allowances in exchange for deed restricted ADU's?

/mbh

Duplex Overlay Option #1 – use by right (Lawson Overlook & Lawson Point Area)

Duplex Overlay Option #2 – duplex with adjacent property owner consent area (Russell Drive and Double Eagle)





**TO:** Honorable Mayor Laila Benitez and Councilmembers  
**FROM:** Paul Wisor, Town Attorney; Michelle Haynes,  
Planning and Development Services Director  
**RE:** Your Equity Support (YES) Resolution  
**DATE:** June 17, 2021

**Agenda Item 10**

**SUMMARY:** Housing prices in Mountain Village continue to escalate which increases affordability challenges for persons who desire to live in Mountain Village. The Comprehensive Plan identifies a deed restrictions as one method by which Mountain Village could promote affordability and the help permanent residents purchase a home in Mountain Village. A deed restriction purchase program also expands the permanent pool of housing for full-time residents. Mountain Village has a substantial stock of multi-family housing which presents greater opportunities for creating more Community Housing stock compared to constructing new Community Housing projects.

This report addresses a proposed ordinance reflecting Council’s previous input on a proposed deed restricted program, to be designated the Your Equity Support (YES) Program, pursuant to which the Town will increase its community housing stock through the purchase of deed restrictions on homes within Mountain Village.

**BACKGROUND:** Since the end of the Great Recession, jobs and population have been growing much more rapidly than housing inventory. With the San Miguel County Adjusted Median Income (“AMI”) currently at \$67,000, the median price for a home in Mountain Village, nearly all housing options within Mountain Village exceed what most San Miguel County residents can afford. Given the disparity between income levels and housing costs, full-time residents have difficulty finding affordable housing, employers have difficulty in filling job vacancies, and many employees choose housing in down valley communities which results greater commute times.

The Town of Mountain Village Comprehensive Plan sets forth the goal of achieving a diverse range of housing densities, styles and types, including rental and for sale, to serve all segments of the population. Comprehensive Plan specifically identifies a deed restriction program as a strategy to maintain attainable market rate housing at affordable rates.

At its May 20th meeting, Town Council held a work session at which it generally approved of the concept of the YES Program and provided guidance with respect to certain specific provisions of the program.

**PROPOSED RESOLUTION:** The proposed resolution would effectively launch the YES Program. As further discussed below, the resolution specifically outlines the general parameters of the YES Program and designates the Mayor, Town Manager and Town Attorney as individuals authorized to execute the documents necessary to effectuate each individual purchase of a deed restriction.

Specifically, the proposed resolution sets forth the following parameters

- The Town may purchase deed restrictions on residential property from anyone, including businesses, provided deed restricted property is occupied by a “Qualified Resident.”
- The definition of a Qualified Resident track the definition found in the Town’s primary

deed restriction:

- A natural person who is employed an average of at least 1560 hours per year within the boundaries of the Telluride R-1 School District and who must maintain the work requirement until retirement age of sixty (60) years of age; or
- A natural person not meeting the primary employment requirement above but meeting all other criteria, but is more than sixty (60) years of age and has been an employee in the Telluride R-1 School District for a period of at least 5 years immediately prior to retirement; or
- A natural person who is handicapped or disabled and who has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.

The proposed ordinance addresses Council's articulated concern regarding remote workers by adding an additional catchall to the definition of Qualified Resident:

- A natural person who does not meet the qualifications above, but can establish to the satisfaction of the Town that such natural person (i) is employed an average of 1,560 hours per year and (ii) has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.
- Deed restrictions may be purchased on homes from owners who are Qualified Residents and whose primary residents is the home on which the deed restriction shall be placed.
- The Town may purchase a deed restriction to be placed on any residential property regardless of price or location within the Town of Mountain Village.
- All deed restricted property shall be exempt from Real Estate Transfer Assessments
- The maximum purchase price for any deed restriction shall not exceed two hundred thousand dollars (\$200,000.00); provided, however, a seller of a deed restriction may petition Town Council for a higher purchase price. The purchase price shall range from fifteen percent (15%) to twenty percent (20%) of the purchase price or appraised value of the home.
- Deed restrictions sellers shall notify their lender and appraiser and title company of their intent to place a deed restriction on the property to be acquired.
- Deed restriction sellers, to the extent they are acquiring the property, must contribute at least three percent (3%) of their own funds towards the purchase price of the property to be acquired, which funds do not include any third party down payment assistance funding.
- The Evaluation Committee shall consider applications for the purchase of deed

restrictions on a first come, first serve basis, which will be queued by complete applications. A complete application requires a fully executed purchase and sale agreement. The Town Manager, Housing Director, Finance Director and Town Attorney will serve on the Evaluation Committee.

As written, a current homeowner can apply to have their home placed into the YES Program. It should also be noted there is no price cap contained with the YES Program deed restriction.

One item that needs to be addressed is whether YES Program can be applied to raw land within the Town. If it were, any structure constructed on the encumbered property would need to house a Qualified Resident.

**FINANCIAL CONSIDERATIONS:** The Mountain Village 2021 budget estimates there is approximately \$2,000,000 available for affordable housing purposes in the Affordable Housing Fund. Some or all of these funds could be dedicated towards the YES Program.

**PROPOSED MOTION:** I move to approve the proposed Resolution authorizing the Town activate the YES Program and begin purchasing deed restrictions from owners of Mountain Village properties.

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO IMPLEMENTING THE MOUNTAIN VILLAGE YOUR EQUITY SUPPORT (YES) DEED RESTICTION PURCHASE PROGRAM**

**RESOLUTION 2021-\_\_\_\_\_**

**WHEREAS**, the Town of Mountain Village Comprehensive Plan encourages the Town of Mountain Village (the “Town”) to achieve a diverse range of housing densities, styles and types, including rental and for sale, to serve all segments of the populations; and

**WHEREAS**, the Town of Mountain Village Comprehensive Plan provides the Town should achieve such housing goals through the adoption and implementation of deed restrictions; and

**WHEREAS**, the Town of Mountain Village Community Housing Plan provides the Town should seek to add deed restricted units to the Town’s housing inventory; and

**WHEREAS**, there is in excess of two million dollars (\$2,000,000) in the Community Housing Fund for the purchase of deed restriction units the Mountain Village Deed Restriction Program; and

**WHEREAS**, the Mountain Village Town Council desires to implement the Mountain Village Deed Restriction Program, set parameters for such program and authorize the Mayor, Town Manager and Town Attorney, respectively to execute deed restrictions on behalf of the Town; and

**WHEREAS**, the Mountain Village Town Council hereby finds, determines and declares that this Resolution will promote the health, safety and general welfare of the Mountain Village community.

**NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:**

**Section 1.** The Town Council hereby delegates to the Town Manager, Housing Director, Finance Director and the Town Attorney (the “Evaluation Committee”) the authority to evaluate offers to sell and negotiate the purchase of deed restrictions subject to the conditions set forth herein.

**Section 2.** The Town Council hereby delegates to the Mayor, Town Manager and Town Attorney the authority to execute purchase and sale agreements, deed restrictions, documents, instruments, papers and other forms necessary for the purchase of deed restrictions.

**Section 3.** The purchase of deed restrictions shall be made subject to the following requirements:



- a.** The Town may purchase deed restrictions on residential property from anyone, including businesses, provided deed restricted property is occupied by a Qualified Resident.
- b.** A Qualified Resident is defined as:

  - 1. A natural person who is employed an average of at least 1560 hours per year within the boundaries of the Telluride R-1 School District and who must maintain the work requirement until retirement age of sixty (60) years of age; or
  - 2. A natural person not meeting the employment requirement set forth in subsection (1) but meeting all other criteria, but is more than sixty (60) years of age and has been an employee in the Telluride R-1 School District for a period of at least 5 years immediately prior to retirement; or
  - 3. A natural person who is handicapped or disabled and who has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof; or
  - 4. A natural person who does not meet the qualifications set forth in subsections (1)-(3), but can establish to the satisfaction of the Town that such natural person (i) is employed an average of 1,560 hours per year and (ii) has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.
- c.** Deed restrictions may be purchased on homes from owners who are Qualified Residents and whose primary residents is the home on which the deed restriction shall be placed.
- d.** The Town may purchase a deed restriction to be placed on any residential property regardless of price or location within the Town of Mountain Village.
- e.** All deed restricted property shall be exempt from Real Estate Transfer Assessments
- f.** The maximum purchase price for any deed restriction shall not exceed two hundred thousand dollars (\$200,000.00); provided, however, a seller of a deed restriction may petition Town Council for a higher purchase price. The purchase price shall range from fifteen percent (15%) to twenty percent (20%) of the purchase price or appraised value of the home.
- g.** Deed restrictions sellers shall notify their lender and appraiser and title company of their intent to place a deed restriction on the property to be acquired.
- h.** Deed restriction sellers, to the extent they are acquiring the property, must contribute at least three percent (3%) of their own funds towards the purchase price of the property to be acquired, which funds do not include any third party down payment assistance funding.

- i.** The Evaluation Committee shall consider applications for the purchase of deed restrictions on a first come, first serve basis, which will be queued by complete applications. A complete application requires a fully executed purchase and sale agreement.

**Section 4.** Staff has provided, and Town Council has reviewed and hereby approves, in substantially the form of the Deed Restriction, Deed Restriction Purchase Agreement, Subordination Agreement and Deed Restriction Application, all attached hereto and incorporated herein as Exhibits A, B, C and D, respectively.

**Section 5.** The Town Council may, by motion, modify the criteria set forth herein.

***[SIGNATURE PAGE FOLLOWS]***

**ADOPTED AND APPROVED** by the Town Council at a regular meeting held the 17th day of June 2021.

TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST

By: \_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

**Exhibit A**  
**(Deed Restriction)**

**DEED RESTRICTION  
AGREEMENT**

THIS DEED RESTRICTION AGREEMENT (the "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020 (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd Suite A, Mountain Village, Colorado 81435 (the "Town"), and \_\_\_\_\_, an individual with an address of \_\_\_\_\_ ("Owner") (each a "Party" and collectively the "Parties").

WHEREAS, Owner is purchasing the real property located at \_\_\_\_\_, Mountain Village, Colorado 81658 (the "Property"); and

WHEREAS, in exchange for compensation as set forth in a Deed Restriction Purchase Agreement, Owner has agreed to place certain restrictions on the use of the Property for the benefit of the Town by requiring occupancy of the Property by at least one qualified resident, as defined below.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. **Property.** The following real property is hereby burdened with the covenants and restrictions specified in this Agreement:\_\_\_\_\_.

2. **Definitions.** For purposes of this Agreement, the following terms shall have the following meanings:

a. *Person* means a natural person, and excludes any type of entity.

b. *Principal Place of Residence* means the home or place in which one's habitation is fixed and to which one has a present intention of returning after a departure or absence therefrom. To determine a person's Principal Place of Residence, the criteria set forth in C.R.S. § 31-10-201(3) shall apply.

c. *Qualified Household* means one Qualified Resident or a group of persons that contains at least one Qualified Resident. A Qualified Household may have occupants that are not Qualified Residents as long as at least one occupant is a Qualified Resident.

d. *Qualified Resident* means:

1. A natural person who is employed an average of at least 1560 hours per year within the boundaries of the Telluride R-1 School District and who must maintain the work requirement until retirement age of sixty (60) years of age; or

2. A natural person not meeting the employment requirement set forth in (2)(d)(1) but meeting all other criteria, but is more than sixty (60) years of age

and has been an employee in the Telluride R-1 School District for a period of at least 5 years immediately prior to retirement; or

3. A natural person who is handicapped or disabled and who has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof; or
4. A natural person who does not meet the qualifications set forth in Section 2(d)(1)-(3), but can establish to the satisfaction of the Town that such natural person (i) is employed an average of 1,560 hours per year and (ii) has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.

3. **Occupancy Restrictions.**

a. At least one Qualified Resident shall continuously occupy the Property as his or her principal place of residence.

b. Owner may rent the Property as long as the Property is continuously occupied by a Qualified Household.

c. A Qualified Resident may lease a room or rooms in the Property to one or more persons, provided that the Qualified Resident still occupies the Property as his or her principal place of residence.

d. No business activity shall occur on or in the Property other than as permitted within the zone district applicable to the Property.

4. **Annual Verification.** No later than February 1st of each year, beginning in the year following the first year of occupancy of the Property, Owner shall submit a written statement to the Town Housing Authority including the following information and stating that such information is true and correct to the best of Owner's knowledge and belief:

a. Evidence to establish that the Property was occupied by a Qualified Household during all of the prior calendar year;

b. If applicable, a copy of the lease form currently used for the Property; and

c. If applicable, a list of tenants who occupied the Property in the prior calendar year and the evidence submitted by each tenant to establish that they were a Qualified Resident, as set forth in the Qualification Guidelines.

5. **Consensual Lien; Right to Redeem.** For the purpose of securing Owner's performance under this Agreement and creating in favor of the Town a right to redeem in accordance with Part 3 of Article 38 of Title 38, C.R.S., as amended, Owner hereby grants to Town a consensual lien on the Property. Such lien shall not have a lien amount.

6. **Town's Option.** Owner shall first notify the Town if Owner wishes to sell the Property.

The Town shall have the first option to purchase the Property.

7. **Breach.**

a. It is a breach of this Agreement for Owner to violate any provision of this Agreement, or to default in payment or other obligations due to be performed under a promissory note secured by a first deed of trust encumbering the Property. Owner shall notify the Town, in writing, of any notification received from any lender of past due payments or defaults in payments or other obligations within 5 days of receipt.

b. If the Town has reasonable cause to believe Owner is violating this Agreement, the Town may inspect the Property between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, after providing Owner with 24 hours written notice. This Agreement shall constitute Owner's permission to enter the Property during such times upon such notice.

c. If Owner is more than one individual, each shall be jointly and severally liable for compliance with this Agreement and any breach of this Agreement.

8. **Remedies.**

a. The Town shall have any and all remedies provided by law and in equity for a violation of this Deed Restriction, including without limitation: (i) damages; (ii) specific performance; and (iii) injunctions, including without limitation an injunction requiring eviction of the occupant(s) and an injunction to prohibit the occupancy of the Property in violation of this Deed Restriction. All remedies shall be cumulative.

b. The cost to the Town of any activity taken in response to any violation of this Deed Restriction, including reasonable attorney fees, shall be paid promptly by Owner.

9. **Foreclosure.**

a. In the event of a foreclosure, acceptance of a deed-in-lieu of foreclosure, or assignment, this Agreement shall remain in full force and effect.

b. Owner shall give immediate notice to the Town: of any notice of foreclosure under the first deed of trust or any other subordinate security interest in the Property; or when any payment on any indebtedness encumbering the Property is required to avoid foreclosure of the first deed of trust or other subordinate security interest in the Property.

c. Within 60 days after receipt of any notice described herein, the Town may (but shall not be obligated to) proceed to make any payment required to avoid foreclosure. Upon making any such payment, the Town may place a lien on the Property in the amount paid to cure the default and avoid foreclosure, including all fees and costs resulting from such foreclosure.

d. The Town shall have 30 days after issuance of the public trustee's deed or the acceptance of a deed in lieu of foreclosure by the holder in which to purchase by tendering to the holder, in cash or certified funds, an amount equal to the redemption price which would have been required of the borrower or any person who might be liable upon a deficiency on the last day of the statutory redemption period(s) and any additional reasonable costs incurred by the holder

related to the foreclosure.

10. **Miscellaneous.**

a. *Modification.* This Agreement may only be modified by subsequent written agreement of the Parties.

b. *Integration.* This Agreement and any attached exhibits constitute the entire agreement between Owner and the Town, superseding all prior oral or written communications.

c. *Runs with the Land.* The benefits and obligations of the Parties under this Agreement shall run with the land, and Owner's obligations hereunder shall be binding on any subsequent holder of any ownership interest in the Property.

d. *Severability.* If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

e. *Governing Law and Venue.* This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

f. *Agreement Binding; Assignment.* This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

g. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

h. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

i. *Notice.* Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

j. *Recording.* This Agreement shall be recorded with the San Miguel County Clerk and Recorder.

k. *Savings Clause.* If any of the terms, covenants, conditions, restrictions, uses, limitations, obligations or options created by this Agreement are held to be unlawful or void for violation of: the rule against perpetuities or some analogous statutory provision; the rule restricting restraints on alienation; or any other statutory or common law rules imposing like or similar time limits, then such provision shall continue only for the period of the lives of the current duly elected and seated members of the Mountain Village Town Council, their now living descendants, if any, and the survivor of them, plus 21 years.



1. *Governmental Immunity.* The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO**

\_\_\_\_\_  
Kim Montgomery, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**OWNER**

\_\_\_\_\_

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF SAN MIGUEL        )

The foregoing instrument was subscribed, sworn to and acknowledged before me this\_  
\_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

(S E A L)

My commission expires:

**Exhibit B**  
**(Deed Restriction Purchase Agreement)**

## DEED RESTRICTION PURCHASE AGREEMENT

THIS DEED RESTRICTION PURCHASE AGREEMENT (the "Agreement") is entered into this \_\_\_ day of \_\_\_\_\_, 2021 (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd, Ste. A, Colorado 81435 (the "Town"), and \_\_\_\_\_, individuals with and address of \_\_\_\_\_ (collectively, "Purchaser") (each individually, a "Party" and collectively the "Parties").

WHEREAS, Purchaser is purchasing the real property and the improvements situated thereon, located at \_\_\_\_\_, Mountain Village, Colorado 81435 (the "Property"); and

WHEREAS, in exchange for compensation as set forth herein, Purchaser has agreed to place certain restrictions on the use of the Property for the benefit of the Town by requiring occupancy of the Property by at least one qualified resident, as set forth in the Deed Restriction Agreement executed contemporaneously herewith (the "Deed Restriction"); and

WHEREAS, the Deed Restriction is of value to the Town, and the Town is willing to compensate Purchaser for the value of the Deed Restriction.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Conveyance. Purchaser agrees to convey, sell, transfer and assign to the Town, and the Town agrees to purchase from Purchaser, the Deed Restriction, on the terms and conditions of this Agreement.
2. Purchase Price. The purchase price for the Deed Restriction shall be \$\_\_\_\_\_ (the "Purchase Price"), delivered to Purchaser at closing in funds which comply with all applicable Colorado laws, which include electronic transfer funds, certified check and cashier's check, at the Town's option.
3. Purchaser Contribution. As a condition of the Town acquiring the Deed Restriction, Purchase agrees it will contribute three percent (3%) or more of Purchaser funds towards the purchase price of the Property, which funds to not include any third party down payment assistance funding.
4. Closing. The closing will occur at a mutually agreeable location, at a date agreed upon by the Parties within 14 days of the Effective Date.
5. Notice and Consent. Purchaser certifies that Purchaser has notified every person or entity holding a lien or other encumbrance on the Property as well as every person or entity Purchaser reasonably believes will hold a lien or encumbrance on the Property of the proposed purchase of the Deed Restriction by the Town, and if necessary, obtained each of their consent to the recording of the Deed Restriction against the Property. Should Purchaser not provide such notice or obtain such consent, and Purchaser's failure to do so causes the Deed Restriction

to become unenforceable, invalid or void for any reason, Purchaser shall reimburse the entire Purchase Price to the Town within 30 days of receipt of written notice from the Town.

6. Purchaser's Representations and Warranties. Purchaser hereby represents and warrants that the following statements are now, and will be as of the closing date, true and correct, to the best of Purchaser's knowledge, and Purchaser shall give the Town prompt written notice if any of the representations or warranties made by Purchaser in this Agreement are no longer true or correct in any material manner:

a. There is no action, suit or proceeding pending, or to the best of Purchaser's knowledge threatened, against or otherwise affecting Purchaser or the Property in any court of law or equity, or before any governmental authority, in which an adverse decision might materially impair Purchaser's ability to perform its obligations under this Agreement.

b. There is no pending or threatened condemnation or similar proceeding affecting the Property.

7. Town's Remedies. In the case of any breach of this Agreement by Purchaser, the Town may terminate this Agreement by written notice to Purchaser, and the Town shall have all remedies available at law or equity for such breach. In addition to all other remedies, in the case of a breach of this Agreement by Purchaser, the Town shall have the right to recover the entire Purchase Price from Purchaser, in addition to all costs and fees, including attorney fees, incurred by the Town.

8. Miscellaneous.

a. Entire Agreement. This Agreement contains the entire agreement of the Parties. There are no other agreements, oral or written, and this Agreement can be amended only by written agreement signed by the Parties.

b. Agreement Binding; Assignment. This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

c. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

d. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

e. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

f. Third Parties. There are no intended third-party beneficiaries to this Agreement.



**PURCHASER**

\_\_\_\_\_

Name: \_\_\_\_\_

STATE OF COLORADO       )  
  ) ss.  
COUNTY OF SAN MIGUEL    )

The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

( S E A L )

My Commission Expires: \_\_\_\_\_

**Exhibit C**  
**(Subordination Agreement)**



**SUBORDINATION AGREEMENT**

THIS SUBORDINATION AGREEMENT (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd Suite A, Mountain Village, CO 81435 (the "Town"), and \_\_\_\_\_, a financial institution with an address of \_\_\_\_\_, \_\_\_\_\_, Colorado \_\_\_\_\_ ("Lender") (each a "Party" and collectively the "Parties").

WHEREAS, the Deed Restriction Agreement dated \_\_\_\_\_ 20\_\_, recorded on \_\_, 20\_\_ under Reception No. \_\_\_\_\_ in the records of the Clerk and Recorder of San Miguel County, Colorado, as amended (the "Deed Restriction") burdens the real property more particularly described as \_\_\_\_\_ ("Property");

WHEREAS, the owner of the Property has requested Lender to issue a loan secured by a deed of trust encumbering the Property; and

WHEREAS, Lender is willing to subordinate the loan to the Deed Restriction under the terms of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Subordination. Lender unconditionally subordinates its lien under the deed of trust on the Property issued by Lender on \_\_\_\_\_, 20\_\_ (the "Deed of Trust") to the Deed Restriction. Lender agrees that its lien on and all other rights and interests in the title to the Property resulting from the Deed of Trust will remain subordinate to all rights and interests in the title to the Property resulting from the Deed Restriction, regardless of any renewal, extension or further modification of the Deed of Trust.
2. Notice. If Lender accepts a deed in lieu of foreclosure of the Deed of Trust, Lender shall give the Town written notice within 20 days after the deed is recorded with the Clerk and Recorder of San Miguel County, Colorado.
3. Miscellaneous.
  - a. Modification. This Agreement may only be modified by subsequent written agreement of the Parties.
  - b. Integration. This Agreement and any attached exhibits constitute the entire agreement between the Parties, superseding all prior oral or written communications.
  - c. Severability. If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

d. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

e. Agreement Binding; Assignment. This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

f. Third Parties. There are no intended third-party beneficiaries to this Agreement.

g. No Joint Venture. Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

h. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

i. Recording. This Agreement shall be recorded with the San Miguel County Clerk and Recorder.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO**

\_\_\_\_\_  
Kim Montgomery, Town Manager

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**LENDER:**

\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY of \_\_\_\_\_ )

The foregoing instrument was subscribed, sworn to, and acknowledged before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as  
\_\_\_\_\_ of the Lender.

My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

**Exhibit D**  
**(Deed Restriction Application)**



# Mountain Village Deed Restriction Program Application

455 Mountain Village Blvd., Ste A.  
Mountain Village, Colorado 81435

Finance Department  
970.738.8000

Date: \_\_\_\_\_

Your name: \_\_\_\_\_  
Provide name(s) as title to property will be or is held

Your current mailing address: \_\_\_\_\_

Your e-mail: \_\_\_\_\_

Your phone: \_\_\_\_\_

Amount of money requested: \$ \_\_\_\_\_

Avon property address to be deed restricted: \_\_\_\_\_

Property Type:  Single Family  Condo  Townhouse  Duplex

Number of bedrooms/bathrooms: \_\_\_\_\_ Bedrooms \_\_\_\_\_ Bathrooms

Number of unit parking spaces;  
total property parking spaces: \_\_\_\_\_

Are you under contract? \_\_\_\_\_

Contract or list price: \_\_\_\_\_

Closing date or  
date decision is needed: \_\_\_\_\_

Is there a Home Owner's Association?  Yes, there is an HOA  No, there is no HOA

Is there any pending or upcoming  
special assessments (SA's)?  Pending SA  Upcoming SA  No SA

Is there a right of first refusal?  
The Town cannot place a deed restriction on property with right of first refusal

Name of Lender: \_\_\_\_\_

Name of Real Estate Agent: \_\_\_\_\_

Name of Title Company: \_\_\_\_\_

Name of Eagle County Employer: \_\_\_\_\_

Have you notified your Lender, Title  
Company and Appraiser of your intent to  
place a Deed Restriction on the Property? \_\_\_\_\_

Is there additional property information  
You wish to share? (optional): \_\_\_\_\_

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO IMPLMENTING THE MOUNTAIN VILLAGE YOUR EQUITY SUPPORT (YES) DEED RESTICTION PURCHASE PROGRAM**

**RESOLUTION 2021-\_\_\_\_\_**

**WHEREAS**, the Town of Mountain Village Comprehensive Plan encourages the Town of Mountain Village (the “Town”) to achieve a diverse range of housing densities, styles and types, including rental and for sale, to serve all segments of the populations; and

**WHEREAS**, the Town of Mountain Village Comprehensive Plan provides the Town should achieve such housing goals through the adoption and implementation of deed restrictions; and

**WHEREAS**, the Town of Mountain Village Community Housing Plan provides the Town should seek to add deed restricted units to the Town’s housing inventory; and

**WHEREAS**, there is in excess of two million dollars (\$2,000,000) in the Community Housing Fund for the purchase of deed restriction units the Mountain Village Deed Restriction Program; and

**WHEREAS**, the Mountain Village Town Council desires to implement the Mountain Village Deed Restriction Program, set parameters for such program and authorize the Mayor, Town Manager and Town Attorney, respectively to execute deed restrictions on behalf of the Town; and

**WHEREAS**, the Mountain Village Town Council hereby finds, determines and declares that this Resolution will promote the health, safety and general welfare of the Mountain Village community.

**NOW THEREFORE, BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO:**

**Section 1.** The Town Council hereby delegates to the Town Manager, Housing Director, Finance Director and the Town Attorney (the “Evaluation Committee”) the authority to evaluate offers to sell and negotiate the purchase of deed restrictions subject to the conditions set forth herein.

**Section 2.** The Town Council hereby delegates to the Mayor, Town Manager and Town Attorney the authority to execute purchase and sale agreements, deed restrictions, documents, instruments, papers and other forms necessary for the purchase of deed restrictions.

**Section 3.** The purchase of deed restrictions shall be made subject to the following requirements:

- a.** The Town may purchase deed restrictions on residential property from anyone, including businesses, provided deed restricted property is occupied by a Qualified Resident.
- b.** A Qualified Resident is defined as:

  - 1. A natural person who is employed an average of at least 1560 hours per year within the boundaries of the Telluride R-1 School District and who must maintain the work requirement until retirement age of sixty (60) years of age; or
  - 2. A natural person not meeting the employment requirement set forth in subsection (1) but meeting all other criteria, but is more than sixty (60) years of age and has been an employee in the Telluride R-1 School District for a period of at least 5 years immediately prior to retirement; or
  - 3. A natural person who is handicapped or disabled and who has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof; or
  - 4. A natural person who does not meet the qualifications set forth in subsections (1)-(3), but can establish to the satisfaction of the Town that such natural person (i) is employed an average of 1,560 hours per year and (ii) has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.
- c.** Deed restrictions may be purchased on homes from owners who are Qualified Residents and whose primary residents is the home on which the deed restriction shall be placed.
- d.** The Town may purchase a deed restriction to be placed on any residential property regardless of price or location within the Town of Mountain Village.
- e.** All deed restricted property shall be exempt from Real Estate Transfer Assessments
- f.** The maximum purchase price for any deed restriction shall not exceed two hundred thousand dollars (\$200,000.00); provided, however, a seller of a deed restriction may petition Town Council for a higher purchase price. The purchase price shall range from fifteen percent (15%) to twenty percent (20%) of the purchase price or appraised value of the home.
- g.** Deed restrictions sellers shall notify their lender and appraiser and title company of their intent to place a deed restriction on the property to be acquired.
- h.** Deed restriction sellers, to the extent they are acquiring the property, must contribute at least three percent (3%) of their own funds towards the purchase price of the property to be acquired, which funds do not include any third party down payment assistance funding.

- i.** The Evaluation Committee shall consider applications for the purchase of deed restrictions on a first come, first serve basis, which will be queued by complete applications. A complete application requires a fully executed purchase and sale agreement.

**Section 4.** Staff has provided, and Town Council has reviewed and hereby approves, in substantially the form of the Deed Restriction, Deed Restriction Purchase Agreement, Subordination Agreement and Deed Restriction Application, all attached hereto and incorporated herein as Exhibits A, B, C and D, respectively.

**Section 5.** The Town Council may, by motion, modify the criteria set forth herein.

***[SIGNATURE PAGE FOLLOWS]***



**ADOPTED AND APPROVED** by the Town Council at a regular meeting held the 17th day of June 2021.

TOWN OF MOUNTAIN VILLAGE TOWN COUNCIL

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST

By: \_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as to Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

**Exhibit A**  
**(Deed Restriction)**

**DEED RESTRICTION**  
**AGREEMENT**

THIS DEED RESTRICTION AGREEMENT (the "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2020 (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd Suite A, Mountain Village, Colorado 81435 (the "Town"), and \_\_\_\_\_, an individual with an address of \_\_\_\_\_ ("Owner") (each a "Party" and collectively the "Parties").

WHEREAS, Owner is purchasing the real property located at \_\_\_\_\_, Mountain Village, Colorado 81658 (the "Property"); and

WHEREAS, in exchange for compensation as set forth in a Deed Restriction Purchase Agreement, Owner has agreed to place certain restrictions on the use of the Property for the benefit of the Town by requiring occupancy of the Property by at least one qualified resident, as defined below.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. **Property.** The following real property is hereby burdened with the covenants and restrictions specified in this Agreement:\_\_\_\_\_.

2. **Definitions.** For purposes of this Agreement, the following terms shall have the following meanings:

a. *Person* means a natural person, and excludes any type of entity.

b. *Principal Place of Residence* means the home or place in which one's habitation is fixed and to which one has a present intention of returning after a departure or absence therefrom. To determine a person's Principal Place of Residence, the criteria set forth in C.R.S. § 31-10-201(3) shall apply.

c. *Qualified Household* means one Qualified Resident or a group of persons that contains at least one Qualified Resident. A Qualified Household may have occupants that are not Qualified Residents as long as at least one occupant is a Qualified Resident.

d. *Qualified Resident* means:

1. A natural person who is employed an average of at least 1560 hours per year within the boundaries of the Telluride R-1 School District and who must maintain the work requirement until retirement age of sixty (60) years of age; or

2. A natural person not meeting the employment requirement set forth in (2)(d)(1) but meeting all other criteria, but is more than sixty (60) years of age

and has been an employee in the Telluride R-1 School District for a period of at least 5 years immediately prior to retirement; or

3. A natural person who is handicapped or disabled and who has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof; or
4. A natural person who does not meet the qualifications set forth in Section 2(d)(1)-(3), but can establish to the satisfaction of the Town that such natural person (i) is employed an average of 1,560 hours per year and (ii) has been a resident within the boundaries of the Telluride R-1 School District for at least 12 months immediately prior to the date hereof.

3. **Occupancy Restrictions.**

a. At least one Qualified Resident shall continuously occupy the Property as his or her principal place of residence.

b. Owner may rent the Property as long as the Property is continuously occupied by a Qualified Household.

c. A Qualified Resident may lease a room or rooms in the Property to one or more persons, provided that the Qualified Resident still occupies the Property as his or her principal place of residence.

d. No business activity shall occur on or in the Property other than as permitted within the zone district applicable to the Property.

4. **Annual Verification.** No later than February 1st of each year, beginning in the year following the first year of occupancy of the Property, Owner shall submit a written statement to the Town Housing Authority including the following information and stating that such information is true and correct to the best of Owner's knowledge and belief:

a. Evidence to establish that the Property was occupied by a Qualified Household during all of the prior calendar year;

b. If applicable, a copy of the lease form currently used for the Property; and

c. If applicable, a list of tenants who occupied the Property in the prior calendar year and the evidence submitted by each tenant to establish that they were a Qualified Resident, as set forth in the Qualification Guidelines.

5. **Consensual Lien; Right to Redeem.** For the purpose of securing Owner's performance under this Agreement and creating in favor of the Town a right to redeem in accordance with Part 3 of Article 38 of Title 38, C.R.S., as amended, Owner hereby grants to Town a consensual lien on the Property. Such lien shall not have a lien amount.

6. **Town's Option.** Owner shall first notify the Town if Owner wishes to sell the Property.

The Town shall have the first option to purchase the Property.

7. **Breach.**

a. It is a breach of this Agreement for Owner to violate any provision of this Agreement, or to default in payment or other obligations due to be performed under a promissory note secured by a first deed of trust encumbering the Property. Owner shall notify the Town, in writing, of any notification received from any lender of past due payments or defaults in payments or other obligations within 5 days of receipt.

b. If the Town has reasonable cause to believe Owner is violating this Agreement, the Town may inspect the Property between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, after providing Owner with 24 hours written notice. This Agreement shall constitute Owner's permission to enter the Property during such times upon such notice.

c. If Owner is more than one individual, each shall be jointly and severally liable for compliance with this Agreement and any breach of this Agreement.

8. **Remedies.**

a. The Town shall have any and all remedies provided by law and in equity for a violation of this Deed Restriction, including without limitation: (i) damages; (ii) specific performance; and (iii) injunctions, including without limitation an injunction requiring eviction of the occupant(s) and an injunction to prohibit the occupancy of the Property in violation of this Deed Restriction. All remedies shall be cumulative.

b. The cost to the Town of any activity taken in response to any violation of this Deed Restriction, including reasonable attorney fees, shall be paid promptly by Owner.

9. **Foreclosure.**

a. In the event of a foreclosure, acceptance of a deed-in-lieu of foreclosure, or assignment, this Agreement shall remain in full force and effect.

b. Owner shall give immediate notice to the Town: of any notice of foreclosure under the first deed of trust or any other subordinate security interest in the Property; or when any payment on any indebtedness encumbering the Property is required to avoid foreclosure of the first deed of trust or other subordinate security interest in the Property.

c. Within 60 days after receipt of any notice described herein, the Town may (but shall not be obligated to) proceed to make any payment required to avoid foreclosure. Upon making any such payment, the Town may place a lien on the Property in the amount paid to cure the default and avoid foreclosure, including all fees and costs resulting from such foreclosure.

d. The Town shall have 30 days after issuance of the public trustee's deed or the acceptance of a deed in lieu of foreclosure by the holder in which to purchase by tendering to the holder, in cash or certified funds, an amount equal to the redemption price which would have been required of the borrower or any person who might be liable upon a deficiency on the last day of the statutory redemption period(s) and any additional reasonable costs incurred by the holder

related to the foreclosure.

10. **Miscellaneous.**

a. *Modification.* This Agreement may only be modified by subsequent written agreement of the Parties.

b. *Integration.* This Agreement and any attached exhibits constitute the entire agreement between Owner and the Town, superseding all prior oral or written communications.

c. *Runs with the Land.* The benefits and obligations of the Parties under this Agreement shall run with the land, and Owner's obligations hereunder shall be binding on any subsequent holder of any ownership interest in the Property.

d. *Severability.* If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

e. *Governing Law and Venue.* This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

f. *Agreement Binding; Assignment.* This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

g. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

h. *No Joint Venture.* Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

i. *Notice.* Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

j. *Recording.* This Agreement shall be recorded with the San Miguel County Clerk and Recorder.

k. *Savings Clause.* If any of the terms, covenants, conditions, restrictions, uses, limitations, obligations or options created by this Agreement are held to be unlawful or void for violation of: the rule against perpetuities or some analogous statutory provision; the rule restricting restraints on alienation; or any other statutory or common law rules imposing like or similar time limits, then such provision shall continue only for the period of the lives of the current duly elected and seated members of the Mountain Village Town Council, their now living descendants, if any, and the survivor of them, plus 21 years.

1. *Governmental Immunity.* The Town and its officers, attorneys and employees, are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities or protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town and its officers, attorneys or employees.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO**

\_\_\_\_\_  
Kim Montgomery, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**OWNER**

\_\_\_\_\_

STATE OF COLORADO            )  
  ) ss.  
COUNTY OF SAN MIGUEL        )

The foregoing instrument was subscribed, sworn to and acknowledged before me this\_  
\_\_\_\_\_ day of \_\_\_\_\_, 2020, by \_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

(S E A L)

My commission expires:



**Exhibit B**  
**(Deed Restriction Purchase Agreement)**

## **DEED RESTRICTION PURCHASE AGREEMENT**

THIS DEED RESTRICTION PURCHASE AGREEMENT (the "Agreement") is entered into this \_\_\_ day of \_\_\_\_\_, 2021 (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd, Ste. A, Colorado 81435 (the "Town"), and \_\_\_\_\_, individuals with and address of \_\_\_\_\_ (collectively, "Purchaser") (each individually, a "Party" and collectively the "Parties").

WHEREAS, Purchaser is purchasing the real property and the improvements situated thereon, located at \_\_\_\_\_, Mountain Village, Colorado 81435 (the "Property"); and

WHEREAS, in exchange for compensation as set forth herein, Purchaser has agreed to place certain restrictions on the use of the Property for the benefit of the Town by requiring occupancy of the Property by at least one qualified resident, as set forth in the Deed Restriction Agreement executed contemporaneously herewith (the "Deed Restriction"); and

WHEREAS, the Deed Restriction is of value to the Town, and the Town is willing to compensate Purchaser for the value of the Deed Restriction.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Conveyance. Purchaser agrees to convey, sell, transfer and assign to the Town, and the Town agrees to purchase from Purchaser, the Deed Restriction, on the terms and conditions of this Agreement.
2. Purchase Price. The purchase price for the Deed Restriction shall be \$\_\_\_\_\_ (the "Purchase Price"), delivered to Purchaser at closing in funds which comply with all applicable Colorado laws, which include electronic transfer funds, certified check and cashier's check, at the Town's option.
3. Purchaser Contribution. As a condition of the Town acquiring the Deed Restriction, Purchase agrees it will contribute three percent (3%) or more of Purchaser funds towards the purchase price of the Property, which funds to not include any third party down payment assistance funding.
4. Closing. The closing will occur at a mutually agreeable location, at a date agreed upon by the Parties within 14 days of the Effective Date.
5. Notice and Consent. Purchaser certifies that Purchaser has notified every person or entity holding a lien or other encumbrance on the Property as well as every person or entity Purchaser reasonably believes will hold a lien or encumbrance on the Property of the proposed purchase of the Deed Restriction by the Town, and if necessary, obtained each of their consent to the recording of the Deed Restriction against the Property. Should Purchaser not provide such notice or obtain such consent, and Purchaser's failure to do so causes the Deed Restriction

to become unenforceable, invalid or void for any reason, Purchaser shall reimburse the entire Purchase Price to the Town within 30 days of receipt of written notice from the Town.

6. Purchaser's Representations and Warranties. Purchaser hereby represents and warrants that the following statements are now, and will be as of the closing date, true and correct, to the best of Purchaser's knowledge, and Purchaser shall give the Town prompt written notice if any of the representations or warranties made by Purchaser in this Agreement are no longer true or correct in any material manner:

a. There is no action, suit or proceeding pending, or to the best of Purchaser's knowledge threatened, against or otherwise affecting Purchaser or the Property in any court of law or equity, or before any governmental authority, in which an adverse decision might materially impair Purchaser's ability to perform its obligations under this Agreement.

b. There is no pending or threatened condemnation or similar proceeding affecting the Property.

7. Town's Remedies. In the case of any breach of this Agreement by Purchaser, the Town may terminate this Agreement by written notice to Purchaser, and the Town shall have all remedies available at law or equity for such breach. In addition to all other remedies, in the case of a breach of this Agreement by Purchaser, the Town shall have the right to recover the entire Purchase Price from Purchaser, in addition to all costs and fees, including attorney fees, incurred by the Town.

8. Miscellaneous.

a. Entire Agreement. This Agreement contains the entire agreement of the Parties. There are no other agreements, oral or written, and this Agreement can be amended only by written agreement signed by the Parties.

b. Agreement Binding; Assignment. This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

c. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

d. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

e. Severability. If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

f. Third Parties. There are no intended third-party beneficiaries to this Agreement.



**PURCHASER**

\_\_\_\_\_

Name: \_\_\_\_\_

STATE OF COLORADO        )  
  ) ss.  
COUNTY OF SAN MIGUEL    )

The foregoing instrument was subscribed, sworn to and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_.

Witness my hand and official seal.

\_\_\_\_\_  
Notary Public

( S E A L )

My Commission Expires: \_\_\_\_\_

**Exhibit C**  
**(Subordination Agreement)**

## SUBORDINATION AGREEMENT

THIS SUBORDINATION AGREEMENT (the "Agreement") is entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ (the "Effective Date") by and between the Town of Mountain Village, Colorado, a Colorado home rule municipality with an address of 455 Mountain Village Blvd Suite A, Mountain Village, CO 81435 (the "Town"), and \_\_\_\_\_, a financial institution with an address of \_\_\_\_\_, \_\_\_\_\_, Colorado \_\_\_\_\_ ("Lender") (each a "Party" and collectively the "Parties").

WHEREAS, the Deed Restriction Agreement dated \_\_\_\_\_ 20\_\_, recorded on \_\_, 20\_\_ under Reception No. \_\_\_\_\_ in the records of the Clerk and Recorder of San Miguel County, Colorado, as amended (the "Deed Restriction") burdens the real property more particularly described as \_\_\_\_\_ ("Property");

WHEREAS, the owner of the Property has requested Lender to issue a loan secured by a deed of trust encumbering the Property; and

WHEREAS, Lender is willing to subordinate the loan to the Deed Restriction under the terms of this Agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the sufficiency of which is mutually acknowledged, the Parties agree as follows:

1. Subordination. Lender unconditionally subordinates its lien under the deed of trust on the Property issued by Lender on \_\_\_\_\_, 20\_\_ (the "Deed of Trust") to the Deed Restriction. Lender agrees that its lien on and all other rights and interests in the title to the Property resulting from the Deed of Trust will remain subordinate to all rights and interests in the title to the Property resulting from the Deed Restriction, regardless of any renewal, extension or further modification of the Deed of Trust.

2. Notice. If Lender accepts a deed in lieu of foreclosure of the Deed of Trust, Lender shall give the Town written notice within 20 days after the deed is recorded with the Clerk and Recorder of San Miguel County, Colorado.

3. Miscellaneous.

a. Modification. This Agreement may only be modified by subsequent written agreement of the Parties.

b. Integration. This Agreement and any attached exhibits constitute the entire agreement between the Parties, superseding all prior oral or written communications.

c. Severability. If any provision of this Agreement is determined to be void by a court of competent jurisdiction, such determination shall not affect any other provision hereof, and all of the other provisions shall remain in full force and effect.

d. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in San Miguel County, Colorado.

e. Agreement Binding; Assignment. This Agreement, and the terms, covenants, and conditions herein contained, shall inure to the benefit of and be binding upon the heirs, personal representatives, successors, and assigns of the Parties.

f. Third Parties. There are no intended third-party beneficiaries to this Agreement.

g. No Joint Venture. Notwithstanding any provision hereof, the Town shall never be a joint venture in any private entity or activity which participates in this Agreement, and the Town shall never be liable or responsible for any debt or obligation of any participant in this Agreement.

h. Notice. Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent pre-paid, first class United States Mail to the Party at the address set forth on the first page of this Agreement.

i. Recording. This Agreement shall be recorded with the San Miguel County Clerk and Recorder.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO**

\_\_\_\_\_  
Kim Montgomery, Town Manager

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk



**LENDER:**

\_\_\_\_\_

STATE OF \_\_\_\_\_ )  
 ) ss.  
COUNTY of \_\_\_\_\_ )

The foregoing instrument was subscribed, sworn to, and acknowledged before me this  
\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ as  
\_\_\_\_\_ of the Lender.

My commission expires: \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Notary Public

**Exhibit D**  
**(Deed Restriction Application)**



# Mountain Village Deed Restriction Program Application

455 Mountain Village Blvd., Ste A.  
Mountain Village, Colorado 81435

Finance Department  
970.738.8000

Date: \_\_\_\_\_

Your name: \_\_\_\_\_  
Provide name(s) as title to property will be or is held

Your current mailing address: \_\_\_\_\_

Your e-mail: \_\_\_\_\_

Your phone: \_\_\_\_\_

Amount of money requested: \$ \_\_\_\_\_

Avon property address to be deed restricted: \_\_\_\_\_

Property Type:  Single Family  Condo  Townhouse  Duplex

Number of bedrooms/bathrooms: \_\_\_\_\_ Bedrooms \_\_\_\_\_ Bathrooms

Number of unit parking spaces;  
total property parking spaces: \_\_\_\_\_

Are you under contract? \_\_\_\_\_

Contract or list price: \_\_\_\_\_

Closing date or  
date decision is needed: \_\_\_\_\_

Is there a Home Owner's Association?  Yes, there is an HOA  No, there is no HOA

Is there any pending or upcoming  
special assessments (SA's)?  Pending SA  Upcoming SA  No SA

Is there a right of first refusal?  
The Town cannot place a deed restriction on property with right of first refusal

Name of Lender: \_\_\_\_\_

Name of Real Estate Agent: \_\_\_\_\_

Name of Title Company: \_\_\_\_\_

Name of Eagle County Employer: \_\_\_\_\_

Have you notified your Lender, Title  
Company and Appraiser of your intent to  
place a Deed Restriction on the Property? \_\_\_\_\_

Is there additional property information  
You wish to share? (optional): \_\_\_\_\_



**TO:** Mountain Village Town Council  
**FROM:** John Miller, Senior Planner  
**FOR:** Town Council Public Hearing; June 17, 2021  
**DATE:** June 8, 2021  
**RE:** Second Reading, Public Hearing and Council Vote on, an Ordinance regarding a Vested Property Rights Extension for a Site-Specific Development Plan at Lot 1003R-1, 433 Mountain Village Boulevard, Gondola Parking Garage

## Project Overview

### **PROJECT GEOGRAPHY**

**Legal Description:** *Land Unit 2 The Village Station Land Condominiums a Colorado Common Interest Ownership Community in Accordance with the Declaration Recorded on July 1, 20215 in Reception No. 438226*

**Address:** 433 Mountain Village Blvd  
**Applicant/Agent:** Michelle Haynes, Planning and Development Services Director  
**Owner:** Town of Mountain Village  
**Zoning:** Civic Zone  
**Existing Use:** Parking Garage  
**Proposed Use:** Parking Garage  
**Lot Size:** 1.759 acres

#### **Adjacent Land Uses:**

- **North:** Active OS
- **South:** Civic
- **East:** Active OS
- **West:** Active OS

#### **ATTACHMENTS**

- Exhibit A: Narrative
- Exhibit B: Plan Set
- Exhibit C: Ordinance

*Figure 1: Lot 1003R-1 - Vicinity Map*



**Case Summary:** *Please note that Staff comments will be indicated by Italicized Text:* Michelle Haynes, Planning and Development Services Director, acting on behalf of the Town of Mountain Village (Owner), is requesting Town Council approval for an extension of the Vested Property Rights and Site-Specific Development Plan for the future expansion of the Gondola Parking Garage at 433 Mountain Village Boulevard. This request would extend the vested property rights and site-specific design plans for the Gondola Parking Garage Expansion from its current expiration on October 20, 2021, until October 20, 2031.

*Staff Note: The original parking structure was constructed in 1995 with the most recent phase completed in 2004. In 2007, the Town submitted and received approval for an application requesting an additional two floors of parking be constructed on top of the existing structure. Due to the economic downturn, the town subsequently requested a series of one-year extensions totaling 4 years and expiring on August 9, 2011.*

*In 2011 an application similar to this requested a 10-year extension to the Vested Property Rights for the DRB approved design. This was granted with conditions and the current expiration of this project's Vested Rights is October 20, 2021. It should be noted that all conditions of approval from the original 2007 Design Review approval as well as the 2011 vested property rights extension approval remain applicable for any future development*

The approval extends the vested rights of the property as it relates to the following approvals:

1. The Site-Specific Development Plan for Lot 1003R-1, Gondola Parking Garage Expansion, originally approved August 9, 2007.
2. The Vested Property Right Extensions originally granted October 20, 2011, and recorded under Resolution No. 2011-1020-23.

The Owner is requesting an extension of Vested Property Rights for Items 1 and 2 above due to complications and issues created by long-term economic patterns as well as the COVID19 Pandemic / lingering impacts of the pandemic on the overall development patterns in the Mountain Village.

**Applicable CDC Requirement Analysis:** The applicable requirements cited may not be exhaustive or all-inclusive. The Owner is required to follow all requirements even if an applicable section of the CDC is not cited.

#### **Section 17.4.17: Vested Property Rights**

D. Criteria for Decision:

1. The following criteria shall be met for the review authority to approve a vested property right:
  - a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions;

*Staff Note: The original expansion of the parking garage was complicated during the late 2000s due to the large-scale economic downturn. In 2019, the parking garage expansion was explored again with additional design and engineering*

*completed in anticipation of future construction of the garage within the extended vested property rights timeframe. Due to the COVID-19 pandemic, this project was put on hold. Due to this, the Town is requesting an additional 10 years to accomplish the project, recognizing the public benefit of this vested property right. Criterion Met.*

- b. The site-specific development plan is consistent with public health, safety, and welfare;

*Staff Note: Extension of current Vested Property Rights would not negatively impact public health, safety, or welfare. Due to the limited area within the town for parking facilities, this vested rights extension provides additional public benefit. Criterion Met.*

- c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;

*Staff Note: Staff is generally comfortable with the proposed construction and required financing of the approved site-specific development plan, given the extensive discussions held in 2019 as it related to financing and development of the project. Criterion Met.*

- d. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s); and

*Staff Note: There are no concurrent development applications required as part of this request. Criterion Met.*

- e. The proposed vested property right meets all applicable Town regulations and standards.

*Staff Note: The proposal, at the time of approval, met all applicable town regulations and standards. These standards are still being met through this proposal. Criterion Met.*

#### E. General Standards for Review

- 2. Required Plan Notation. Each document that comprises a site-specific development plan shall contain the following language:

*Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101-106 and subject to the Town of Mountain Village's Community Development Code.*

Failure to comply with the foregoing requirement shall negate the creation of a vested property right.

*Staff Note: The Owner shall be required to add this notation to each document within the site-specific development plan.*

- 5. Duration: A property right, which has been vested as provided for in this section, shall remain vested for a period of three (3) years unless the Town Council in its

sole discretion approves a longer vesting period based on the scale of the development application, or other special or unique circumstances or other development objectives.

*Staff Note: The Owner is requesting a vesting period of extension of ten (10) years. As noted above, the Town Council may approve a vesting period for longer than the three (3) year period, recognizing the unique circumstances and the development objective target of increasing parking supply in the Mountain Village.*

**Design Review Board Recommendation:** The Design Review Board reviewed the application to extend the Vested Property Rights for a Site-Specific Development Plan at Lot 1003R-1, Gondola Parking Garage at the April 22 Special DRB Meeting and voted unanimously to recommend approval to Town Council with Staff's recommended conditions.

**Staff Recommendation:** If the Town Council determines that the application to extend the vested property rights and site-specific development plan for the Gondola Parking Garage Expansion at Lot 1003R-1 meets the criteria for decision listed within this staff memo, then staff has provided the following suggested motion:

***Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.***

**Proposed Motion:**

*I move to approve an Ordinance regarding the extension of a vested property right and site-specific development plan application at Lot 1003R-1, 433 Mountain Village Blvd, from October 20, 2021, to October 20, 2031, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated June 8, 2021.*

*With the following findings:*

- 1) *The proposal to extend the Gondola Parking Garage Expansion vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1).*

*And, with the following conditions:*

- 1) *Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: " Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village's Community Development Code."*
- 2) *The Town shall publish a notice in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)*
- 3) *All previous conditions of approval from the original 2007 Design Review approval as well as the 2011 vested property rights extension approval remain applicable for any future development.*

*This motion is based on the evidence and testimony provided at a public hearing held on June 17 2021, with notice of such hearing as required by the Community Development Code.*

/jjm





# VESTED PROPERTY RIGHTS APPLICATION

**Planning & Development Services**  
 455 Mountain Village Blvd. Suite A  
 Mountain Village, CO 81435  
 970-728-1392  
 970-728-4342 Fax  
[cd@mtnvillage.org](mailto:cd@mtnvillage.org)

VESTED PROPERTY RIGHTS APPLICATION			
APPLICANT INFORMATION			
<b>Name:</b>		<b>E-mail Address:</b>	
<b>Mailing Address:</b>		<b>Phone:</b>	
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>	
<b>Mountain Village Business License Number:</b>			
PROPERTY INFORMATION			
<b>Physical Address:</b>		<b>Acreage:</b>	
<b>Zone District:</b>	<b>Zoning Designations:</b>	<b>Density Assigned to the Lot or Site:</b>	
<b>Legal Description:</b>			
<b>Existing Land Uses:</b>			
<b>Proposed Land Uses:</b>			
OWNER INFORMATION			
<b>Property Owner:</b>		<b>E-mail Address:</b>	
<b>Mailing Address:</b>		<b>Phone:</b>	
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>	
DESCRIPTION OF REQUEST			

February 15, 2021

**Narrative:** Gondola Parking Garage Vested Property Rights and Plan extension Narrative criteria for review

1. The following criteria shall be met for the review authority to approve a vested property right:

a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;

**The Town of Mountain Village wishes to keep the vested property rights and design review plans in place to maintain the option to construct the Gondola Parking Garage expansion in the future without having to go through a new design and review process.**

b. The site-specific development plan is consistent with public health, safety and welfare;

**Yes it is.**

c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;

**Yes it met town regulations and standards and was approved as such.**

d. The site-specific development plan meets the criteria for decision for concurrent, required development application(s); and

**Yes**

e. The proposed vested property right meets all applicable Town regulations and standards.

**Yes**

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the vested property right review criteria.

# TMV Parking Structure Landscape Improvements

Sheet	Plan
1	Cover
2	Ground Level Site Plan
3	Top Deck Plan
4	North Elevation
5	South Elevation
6	West/East Elevation
7	Details

**CARIBOU & DESIGN ASSOCIATES**  
LANDSCAPE ARCHITECTURE AND PLANNING  
126 S. Oak #F  
P.O. Box 3855  
Telluride, Colorado, 81435  
ph: 970.728.0842  
fax: 970.728.7982

TMV Parking Structure Landscape Impr.

<b>DRAWN BY:</b> RBC	<small>Disclaimer</small> This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.	<b>REVISION</b>	<b>DATE</b>	<b>DESCRIPTION</b>	<b>BY</b>	<b>CH'D</b>
<b>DESIGNED BY:</b> BB						
<b>CHECKED BY:</b> SM						



**TMV Parking Structure**  
Landscape Improvemnets

<b>SCALE:</b> NTS	<b>JOB NO.:</b>	<b>DATE:</b> 8-1-07
<b>SHEET NO.:</b> 1 of 7		

**REVEGETATION NOTES**

- Subsoil surface shall be tilled to a 4" depth on non fill areas.
- Topsoil shall be spread at a minimum depth of 4" over all areas to be revegetated (except on slopes greater than 3:1) and amendments rototilled at a rate of cubic yards per thousand square feet.
- Broadcasting of seed shall be done immediately after topsoil is applied (within 10 days) to minimize erosion and weeds.
- Areas which have been compacted or relatively undisturbed needing seed(s) be scarified before broadcasting of seed.
- Broadcast with specified seed mix and follow with dry mulching. Straw or hay shall be uniformly applied over seeded areas at a rate of 1.5 tons per acre for hay or 2 tons per acre for straw, crimp in.
- On slopes greater than 3:1 erosion control blanket shall be applied in place of straw mulch and pinned.
- All utility cuts shall be revegetated within two weeks after installation of utilities to prevent weed infestation.
- Seed all areas labeled Native grass seed with the following mixture at a rate of 12 lbs. per acre.

Species	pure live seed per acre
Western Yarrow	5%
Tall Fescue	10%
Arizona Fescue	5%
Hard Fescue	5%
Creeping Red Fescue	10%
Alpine Bluegrass	15%
Canada Bluegrass	10%
Perennial Ryegrass	15%
Slender Wheatgrass	10%
Mountain Brome	15%
Mountain brome (Bromus)	10%

# Entry Level Deck

EXISTING BOULDER WALL

3' STONE VENEER WALL

3' STONE VENEER WALL

PAINTED TRAFFIC LINES

8, 3" CAL. ASPEN

5 10-12' SPRUCE

17 SERVICEBERRY

TOPSOIL & REVEG W  
NATIVE GRASS SEED

**Plant Schedule**

Site Plan			
Symbol	Plant	Size	Qty.
●	Aspen	3.0 cal	8
⊙	Spruce	10-12'	5
⊙	ServiceBerry		17
Top Deck Plan			
Symbol	Plant	Size	Qty.
●	Aspen	3.0 cal	9
●	Bristlecone Pine	4'	9
■	Virginia Creeper	210 s.f.	
■	Hop Vine	105 s.f.	
■	Lonicera involucrata	#5	38

GONDOLA

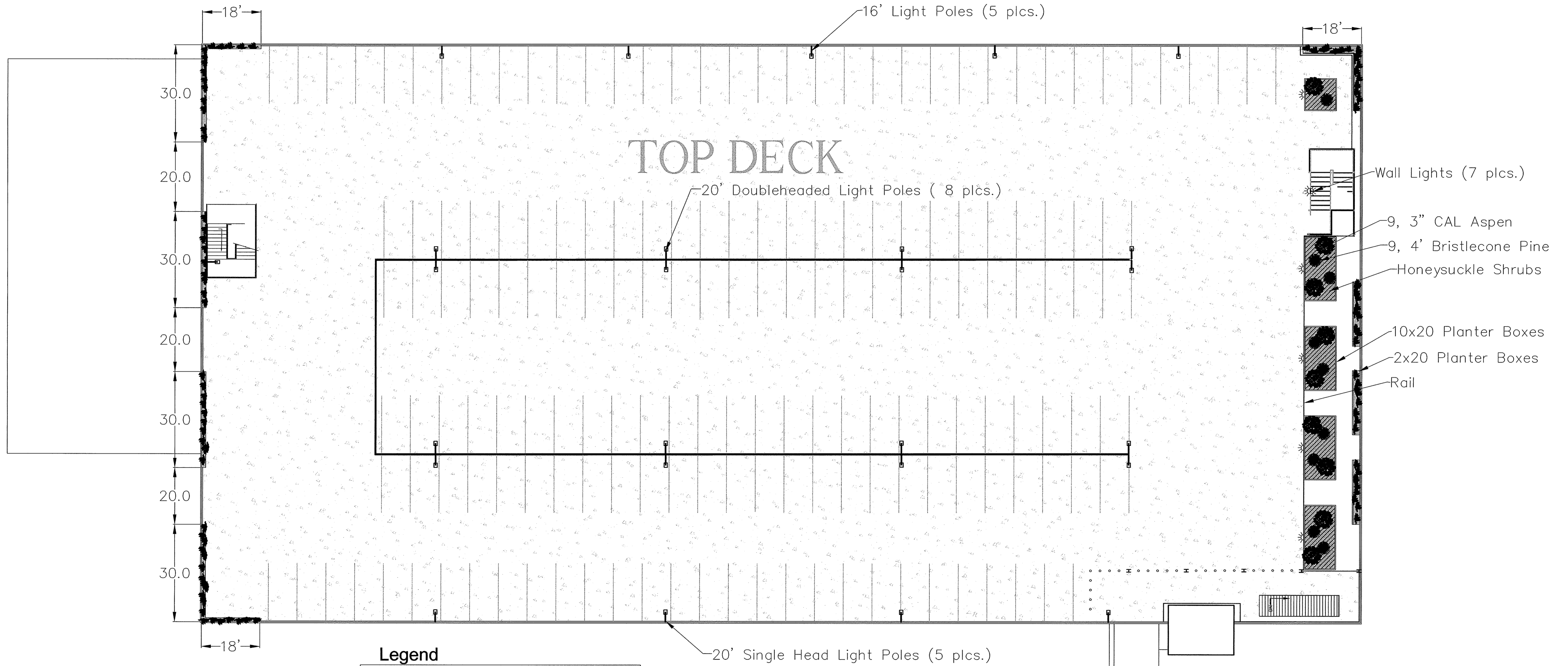
Parking StructureLandscape

DRAWN BY: RBC	<p><small>This information is a product of the Mountain Village Geographic Information System (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.</small></p>	REVISION	DATE	DESCRIPTION	BY	CH'D
DESIGNED BY: CaribouDesign						
CHECKED BY:						



**TMV Parking Structure**  
Landscape Improvements

SCALE: 1" = 20'	JOB NO: 7-31-07	DATE: 7-31-07
SHEET NO: 2 of 7		



**Legend**

	Aspen	
	Bristlecone Pine	
	Virginia Creeper	
	Hop Vine	
	Lonicera involucrata #5	38
	Single Head Light Pole ( 10 plcs.)	
	Double Head Light Pole (8 plcs.)	
	Wall Light (7 plcs.)	

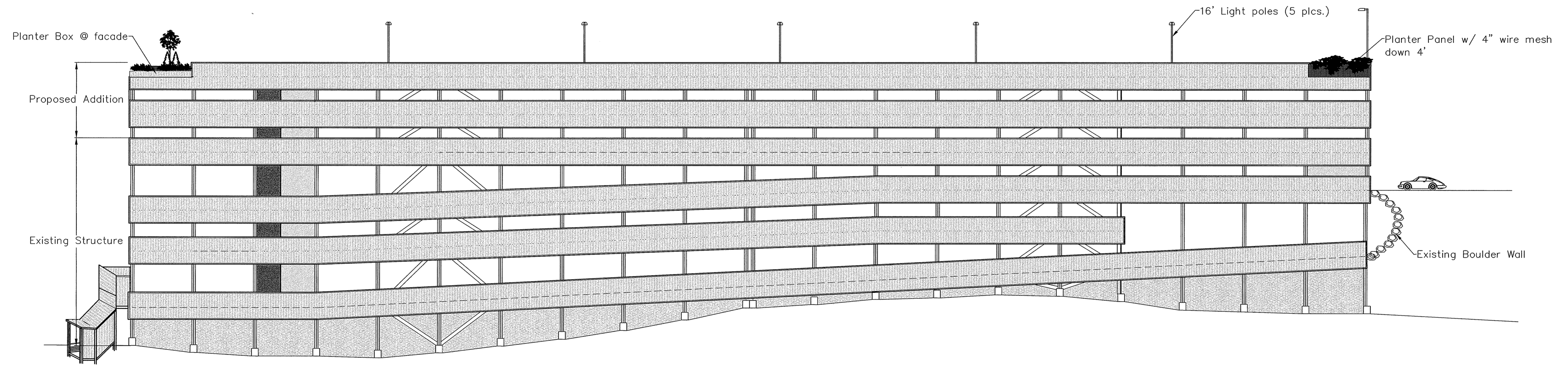
DRAWN BY: RBC	<small>Disclaimer</small> This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.	REVISION	DATE	DESCRIPTION	BY	CH'D
DESIGNED BY: CaribouDesign						
CHECKED BY:						



**TMV Parking Structure**  
Landscape Improvements

SCALE: 1" = 20'	JOB NO:	DATE: 7-31-07
SHEET NO:	3 of 7	

Parking Structure Landscape



NORTH ELEVATION  
 1/16" = 1'-0"

Parking Structure Elevation

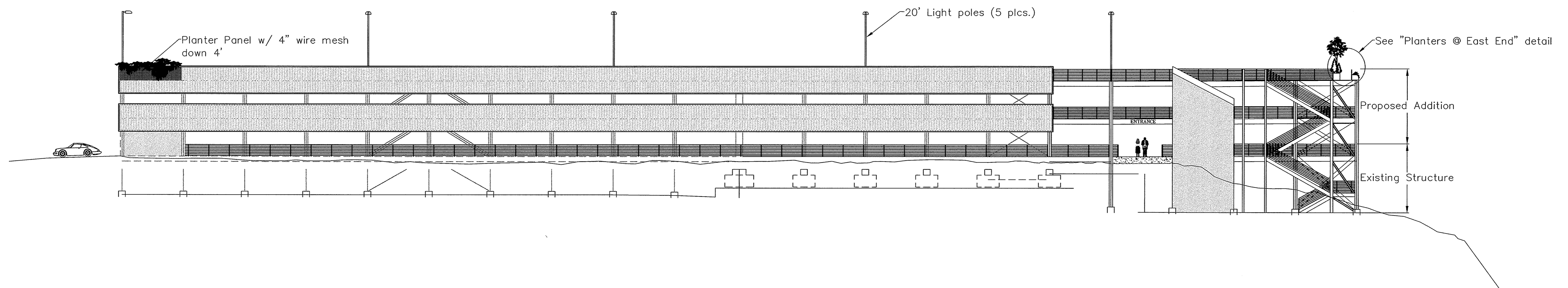
DRAWN BY: RBC	<small>Disclaimer</small> This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantee of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.	REVISION	DATE	DESCRIPTION	BY	CH'D
DESIGNED BY: PCI						
CHECKED BY: SM						



## Parking Structure Elevations

North Elevation

SCALE: 1" = 16'	JOB NO:	DATE: 7-16-07
SHEET NO: 4 of 7		



SOUTH ELEVATION  
1/16" = 1'-0"

Parking Structure Elevation

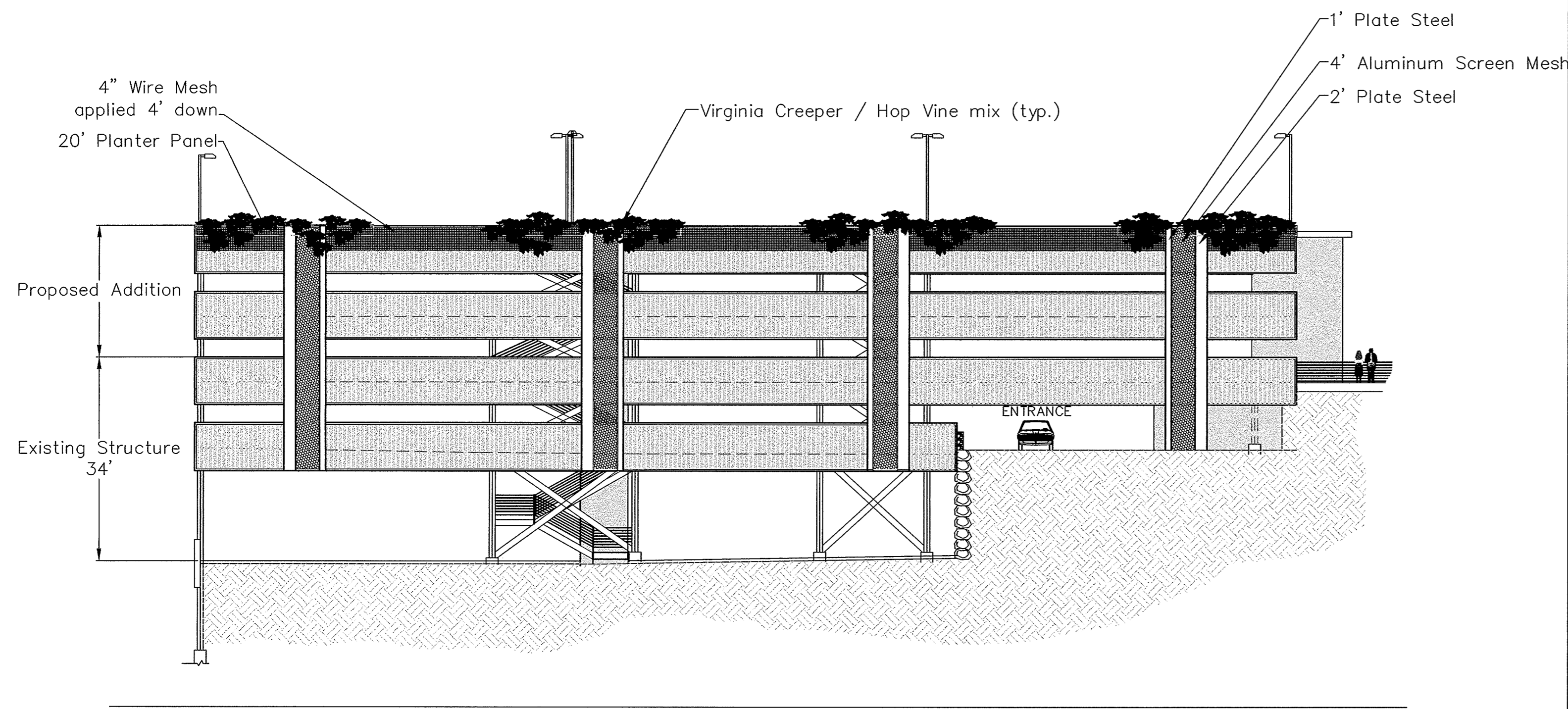
DRAWN BY: RBC DESIGNED BY: PCI CHECKED BY: SM	<b>Disclaimer</b> <small>This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.</small>
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REVISION	DATE	DESCRIPTION	BY	CH'D

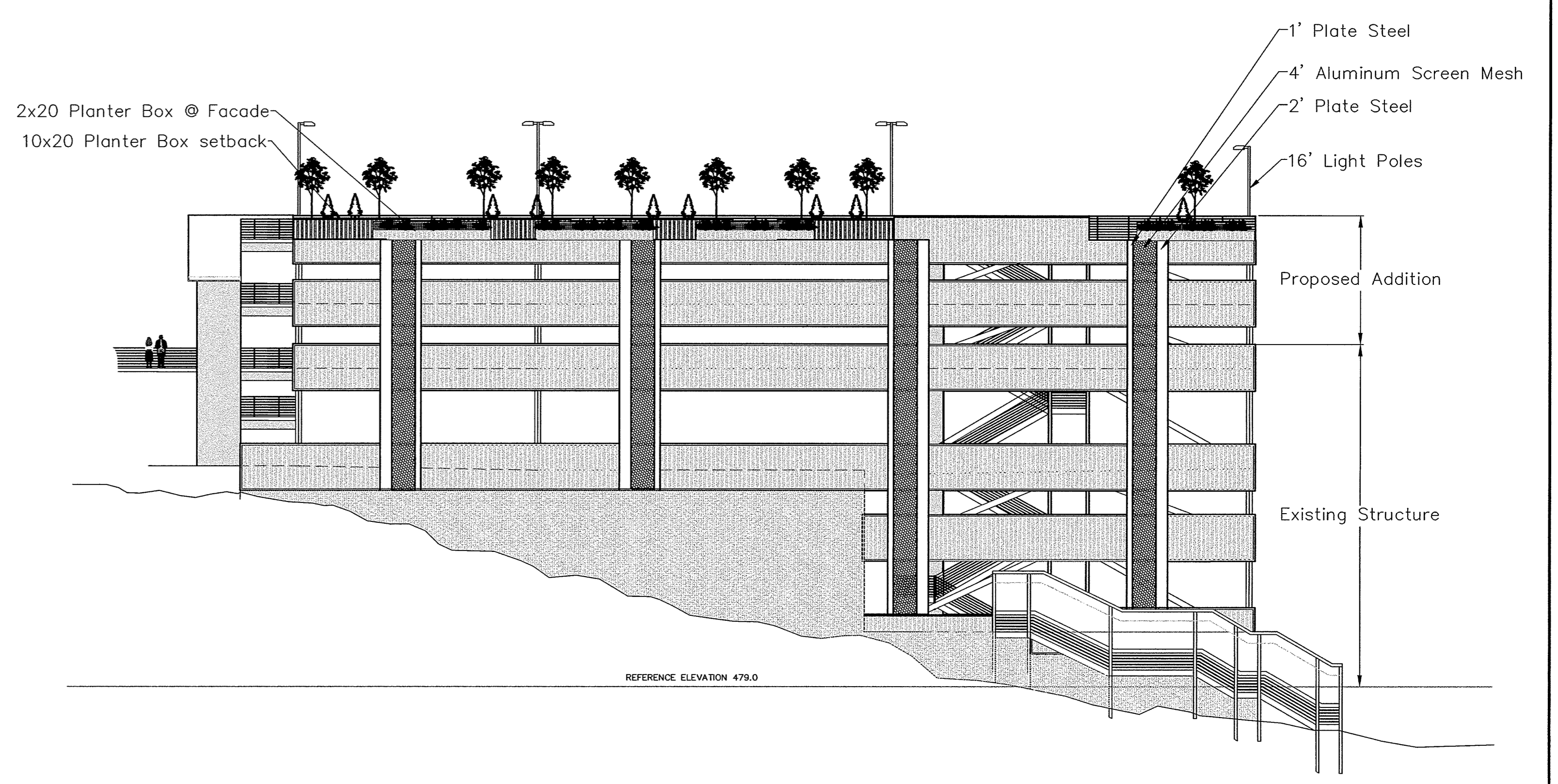


**Parking Structure Elevations**  
South Elevation

SCALE: 1" = 16'	JOB NO: 7-16-07	DATE: 7-16-07
SHEET NO: 5 of 7		



WEST ELEVATION  
1/16" = 1'-0"



EAST ELEVATION  
1/16" = 1'-0"

Parking Structure Elevation

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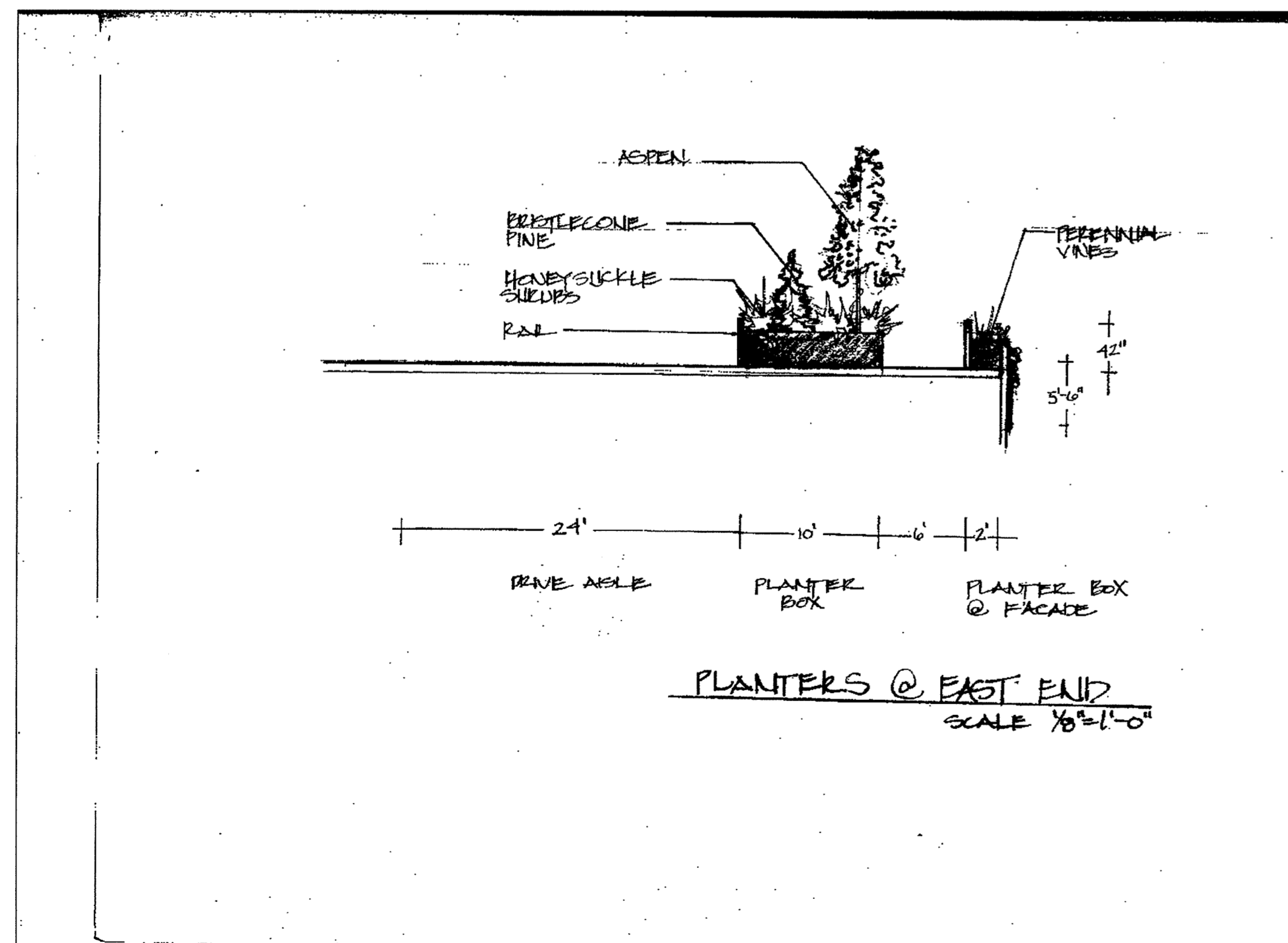
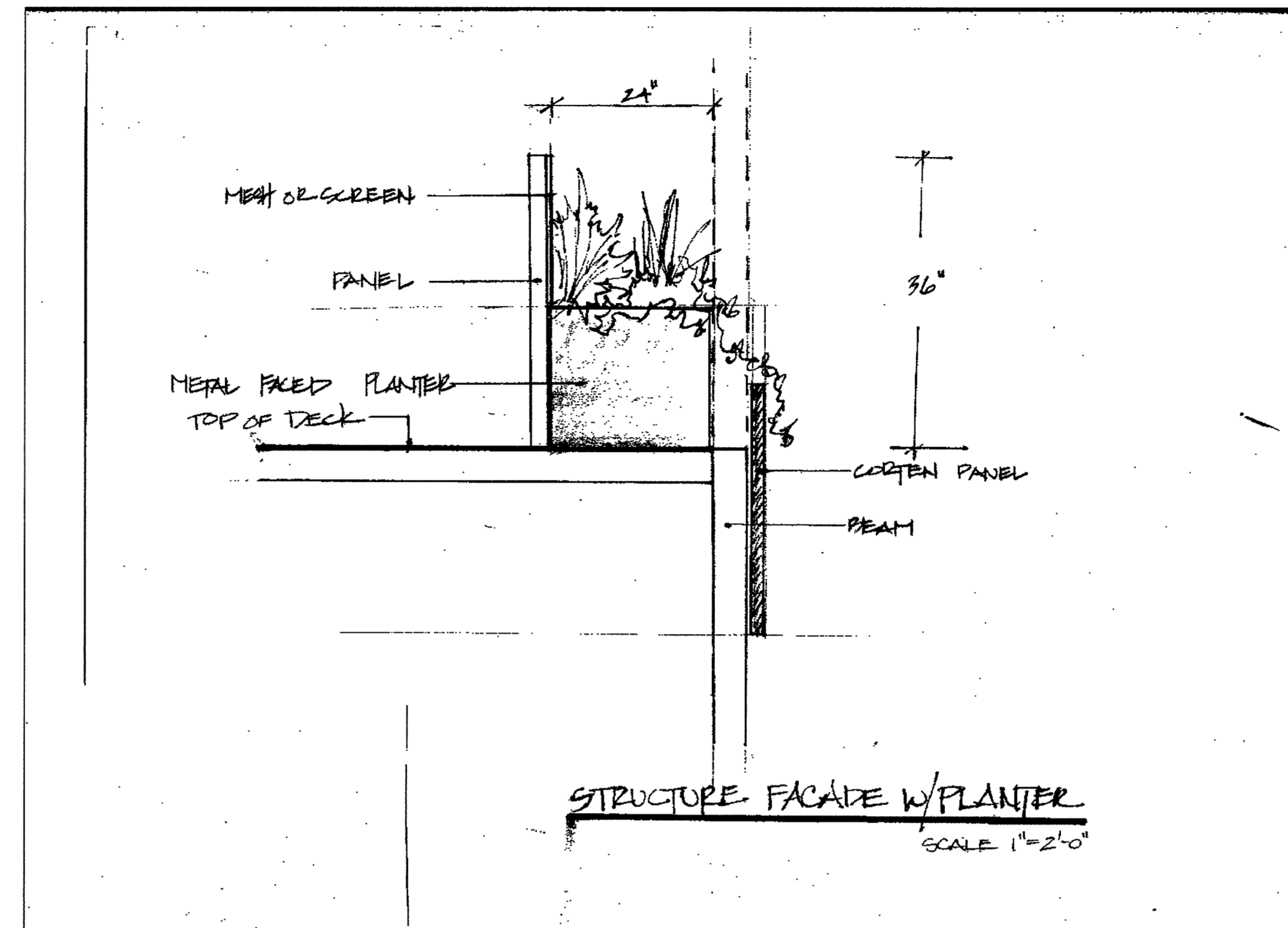
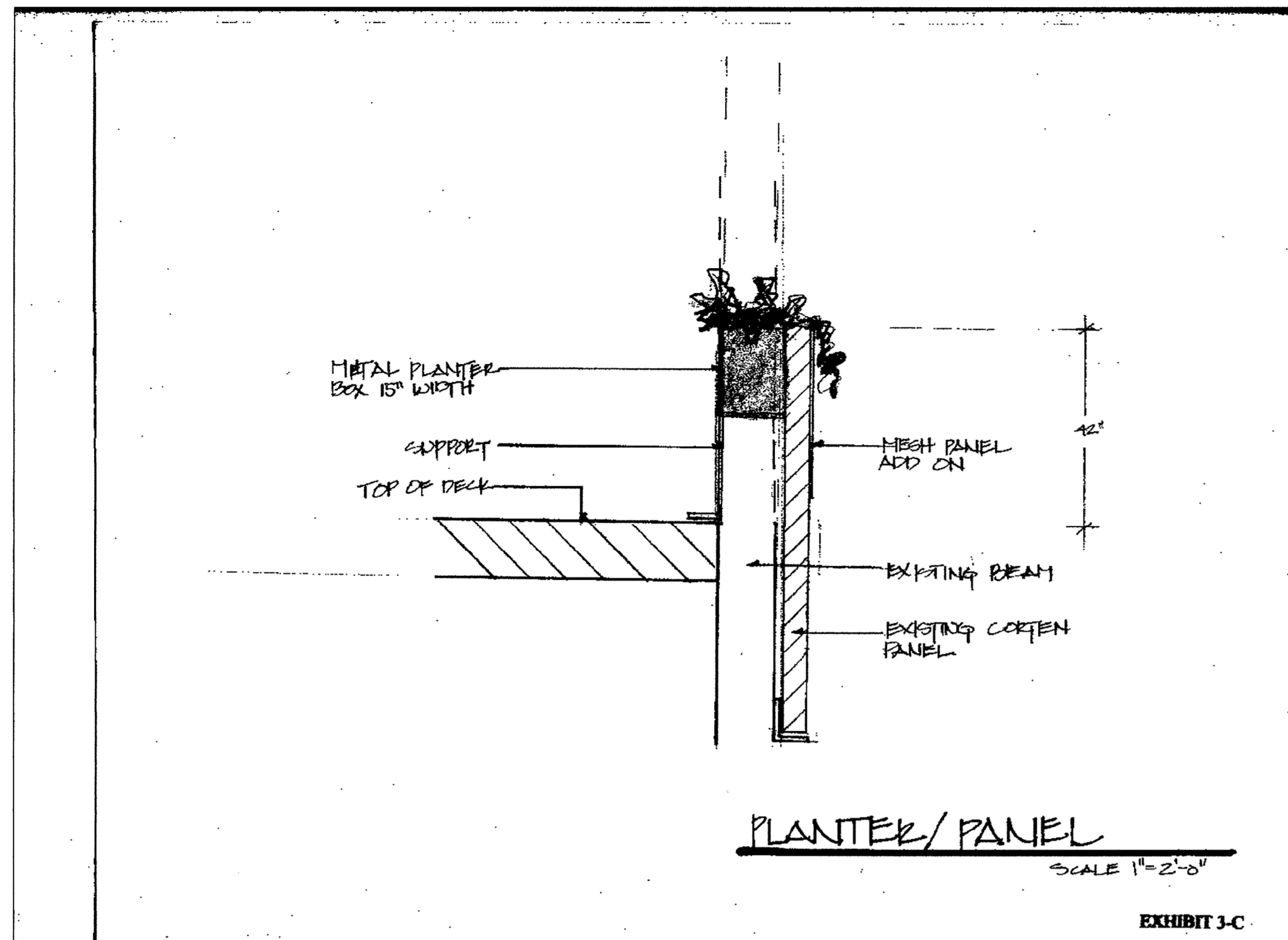


## Parking Structure Elevations

East-West Elevation

SCALE: 1" = 16'	JOB NO: 7-16-07	DATE: 7-16-07
SHEET NO: 6 of 7		





DRAWN BY:  
RBC

DESIGNED BY:  
PCI

CHECKED BY:  
SM

**Disclaimer**  
This information is a product of the Mountain Village Geographic Information Systems (GIS) Department and is intended for the display of relative positions and locations only. Users of this information hereby recognize, acknowledge and agree that it is not a guaranteed accurate, legal or surveyed representation of land. Users assume all risk and responsibility for any and all direct and indirect damages, including consequential damages, that may flow from the use of this information. Users further recognize, acknowledge and agree that the Mountain Village GIS Department has not made any representations, warranties, or guarantees of any kind that this information is survey accurate or fit to be used or relied upon for any particular purpose.

REVISION	DATE	DESCRIPTION	BY	CH'D



# Parking Structure Elevations

Details

SCALE: 1" = 16'  
SHEET NO: 7 of 7

JOB NO:  
DATE:  
Details

Parking Structure Elevation

**RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF MOUNTAIN VILLAGE,  
MOUNTAIN VILLAGE, COLORADO APPROVING EXTENDED VESTED PROPERTY RIGHTS  
FOR A SITE SPECIFIC PLAN ON LOT 1003R-1**

**Resolution No. 2011-1020-23**

**WHEREAS**, Town of Mountain Village ("Town") is the owner of record of real property described as Lot 1003R-1, Town of Mountain Village; and

**WHEREAS**, the Owner is seeking the approval of extended vested property rights for a site specific development plan to allow development of the Gondola Parking Garage; and

**WHEREAS**, the Community Development Department, in cooperation with the Transportation and Public Works departments, has, on behalf of the Town, submitted an application requesting approval of vested property rights and a site specific development plan to for the planned, designed and engineered additional parking decks on the Gondola Parking Garage located on Lot 1003R-1, Town of Mountain Village; and

**WHEREAS**, the proposed two additional levels to be added onto the existing parking structure is in compliance with the provisions of Article 6 of the Land Use Ordinance, "Vested Property Rights"; and

**WHEREAS**, the application is in conformance with C.R.S. § 24-68-101-106; and

**WHEREAS**, the Design Review Board (DRB) considered this application, along with evidence and testimony, at a public meeting held on July 28, 2011. Upon concluding their review, the DRB voted in favor of the Vested Property Rights and recommended approval of extended vesting of the site specific development plan to the Town Council subject to certain conditions; and

**WHEREAS**, the Town Council considered and approved this application, along with evidence and testimony, at a public meeting held on October 20, 2010; and

**WHEREAS**, the Town Council hearing referred to above was preceded by publication of public notice of such hearing on such date and/or dates from which such hearing was continued in the *Telluride Daily Planet*, and by mailing of public notice to property owners within one hundred and fifty feet (150') of the Property, as required by the LUO;

**WHEREAS**, after the public hearings referred to above, the DRB and the Town Council each individually considered the Application submittal materials, and all other relevant materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution;

**WHEREAS**, the Applicant has addressed, or agreed to address, all conditions of approval of the Application imposed by Town Council based upon a recommendation for approval by the DRB.

**Now, Therefore, Be It Resolved** that the Town Council hereby approves Vested Property Rights for the site specific development plan for the Gondola Parking Garage on Lot 1003R-1

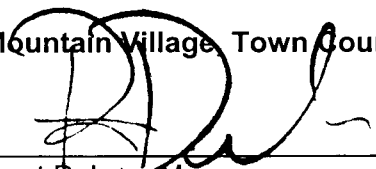
and authorizes the Mayor to sign the Resolution subject to the following conditions:

1. This vested property right for the site specific development plan for the Gondola Parking Garage will be valid for 10 years from the date of this resolution.
2. All conditions of the original DRB approval as set forth in the DRB minutes dated July 28, 2011, for the Gondola Parking Garage design will remain conditions of this Vested Property Rights.
3. The Applicant shall return to the DRB for any revisions to the approved plan that may occur.
4. The Applicant will be required to build per the Building Code in effect at the time of submittal for a building permit.
5. The Applicant will be required to submit building permit plans based on the Town's adopted building codes in effect at the time of submittal for a building permit.
6. The establishment of a vested property right shall not preclude the application of ordinances or regulations of the Town which are general in nature and applicable to all property subject to land use regulation by the Town, including, but not limited to, fee assessments and building, fire, plumbing, electrical, mechanical, water and sewer codes.
7. All representations of the Applicant, whether within the submittal or at the DRB hearing, are conditions of this approval.
8. Per section 2-1307 of the Design Regulations, this approval does not allow any violation to the LUO and/or Design Regulations or imply approval of any errors that may be contained in this application that violate the LUO and/or the Design Regulations.

**Be It Further Resolved** that Lot 1003R-1 may be developed as submitted in accordance with the official DRB approved final plan set and this vested property right and site specific development plan as set as approved under Resolution NO. 2011-1020-23.

**Approved** by the Town Council at a public meeting October 20, 2011

Town of Mountain Village, Town Council

By:   
 Robert Delves, Mayor

**Attest:**

By:   
 Susan Johnston, Deputy Town Clerk

**ORDINANCE NO. 2021-\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR A SITE-  
SPECIFIC DEVELOPMENT PLAN AT LOT 1003R-1, 433 MOUNTAIN VILLAGE  
BOULEVARD, GONDOLA PARKING GARAGE**

**RECITALS**

- A. The Town of Mountain Village (the “**Town**”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “**Constitution**”) and the Home Rule Charter of the Town (the “**Charter**”); and,
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof; and,
- C. The Town of Mountain Village (“the **Applicant**”) is the owner of record of real property described as Lot 1003R-1, Town of Mountain Village as further described on the plat recorded on July 1, 2015 in Plat Book 1 at Pages 4739 and 4740 at Reception Number 438225 (the “**Property**”); and,
- D. The Design Review Board approved an application in August 2011 allowing an additional two floors to be constructed on top of the existing parking garage structure. The Applicant subsequently requested four (4) one (1) year extensions expiring on August 9, 2011; and,
- E. The Town Council approved an extension to the Vested Property Rights for the DRB approved Design on October 20, 2011 as recorded at Reception Number 420304; and,
- F. The Town Council Approval created a vested property right for a period of ten (10) years that was valid until October 20, 2021 (the “**Vested Property Right**”); and,
- G. The Applicant submitted a Vested Property Right Extension development application on February 15, 2021 seeking a further extension of the Vested Property Right to October 20, 2031 (the “**Vested Property Rights Extension Application**”); and,
- H. The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “**CDC**”); and,
- I. The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on April 22, 2021 and with public notice of such application as required by the public hearing noticing requirements of the CDC. The DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Vested Property Rights Extension Application be approved with conditions pursuant to the requirement of the CDC; and,
- J. At its regularly scheduled meeting held on May 20, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- K. On June 17, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.

- L. The meeting held on April 22, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- M. The Town Council finds the proposed Vested Property Rights Extension Application meets the Vested Property Rights criteria for decision contained in CDC Section 17.4.17 as follows:
  - 1. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions.
  - 2. The site-specific development plan is consistent with public health, safety, and welfare.
  - 3. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development.
  - 4. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s);

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

- 1. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: " Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101et seq. and subject to the Town of Mountain Village's Community Development Code."
- 2. The Town shall publish in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4).
- 3. All previous conditions of approval from the original 2007 Design Review approval as well as the 2011 vested property rights extension approval remain applicable for any future development.

**Section 1. Vested Property Right Extension**

- A. The Vested Property Right is hereby extended for a period of ten (10) additional years until October 20, 2031.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective on June 17, 2021 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 17<sup>th</sup> day of June 2021 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 22<sup>nd</sup> day of April 2021.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 17<sup>th</sup> day of June 2021**

**TOWN OF MOUNTAIN VILLAGE  
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ (“Ordinance”) is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town (“Council”) at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2021, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council’s approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)



**TO:** Mountain Village Town Council  
**FROM:** John Miller, Senior Planner  
**FOR:** Town Council Public Hearing; June 17, 2021  
**DATE:** June 8, 2021  
**RE:** Second Reading, Public Hearing and Council Vote on, an Ordinance regarding a Vested Property Rights Extension for a Site Specific Development Plan at Lot 1001R, 415 Mountain Village Boulevard, VCA Phase IV

## Project Overview

### PROJECT GEOGRAPHY

**Legal Description:** Lot 1001, Town of Mountain Village, According to the Replat of Lots 1001, 1007, 1008 and Tract OS-1R-1, Mountain Village, Filing 1 Recorded September 10, 2014 in Plat Book 1 at Page 4671.

**Address:** 415 Mountain Village Blvd  
**Applicant/Agent:** Michelle Haynes, Mountain Village Housing Authority  
**Owner:** Mountain Village Housing Authority  
**Zoning:** Multi-Family Zone District / Active Open Space  
**Existing Use:** Employee Apartments  
**Proposed Use:** Employee Apartments  
**Lot Size:** 8.394 acres

Figure 1: Lot 1001 - Vicinity Map

#### **Adjacent Land Uses:**

- **North:** Active Open Space
- **South:** Civic
- **East:** Active Open Space
- **West:** Active Open Space

#### **ATTACHMENTS**

- Exhibit A: Narrative
- Exhibit B: Plan Set
- Exhibit C: Ordinance





**Case Summary:** Michelle Haynes, Housing Director, acting on behalf of the Town of Mountain Village Housing Authority (Owner), is requesting Town Council approval of an extension of the Vested Property Rights and Site Specific Development Plan for the Village Court Apartments (VCA) Phase IV Expansion. This request would extend the vested property rights and site-specific design plans for VCA Phase IV from July 18, 2021, to July 18, 2031.

The approval extends the vested rights of the property as it relates to the following approvals:

1. The Design Review Board (DRB) approved the Final Architecture Review on July 11, 2019, allowing for two new multi-family apartment buildings consisting of a cumulative 49 dwelling units, located on Lot 1001R, 415 Mountain Village Blvd.
2. On July 18, 2019, the Town Council approved a Variance to the CDC requirements for height, allowing deviations in the maximum building heights. Approval of this request would allow for the construction of the project within the parameters of these original approvals.
3. The Final Architectural Review plans received a staff-level six (6) month extension to July 18, 2021

The Owner is requesting an extension of Vested Property Rights for items 1 and 2 above due to delays created by to the COVID19 Pandemic and the lingering impacts of the pandemic on the overall development patterns in the Mountain Village.

Additionally, it should be noted that on August 15, 2019, the Town Council approved a Density Transfer and Rezone Ordinance, increasing the unbuilt employee apartment density on Lot 1001R from 42 Units to 49 Units. This ordinance was recorded at Reception Number 460265 and does not need any additional extensions.

**Applicable CDC Requirement Analysis:** The applicable requirements cited may not be exhaustive or all-inclusive. The Owner is required to follow all requirements even if an applicable section of the CDC is not cited. ***Please note that Staff comments will be indicated by Italicized Text.***

#### **Section 17.4.17: Vested Property Rights**

D. Criteria for Decision:

1. The following criteria shall be met for the review authority to approve a vested property right:
  - a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions;

*Staff Note: Due to the uncertainty over the past year as it relates to the COVID19 Pandemic, the Town has indicated that it wishes to keep the vested property rights and approved design review in place for the VCA Phase IV expansion. This allows the Town to maintain the option to construct this facility within the previously approved parameters. The current market conditions and economic cycle warrant this request. Criterion met.*

- b. The site-specific development plan is consistent with public health, safety, and welfare;

*Staff Note: Extension of current Vested Property Rights would not negatively impact public health, safety, or welfare. These items were discussed at length during the original approval of VCA Phase IV, and it was determined by Town Council that this site-specific development plan is consistent with this standard. Criterion met.*

- c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;

*Staff Note: Staff is generally comfortable with the proposed construction and required financing of the approved site-specific development plan, given the extensive discussions held in 2019 as it related to the financing and development of the project. Criterion met.*

- d. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s); and

*Staff Note: There are no concurrent development applications required as part of this request. Criterion Met.*

- e. The proposed vested property right meets all applicable Town regulations and standards.

*Staff Note: The proposal, at the time of approval, met all applicable town regulations and standards. These standards are still being met through this proposal. Criterion Met.*

#### E. General Standards for Review

- 2. Required Plan Notation. Each document that comprises a site-specific development plan shall contain the following language:

*Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq. and subject to the Town of Mountain Village's Community Development Code.*

Failure to comply with the foregoing requirement shall negate the creation of a vested property right.

*Staff Note: The Owner shall be required to add this notation to each document within the site-specific development plan.*

- 5. Duration: A property right, which has been vested as provided for in this section, shall remain vested for a period of three (3) years unless the Town Council in its sole discretion approves a longer vesting period based on the scale of the development application, or other special or unique circumstances or other development objectives.

*Staff Note: The Owner is requesting a vesting period of extension of ten (10) years. As noted above, the Town Council may approve a vesting period for longer than the three (3) year period, recognizing the unique circumstances and the development objective target of increasing affordable housing supply in the Mountain Village.*

**Design Review Board Recommendation:** The Design Review Board reviewed the application to extend the Vested Property Rights for a Site Specific Development Plan at Lot 1001R, VCA Phase IV, and voted unanimously to recommend approval to Town Council with Staff's recommended conditions.

**Staff Recommendation:** If the Town Council determines that the application to extend the vested property rights and site-specific development plan for the Phase IV VCA Expansion at Lot 1001R meets the criteria for decision listed within this staff memo, then staff has provided the following suggested motion:

***Staff Note: It should be noted that reasons for approval or rejection should be stated in the findings of fact and motion.***

**Proposed Motion:**

*I move to approve an Ordinance regarding the extension of a vested property right and site-specific development plan application at Lot 1001R, 415 Mountain Village Blvd, from July 18, 2021, to July 18, 2031. pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated June 8, 2021.*

With the following findings:

- 1) The proposal to extend the VCA Phase IV vested property rights meets all of the Criteria for Decision listed in 17.4.17(D)(1).

And, with the following conditions:

- 1) Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: " *Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101et seq. and subject to the Town of Mountain Village's Community Development Code.*"
- 2) The Town shall publish in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4)
- 3) All previous conditions of approval provided on the Notice of Action dated December 28, 2020, remain applicable.

*This motion is based on the evidence and testimony provided at a public hearing held on June 17, 2021, with notice of such hearing as required by the Community Development Code.*

/jjm



# VESTED PROPERTY RIGHTS APPLICATION

**Planning & Development Services**  
 455 Mountain Village Blvd. Suite A  
 Mountain Village, CO 81435  
 970-728-1392  
 970-728-4342 Fax  
[cd@mtnvillage.org](mailto:cd@mtnvillage.org)

VESTED PROPERTY RIGHTS APPLICATION			
APPLICANT INFORMATION			
<b>Name:</b>		<b>E-mail Address:</b>	
<b>Mailing Address:</b>		<b>Phone:</b>	
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>	
<b>Mountain Village Business License Number:</b>			
PROPERTY INFORMATION			
<b>Physical Address:</b>		<b>Acreage:</b>	
<b>Zone District:</b>	<b>Zoning Designations:</b>	<b>Density Assigned to the Lot or Site:</b>	
<b>Legal Description:</b>			
<b>Existing Land Uses:</b>			
<b>Proposed Land Uses:</b>			
OWNER INFORMATION			
<b>Property Owner:</b>		<b>E-mail Address:</b>	
<b>Mailing Address:</b>		<b>Phone:</b>	
<b>City:</b>	<b>State:</b>	<b>Zip Code:</b>	
DESCRIPTION OF REQUEST			

February 15, 2021

**Narrative:** Village Court Apartments Vested Property Rights and Plan extension Request for Ten Years

1. The following criteria shall be met for the review authority to approve a vested property right:

a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;

**The Town of Mountain Village wishes to keep the vested property rights and design review plans in place to maintain the option to construct VCA Phase IV for a longer period than originally anticipated.**

b. The site-specific development plan is consistent with public health, safety and welfare;

**Yes it is.**

c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;

**Yes it met town regulations and standards and was approved as such.**

d. The site-specific development plan meets the criteria for decision for concurrent, required development application(s); and

**Yes**

e. The proposed vested property right meets all applicable Town regulations and standards.

**Yes**

2. It shall be the burden of the applicant to demonstrate that submittal material and the proposed development substantially comply with the vested property right review criteria.

# Original Application



## DESIGN REVIEW PROCESS APPLICATION

PLANNING & DEVELOPMENT SERVICES  
 455 Mountain Village Blvd. Suite A  
 Mountain Village, CO 81435  
 970-728-1392  
 970-728-4342 Fax  
 cd@mtnvillage.org

### DESIGN REVIEW PROCESS APPLICATION

#### APPLICANT INFORMATION

<b>Name:</b> Thomas W. Umbhau, AIA		<b>E-mail Address:</b> info@bauengroup.com	
<b>Mailing Address:</b> P.O. Box 2044		<b>Phone:</b> 970-382-9130	
<b>City:</b> Durango	<b>State:</b> CO	<b>Zip Code:</b> 81302	
<b>Mountain Village Business License Number:</b> 007214			

#### PROPERTY INFORMATION

<b>Physical Address:</b> 415 Mountain Village Blvd, Mountain Village, CO 81435		<b>Acreage:</b> 8.394
<b>Zone District:</b> Multi-Family	<b>Zoning Designations:</b> Apartments	<b>Density Assigned to the Lot or Site:</b> 50 Available units
<b>Legal Description:</b> LOT 1001 ACC TELLURIDE MTN VILLAGE		
<b>Existing Land Uses:</b> Multi-Family		
<b>Proposed Land Uses:</b> Multi-Family		

#### OWNER INFORMATION

<b>Property Owner:</b> Town of Mountain Village & Housing Authority		<b>E-mail Address:</b> MHaynes@mtnvillage.org	
<b>Mailing Address:</b> 455 Mountain Village Blvd, Suite A		<b>Phone:</b> 970-369-8250	
<b>City:</b> Mountain Village	<b>State:</b> CO	<b>Zip Code:</b> 81435	

**DESCRIPTION OF REQUEST**

Exterior design approval for two new apartment buildings within the existing Town of Mountain Village - Village Court Apartments complex.



## **Design Review Process**

### **Item No: 7—Development Narrative**

#### **Overview**

The project being proposed for design review is the construction of two new apartment buildings within the existing Village Court Apartment complex located in the Town of Mountain Village. The project has been approved for a density of up to but not exceeding forty two (42) new apartment units, this proposal is showing (49) units. The density for this project will be created by the Town for Employee Housing. The two new buildings are referred to as the 'West' and 'East' building and are labeled as such throughout the submittal.

The proposed **West Apartment building** is 21,522 square feet with 1,384 square feet of unheated exterior stair space and is three stories tall. In addition to the three stories, there is a 'walk-out' lower (fourth) floor, the walk-out level is not a full floor. The lowest floor is tucked into the hillside, faces the open space to the east, and is not visible from the Village Court Apartments parking lot. The building consists of (20) two-bedroom units and (1) one-bedroom unit with associated laundry, employee office and mechanical room facilities.

The proposed **East Apartment building** is 24,515 square feet with 1,384 square feet of unheated exterior stair space and is three stories tall. In addition to the three stories, there is a 'walk-out' lower (fourth) floor, the walk-out level is not a full floor. The lowest floor is tucked into the hillside, faces the open space to the east, and is not visible from the Village Court Apartments parking lot. The building consists of (21) two-bedroom units and (7) one-bedroom units with associated laundry and mechanical room facilities.

#### **Site**

The proposed site is sloped. The two new buildings will be located between two existing Village Court apartment buildings. Existing building 14 is to the north of the site and existing building 8 is southeast of the site. The existing conditions plan is attached and illustrates the existing site, site conditions and the immediate surrounding area. The sloped site does contain slopes greater than 30%. The 30% or greater slopes are indicated on the existing conditions plan. Besides building 14 to the north and building 8 to the southeast, the building site is adjacent to the existing parking lot to the west.

The proposed site and grading plan illustrate the optimal location on the site for the two new apartment buildings. The currently shown proposed building footprints were designed to be efficient while providing the proposed density and maintaining code clearances, required parking and fire truck access. As shown, the current footprints also consider the existing wetland located on the property. The proposed site design does not encroach on the wetlands in any way and maintains a 7'-0" buffer between the wetlands and the new project building footprints.

The grading as shown in the submittal is designed to meet the Community Development Code section 17.5.5 for Building Siting Design and Grading and Drainage design by blending the proposed grading into the existing grading and preserving the wetlands.

The existing parking areas on site meet the minimum requirements for all the existing Village Court Apartment units as well as the required parking for the proposed (49) new units. This proposal does not propose any new parking stalls.



## BAUEN GROUP, LLC ARCHITECTURE & DESIGN STUDIO

Thomas W. Umbhau, AIA, NCARB

Email: [info@bauengroup.com](mailto:info@bauengroup.com)

### **Building Design**

The floor plan design was developed based off programmatic requirements developed between the VCA apartments administration, the planning department and the recently completed housing assessment studies.

The exterior building elevations and roof forms have been designed to be similar in mass, scale and shape to the existing apartment buildings. The proposed roof forms incorporate a main 5:12 gable roof and a 3:12 secondary shed roof form element in place of the hip or dormer roof shape used on the existing buildings.

The exterior materials for the two new buildings vary from the existing Village Court Apartments. The proposed design uses metal siding in different profiles to look similar but not the same as the siding material currently being used on the existing buildings. The metal siding being proposed, in addition to creating a more contemporary style, will also reduce maintenance for the life of the building. This submittal is also showing a standing seam metal roofing to add to the feeling of the building being similar to the current VCA buildings but updated to reflect design materials being used today. The colors for the exterior materials are included in this proposal and tie into the exterior color palette of the Village Court Apartments.

Due to the modular construction method being used for the project, there is additional building height for both the West and the East building. The important point to note and will be evident in the submittal is that the overall building heights are very similar to the building ridges of the existing immediate adjacent buildings. The maximum building heights and average building heights are also included in this submittal per the CDC section 17.3.11.

The West apartment building is approximately 4'-0" taller than the existing adjacent building 14 apartment building and the East apartment building is approximately 2'-0" lower than the existing adjacent building 8 apartment building. The project will be seeking a height variance under a separate submittal.

The proposed exterior design reflects an updated and more contemporary version of the existing VCA apartment buildings while continuing to be respectful of its immediate and distant neighbors. Because the existing VCA buildings are not all the same with respect to exterior cladding schemes, this design fits the context and is appropriate for the overall development.





## **Design Review Process**

### **Item No: 11—Practicable Alternatives Analysis**

Two aspects that exist on site that need to be addressed are the existing wetlands and the >30% slopes

#### 1) Wetlands

- a. The existing wetland area is demarcated on the existing conditions plan of the proposal. The project will not be disturbing the wetland and will maintain a 7' buffer between the wetland and the building footprints, therefore we are not proposing any practicable alternative. Every effort will be made to protect the wetland area.

#### 2) >30% slopes per CDC 17.6 C.

- a. The proposed site and grading plan illustrate the optimal location on the site for the two new apartment buildings. The currently shown proposed building footprints were designed to be efficient while providing the necessary square footage required to achieve the target density of (49) units. Alternative design solutions were studied, while keeping the following site program requirements:
  - i. The wetland would not be disturbed
  - ii. The overall height would need to be compatible and close in elevation to the existing building #14 and #8
  - iii. A deeper building would result in reducing the evergreen and aspen visual buffer between the buildings and the ski run to the east
- b. The proposal illustrates the minimum footprints required to achieve the target density while maintaining all code related issues, clearances, required parking and fire truck access. Due to the wetland delineation as shown on the existing conditions plan and maintaining a reasonable overall height that is similar to the adjacent building heights, and maintaining a good visual buffer, the footprints encroached into 30% and greater topography.
- c. The grading as shown in the submittal is designed to meet the Community Development Code standards for Building Siting Design and Grading and Drainage design by blending the proposed grading into the existing grading and preserving the wetlands.



## **Design Review Process**

### **Item No: 12—Design Variations**

This proposal is requesting five design variations:

- 1) A design variation to the amount of required exterior stone siding—currently the CDC section 17.5.6.E.1 requires 30% minimum stone siding.
  - a. Due to the area building's exterior surfaces, providing this amount of stone siding would be a cost prohibitive item for the project. We are proposal a rusted vertical metal siding product that will blend in with the surrounding natural landscape colors, is easier to maintain and repair and still offers a nice surface texture that will generate shade and shadow lines on the elevations where it is used.
- 2) A design variation for the detail pertaining to requiring windows and doors in the stone clad areas of the exterior elevations—currently the CDC section 17.5.6.A.2 requires windows and doors in these areas to be recessed 5".
  - a. The special detailing for recessing and waterproofing these assemblies is cost prohibitive. The intent of the proposed design will be to match the detailing in the stone with the neighboring Building 14 which has a shallow installation detail in the stone siding and still provides the intent of the code which is to provide a heavy thick stone massing that grounds the building.



- 3) A design variation for the use of metal as siding - currently the CDC section 17.5.6.E.3 requires specific approval for the use of metal as siding, soffit and fascia material.
  - a. The owner's vision for the new buildings is a low maintenance exterior finish. This is being achieved with the use of metal on the entire exterior façade which will need little to no maintenance for the life of the building. The three metal materials are rusted sheet metal panels with a flat batten, rusted batten metal panel and prefinished corrugated metal panels.
- 4) A design variation for the use of retaining walls over 5 feet in height- currently the CDC section 17.6.6.B.7 requires retaining walls to have a maximum height of 5' with a minimum step in between walls of 4' to allow for landscaping to soften the walls.



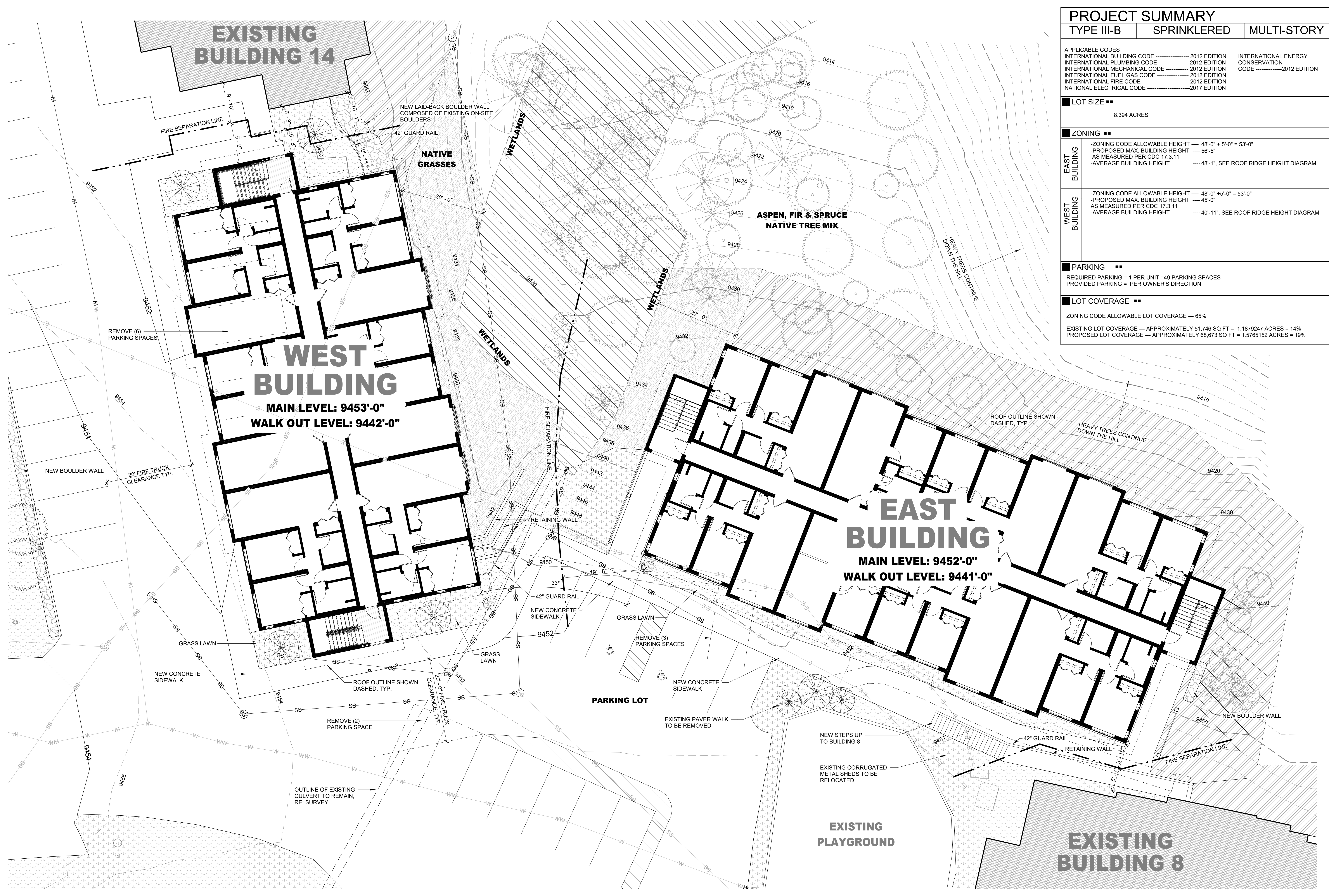
## BAUEN GROUP, LLC ARCHITECTURE & DESIGN STUDIO

Thomas W. Umbhau, AIA, NCARB

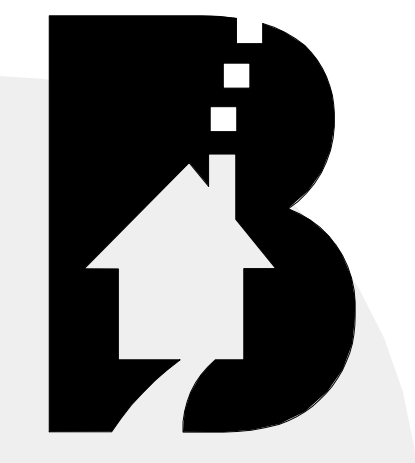
Email: [info@bauengroup.com](mailto:info@bauengroup.com)

- a. The existing site where the project will be built has a very steep slope adjacent to an existing wetland. In order to achieve access to the west entrance to the East Building and maintain clearance from the wetlands a 14' retaining wall will need to be built. On the east side of the East Building an 8' tall retaining wall will be required to gain access from the parking lot existing elevation to the entry stair. In order to achieve code required emergency egress from the lower level of the West Building a stepped 10' tall retaining wall will need to be built to hold the existing grade at the parking lot level back from the emergency exit. Wherever possible, the retaining walls will be built out of native boulders to blend the grade cuts with the natural grade.
- 5) A design variation for the use of exposed 'board formed' concrete at site retaining walls - currently the CDC section 17.5.6.E.7.b requires specific approval for the use of board formed concrete as an exterior material.
- a. Due to site constraints three of our four site retaining walls will need to be formed out of concrete as opposed to site boulders that are laid back. The laid back boulder wall detail takes up much more room than a poured concrete wall and we are constrained by an existing culvert and an existing wetland, neither of which can be disturbed. The proposed finish for the retaining walls is a board textured concrete pattern that will provide design interest and finish to the walls.





PROJECT SUMMARY		
TYPE III-B	SPRINKLERED	MULTI-STORY
APPLICABLE CODES INTERNATIONAL BUILDING CODE ..... 2012 EDITION INTERNATIONAL PLUMBING CODE ..... 2012 EDITION INTERNATIONAL MECHANICAL CODE ..... 2012 EDITION INTERNATIONAL FUEL GAS CODE ..... 2012 EDITION INTERNATIONAL FIRE CODE ..... 2012 EDITION NATIONAL ELECTRICAL CODE ..... 2017 EDITION INTERNATIONAL ENERGY CONSERVATION CODE ..... 2012 EDITION		
<b>LOT SIZE</b> 8.394 ACRES		
<b>ZONING</b> EAST BUILDING -ZONING CODE ALLOWABLE HEIGHT --- 48'-0" + 5'-0" = 53'-0" -PROPOSED MAX. BUILDING HEIGHT --- 56'-5" AS MEASURED PER CDC 17.3.11 -AVERAGE BUILDING HEIGHT --- 48'-1", SEE ROOF RIDGE HEIGHT DIAGRAM WEST BUILDING -ZONING CODE ALLOWABLE HEIGHT --- 48'-0" + 5'-0" = 53'-0" -PROPOSED MAX. BUILDING HEIGHT --- 45'-5" AS MEASURED PER CDC 17.3.11 -AVERAGE BUILDING HEIGHT --- 40'-11", SEE ROOF RIDGE HEIGHT DIAGRAM		
<b>PARKING</b> REQUIRED PARKING = 1 PER UNIT = 49 PARKING SPACES PROVIDED PARKING = PER OWNER'S DIRECTION		
<b>LOT COVERAGE</b> ZONING CODE ALLOWABLE LOT COVERAGE --- 65% EXISTING LOT COVERAGE --- APPROXIMATELY 51,746 SQ FT = 1.1879247 ACRES = 14% PROPOSED LOT COVERAGE --- APPROXIMATELY 68,673 SQ FT = 1.5765152 ACRES = 19%		



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**ALL RIGHTS RESERVED**

**Phase IV Village Court Apartments**  
 415 MOUNTAIN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435  
 PROJECT NO: 0100-2019 ASSESSORS PARCEL NO: 477904200005  
 SET DESCRIPTION: **DRP SUBMITTAL 04.29.2019**

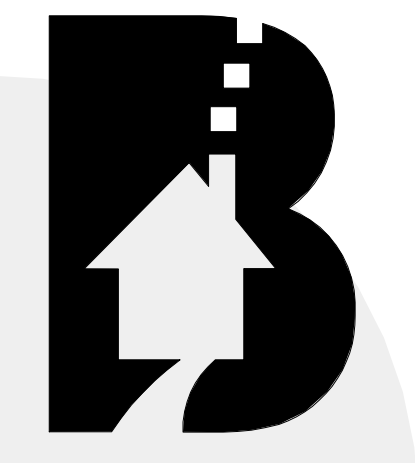
Date	Revisions

DESIGNED BY: TWU SCALE: AS NOTED  
 DRAWN BY: RMO DATE: 04.29.19  
 CHECKED BY:  

DRAWING TITLE: **SITE PLAN**

SHEET NO: **G1.02**

**SITE PLAN**  
 1" = 10'-0"  
 NORTH



**BAUEN GROUP, LLC**  
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**Phase IV Village Court Apartments**  
 415 MOUNTAIN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435  
 PROJECT NO: 010-2019  
 SET DESCRIPTION:  
 DRP SUBMITTAL 04.29.2019  
 ASSESSORS PARCEL NO. 477904200005

Date	Revisions

DESIGNED BY: TWU  
 DRAWN BY: RMO  
 CHECKED BY:   
 SCALE: AS NOTED  
 DATE: 04.29.19

DRAWING TITLE:  
**ROOF HEIGHT DIAGRAM**

SHEET NO:  
**G1.03**

**MAXIMUM BLDG HEIGHT SUMMARY**  
 PER MOUNTAIN VILLAGE CDC SECTION 17.3.11A

HIGHEST RIDGE POINT #	USGS @ LOWEST ADJACENT GRADE	USGS @ ROOF RIDGE	MAXIMUM BUILDING HEIGHT
<b>EAST</b>			
E1	9425' - 1"	9495' - 2"	70' - 1"
<b>WEST</b>			
W1	9437' - 1"	9496' - 2"	59' - 1"

**ROOF HEIGHT NOTES**

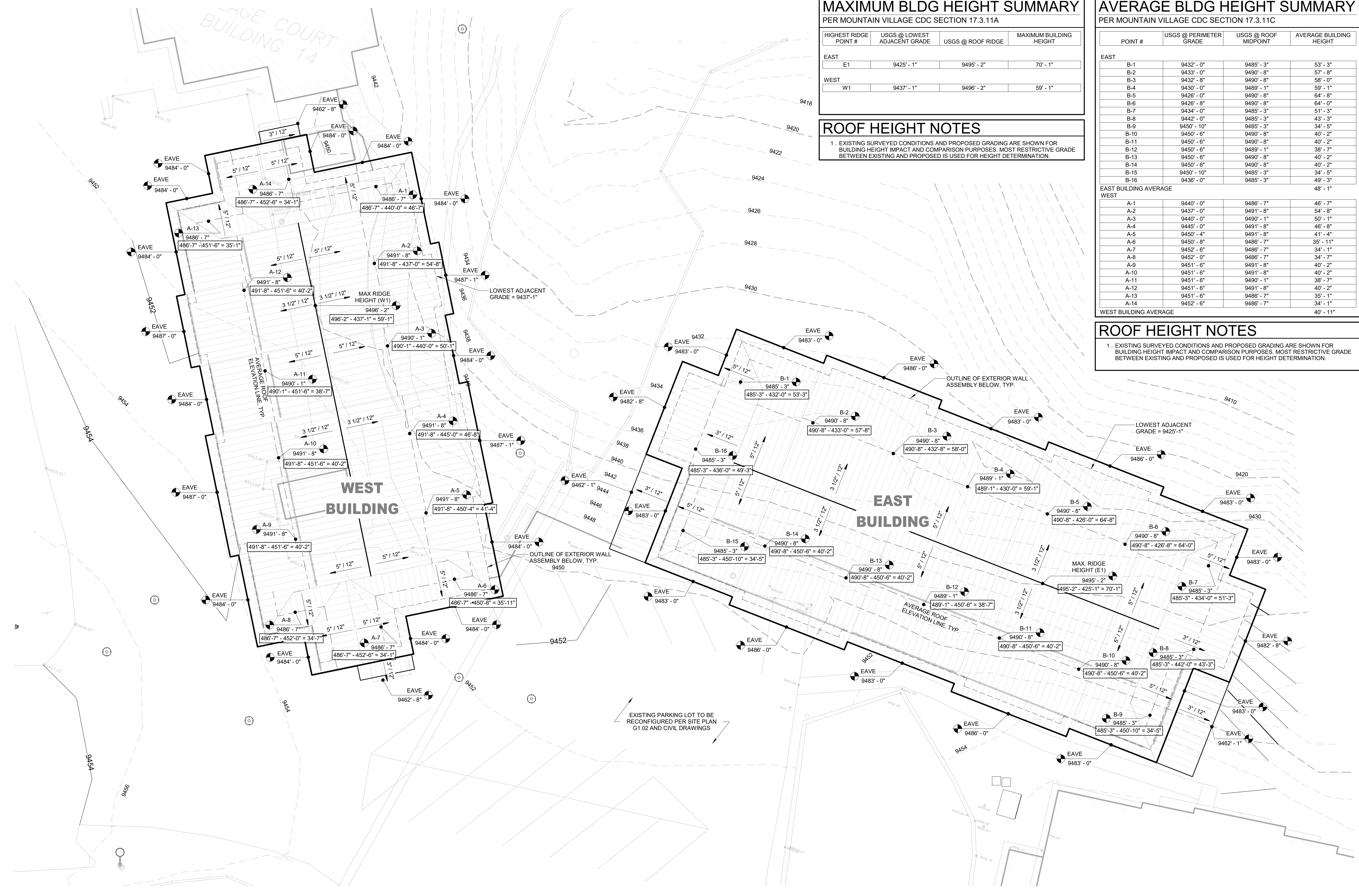
1. EXISTING SURVEYED CONDITIONS AND PROPOSED GRADING ARE SHOWN FOR BUILDING HEIGHT IMPACT AND COMPARISON PURPOSES. MOST RESTRICTIVE GRADE BETWEEN EXISTING AND PROPOSED IS USED FOR HEIGHT DETERMINATION.

**AVERAGE BLDG HEIGHT SUMMARY**  
 PER MOUNTAIN VILLAGE CDC SECTION 17.3.11C

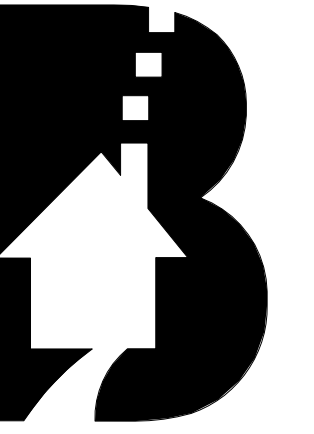
POINT #	USGS @ PERIMETER GRADE	USGS @ ROOF MIDPOINT	AVERAGE BUILDING HEIGHT
<b>EAST</b>			
B-1	9432' - 0"	9485' - 3"	53' - 3"
B-2	9433' - 0"	9490' - 8"	57' - 8"
B-3	9432' - 8"	9490' - 8"	58' - 0"
B-4	9430' - 0"	9489' - 1"	59' - 1"
B-5	9426' - 0"	9490' - 8"	64' - 8"
B-6	9426' - 8"	9490' - 8"	64' - 0"
B-7	9434' - 0"	9485' - 3"	51' - 3"
B-8	9442' - 0"	9485' - 3"	43' - 3"
B-9	9450' - 10"	9485' - 3"	34' - 5"
B-10	9450' - 6"	9490' - 8"	40' - 2"
B-11	9450' - 6"	9490' - 8"	40' - 2"
B-12	9450' - 6"	9489' - 1"	38' - 7"
B-13	9450' - 6"	9490' - 8"	40' - 2"
B-14	9450' - 6"	9490' - 8"	40' - 2"
B-15	9450' - 10"	9485' - 3"	34' - 5"
B-16	9436' - 0"	9485' - 3"	49' - 3"
<b>EAST BUILDING AVERAGE</b>			
<b>WEST</b>			
A-1	9440' - 0"	9486' - 7"	46' - 7"
A-2	9437' - 0"	9491' - 8"	54' - 8"
A-3	9440' - 0"	9490' - 1"	50' - 1"
A-4	9445' - 0"	9491' - 8"	46' - 8"
A-5	9450' - 4"	9491' - 8"	41' - 4"
A-6	9450' - 8"	9486' - 7"	35' - 11"
A-7	9452' - 6"	9486' - 7"	34' - 1"
A-8	9452' - 0"	9486' - 7"	34' - 7"
A-9	9451' - 6"	9491' - 8"	40' - 2"
A-10	9451' - 6"	9491' - 8"	40' - 2"
A-11	9451' - 6"	9490' - 1"	38' - 7"
A-12	9451' - 6"	9491' - 8"	40' - 2"
A-13	9451' - 6"	9486' - 7"	35' - 1"
A-14	9452' - 6"	9486' - 7"	34' - 1"
<b>WEST BUILDING AVERAGE</b>			
40' - 11"			

**ROOF HEIGHT NOTES**

1. EXISTING SURVEYED CONDITIONS AND PROPOSED GRADING ARE SHOWN FOR BUILDING HEIGHT IMPACT AND COMPARISON PURPOSES. MOST RESTRICTIVE GRADE BETWEEN EXISTING AND PROPOSED IS USED FOR HEIGHT DETERMINATION.



**RIDGE HEIGHT DIAGRAM OVER EXISTING GRADES**  
 1" = 10'-0"



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**Preliminary**  
 Not For Construction

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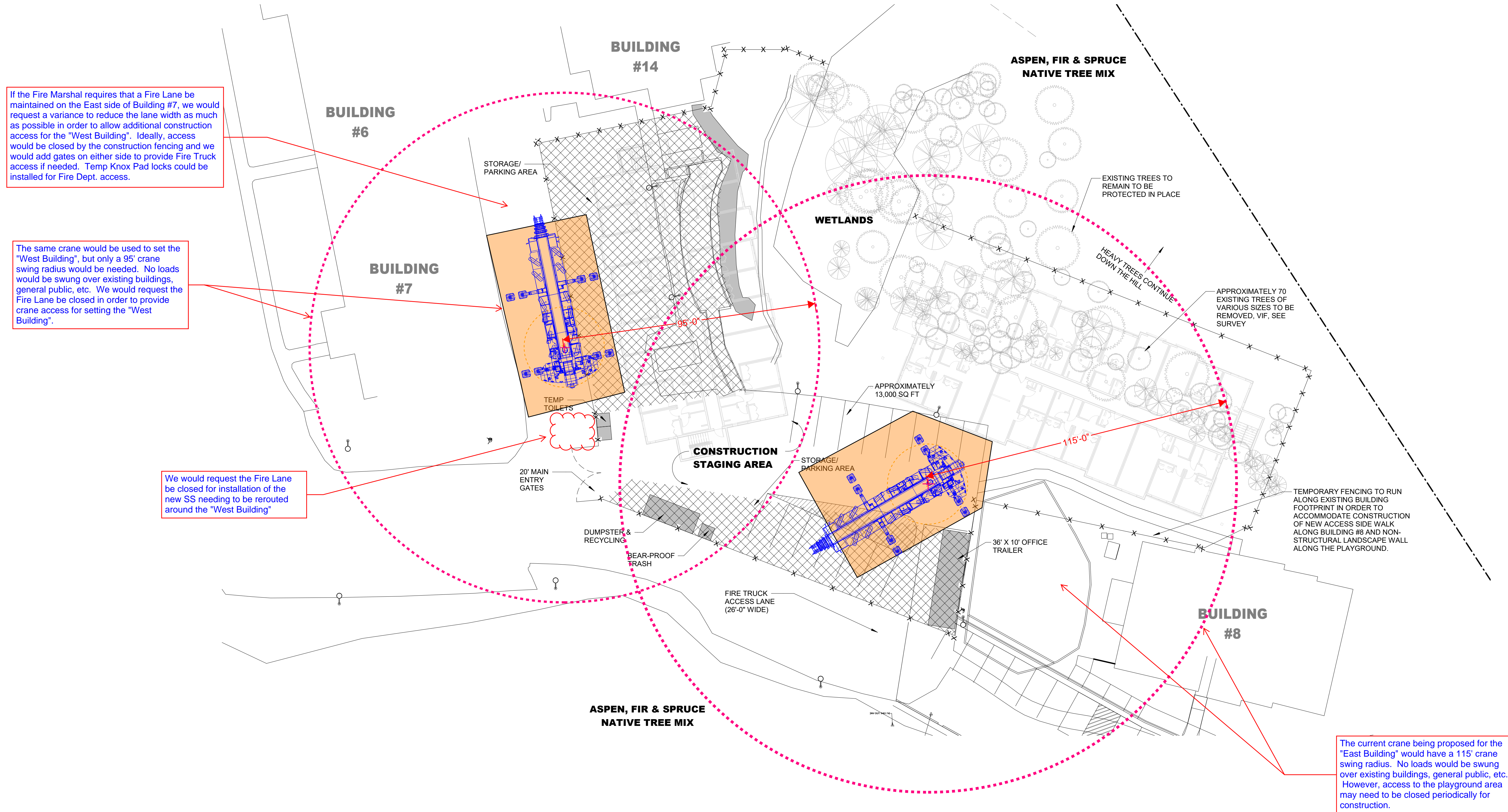
**Phase IV Village Court Apartments**  
 415 MOUNTAIN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435  
 PROJECT NO: 010-2019 ASSESSORS PARCEL NO: 477904200005  
 SET DESCRIPTION: **DRP SUBMITTAL 04.29.2019**

Date	Revisions

DESIGNED BY	SCALE
TWU	AS NOTED
DRAWN BY	DATE
RMO	04.29.19
CHECKED BY	

DRAWING TITLE  
**CONSTRUCTION MITIGATION PLAN**

SHEET NO.  
**G1.04**

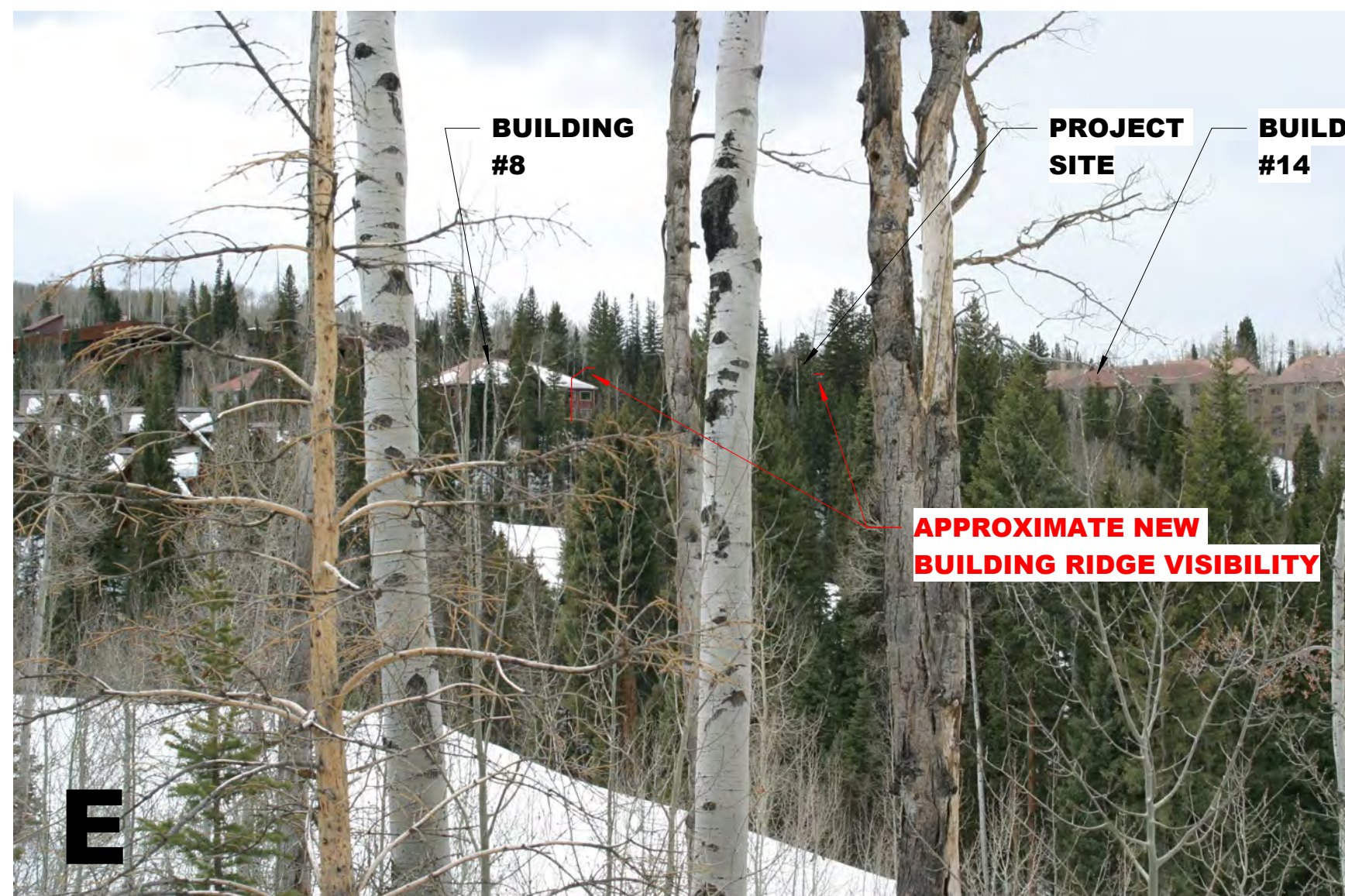
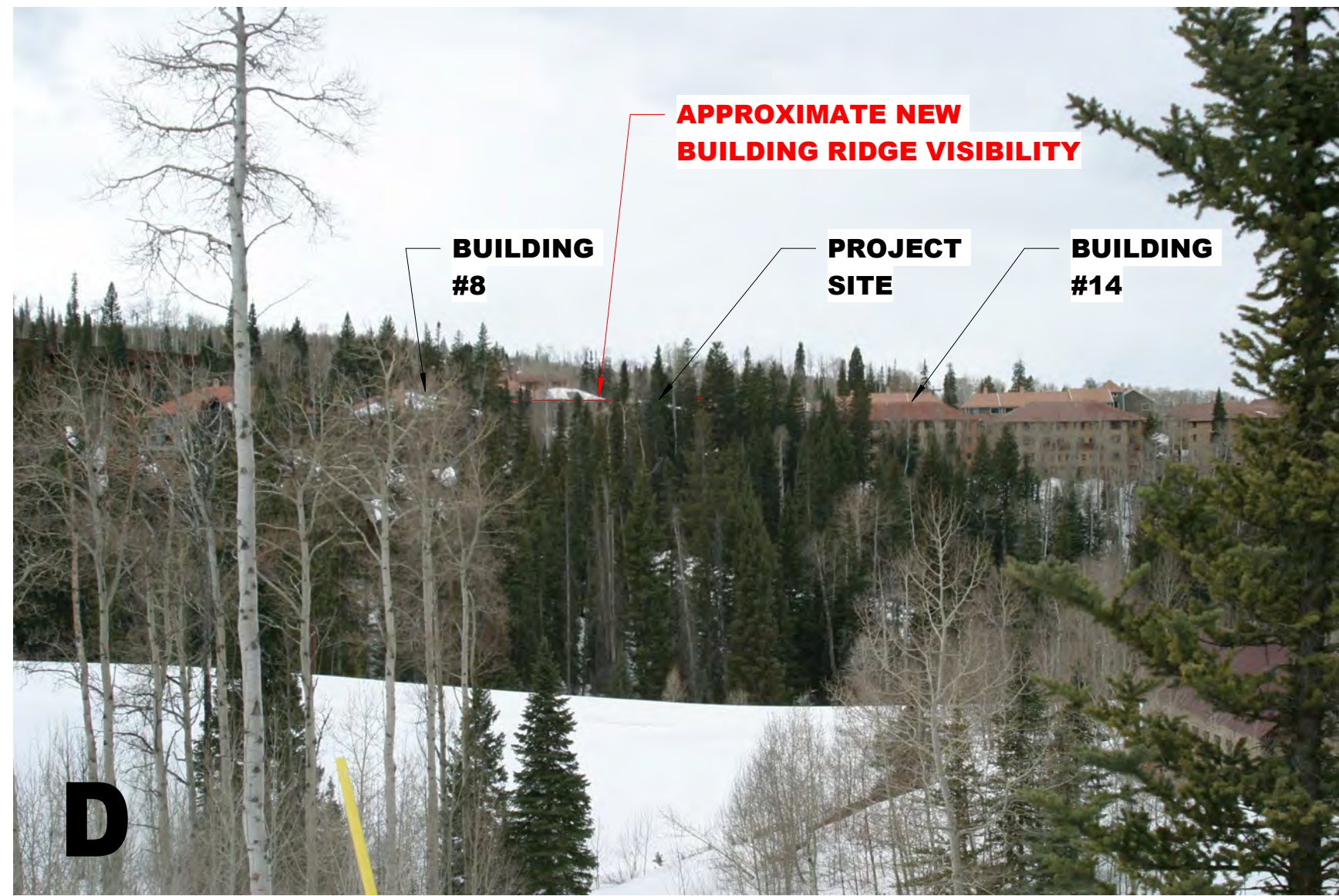
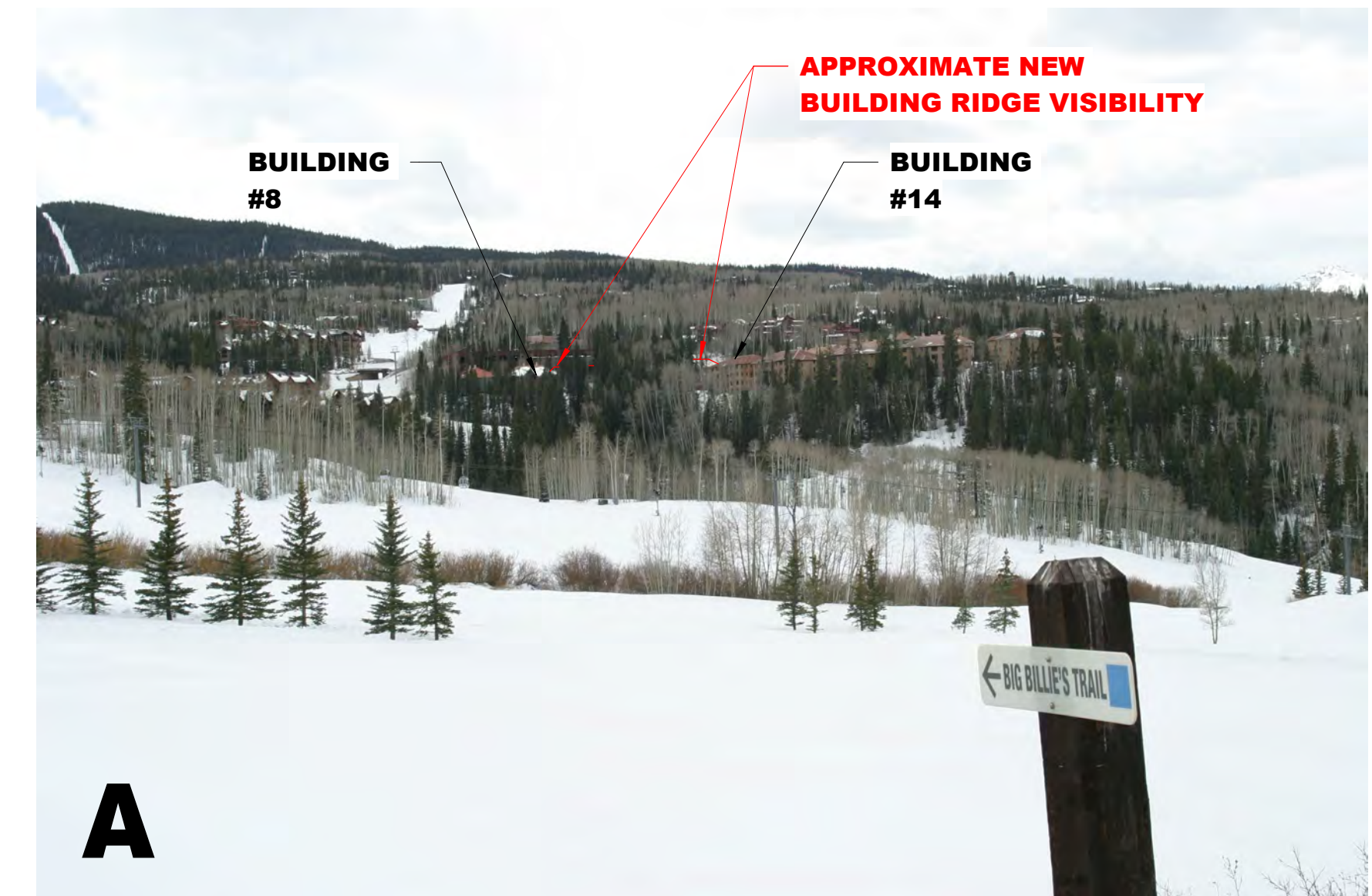
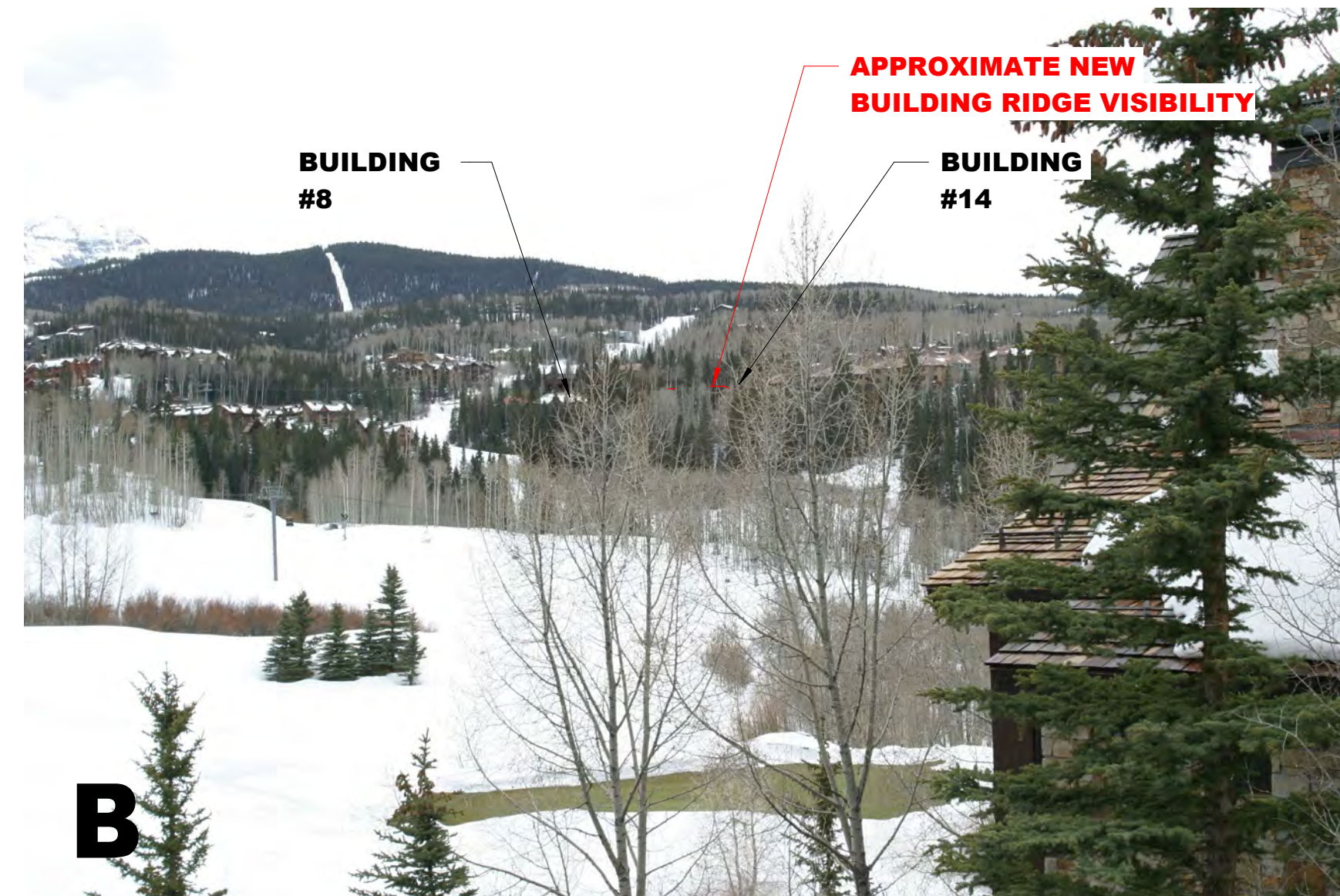
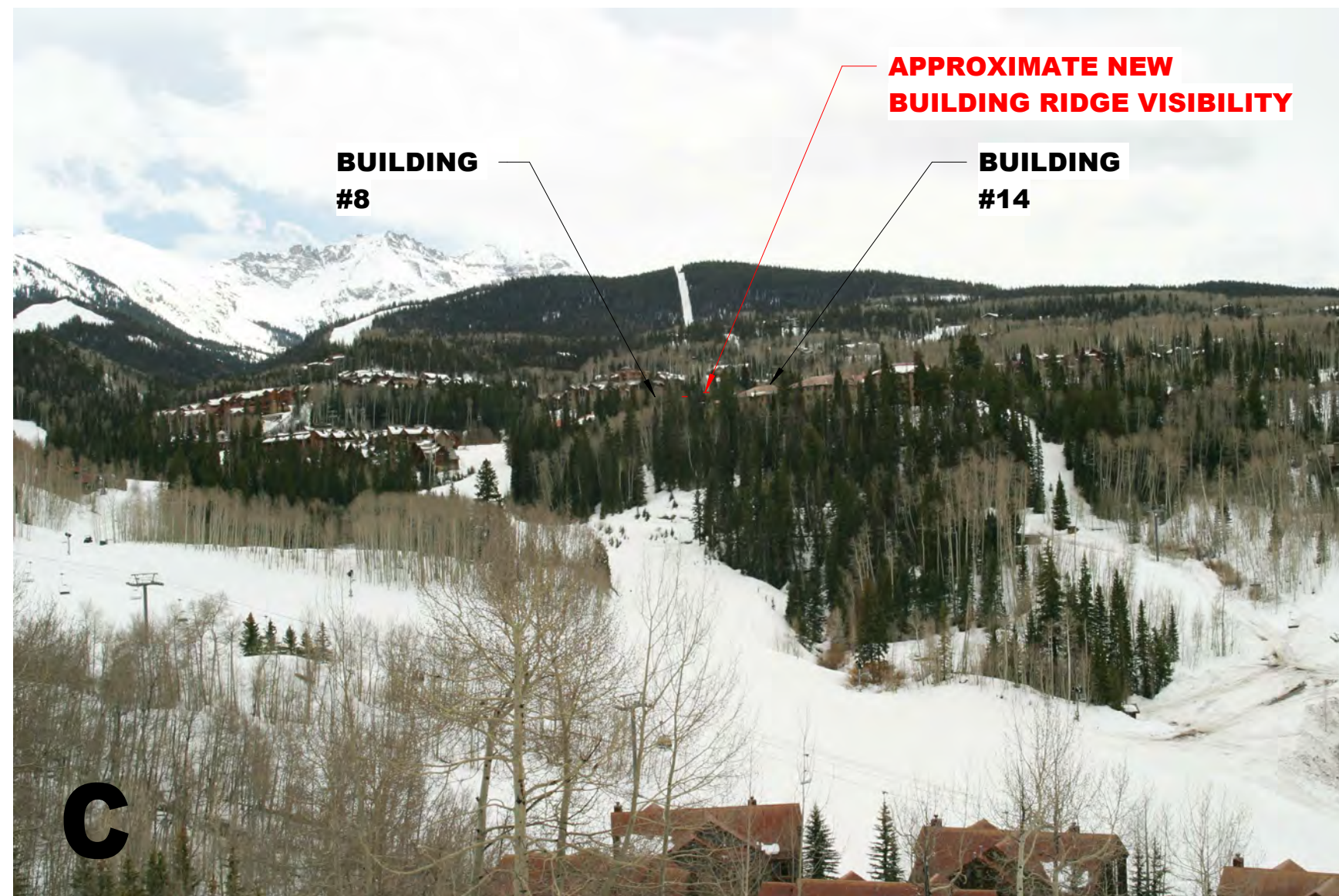


If the Fire Marshal requires that a Fire Lane be maintained on the East side of Building #7, we would request a variance to reduce the lane width as much as possible in order to allow additional construction access for the "West Building". Ideally, access would be closed by the construction fencing and we would add gates on either side to provide Fire Truck access if needed. Temp Knox Pad locks could be installed for Fire Dept. access.

The same crane would be used to set the "West Building", but only a 95' crane swing radius would be needed. No loads would be swung over existing buildings, general public, etc. We would request the Fire Lane be closed in order to provide crane access for setting the "West Building".

We would request the Fire Lane be closed for installation of the new SS needing to be rerouted around the "West Building"

The current crane being proposed for the "East Building" would have a 115' crane swing radius. No loads would be swung over existing buildings, general public, etc. However, access to the playground area may need to be closed periodically for construction.



**VIEWS TO SITE FROM KEY LOCATIONS**  
12" = 1'-0"



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**Phase IV Village Court Apartments**  
415 MOUNTAIN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO 81435  
PROJECT NO: 010-2019 ASSESSORS PARCEL NO: 477904200005  
SET DESCRIPTION: **DRP SUBMITTAL 04.29.2019**

Date	Revisions

DESIGNED BY	SCALE
TWU	AS NOTED
DRAWN BY	DATE
RMO	04.29.19
CHECKED BY	

DRAWING TITLE  
**VIEW STUDIES**

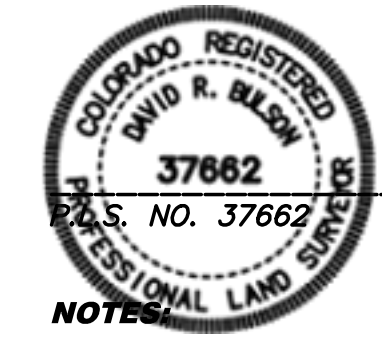
SHEET NO.  
**G1.05**



SCALE: 1" = 10'  
0 2 4 6 8 10 20

TRACT OS-1R-1

This topographic survey of a portion of Lot 1001, Town of Mountain Village, was field surveyed on December 08, 2017 under the direct responsibility, supervision and checking of David R. Bulson, of Foley Associates, Inc., being a Colorado Licensed Surveyor. On March 13, 2019 slope designations were added. It does not constitute a Land Survey Plat or Improvement Survey Plat as defined by section 38-51-102 C.R.S.



Date

**NOTES**

1. This survey does not constitute a title search by Foley Associates, Inc. to determine the ownership of this property or easements or record.
2. Benchmark: Control point "CP 602 SPIKE", as shown hereon, with an elevation of 9449.59 feet.
3. Contour interval is two feet.
4. Underground utilities were located through the Colorado 811 Ticket Express Program and must be field verified prior to construction.
5. Underground sanitary sewer lines were connected between manholes or sketched from the Mountain Village GIS Department's "TMV Sewer Map", dated 3-22-07.
6. Sanitary sewer continues from this location. It is unclear from site markings provided whether or not this line falls within the Sanitary Sewer Easement shown hereon.
7. NOTICE: According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.

**LEGEND**

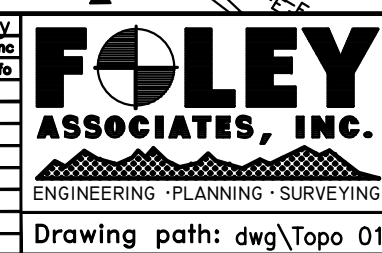
- WV WATER VALVE
- FH FIRE HYDRANT
- ICV IRRIGATION CONTROL VALVE
- SM SEWER MANHOLE
- SIGN SIGN
- LP LAMP POST
- C4 CLEANOUT (4"-PVC)
- TR TRANSFORMER
- TE TELEPHONE PEDESTAL
- CTV CABLE-TV PEDESTAL

**UTILITIES LEGEND**

- E-E UNDERGROUND ELECTRIC LINE
- T-T UNDERGROUND TELEPHONE LINE
- TV-TV UNDERGROUND CABLE-TV LINE
- W-W UNDERGROUND WATER LINE
- SS-SS UNDERGROUND SANITARY SEWER LINE
- P-PARKING SPACE

**Topographic Survey and Slope Study**  
A portion of Lot 1001, Town of Mountain Village,  
San Miguel County, Colorado.

Project Mgr:	DB
Technician:	MC
Checked by:	AL
Start date:	12/08/2017



970-728-6153 970-728-6050 fax  
P.O. BOX 1385  
125 W. PACIFIC, SUITE B-1  
TELLURIDE, COLORADO 81435

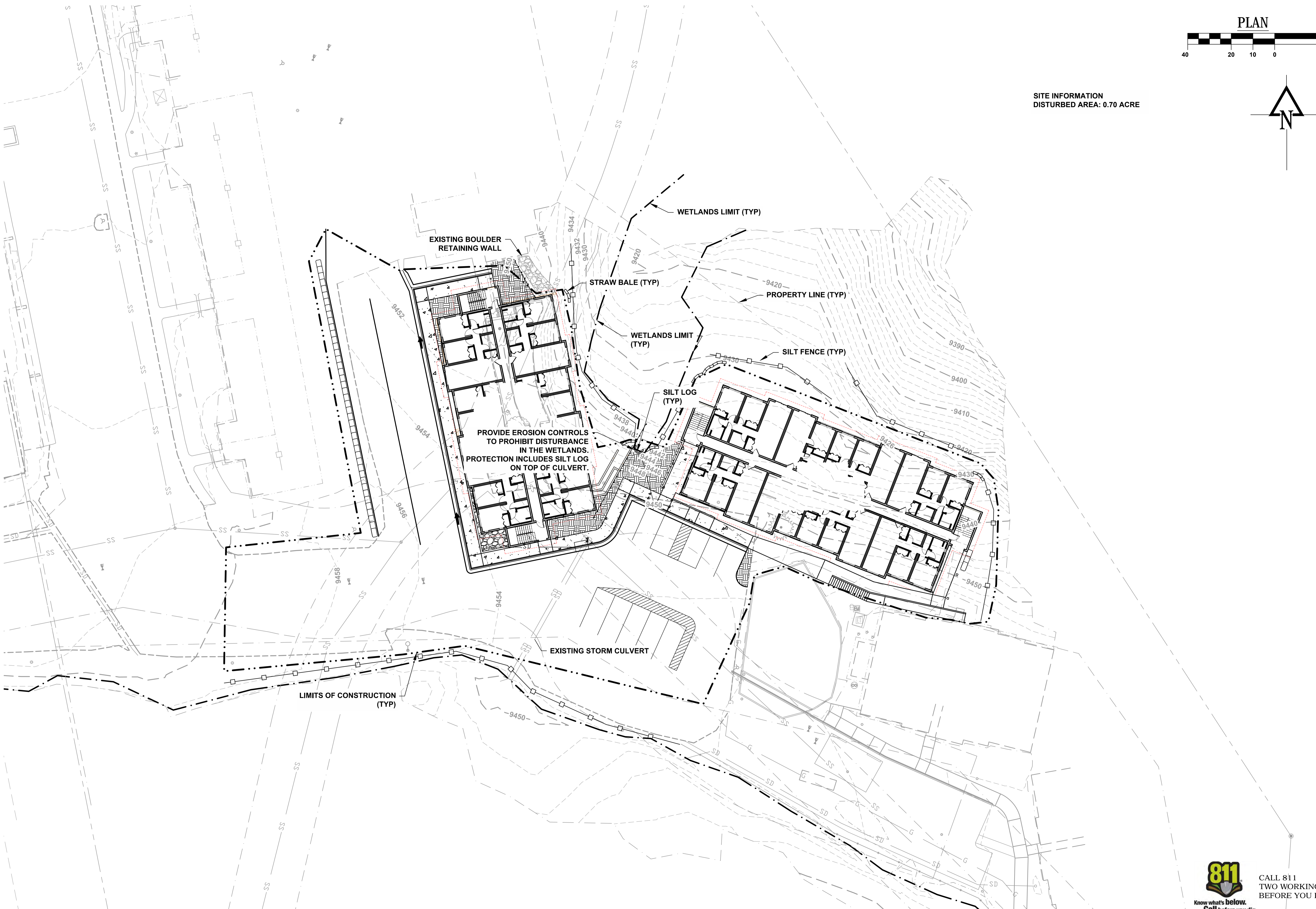
Drawing path: dwg\Topo 01-18\17042 Sht-3 EasternBldg..03-19.dwg Sheet 1 of 1 Project #: 17042

F:\01 - Winters\03232017\17042 Sht-3 Eastern Bldg..03-19.dwg Other versions of 2018 Topo\Topo 01-18 (Lot 1001) (CA) (3 sheets)\17042 Sht-3 Eastern Bldg..03-19 with annotations..3/14/2019 9:26:11 AM, P1

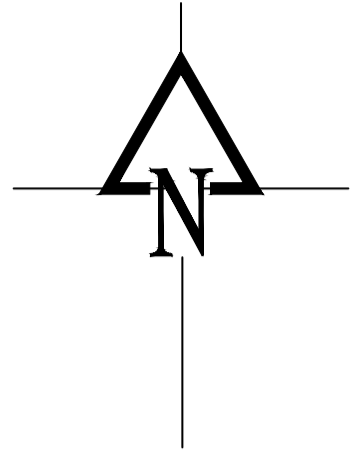
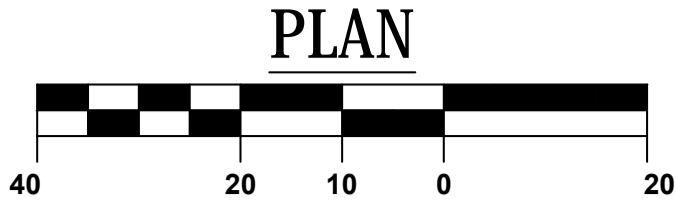








SITE INFORMATION  
DISTURBED AREA: 0.70 ACRE



EROSION CONTROL  
PLAN

Phase IV Village Court Apartments 415 MTN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO 81435

DATE: 05/21/2019

C104

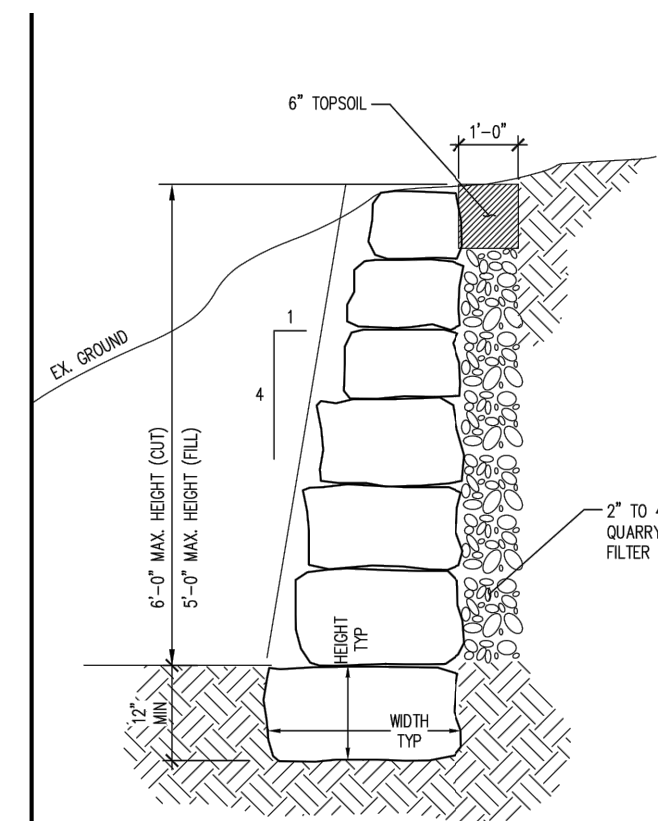
DESIGN DEVELOPMENT



Russell Planning &  
Engineering, Inc.  
Civil Engineering Services  
934 Main Avenue, Unit C  
Durango, Colorado 81301  
Phone: (970) 385-4546  
Fax: (970) 385-4502



CALL 811  
TWO WORKING DAYS  
BEFORE YOU DIG

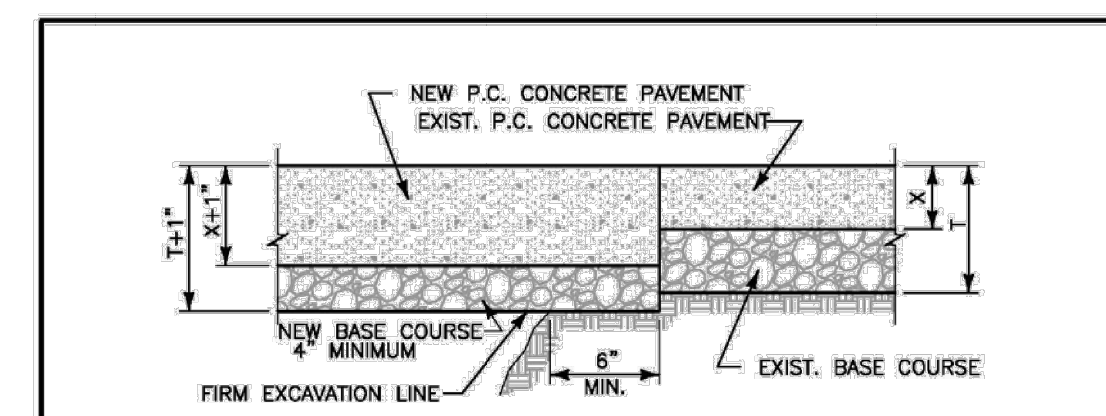


ROCKERY WALL SCHEDULE			
ROCKERY RETAINING HEIGHT (FEET)	MINIMUM ROCK SIZE BOTTOM TWO COURSES AT BASE	MINIMUM ROCK SIZE (TOP)	
2	2 MAN ROCK	1 MAN ROCK	
4	3 MAN ROCK	2 MAN ROCK	
6	4 MAN ROCK	2 MAN ROCK	

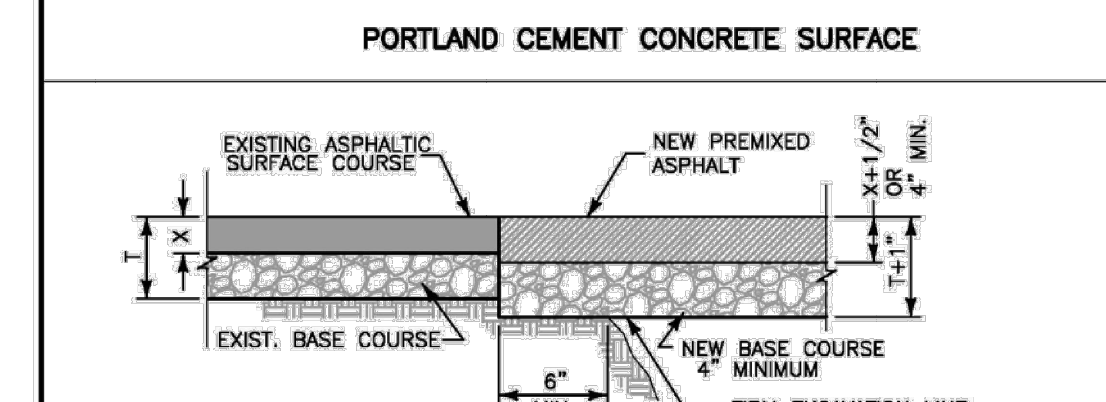
ROCK SIZE SCHEDULE			
ROCK SIZE	APPROXIMATE WEIGHT (LBS)	APPROXIMATE HEIGHT (INCHES)	APPROXIMATE WIDTH (INCHES)
1 MAN	50 TO 200	3 TO 6	12 TO 18
2 MAN	200 TO 700	6 TO 8	18 TO 26
3 MAN	700 TO 2,000	8 TO 15	28 TO 36
4 MAN	2,000 TO 4,000	15 TO 18	36 TO 48
5 MAN	4,000 TO 6,000	18 TO 20	48 TO 54
6 MAN	6,000 TO 8,000	20 TO 22	54 TO 60

**ROCKERY NOTES:**  
 1. THE ROCK MATERIAL SHALL BE AS NEARLY RECTANGULAR AS POSSIBLE. NO STONE SHALL BE USED WHICH DOES NOT EXTEND THROUGH THE WALL. THE ROCK MATERIAL SHALL BE HARD, SOUND, DURABLE AND FREE FROM WEATHERED PORTIONS, SEAMS, CRACKS AND OTHER DEFECTS. THE ROCK DENSITY SHALL BE A MINIMUM OF 160 LBS/CUBIC YARD. SEE SCHEDULES.  
 2. THE ROCKERY SHALL BE STARTED BY EXCAVATING A TRENCH ONE (1) FOOT IN DEPTH BELOW SUB-GRADE.  
 3. ROCK SELECTION AND PLACEMENT SHALL BE SUCH THAT THERE WILL BE MINIMUM Voids, IN THE EXPOSED FACE OF THE WALL. NO OPEN Voids OVER SIX (6) INCHES ACROSS IN ANY DIRECTION. THE ROCKS SHALL BE PLACED IN A MANNER SUCH THAT THE WIDTH OF THE ROCK SHALL BE AT RIGHT ANGLES OR PERPENDICULAR TO THE ROCKERY FACE. THE ROCKS SHALL HAVE ALL INCLINING FACES SLICED TO THE BACK OF THE ROCKERY. EACH COURSE OF ROCKS SHALL BE SEATED AS TIGHTLY AND EVENLY AS POSSIBLE ON THE COURSE BELOW.  
 4. THE WALL BACKFILL SHALL CONSIST OF QUARRY SHALES OR WASHED ROCK WITH A MAXIMUM SIZE OF FOUR (4) INCHES AND A MINIMUM SIZE OF TWO (2) INCHES. THIS MATERIAL SHALL BE PLACED TO A TWELVE (12) INCH MINIMUM THICKNESS BETWEEN THE ENTIRE WALL AND THE CUT MATERIAL.

ROCKERY RETAINING WALL DETAIL  
N.T.S.



NOTE: WHERE EXISTING PAVEMENT CONTAINS REINFORCING, THE REPLACEMENT SHALL BE REINFORCED AND DOWELED AS DIRECTED BY THE ENGINEER.



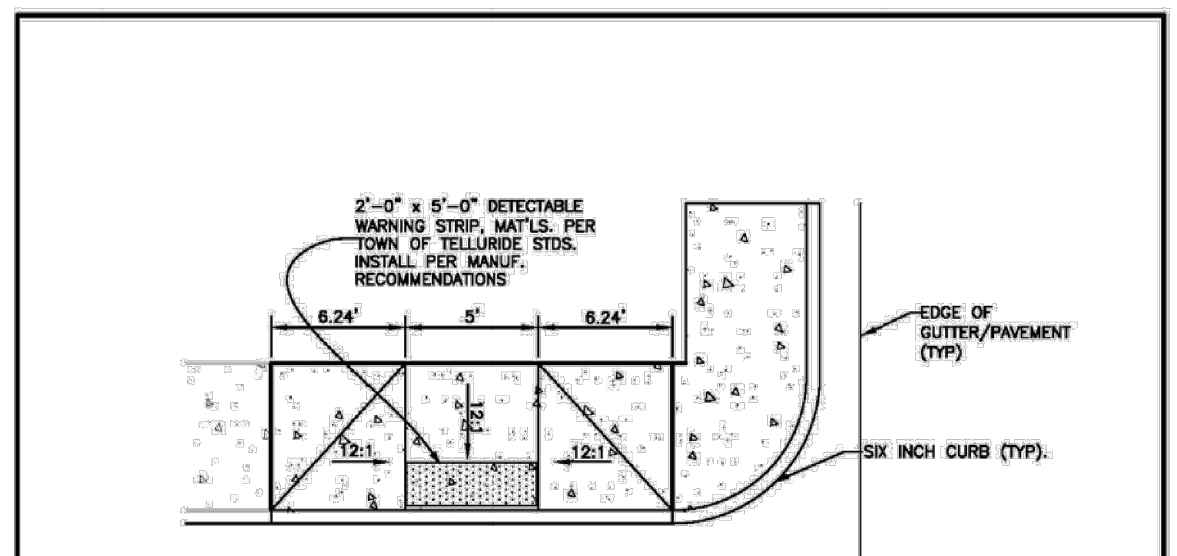
NOTE: WHERE EXIST. PAVEMENT IS CHIPSEAL, A PREMIXED HOT APPLIED ASPHALTIC CONCRETE WILL BE USED.

WHERE EXIST. PAVEMENT IS A MACHINE PLACED HOT MIXED ASPHALTIC CONCRETE, A PREMIXED HOT APPLIED ASPHALTIC CONCRETE WILL BE USED.

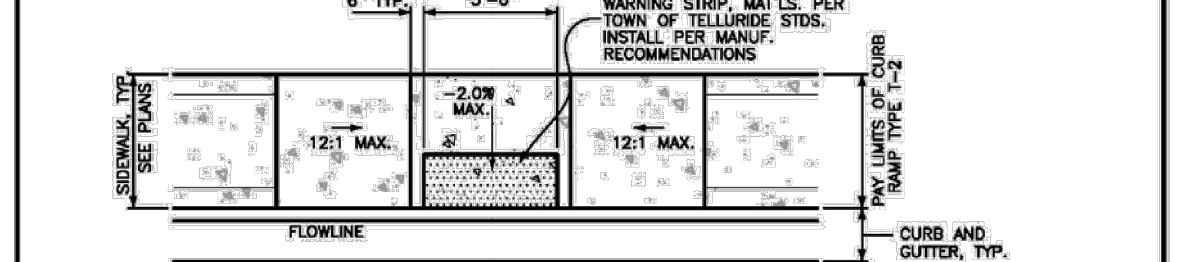
ALL REPLACEMENT MATERIAL SHALL BE AS APPROVED BY THE ENGINEER AND SHALL BE PLACED AND COMPACTED AS REQUIRED BY THE ENGINEER.

ASPHALTIC SURFACE  
REFERENCE SPEC. SEC. 02220

REVISIONS		DESCRIPTION	PAVEMENT REPLACEMENT	Town of Telluride, Colorado
MARK	DATE			
	FEB 1976	CHANGE NUMBER	Standard No. 2220B	Sheet 1 of 1
	FEB 1992	REDRAWN		
DRAWING BY: SCHUHEN				

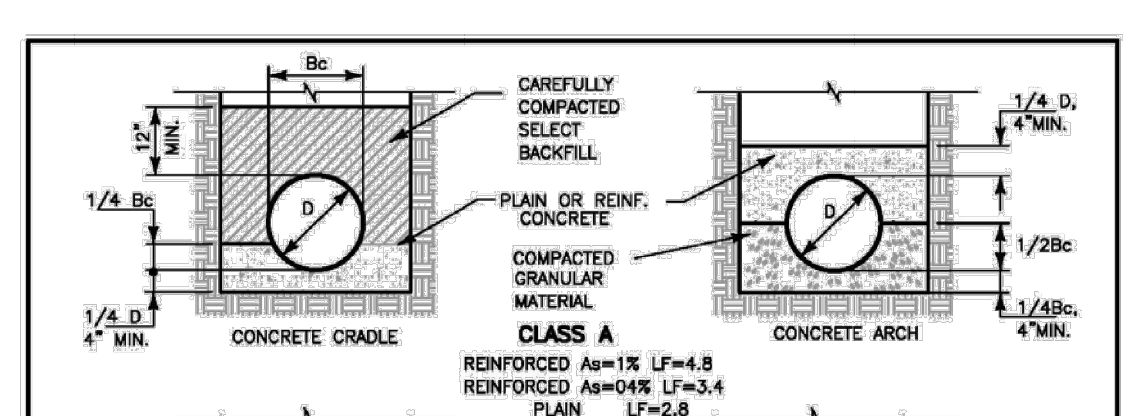


TYPE T-2 ADA RAMP

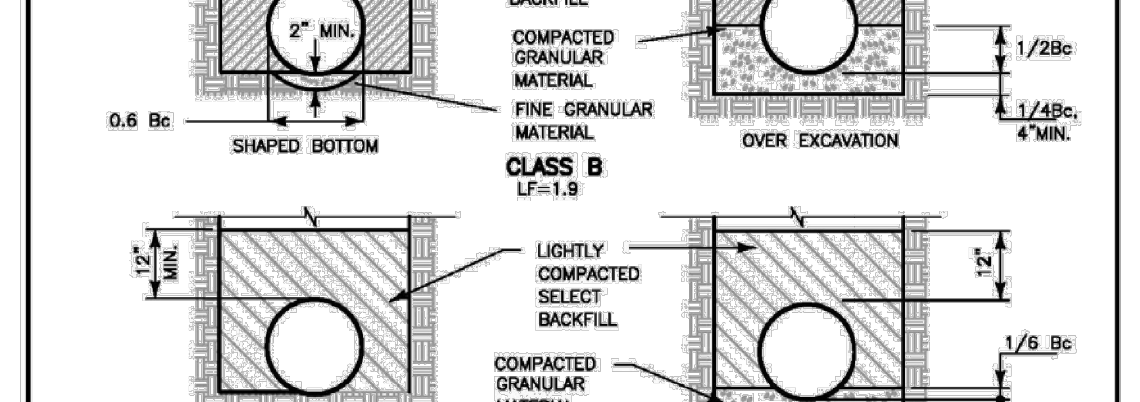


TYPICAL CURB RAMP TYPE T-2

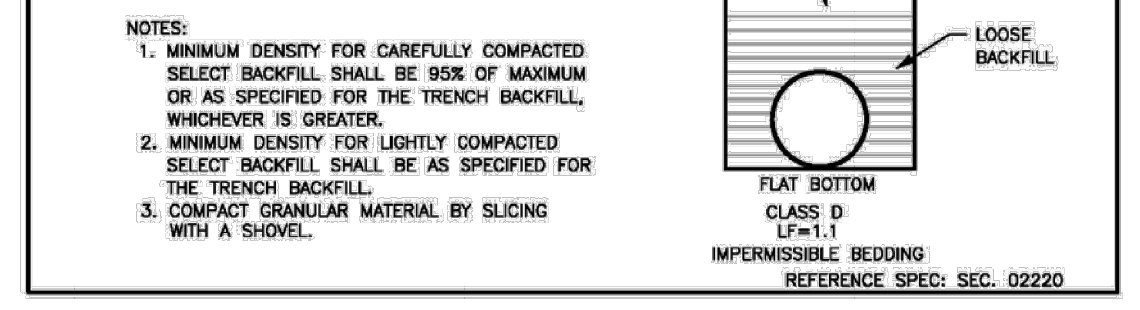
REVISIONS		DESCRIPTION	ACCESSIBILITY RAMP DETAILS	Town of Telluride, Colorado
MARK	DATE			
	FEB 1976	CHANGE NUMBER	Standard No. 2625F	Sheet 2 of 5
	FEB 1992	REDRAWN		
DRAWING BY: SCHUHEN				



CLASS A



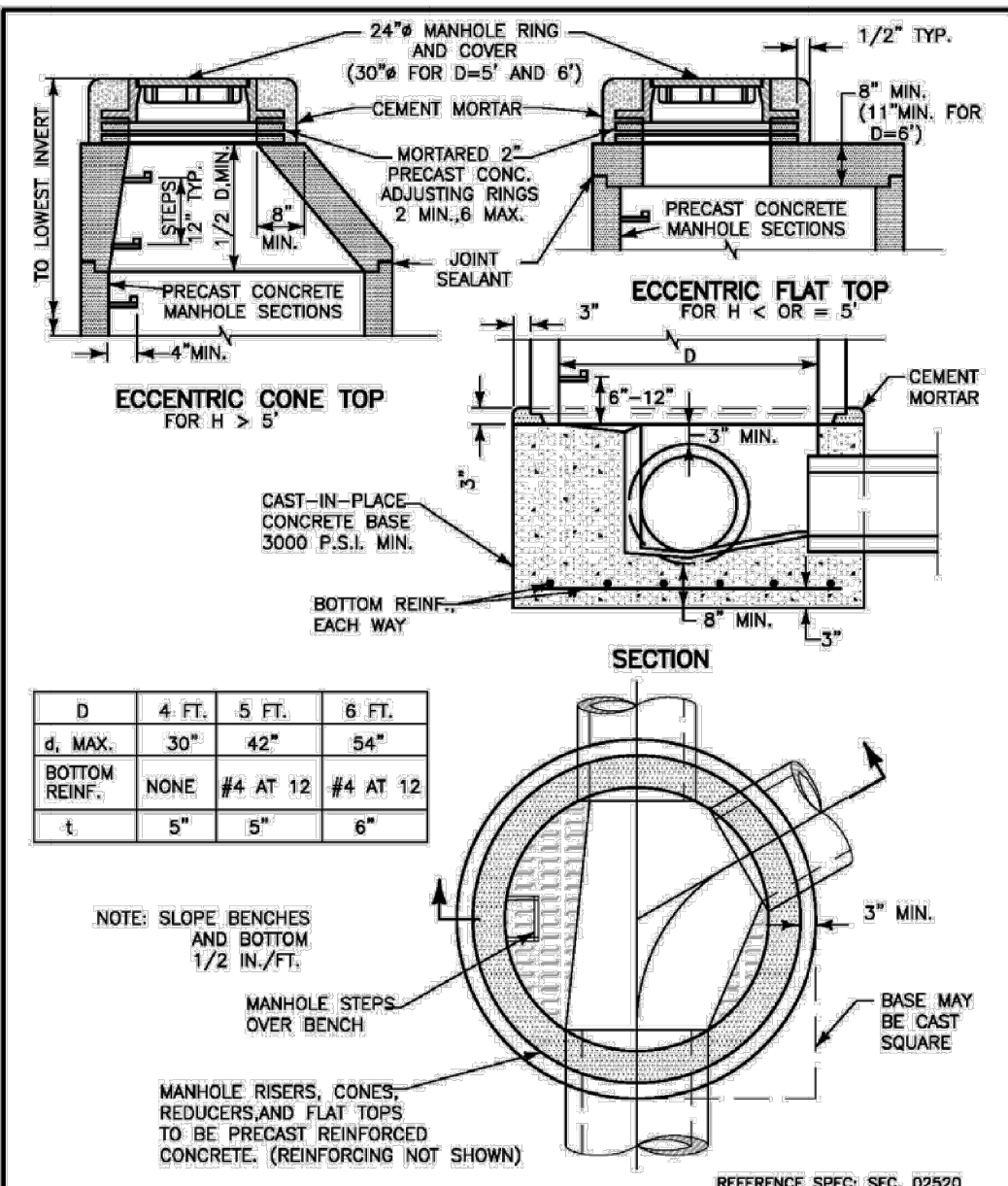
CLASS B



CLASS C

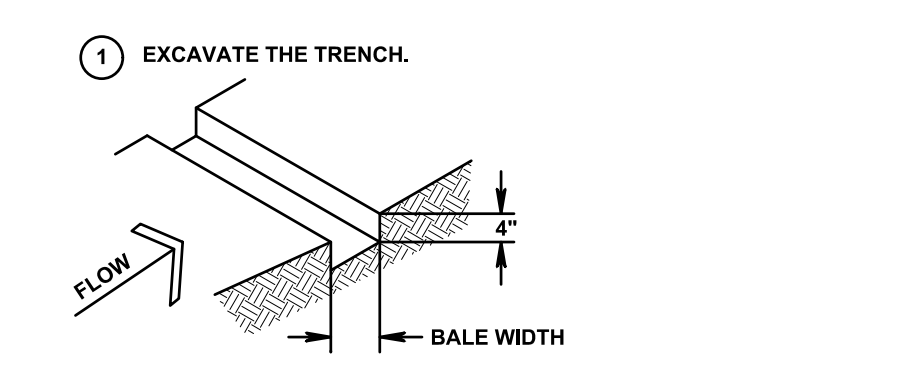
NOTES:  
 1. MINIMUM DENSITY FOR CAREFULLY COMPACTED SELECT BACKFILL SHALL BE 90% OF MAXIMUM OR AS SPECIFIED FOR THE TRENCH BACKFILL, WHICHEVER IS GREATER.  
 2. MINIMUM DENSITY FOR LIGHTLY COMPACTED SELECT BACKFILL SHALL BE AS SPECIFIED FOR THE TRENCH BACKFILL.  
 3. COMPACT GRANULAR MATERIAL BY SLICING WITH A SHOVEL.

PIPE EMBEDMENT  
Standard No. 2220A  
Sheet 1 of 1

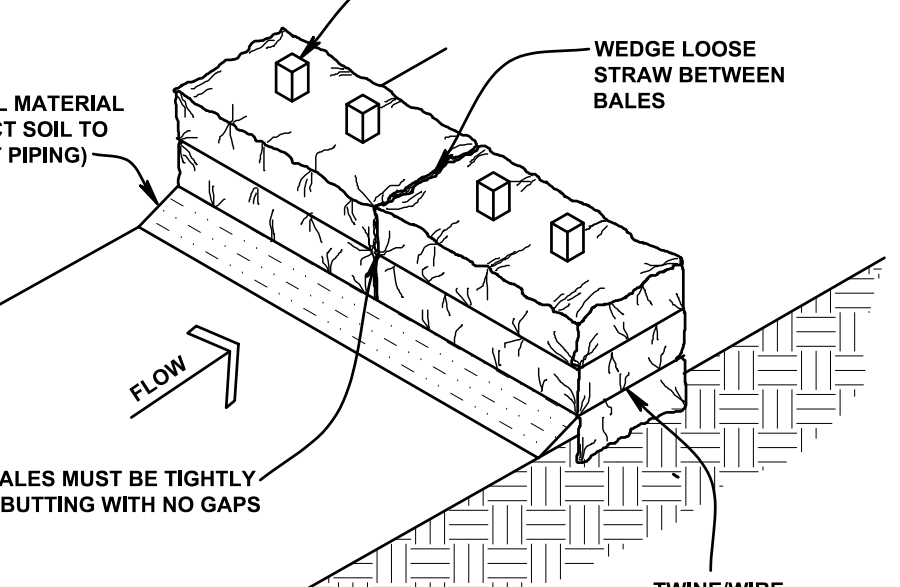


STORM MANHOLE  
Standard No. 2520A  
Sheet 1 of 2

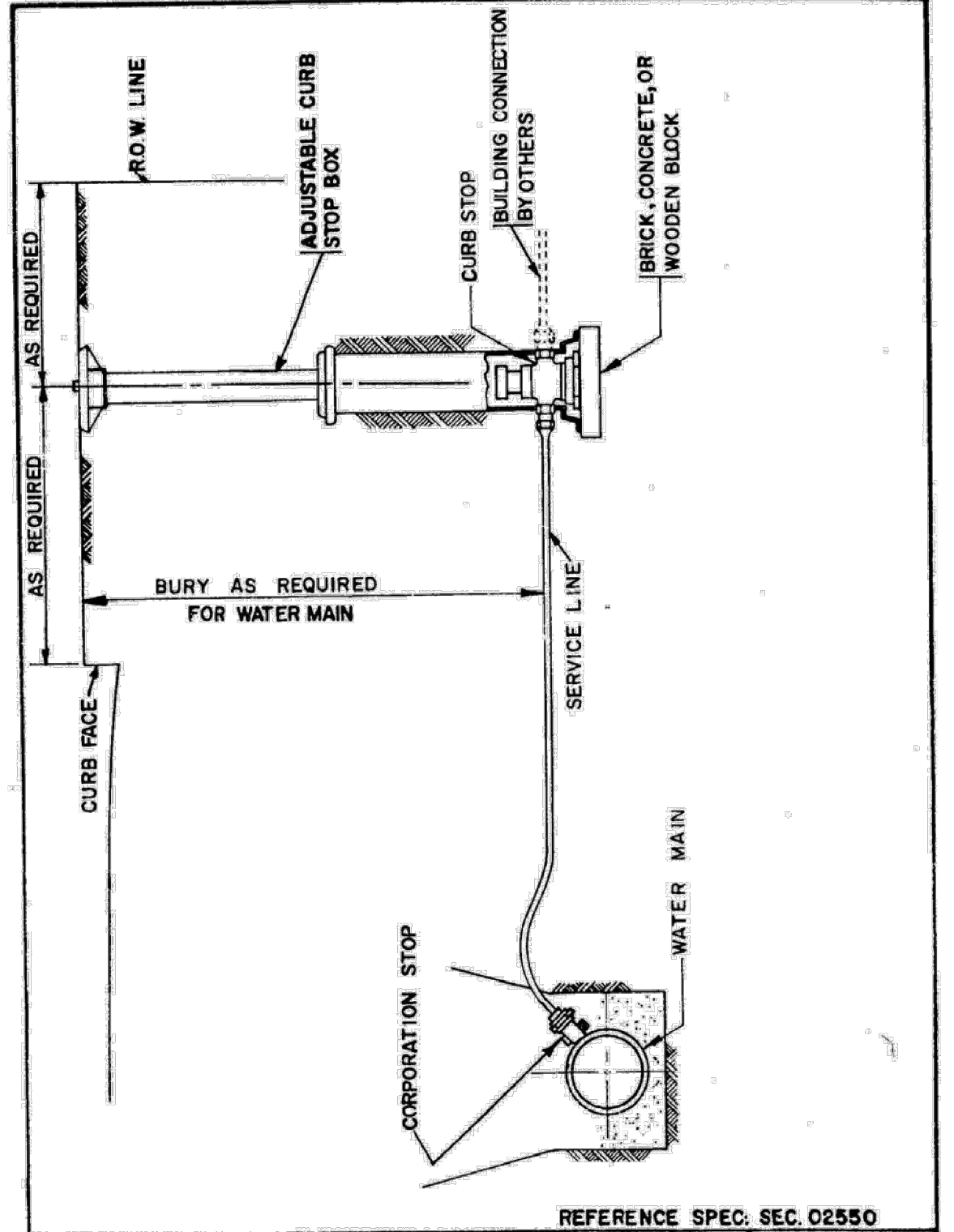
REVISIONS		DESCRIPTION	PAVEMENT REPLACEMENT	Town of Telluride, Colorado
MARK	DATE			
	FEB 1976	CHANGE NUMBER	Standard No. 2520A	Sheet 1 of 2
	FEB 1992	REDRAWN		
DRAWING BY: SCHUHEN				



EROSION CONTROL

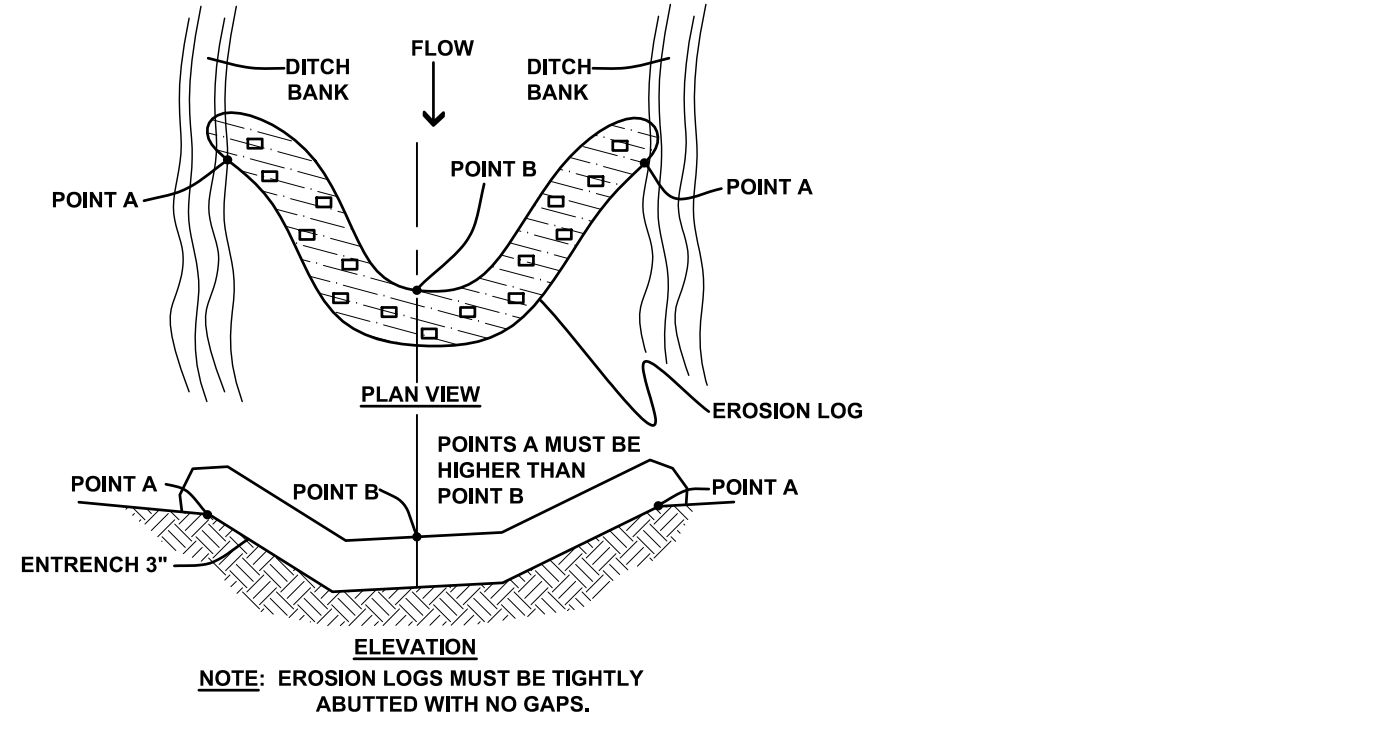


EROSION CONTROL

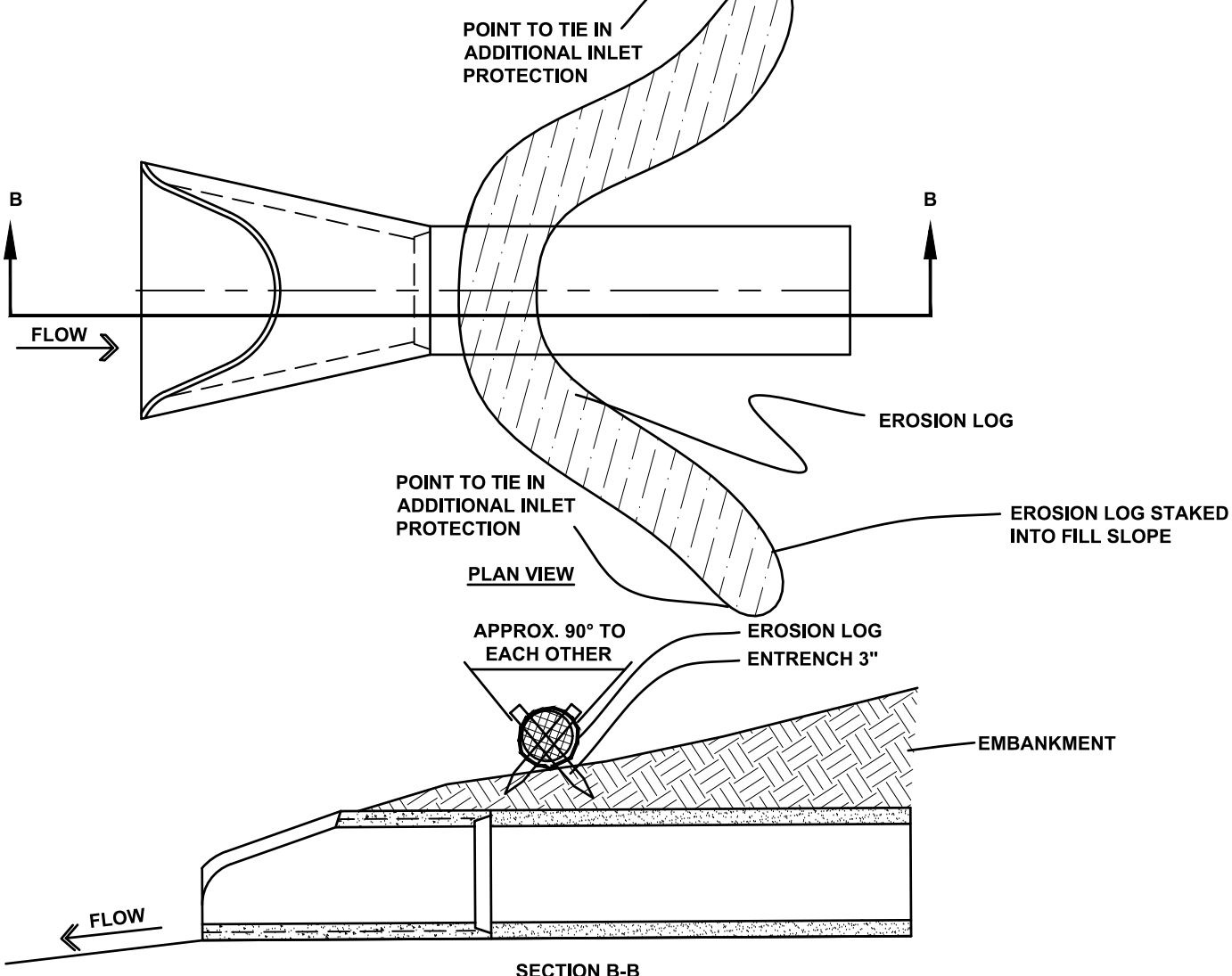


WATER SERVICE INSTALLATION  
Standard No. 2550D  
Sheet 1 of 1

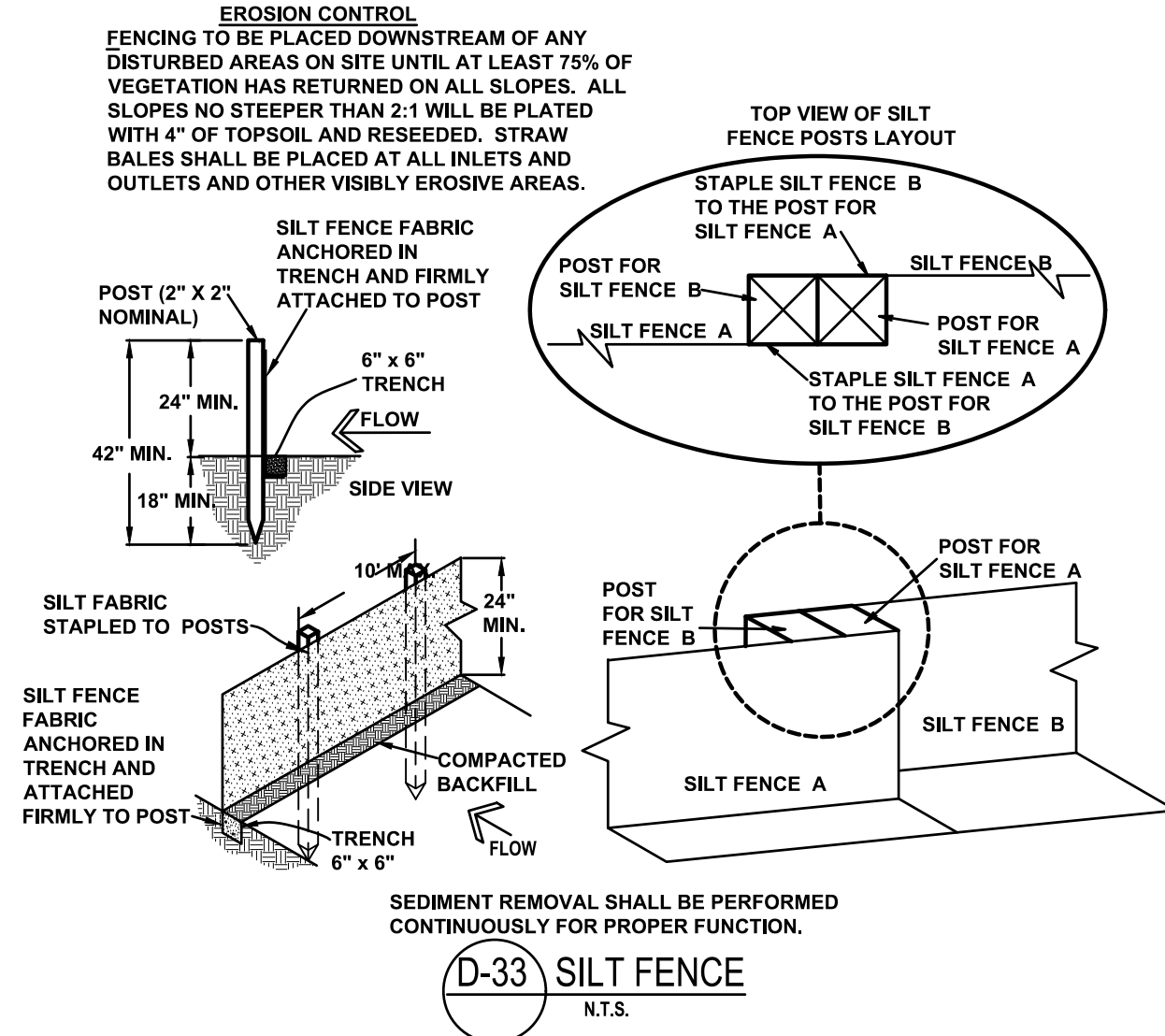
REVISIONS		DESCRIPTION	WATER SERVICE INSTALLATION	Town of Telluride, Colorado
MARK	DATE			
	FEB 1976	CHANGE NUMBER	Standard No. 2550D	Sheet 1 of 1
	FEB 1992	REDRAWN		
DRAWING BY: SCHUHEN				



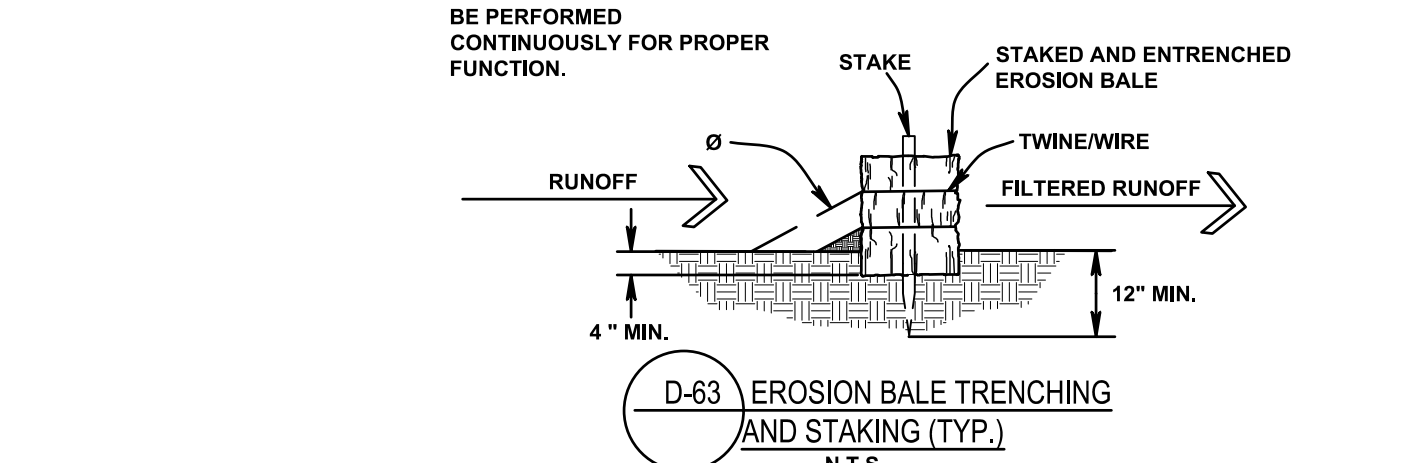
CULVERT EROSION LOG PROTECTION  
N.T.S.



CULVERT EROSION LOG PROTECTION  
N.T.S.



D-33 SILT FENCE  
N.T.S.



D-63 EROSION BALE TRENCHING AND STAKING (TYP.)  
N.T.S.

Phase IV Village Court Apartments  
415 MTN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO  
81435

Russell Planning & Engineering, Inc.  
Civil Engineering Services  
934 Main Avenue, Unit C  
Durango, Colorado 81301  
Phone: (970) 385-4546  
Fax: (970) 385-4502

DATE: 04/26/2019

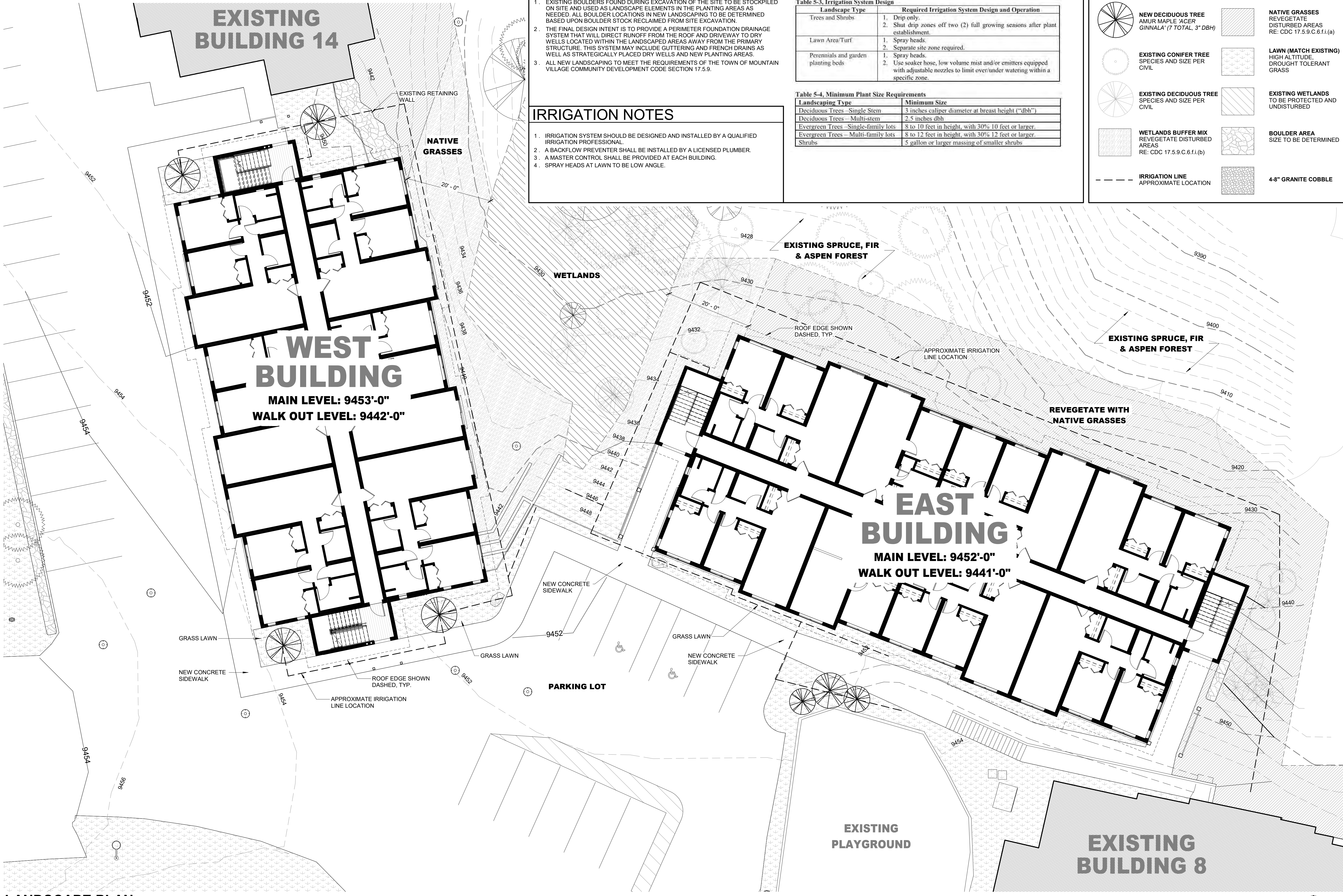
S C H E M A T I C

DETAILS

C104



CALL 811  
TWO WORKING DAYS  
BEFORE YOU DIG



**LANDSCAPING NOTES**

- EXISTING BOULDERS FOUND DURING EXCAVATION OF THE SITE TO BE STOCKPILED ON SITE AND USED AS LANDSCAPE ELEMENTS IN THE PLANTING AREAS AS NEEDED. ALL BOULDER LOCATIONS IN NEW LANDSCAPING TO BE DETERMINED BASED UPON BOULDER STOCK RECLAIMED FROM SITE EXCAVATION.
- THE FINAL DESIGN INTENT IS TO PROVIDE A PERIMETER FOUNDATION DRAINAGE SYSTEM THAT WILL DIRECT RUNOFF FROM THE ROOF AND DRIVEWAY TO DRY WELLS LOCATED WITHIN THE LANDSCAPED AREAS AWAY FROM THE PRIMARY STRUCTURE. THIS SYSTEM MAY INCLUDE GUTTERING AND FRENCH DRAINS AS WELL AS STRATEGICALLY PLACED DRY WELLS AND NEW PLANTING AREAS.
- ALL NEW LANDSCAPING TO MEET THE REQUIREMENTS OF THE TOWN OF MOUNTAIN VILLAGE COMMUNITY DEVELOPMENT CODE SECTION 17.5.9.

**IRRIGATION NOTES**

- IRRIGATION SYSTEM SHOULD BE DESIGNED AND INSTALLED BY A QUALIFIED IRRIGATION PROFESSIONAL.
- A BACKFLOW PREVENTER SHALL BE INSTALLED BY A LICENSED PLUMBER.
- A MASTER CONTROL SHALL BE PROVIDED AT EACH BUILDING.
- SPRAY HEADS AT LAWN TO BE LOW ANGLE.

**Table 5-3. Irrigation System Design**

Landscape Type	Required Irrigation System Design and Operation
Trees and Shrubs	1. Drip only. 2. Shut drip zones off two (2) full growing seasons after plant establishment.
Lawn Area/Turf	1. Spray heads. 2. Separate site zone required.
Perennials and garden planting beds	1. Spray heads. 2. Use soaker hose, low volume mist and/or emitters equipped with adjustable nozzles to limit over/under watering within a specific zone.

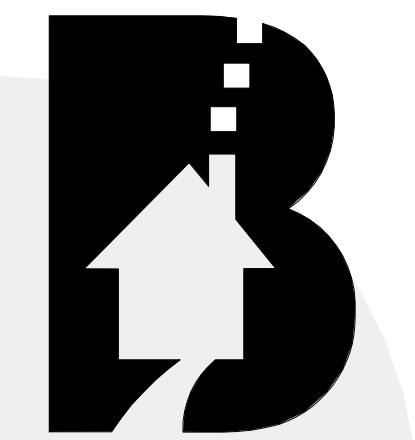
**Table 5-4. Minimum Plant Size Requirements**

Landscaping Type	Minimum Size
Deciduous Trees - Single Stem	3 inches caliper diameter at breast height ("dbh")
Deciduous Trees - Multi-stem	2.5 inches dbh
Evergreen Trees - Single-family lots	8 to 10 feet in height, with 30% 10 feet or larger.
Evergreen Trees - Multi-family lots	8 to 12 feet in height, with 30% 12 feet or larger.
Shrubs	5 gallon or larger massing of smaller shrubs

**LANDSCAPING LEGEND**

	NEW DECIDUOUS TREE AMUR MAPLE, ACER GINNALA (7 TOTAL, 3" DBH)		NATIVE GRASSES REVEGETATE DISTURBED AREAS RE: CDC 17.5.9.C.6.f.i.(a)
	EXISTING CONIFER TREE SPECIES AND SIZE PER CIVIL		LAWN (MATCH EXISTING) HIGH ALTITUDE, DROUGHT TOLERANT GRASS
	EXISTING DECIDUOUS TREE SPECIES AND SIZE PER CIVIL		EXISTING WETLANDS TO BE PROTECTED AND UNDISTURBED
	WETLANDS BUFFER MIX REVEGETATE DISTURBED AREAS RE: CDC 17.5.9.C.6.f.i.(b)		BOULDER AREA SIZE TO BE DETERMINED
	IRRIGATION LINE APPROXIMATE LOCATION		4-8" GRANITE COBBLE

**LANDSCAPE PLAN**  
1" = 10'-0"



**BAUEN GROUP, LLC**  
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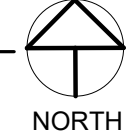
**Phase IV Village Court Apartments**  
415 MOUNTAIN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO 81435  
PROJECT NO: 010-2019  
ASSESSORS PARCEL NO: 477904200005  
SET DESCRIPTION:  
**DRP SUBMITTAL 04.29.2019**

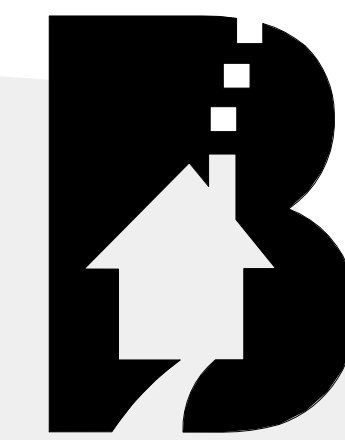
#	Revisions	Date

DESIGNED BY	SCALE
TWU	AS NOTED
DRAWN BY	DATE
RMO	04.29.19
CHECKED BY	

DRAWING TITLE  
**LANDSCAPE PLAN**

SHEET NO.  
**L1.01**





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 415 MTN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435  
 PROJECT NO: 010-2019 ASSESSORS PARCEL NO: 477904200005  
 SET DESCRIPTION:  
**DRB REVIEW 04.19.19**

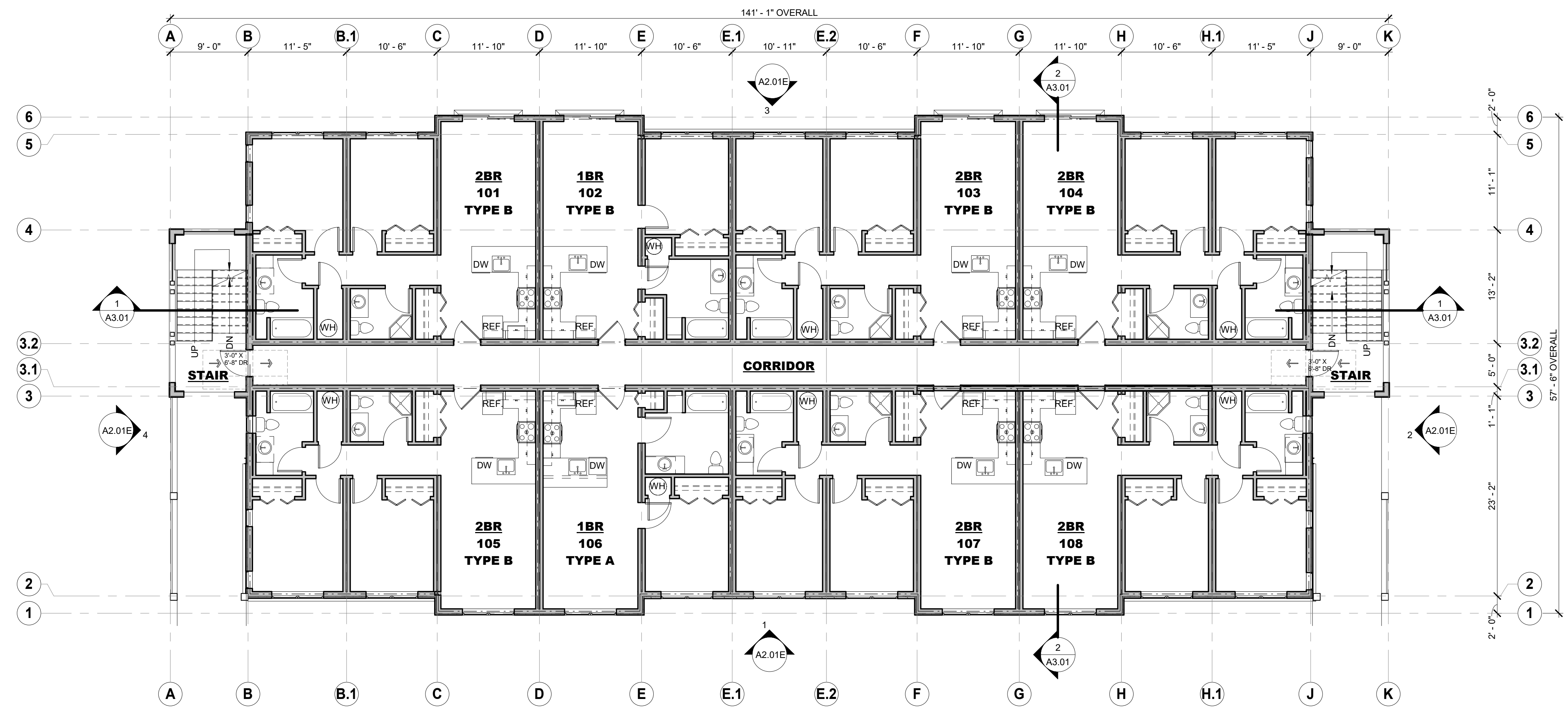
Date	Revisions

DESIGNED BY <b>TWU</b>	SCALE <b>AS NOTED</b>
DRAWN BY <b>RMG</b>	DATE <b>04.19.19</b>
CHECKED BY	

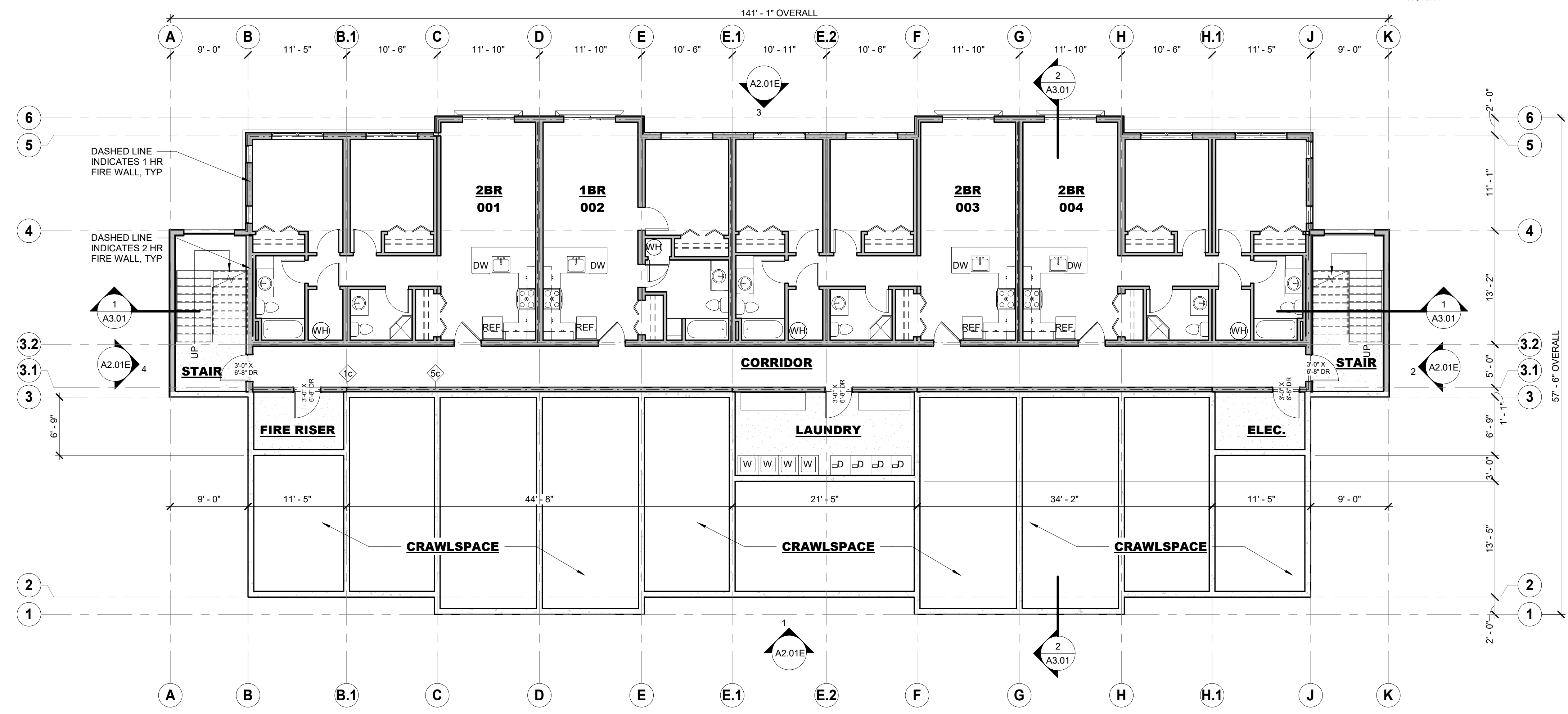
DRAWING TITLE  
**LOWER & FIRST LEVEL FLOOR PLAN**  
 SHEET NO.  
**A1.01E**

**FLOOR PLAN NOTES**

- ALL EXTERIOR WALLS TO BE OF 2X6 @ 16" O.C. NOMINAL CONSTRUCTION, UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE OF 2X4 @ 16" O.C. CONSTRUCTION, UNLESS OTHERWISE NOTED.
- VERIFY ALL TUB ROUGH-IN DIMENSIONS PRIOR TO FRAMING LAYOUT.
- PROVIDE & INSTALL HAND RAILING AT STAIRS. TOP OF HANDRAILING TO BE 34" ABOVE NOSE OF STEP. HANDRAIL SHALL MEET ALL REQUIREMENTS SET FORTH BY THE INTERNATIONAL BUILDING CODE.
- DIMENSION SYSTEM NOTE: ALL DIMENSIONS ARE FACE OF FRAMING TO FACE OF FRAMING OR FACE OF FRAMING TO CENTERLINE, U.N.O.
- SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE INTERNATIONAL BUILDING CODE.
- PROVIDE SHELF & ROD IN ALL CLOSETS, TYP. UNLESS OTHERWISE NOTED - OR APPROVED EQUAL BY OWNER.
- PROVIDE AND INSTALL SOUND ATTENUATION IN ALL WALLS/FLOORS/CEILINGS SURROUNDING BEDROOMS AND BATHROOMS
- ALL BUILT-INS AND KITCHEN CABINETS TO BE DESIGNED BY OTHERS - SUBMIT SHOP DRAWINGS OR SUBMITTALS FOR APPROVAL.
- ANY DISCREPANCIES WITH DIMENSIONS TO BE REPORTED TO ARCHITECT PRIOR TO CONSTRUCTION. IF CONTRACTOR, OWNER, OR SUBCONTRACTOR PROCEEDS WITH CONSTRUCTION WITHOUT ARCHITECT APPROVAL THEN THE ARCHITECT IS NOT RESPONSIBLE FOR THAT PART OF THE WORK.
- PROVIDE AND INSTALL A FAN COIL AIR HEATING SYSTEM SIZED APPROPRIATELY TO HEAT ENTIRE UNIT. PROVIDE ALL REQUIRED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
- PROVIDE AND INSTALL A WATER HEATING TANK AND ALL ASSOCIATED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
- CONTRACTOR TO PROVIDE AND INSTALL DOORS/RODS @ ALL TUB/SHOWER LOCATIONS AS DIRECTED BY OWNER.
- THE CONTRACTOR TO PROVIDE AND INSTALL VAPOR BARRIERS IN THE FOLLOWING LOCATIONS: CRAWL SPACE - PROVIDE VAPOR BARRIER w/6" OVERLAP AND SEAL OR TAPE OVERLAP. BARRIER SHALL EXTEND 6" MIN. UP STEMWALL AND SHALL ATTACH TO STEMWALL. CEILING - PROVIDE & INSTALL VAPOR BARRIER w/6" MIN. OVERLAP. SEAL OR TAPE OVERLAP. BARRIER TO SEAL w/HOUSE WRAP AT PLATES, TYP.



**FIRST LEVEL FLOOR PLAN**  
 1/8" = 1'-0"



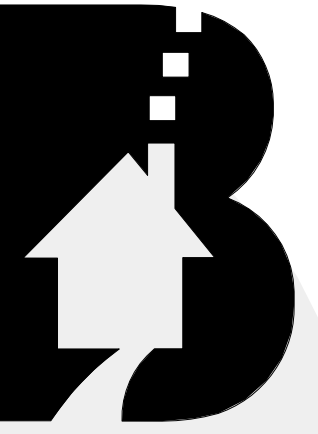
**LOWER LEVEL FLOOR PLAN**  
 1/8" = 1'-0"





### ROOF PLAN NOTES

1. ROOF SLOPE SHALL BE AS NOTED.
2. ALL ROOF PENETRATIONS ARE TO BE FLASHED PER ROOFING SYSTEM MANUFACTURER'S RECOMMENDATIONS.
3. ALL FLASHING USED SHALL BE MIN. 24GA. GALV.
4. PROVIDE INSECT SCREENWIRE MESH AT ALL VENTILATION OPENINGS & PAINT ALL ROOF PENETRATIONS TO MATCH THE COLOR OF THE ROOF.
5. INSTALL ALL ROOFING MATERIALS PER MANUFACTURER'S INSTALLATION INSTRUCTIONS. PROVIDE ALL REQUIRED UNDERLAYMENTS AND ADDITIONAL MATERIALS FOR A COMPLETE AND THOROUGH INSTALLATION.
6. ALL GUTTER & DOWNSPOUT LOCATIONS ARE SHOWN AS PROPOSED. FINAL LOCATION AND LAYOUT TO BE DETERMINED. ALL DOWNSPOUTS TO TIE INTO ON-SITE STORM DRAIN SYSTEM.
7. ALL DOWNSPOUTS THAT TERMINATE AT GRADE SHALL END WITH 45° BOOT 6" MAX. ABOVE SPLASH BLOCK. ALL WATER TO BE DIRECTED, USING SPLASH BLOCK, AWAY FROM FOUNDATION. SPLASH BLOCK DESIGN TO BE DETERMINED.
8. LOCATE ALL ROOF PENETRATIONS ON REAR SIDE OF APARTMENT BUILDING BEHIND MAIN RIDGE LINE AS REASONABLY POSSIBLE.
9. PROVIDE AND INSTALL 2-COURSES ICE & WATER SHIELD MEMBRANE @ EAVES AND VALLEYS AND 1-LAYER ON REMAINDER OF ROOF. ICE & WATER SHIELD TO WRAP SUB-FASCIA. FINISHED ROOF TO BE INSTALLED WITHIN 30 DAYS OF THE INSTALLATION OF THE ICE & WATER SHIELD.



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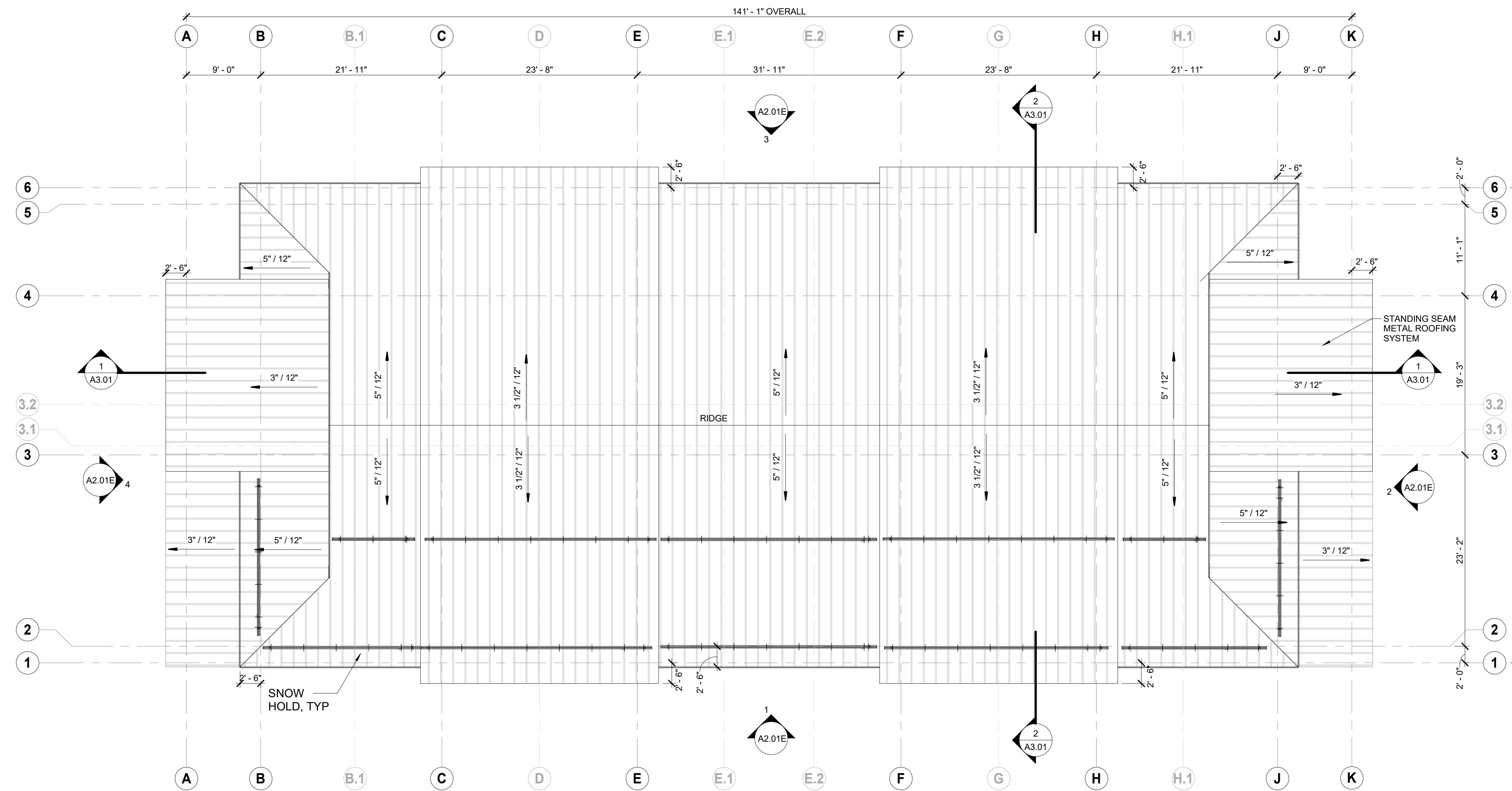
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Phase IV Village Court Apartments -  
 East Building

415 MTN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435

PROJECT NO: 010-2019 ASSESSORS PARCEL NO: 477904200005

SET DESCRIPTION: **DRB REVIEW 04.19.19**



### ROOF PLAN

1/8" = 1'-0"



Date

# Revisions

DESIGNED BY	SCALE
TWU	AS NOTED
DRAWN BY	DATE
RMO	04.19.19
CHECKED BY	

DRAWING TITLE  
**ROOF PLAN**

SHEET NO.  
**A1.03E**

**MATERIALS**



**WINDOW SCHEDULE**

#	SIZE	OPERATION	HD HEIGHT	COMMENTS
AA	6'-0" x 5'-0"	CS	8'-0"	
BB	2'-0" x 4'-0"	FX	8'-0"	
CC	2'-0" x 3'-0"	CS	7'-0"	

**ELEVATION NOTES**

- GENERAL CONTRACTOR TO COORDINATE EXT. BUILDING LIGHT LOCATIONS WITH ELECTRICAL CONTRACTOR.
- STONE CAP TO BE USED @ ALL STONE APPLICATIONS WITH EXCEPTION OF FULL HEIGHT STONE VENEER AND U.N.O.
- ALL STAIN COLORS TO BE SELECTED.
- ALL FLASHING USED SHALL BE 24ga GALVANIZED.
- ALL FASTENERS USED IN AN EXTERIOR APPLICATION SHALL BE GALVANIZED.

**DOOR SCHEDULE**

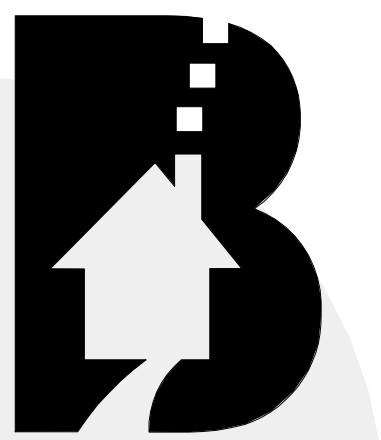
#	STYLE	WIDTH	HEIGHT	THICKNESS	FINISH	FRAME	HARDWARE	COMMENTS
D01		6'-0"	8'-0"	2"				
D02		3'-0"	6'-8"	1 3/4"				

**MATERIAL CALCULATIONS**

EXTERIOR MATERIAL	AREA	% OF TOTAL FACADE
ULTRA BATTEN	4818 SF	24%
METAL PANEL	6775 SF	33%
CORRUGATED METAL	3897 SF	19%
STONE VENEER	1824 SF	9%
GLAZING	3098 SF	15%

**EXTERIOR MATERIALS LEGEND**

#	TYPE	DESCRIPTION
<b>1 - WALLS</b>		
EW-1	ULTRA BATTEN	BRIDGER ULTRA BATTEN METAL WALL PANEL, VERTICAL ORIENTATION, 13 3/4" COVERAGE, TRUJEN A608
EW-2	METAL PANEL	RUSTED SHEET METAL PANEL WITH METAL STRAPS AND EXPOSED FASTENERS, VERTICAL ORIENTATION
EW-3	CORRUGATED METAL	7/8" PRE-FINISHED CORRUGATED METAL
EW-4	STONE VENEER	THIN CUT STONE VENEER
<b>2 - TRIM &amp; FASCIA</b>		
TF-1	FASCIA SYSTEM	1x12 FASCIA BOARD WRAPPED IN PRE-FINISHED METAL
TF-2	WINDOW TRIM	1-1/2" J METAL, FINISH TO MATCH WINDOW FRAME
TF-3	DOOR TRIM	1-1/2" J METAL, FINISH TO MATCH DOOR FRAME
TF-4	STEEL CHANNEL	8" DECORATIVE STEEL CHANNEL
<b>3 - POSTS &amp; BEAMS</b>		
PB-1	HEAVY TIMBERS	6x6 & 10x10 TIMBER POSTS AND BEAMS AS SIZED ON DRAWINGS, STAINED
PB-2	HEAVY TIMBERS	
<b>4 - RAILINGS</b>		
R-1	MESH RAILING	4X4 WELDED WIRE MESH PANELS IN A STEEL FRAME



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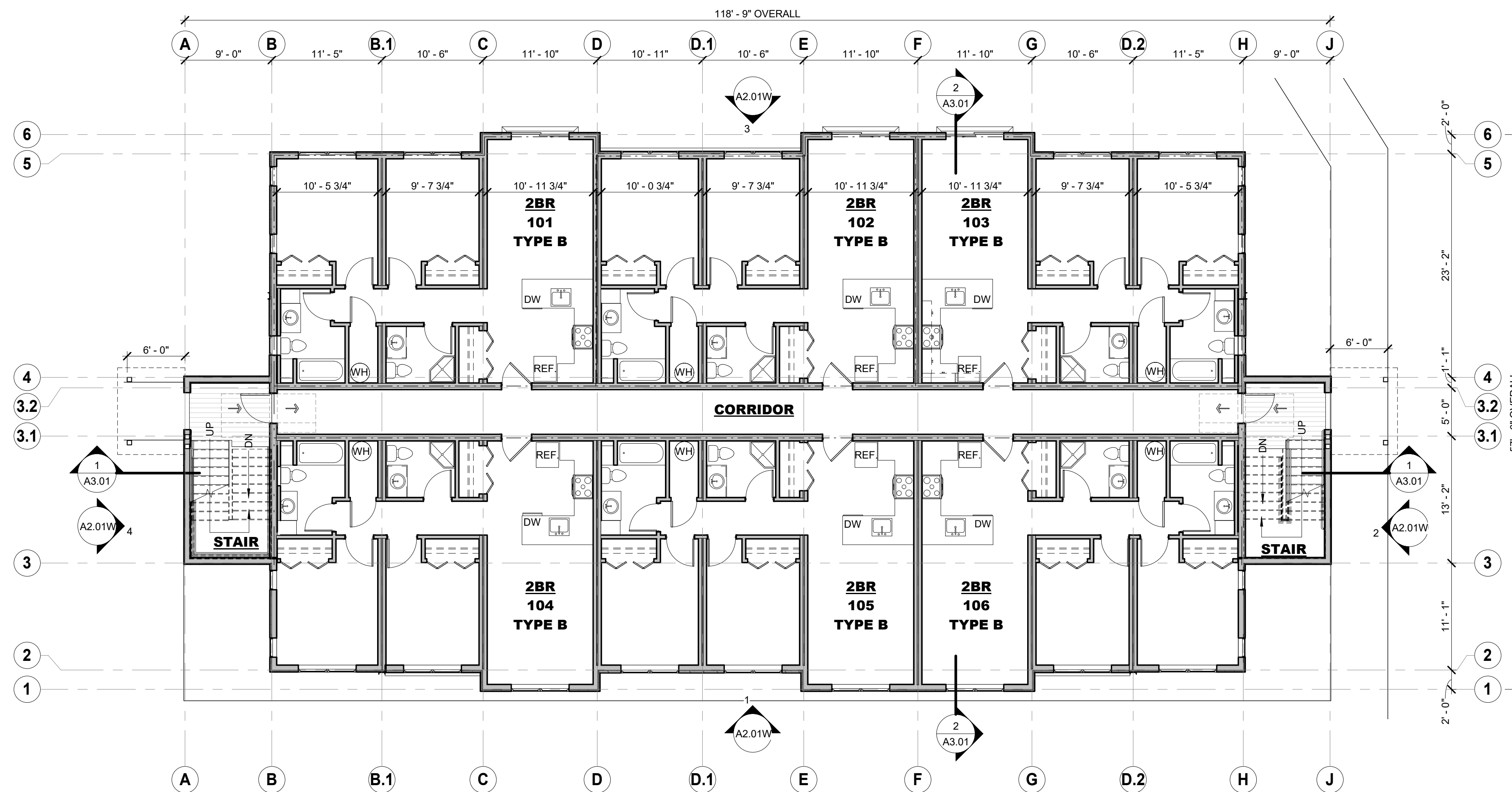
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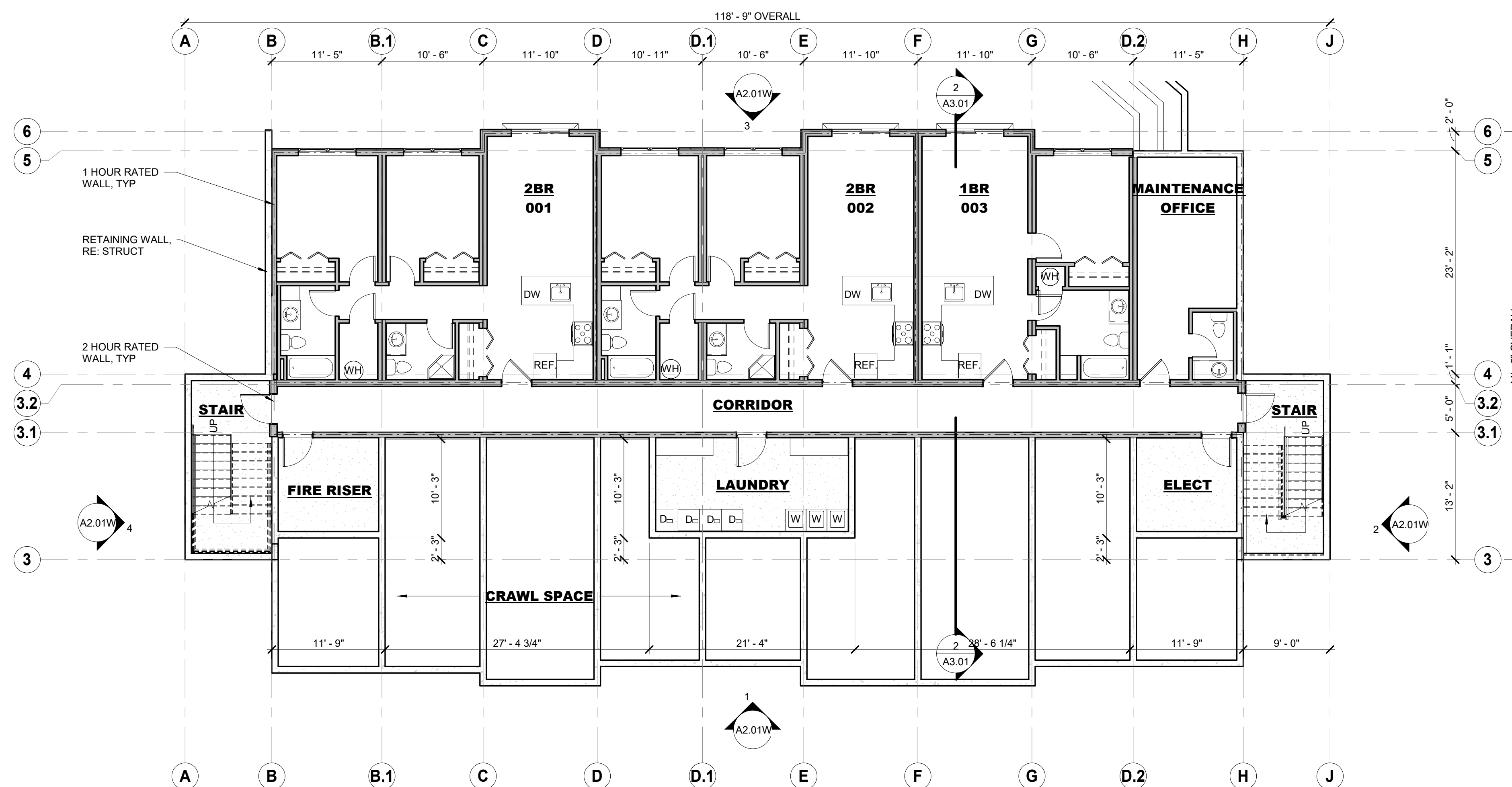
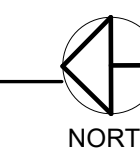
Date	Revisions	Scale
		AS NOTED
		04.19.19

DESIGNED BY: TWU  
 DRAWN BY: RMO  
 CHECKED BY:  
 DRAWING TITLE: **BUILDING ELEVATIONS**  
 SHEET NO: **A2.01E**



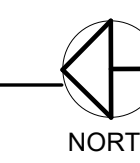
**FIRST LEVEL FLOOR PLAN**

1/8" = 1'-0"



**LOWER LEVEL FLOOR PLAN**

1/8" = 1'-0"



**FLOOR PLAN NOTES**

- ALL EXTERIOR WALLS TO BE OF 2X6 @ 16" O.C. NOMINAL CONSTRUCTION, UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE OF 2X4 @ 16" O.C. CONSTRUCTION, UNLESS OTHERWISE NOTED.
- VERIFY ALL SHOWER STALL ROUGH-IN DIMENSIONS PRIOR TO FRAMING LAYOUT.
- VERIFY ALL TUB ROUGH-IN DIMENSIONS PRIOR TO FRAMING LAYOUT.
- PROVIDE & INSTALL WOODEN HAND RAILING AT STAIRS. TOP OF HANDRILING TO BE 34" ABOVE NOSE OF STEP. HANDRAIL SHALL MEET ALL REQUIREMENTS SET FORTH BY THE INTERNATIONAL BUILDING CODE.
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- PROVIDE SHELF & ROD IN ALL CLOSETS, TYP. UNLESS OTHERWISE NOTED - OR APPROVED EQUAL BY OWNER.
- ALL BUILT-INS AND KITCHEN CABINETS TO BE DESIGNED BY OTHERS - SUBMIT SHOP DRAWINGS OR SUBMITTALS FOR APPROVAL.
- ANY DISCREPANCIES WITH DIMENSIONS TO BE REPORTED TO ARCHITECT PRIOR TO CONSTRUCTION. IF CONTRACTOR, OWNER, OR SUBCONTRACTOR PROCEEDS WITH CONSTRUCTION WITHOUT ARCHITECT APPROVAL THEN THE ARCHITECT IS NOT RESPONSIBLE FOR THAT PART OF THE WORK.
- PROVIDE AND INSTALL A FAN COIL AIR HEATING SYSTEM SIZED APPROPRIATELY TO HEAT ENTIRE HOUSE. PROVIDE ALL REQUIRED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
- CONTRACTOR TO PROVIDE AND INSTALL WATER HEATING TANK AND ALL ASSOCIATED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
- CONTRACTOR TO PROVIDE AND INSTALL DOORS/RODS @ ALL TUB/SHOWER LOCATIONS AS DIRECTED BY OWNER.
- PROVIDE AND INSTALL SOUND ATTENUATION IN ALL WALLS/FLOORS/CEILINGS SURROUNDING BEDROOMS AND BATHROOMS
- THE CONTRACTOR TO PROVIDE AND INSTALL VAPOR BARRIERS IN THE FOLLOWING LOCATIONS: CRAWL SPACE - PROVIDE VAPOR BARRIER w/6" OVERLAP AND SEAL OR TAPE OVERLAP. BARRIER SHALL EXTEND 6" MIN. UP STEMWALL AND SHALL ATTACH TO STEMWALL. CEILING - PROVIDE & INSTALL VAPOR BARRIER w/6" MIN. OVERLAP. SEAL OR TAPE OVERLAP. BARRIER TO SEAL w/HOUSE WRAP AT PLATES, TYP.



**BAUEN GROUP, LLC**  
THOMAS W. UMBHAU AIA, NCARB  
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1480 E. 2nd Avenue, Suite 8  
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Mailing:  
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**ALL RIGHTS RESERVED**

Phase IV Village Court Apartments - West Building

415 MTN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO 81435

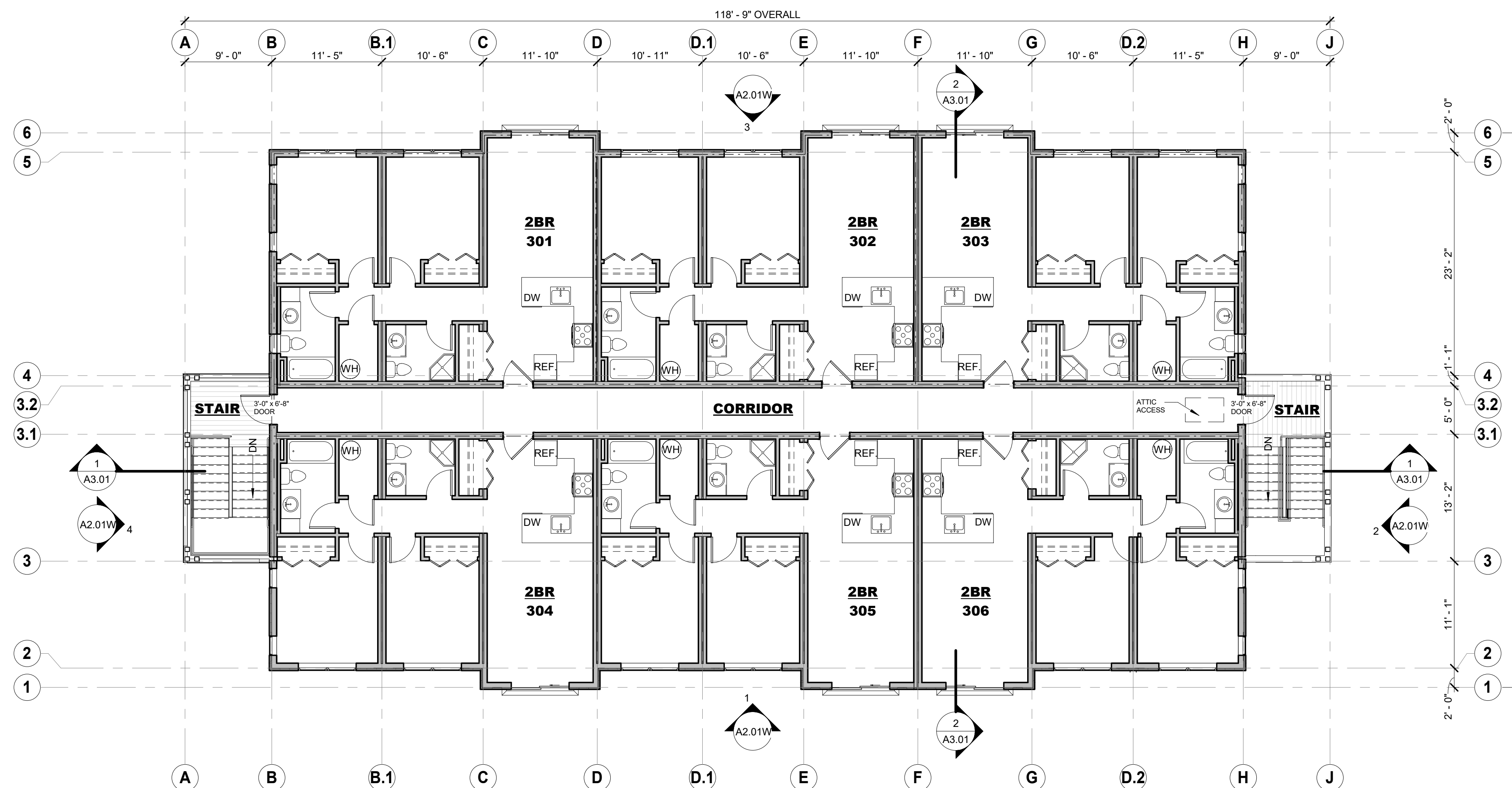
PROJECT NO: 038-2018  
ASSESSORS PARCEL NO: 477904200005  
**LOWER LEVEL MODIFICATION 05.14.19**

#	Revisions	Date

DESIGNED BY	SCALE
DRAWN BY	AS NOTED
CHECKED BY	DATE
	04.29.19

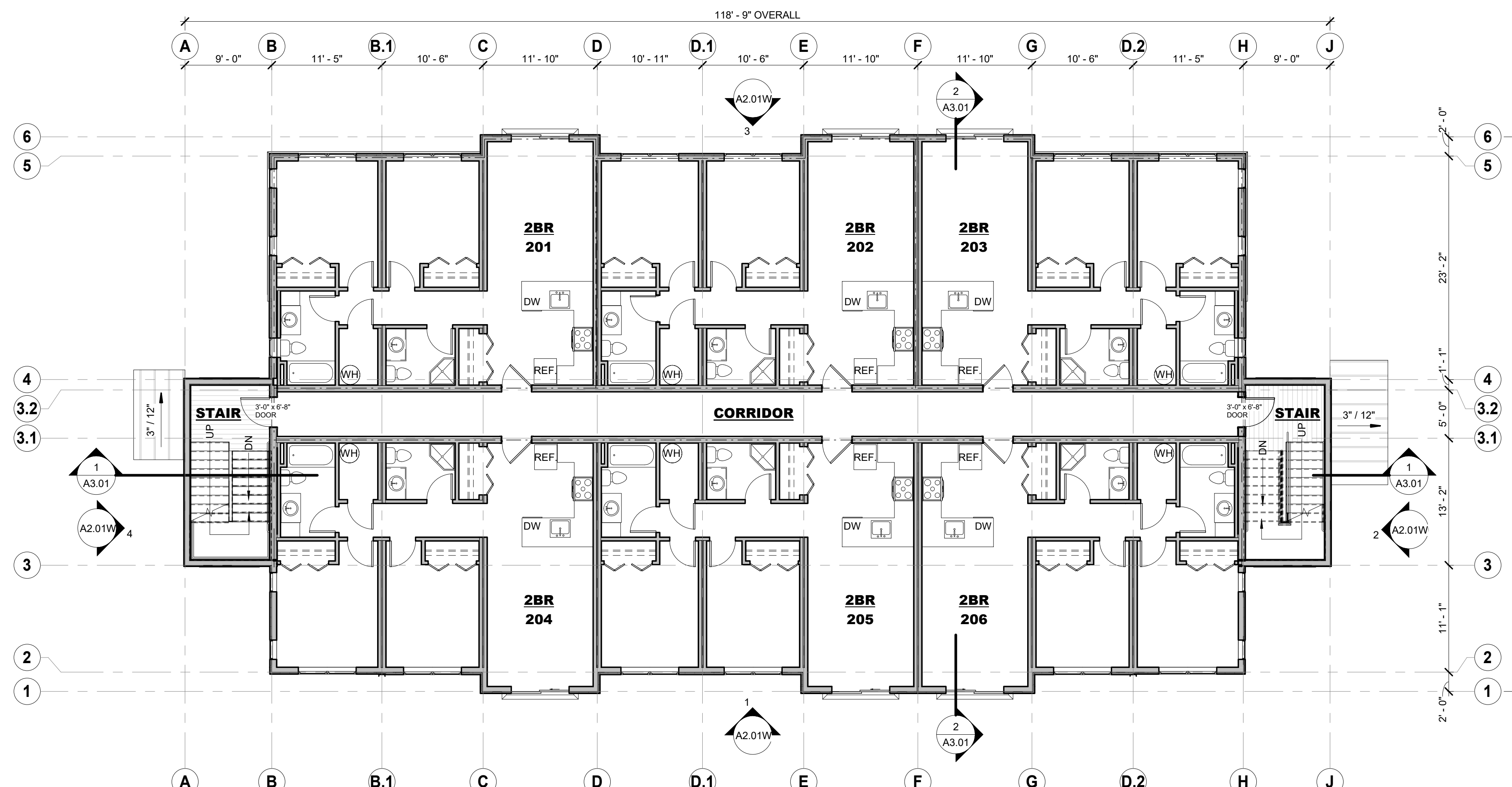
DRAWING TITLE  
**LOWER & FIRST LEVEL FLOOR PLANS**

SHEET NO.  
**A1.01W**



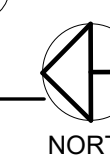
**THIRD LEVEL FLOOR PLAN**

1/8" = 1'-0"



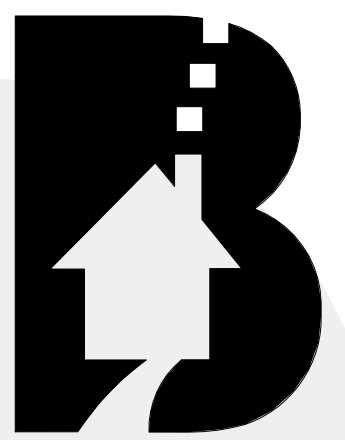
**SECOND LEVEL FLOOR PLAN**

1/8" = 1'-0"



**FLOOR PLAN NOTES**

1. ALL EXTERIOR WALLS TO BE OF 2X6 @ 16" O.C. NOMINAL CONSTRUCTION, UNLESS OTHERWISE NOTED. ALL INTERIOR WALLS TO BE OF 2X4 @ 16" O.C. CONSTRUCTION, UNLESS OTHERWISE NOTED.
2. VERIFY ALL SHOWER STALL ROUGH-IN DIMENSIONS PRIOR TO FRAMING LAYOUT.
3. VERIFY ALL TUB ROUGH-IN DIMENSIONS PRIOR TO FRAMING LAYOUT.
4. PROVIDE & INSTALL WOODEN HAND RAILING AT STAIRS. TOP OF HANDRAILING TO BE 34" ABOVE NOSE OF STEP. HANDRAIL SHALL MEET ALL REQUIREMENTS SET FORTH BY THE INTERNATIONAL BUILDING CODE.
5. DIMENSION SYSTEM NOTE: ALL DIMENSIONS ARE FACE OF FRAMING TO FACE OF FRAMING OR FACE OF FRAMING TO CENTERLINE, U.N.O.
6. SMOKE DETECTORS TO BE INSTALLED IN ACCORDANCE WITH THE IBC.
7. PROVIDE SHELF & ROD IN ALL CLOSETS, TYP. UNLESS OTHERWISE NOTED - OR APPROVED EQUAL BY OWNER.
8. ALL BUILT-INS AND KITCHEN CABINETS TO BE DESIGNED BY OTHERS - SUBMIT SHOP DRAWINGS OR SUBMITTALS FOR APPROVAL.
9. ANY DISCREPANCIES WITH DIMENSIONS TO BE REPORTED TO ARCHITECT PRIOR TO CONSTRUCTION. IF CONTRACTOR, OWNER, OR SUBCONTRACTOR PROCEEDS WITH CONSTRUCTION WITHOUT ARCHITECT APPROVAL THEN THE ARCHITECT IS NOT RESPONSIBLE FOR THAT PART OF THE WORK.
10. PROVIDE AND INSTALL A FAN COIL AIR HEATING SYSTEM SIZED APPROPRIATELY TO HEAT ENTIRE HOUSE. PROVIDE ALL REQUIRED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
11. PROVIDE AND INSTALL A WATER HEATING TANK AND ALL ASSOCIATED ACCESSORIES FOR A COMPLETE AND THOROUGH INSTALLATION.
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Phase IV Village Court Apartments -  
 West Building

415 MTN VILLAGE BLVD  
 MOUNTAIN VILLAGE, CO 81435

PROJECT NO: 038-2018 ASSESSORS PARCEL NO: 477904200005

SET DESCRIPTION:  
**DRB REVIEW SET 04.19.19**

#	Revisions	Date


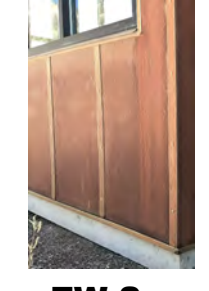

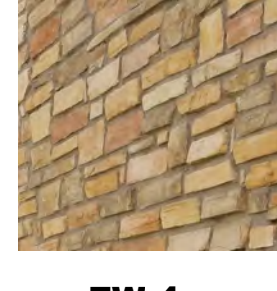






DESIGNED BY	SCALE
DRAWN BY	AS NOTED
CHECKED BY	DATE
	04.19.19

DRAWING TITLE  
**SECOND & THIRD LEVEL FLOOR PLANS**

SHEET NO.  
**A1.02W**



**MATERIALS**

 <b>EW-1 ULTRA BATTEN</b>	 <b>EW-2 METAL PANEL</b>	 <b>EW-3 CORRUGATED METAL</b>	 <b>EW-4 STONE VENEER</b>	 <b>PB-1 HEAVY TIMBERS</b>
 <b>R-1 MESH RAILING</b>	 <b>ROOF STANDING SEAM</b>	 <b>TF-1 FASCIA SYSTEM</b>	 <b>ROOF GUTTER</b>	 <b>WINDOW &amp; TRIM</b>

**WINDOW SCHEDULE**

#	SIZE	WIDTH	HEIGHT	OPERATION	HD HEIGHT	COMMENTS
AA	6' - 0"	5' - 0"	CS	8'-0"		
BB	2' - 0"	4' - 0"	FX	8'-0"		
CC	2' - 0"	3' - 0"	CS	7'-0"		

**ELEVATION NOTES**

- GENERAL CONTRACTOR TO COORDINATE EXT. BUILDING LIGHT LOCATIONS WITH ELECTRICAL CONTRACTOR.
- STONE CAP TO BE USED @ ALL STONE APPLICATIONS WITH EXCEPTION OF FULL HEIGHT STONE VENEER AND U.N.O.
- ALL STAIN COLORS TO BE SELECTED.
- ALL FLASHING USED SHALL BE 24ga GALVANIZED.
- ALL FASTENERS USED IN AN EXTERIOR APPLICATION SHALL BE GALVANIZED.

**EXTERIOR MATERIALS LEGEND**

#	TYPE	DESCRIPTION
<b>1 - WALLS</b>		
EW-1	ULTRA BATTEN	BRIDGER ULTRA BATTEN METAL WALL PANEL, VERTICAL ORIENTATION, 13 3/4" COVERAGE, TRUTEN A606
EW-2	METAL PANEL	RUSTED SHEET METAL PANEL WITH METAL STRAPS AND EXPOSED FASTENERS, VERTICAL ORIENTATION
EW-3	CORRUGATED METAL	7/8" PRE-FINISHED CORRUGATED METAL
EW-4	STONE VENEER	THIN CUT STONE VENEER
<b>2 - TRIM &amp; FASCIA</b>		
TF-1	FASCIA SYSTEM	1x12 FASCIA BOARD WRAPPED IN PRE-FINISHED METAL
TF-2	WINDOW TRIM	1-1/2" J' METAL TRIM, MATCH WINDOW FRAME
TF-3	DOOR TRIM	1-1/2" J' METAL TRIM, MATCH DOOR FRAME
TF-4	STEEL CHANNEL	8" DECORATIVE STEEL CHANNEL
<b>3 - POSTS &amp; BEAMS</b>		
PB-1	HEAVY TIMBERS	TIMBER POSTS AND BEAMS AS SIZED ON DRAWINGS, STAINED
<b>4 - RAILINGS</b>		
R-1	MESH RAILING	4X4 WELDED WIRE MESH RAILING WITH STEEL FRAME

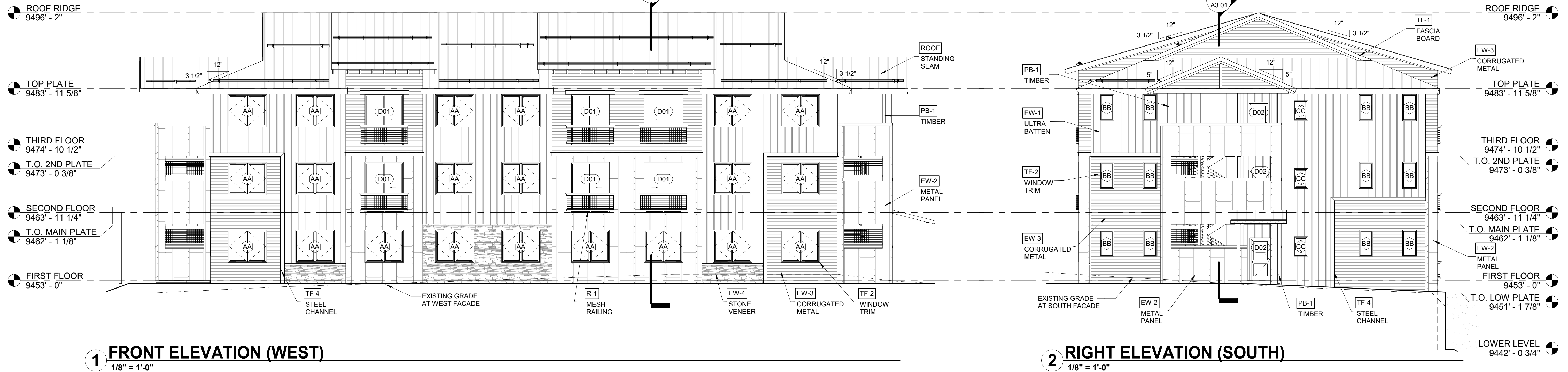
**DOOR SCHEDULE**

#	STYLE	WIDTH	HEIGHT	THICKNESS	FINISH	FRAME	HARDWARE	COMMENTS
D01	SLIDER	6' - 0"	8' - 0"	2"	FG	FG	A.S.B.O.	
D02	SWING	3' - 0"	6' - 8"	1 3/4"	HM	HM	A.S.B.O.	

NOTES:  
FG = FIBERGLASS  
HM = HOLLOW METAL

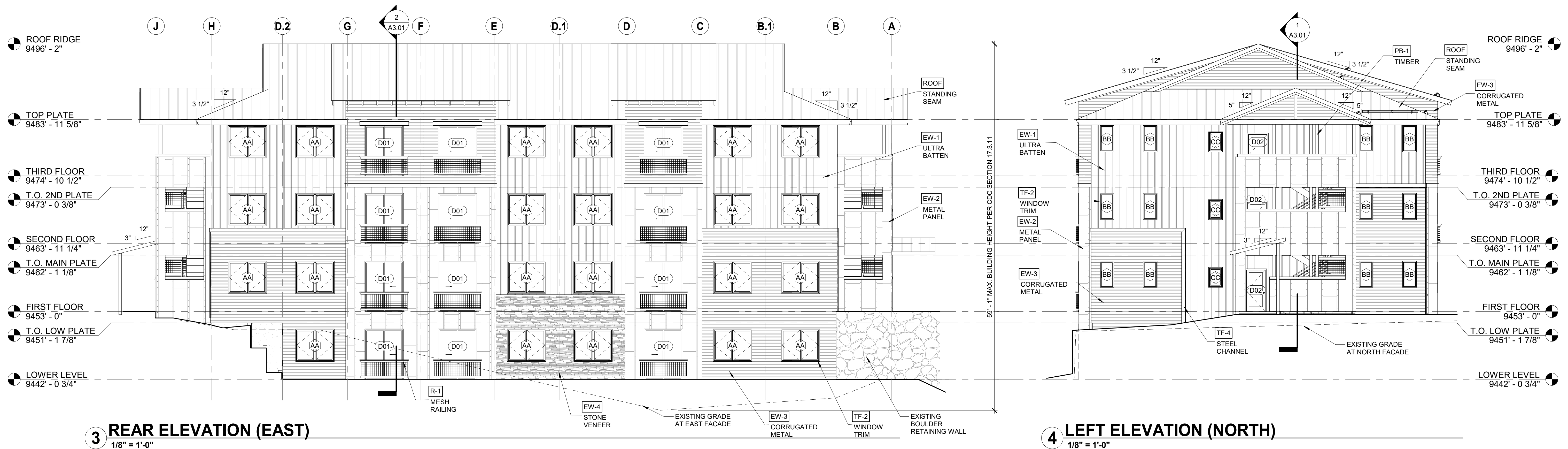
**MATERIAL CALCULATIONS**

EXTERIOR MATERIAL	AREA	% OF TOTAL FACADE
ULTRA BATTEN	4260 SF	27%
METAL PANEL	4749 SF	30%
CORRUGATED METAL	3877 SF	25%
STONE VENEER	493 SF	3%
GLAZING	2442 SF	15%



**1 FRONT ELEVATION (WEST)**  
1/8" = 1'-0"

**2 RIGHT ELEVATION (SOUTH)**  
1/8" = 1'-0"



**3 REAR ELEVATION (EAST)**  
1/8" = 1'-0"

**4 LEFT ELEVATION (NORTH)**  
1/8" = 1'-0"



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Phase IV Village Court Apartments - West Building

415 MTN VILLAGE BLVD  
MOUNTAIN VILLAGE, CO 81435

PROJECT NO: 038-2018 ASSESSORS PARCEL NO: 477904200005

SET DESCRIPTION: **DRP SUBMITTAL 04.29.19**

Date	Revisions	Scale
		AS NOTED
		DATE
		04.29.19

DESIGNED BY  
DRAWN BY  
CHECKED BY

DRAWING TITLE  
**BUILDING ELEVATIONS**

SHEET NO.  
**A2.01W**







**PLANNING & DEVELOPMENT SERVICES DEPARTMENT  
PLANNING DIVISION**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

July 25, 2019

Mountain Village Housing Authority  
C/O Michelle Haynes, Planning and Development Services Director  
455 Mountain Village Blvd, STE A  
Mountain Village, CO 81435

Sent Via Email: [MHaynes@mtnvillage.org](mailto:MHaynes@mtnvillage.org)

RE: Lot 1001R, Notice of Action for Class 3 Final Architecture and Site Review

Dear Ms. Haynes:

At the July 11, 2019 Design Review Board (DRB) meeting the board voted to approve the Final Architecture and Site Review application for two new multi-family apartment buildings consisting of a cumulative 49 dwelling units, located on Lot 1001R, 415 Mountain Village Boulevard (Village Court Apartments). On a Motion made by David Craige and seconded by Greer Garner the DRB voted 7-0 to approve a Final Review Application with the following conditions:

1. This approval is subject to the Town Council approving the variance to the height requirement. If denied, the applicant must resubmit for approval of the project by the Design Review Board.
2. This approval is subject to the Town Council approving the Density Transfer and Rezone for Lot 1001R, creating an additional 7 units of employee apartment density. If denied, the applicant must resubmit for approval of the project by the Design Review Board, as applicable.
3. A ridge height survey prepared by a Colorado certified land surveyor will be provided during the framing inspection to determine the maximum building height is in compliance with the approval.
4. This approval requires emergency lighting with battery backup to be shown at all exits for required egress at the time of Building Permit submittal.
5. The contractor shall meet with employees of Community Services (Police Department) as well as VCA Management regarding the parking of construction vehicles at the site prior to the commencement of construction.
6. The contractor shall meet with employees of Planning and Development Services Department throughout the project regularly to discuss pedestrian and vehicular traffic - and specifically mitigation to impacts which may arise related to obstruction of movement to and from VCA to the gondola.
7. Prior to the issuance of a building permit, the applicant shall field verify all utilities and submit a revised utility plan to the public works director identifying the location.

Length of validity shall be for 18 months from the date of approval, expiring on January 11, 2021. If the development has not commenced, legal instruments not recorded, or if a building or development permit has not been issued, as applicable, the approval shall expire unless a Renewal Process development application is approved. Once all of the conditions set forth above are met, unless such condition is deferred until after a building or development permit has been issued, the Town will issue a development permit for the project in accordance with the requirements set forth in the Community Development Code.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Miller III", with a long horizontal flourish extending to the right.

John A. Miller III, CFM  
Senior Planner  
**Town of Mountain Village**  
**455 Mountain Village Blvd, Suite A**  
**Mountain Village, CO 81435**  
O :: 970.369.8203  
M :: 970.417.1789



**PLANNING & DEVELOPMENT SERVICES  
DEPARTMENT**

455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

December 28, 2020

Mountain Village Housing Authority  
C/O Michelle Haynes, Planning and Development Services Director  
455 Mountain Village Blvd, STE A  
Mountain Village, CO 81435

Sent Via Email: [MHaynes@mtnvillage.org](mailto:MHaynes@mtnvillage.org)

RE: Lot 1001R; Notice of Action for Renewals Application to extend the approval for a Design Review and Town Council approved Height Variance

Dear Ms. Haynes,

Planning Staff has approved a Renewals Application for the previously approved Design Review Application for two new multi-family apartment buildings consisting of a cumulative 49-units on Lot 1001R, subject to certain findings as set forth in the summary of motions, and the prior following conditions:

1. This approval is subject to the Town Council approving the variance to the height requirement. If denied, the applicant must resubmit for approval of the project by the Design Review Board (*no longer applicable*).
2. This approval is subject to the Town Council approving the Density Transfer and Rezone for Lot 1001R, creating an additional 7 units of employee apartment density. If denied, the applicant must resubmit for approval of the project by the Design Review Board, as applicable (*no longer applicable*).
3. A ridge height survey prepared by a Colorado certified land surveyor will be provided during the framing inspection to determine the maximum building height is in compliance with the approval.
4. This approval requires emergency lighting with battery backup to be shown at all exits for required egress at the time of Building Permit submittal.
5. The contractor shall meet with employees of Community Services (Police Department) as well as VCA Management regarding the parking of construction vehicles at the site prior to the commencement of construction.
6. The contractor shall meet with employees of Planning and Development Services Department throughout the project regularly to discuss pedestrian and vehicular traffic -

and specifically mitigation to impacts which may arise related to obstruction of movement to and from VCA to the gondola.

7. Prior to the issuance of a building permit, the applicant shall field verify all utilities and submit a revised utility plan to the public works director identifying the location.

At the July 18, 2019 Town Council meeting, the Council voted to approve a Variance to the CDC requirements – allowing deviations in maximum building heights for two new multi-family apartment buildings consisting of a cumulative 49 dwelling units, located on Lot 1001R, 415 Mountain Village Boulevard (Village Court Apartments). There are no additional conditions of approval.

The new length of validity per the Renewals Application expires July 18, 2021. If the development has not commenced, legal instruments not recorded, or a building or development permit has not been issued, as applicable, the approval shall expire. Once all of the conditions set forth above are met, unless such condition is deferred until after a building or development permit has been issued, the Town will issue a development permit for the project in accordance with the requirements set forth in the Community Development Code.

Sincerely,



John A. Miller III

Senior Planner

**Town of Mountain Village**  
**455 Mountain Village Blvd, Suite A**  
**Mountain Village, CO 81435**

O :: 970.369.8203

M :: 970.417.1789

**ORDINANCE NO. 2019-06**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO APPROVING: (1) REZONE OF LOT 1001R AND (2) TRANSFER DENSITY TO INCREASE THE PERMITTED UNBUILT DENSITY FROM 42 WORKFORCE (EMPLOYEE) APARTMENT UNITS TO 49 WORKFORCE APARTMENT UNITS.**

**RECITALS**

- A. Mountain Village Housing Authority (“Owner”) has submitted to the Town: (1) a rezoning development application for a rezoning of Lot 1001R to reallocate employee apartment density on the lot; and (2) density transfer application to increase the permitted unbuilt density from 42 workforce apartment units to 49 unbuilt workforce apartment units (“Applications”) pursuant to the requirements of the Community Development Code (“CDC”).
- B. Mountain Village Housing Authority is the owner of Lot 1001R.
- C. The proposed rezoning and density transfer is to create seven (7) units of employee apartment density, equivalent to twenty-one (21) person equivalents to be placed on Lot 1001R by the Owner pursuant to the requirements of the CDC.
- D. The owner proposed to rezone the property to reallocate employee apartment zoning designations and change forty-two (42) employee apartment unit designations to forty-nine (49) employee apartment unit designations pursuant to the requirements of the CDC.
- E. The Property has the following zoning designations pursuant to the Official Land Use and Density Allocation List and zoning as set forth on the Town Official Zoning Map:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
<b>Zoned Density</b>						
1001R	8.394ac	Multi-Family	Employee Apt.	234	3	702
<b>Built Density</b>			Employee Apt.	192	3	576
<b>Unbuilt Density</b>			Employee Apt.	42	3	126

- F. At a duly noticed public hearing held on June 6, 2019, the DRB considered the Applications, testimony and public comment and recommended to the Town Council that the Applications be approved with conditions pursuant to the requirement of the CDC.
- G. At its regularly scheduled meeting held on August 15, 2019, the Town Council conducted a public hearing on this Ordinance, pursuant to the Town Charter and after receiving testimony and public comment, closed the hearing and approved the Applications and this Ordinance on second reading.

- H. This Ordinance approves a density transfer of an additional seven (7) employee apartment units as shown below:

Lot	Acreage	Zone District	Zoning Designation	Actual Units	Person Equivalent per Actual Unit	Total Person Equivalent Density
<b>Zoned Density</b>						
1001R	8.394ac	Multi-Family	Employee Apt.	234	3	702
<b>Built Density</b>			Employee Apt.	192	3	576
<b>Unbuilt Density</b>			Employee Apt.	42	3	126
<b>Unbuilt Density after Transfer and Rezone</b>			Employee Apt.	49	3	147

- I. The meeting held on August 15, 2019 was duly publicly noticed as required by the CDC Public Hearing Noticing Requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- J. The Town Council hereby finds and determines that the Applications meet the Rezoning Process Criteria for Decision as provided in CDC Section 17.4.9(D) as follows:

Rezoning Findings

1. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan.
  2. The proposed rezoning is consistent with the Zoning and Land Use Regulations.
  3. The proposed rezoning meets the Comprehensive Plan project standards.
  4. The proposed rezoning is consistent with public health, safety and welfare, as well as efficiency and economy in the use of land and its resources.
  5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning.
  6. Adequate public facilities and services are available to serve the intended land uses.
  7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion.
  8. The proposed rezoning meets all applicable Town regulations and standards.
- K. The Town Council finds that the Applications meet the Rezoning Density Transfer Process criteria for decision contained in CDC Section 17.4.10(D)(2) as follows:

Density Transfer Findings

1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application

2. The density transfer meets the density transfer and density bank policies.
3. The proposed density transfer meets all applicable Town regulations and standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

1. The owner of record of density shall be responsible for all dues, fees and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.
2. The final location and design of any buildings, grading, landscaping, parking areas, and other site improvements shall be determined with the required Design Review Process application pursuant to the applicable requirements of the CDC.
3. The general location of the buildings shall remain substantially as shown in the rezoning plan set submitted by the applicant, made part of the record of these proceedings and approved herein.
4. The requisite Employee Apartment Density is hereby created and placed on Lot 1001R.

**Section 1. Effect on Zoning Designations**

A. This Ordinance does not change the zoning designations on the Properties it only removes the density from the Properties.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective on September 14, 2019 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 15<sup>th</sup> day of August 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18<sup>th</sup> day of July 2019.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15<sup>th</sup> day of August 2019**

**TOWN OF MOUNTAIN VILLAGE  
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By:   
Laila Benitez, Mayor

ATTEST:

  
Jackie Kennefick, Town Clerk

Approved as To Form:

  
Jim Mahoney, Assistant Town Attorney



I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No.2019-06 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on July 18, 2019, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on July 24, 2019 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.
4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on August 15, 2019. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor	X			
Dan Caton, Mayor Pro-Tem	X			
Martinique Davis Prohaska	X			
Peter Duprey	X			
Patrick Berry	X			
Natalie Binder	X			
Jack Gilbride	X			

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 15<sup>th</sup> day of August, 2019.



(SEAL)

*Jackie Kennefick*  
 Jackie Kennefick, Town Clerk

**RESOLUTION APPROVING A VARIANCE TO THE COMMUNITY DEVELOPMENT CODE REQUIREMENTS FOR LOT 1001R TO ALLOW THE MAXIMUM HEIGHT TO OF THE PROPOSED EAST BUILDING TO INCREASE FROM 53'-0" TO 70'-8" AND THE PROPOSED WEST BUILDING TO INCREASE FROM 53'-0" TO 60'-8" .**

**Resolution No. 2019-0718-14**

- A. Mountain Village Housing Authority ("**Owner**") is the owner of record of real property described as Lot 1001R ("**Property**").
- B. The Owner has authorized Tom Umbhau, Principal of Bauen Group Architecture, to submit a Class 4 application for a Variance to allow the Maximum Height of the proposed East Building to increase from 53'-0" to 70'-8", and the Maximum Height of the proposed West Building to increase from 53'-0" to 60'-8" (**Application 1**).
- C. Application 1 was submitted in compliance with the provisions of section 17.4.16 of the Community Development Code ("**CDC**").
- D. The Owner has authorized Tom Umbhau, Principal of Bauen Group Architecture, to submit a Class 3 Design Review application for two new employee apartment buildings located on Lot 1001R for approval by the Design Review Board (**Application 2**).
- E. Application 2 was submitted in compliance with the provisions of section 17.4.11 of the CDC.
- F. The Design Review Board ("**DRB**") considered Application 1, along with evidence and testimony, at a public meeting held on June 6, 2019. Upon concluding their review, the DRB recommended unanimous approval of Application 1 to the Town Council.
- G. The DRB considered Application 2, along with evidence and testimony, at a public meeting held on July 11, 2019. Upon concluding their review, the DRB approved Application 2, subject to conditions including the Town Council's approval of Application 1.
- H. The Town Council considered and approved Application 1, along with evidence and testimony, at a public hearing on July 18, 2019.
- I. The public hearings referred to above were preceded by publication of public notice of such hearings on such dates and/or dates from which such hearings were continued on the Town website, and by mailing of public notice to property owners within four hundred feet (400') of the Property, as required by the public hearing noticing requirements of the CDC.
- J. After the public hearings referred to above, the DRB and the Town Council each individually considered the Applications' submittal materials, and all other relevant materials, public letters and public testimony, and approved the Applications with conditions as set forth in this Resolution.
- K. The Owner has addressed, or agreed to address, all conditions of approval of the Applications imposed by Town Council and Design Review Board.
- L. The Town Council finds the Applications meets the variance criteria for decision contained in CDC Section 17.4.16(D) as follows:

Variance Findings:

1. The strict application of the CDC building height regulations would result in exceptional and undue hardship upon the property owner in the development of the property because the geographical constraints of the site such as slope and delineated wetlands;
2. The variance can be granted without substantial detriment to the public health, safety and welfare due to visual mitigation, and will actually will help protect the public health, safety and welfare by ensuring the provision of critically needed employee housing;
3. The variance can be granted without substantial impairment of the intent of the CDC, with the proposed use meeting the provisions for employee housing;
4. Granting the variance does not constitute a grant of special privilege in excess of that enjoyed by other property owners in the same zoning district;
5. Reasonable use of the property for additional employee housing is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;
6. The lot for which the variance is being granted was not created in violation of Town regulations or Colorado State Statutes in effect at the time the lot was created;
7. The variance is not solely based on economic hardship alone; and
8. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES A VARIANCE TO THE COMMUNITY DEVELOPMENT CODE REQUIREMENTS FOR LOT 1001R TO ALLOW THE MAXIMUM HEIGHT OF THE PROPOSED EAST BUILDING TO INCREASE FROM 53'-0" TO 70'-8", AND THE MAXIMUM HEIGHT OF THE PROPOSED WEST BUILDING TO INCREASE FROM 53'-0" TO 60'-8" AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO DEVELOPMENT OF THE APARTMENT BUILDINGS BEING IN SUBSTANTIAL CONFORMANCE TO THE APPROVAL OF APPLICATION 2 BY THE DESIGN REVIEW BOARD.**

**Be It Further Resolved** that Lot 1001R may be developed as submitted in accordance with Resolution No. 2019-0718-14 .

**Section 1. Resolution Effect**

- A. This Resolution shall have no effect on pending litigation, if any, and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the resolutions repealed or amended as herein provided and the same shall be construed and concluded under such prior resolutions.
- B. All resolutions, of the Town, or parts thereof, inconsistent or in conflict with this Resolution, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 2. Severability**

The provisions of this Resolution are severable and the invalidity of any section, phrase, clause or portion of this Resolution as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Resolution.

**Section 3. Effective Date**

This Resolution shall become effective on July 18, 2019 (the "Effective Date") as herein referenced

throughout this Resolution.

**Section 4. Public Hearing**

A public meeting on this Resolution was held on the 18<sup>th</sup> day of July 2019 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**Approved** by the Town Council at a public hearing held on July 18, 2019.



**Town of Mountain Village, Town Council**

By: *Laila Benitez*  
Laila Benitez, Mayor

**Attest:**

By: *Jackie Kennefick*  
Jackie Kennefick, Town Clerk

Approved as to Form:

*Jim Mahoney*  
Jim Mahoney, Town Attorney

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE APPROVING (1) A CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF 52 WORKFORCE APARTMENT HOUSING UNITS ON FULL USE ACTIVE OPEN SPACE ON LOT 1001R**

**Resolution No. 2017-0518-10**

- A. The Mountain Village Housing Authority, (“**Owner**”) has submitted to the Town: (1) a conditional use permit application to allow for the development of 52 employee apartment or condominium units on Full Use Active Open Space on Lot 1001R (“**Application**”) pursuant to the requirements of the Community Development Code (“**CDC**”).
- B. At a public hearing held on May 4, 2017, the Design Review Board (“**DRB**”) considered the Application, testimony and public comment and recommended to the Town Council that the Application be approved with conditions pursuant to the requirement of the CDC.
- C. At its regularly scheduled meeting held on May 18, 2017, the Town Council considered the Application, all submittal materials, public letters and public testimony, and approved the Application with conditions as set forth in this Resolution.
- D. The Town Council finds and determines that the Conditional Use Application meets the Conditional Use Permit Criteria for Decision as set forth in CDC Section 17.4.14(D) as follows:
  - 1.1. The proposed conditional use is in general conformity with the policies of the principles, policies and actions set forth in the Comprehensive Plan. The Conditional Use Application is in general conformance with Land Use Principles, Policies and Actions, Principle I because the development is consistent with the land use pattern envisioned by the Comprehensive Plan to provide economic and social vibrancy;
  - 1.2. The Conditional Use Application is in general conformance with Land Use Principles, Policies and Actions, Principle I, Policy B that requires rezoning, planned unit developments (PUD), subdivisions, special use permits, density transfers, and other discretionary land use applications to be in general conformance with the Land Use Plan, the Subarea Plans and their associated principles and policies, and the applicable policies of the Comprehensive Plan;
  - 1.3. The Conditional Use Application is in general conformance with Land Use Principles, Policies and Actions, Principle I, Policy C that permits development applications in general conformance with the Comprehensive Plan per the applicable criteria for decision-making;
  - 1.4. The Conditional Use Application is in general conformance with Land Use Principles, Policies and Actions, Principle I, Policy G that requires a rezoning, PUD, subdivision or density transfer to meet the certain site standards that have been embodied in the CDC as the Comprehensive Plan Project Standards (Please refer to criterion below) which sets forth a target density of 91 deed restricted units for the Property;
  - 1.5. The Conditional Use Application is in general conformance with the Meadows Subarea Plan Principle, Policy and Action II.B requires any applicant who proposes a rezoning, density transfer, subdivision to strive to reach the target density outlined in the Meadows Development Table which sets forth a target density of 91 deed restricted units for the Property;
  - 1.6. The Conditional Use Application meets the vision of the Comprehensive Plan by providing for a playfield (park); n; and,

- 1.7. The Comprehensive Plan envisions a fence to be installed along Northstar property in appropriate locations to prevent trespassing.
2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure because, without limitation:
  - 2.1. The site is presently developed as multi-family;
  - 2.2. The building height will be according to the CDC or lower and therefore will not exceed the height of existing units at VCA;
  - 2.3. The DRB is recommending conditions be applied to the rezoning to limit impacts to an existing neighbor;
  - 2.4. The development will be evaluated pursuant to the Design Regulations which will further ensure compatibility and harmony with surrounding land uses; and
  - 2.5. The parking requirement will be reduced, but not beyond what can be provided on site or in the adjacent parking garage.
3. The design, development and operation of the proposed conditional use does not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space because, without limitation: the proposed conditional use will be safely developed and not pose a physical hazard to the neighborhood; adequate infrastructure is available to serve the proposed conditional use; and adequate public facilities area available to serve the proposed conditional use.
4. The design, development and operation of the proposed conditional use shall not have significant adverse effect to the surrounding property owners and uses because, without limitation:
  - 4.1. The DRB recommended conditions be applied to the rezoning to limit impacts to an existing neighbor by moving units away.
5. The design, development and operation of the proposed conditional use shall not have significant adverse effect on open space or the purposes of the facilities owned by the Town because, without limitation:
  - 5.1. The proposed employee units shall have little, if any, encroachment on the Full Use Active Open Space area adjacent to the Village Court Apartments.
  - 5.2. The 2017 draft of the Town Hall Center Subarea Plan recommends replacing open space now designated as development Parcel D in the current Town Hall Center Subarea Plan.
6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use.
7. The design, development and operation of the proposed conditional use has adequate infrastructure, with water, sewer, electric, natural gas, telecommunications, police protection, and fire protection all provided to the site.
8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source because water quality will have to be protected during and after construction.
9. The proposed conditional use meets all applicable Town regulations and standards.

- E. The Conditional Use Permit approved by this Resolution shall become valid in perpetuity upon the issuance of a Certificate of Occupancy from the Town for the proposed conditional use.

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE CONDITIONAL USE PERMIT TO ALLOW FOR THE DEVELOPMENT OF 52 WORKFORCE APARTMENT HOUSING UNITS ON FULL USE ACTIVE OPEN SPACE ON LOT 1001R AND AUTHORIZES THE MAYOR TO SIGN THE RESOLUTION SUBJECT TO CONDITIONS SET FORTH BELOW:**

1. The concurrent Rezoning and Density Transfer Application be approved by a second reading of the enabling Ordinance and such Ordinance becoming effective.

**Be It Further Resolved** that the Property may be developed as submitted in accordance with Resolution NO. 2017-0518-10

**Approved** by the Town Council at a public meeting May 18, 2017.

Town of Mountain Village, Town Council

By: 

Dan Jansen, Mayor

**Attest:**

By: 

Jackie Kennefick, Town Clerk

Approved as to Form:

  
Jim Mahoney, Assistant Town Attorney



**PLANNING & DEVELOPMENT SERVICES DEPARTMENT**  
**PLANNING DIVISION**  
455 Mountain Village Blvd.  
Mountain Village, CO 81435  
(970) 728-1392

July 30, 2019

Mountain Village Housing Authority  
C/O Michelle Haynes, Planning and Development Services Director  
455 Mountain Village Blvd, STE A  
Mountain Village, CO 81435

Sent Via Email: [MHaynes@mtnvillage.org](mailto:MHaynes@mtnvillage.org)

RE: Lot 1001R, Resolution of the Town Council to approve a Variance to the Community Development Code (CDC) to allow deviations from the Maximum Building Heights.

Dear Ms. Haynes:

At the July 18, 2019 Town Council meeting, the Council voted to approve a Variance to the CDC requirements – allowing deviations in maximum building heights for two new multi-family apartment buildings consisting of a cumulative 49 dwelling units, located on Lot 1001R, 415 Mountain Village Boulevard (Village Court Apartments). There are no additional conditions of approval.

Length of validity shall be for 18 months from the date of approval, expiring on January 18, 2021. If the development has not commenced, legal instruments not recorded, or if a building or development permit has not been issued, as applicable, the approval shall expire unless a Renewal Process development application is approved. Once all of the conditions set forth above are met, unless such condition is deferred until after a building or development permit has been issued, the Town will issue a development permit for the project in accordance with the requirements set forth in the Community Development Code.

Sincerely,

John A. Miller III, CFM  
Senior Planner  
**Town of Mountain Village**  
**455 Mountain Village Blvd, Suite A**  
**Mountain Village, CO 81435**  
O :: 970.369.8203  
M :: 970.417.1789



**ORDINANCE NO. 2021-\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,  
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR A SITE-  
SPECIFIC DEVELOPMENT PLAN AT LOT 1001R, 415 MOUNTAIN VILLAGE BOULEVARD,  
VCA PHASE IV**

**RECITALS**

- A. The Town of Mountain Village (the “**Town**”) is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado (the “**Constitution**”) and the Home Rule Charter of the Town (the “**Charter**”); and,
- B. Pursuant to the Constitution, the Charter, the Colorado Revised Statutes and the common law, the Town has the authority to regulate the use and development of land and to adopt ordinances and regulations in furtherance thereof; and,
- C. The Mountain Village Housing Authority (“the **Applicant**”) is the owner of record of real property described as Lot 1001R, Town of Mountain Village as further described on the plat recorded on September 10, 2014 in Plat Book 1 at Page 4671 at Reception Number 434465 (the “**Property**”); and,
- D. The Design Review Board approved the Final Architecture Review on July 11, 2019, allowing for two new multi-family apartment buildings consisting of a cumulative 49-dwelling units.
- E. The Town Council approved a Variance to the CDC requirements for height by Resolution Number 2019-0718-14 on July 18, 2019 as recorded at Reception Number 391879; and,
- F. The Design Review Board Approval and Town Council Variance Approval created a vested property right for a period of eighteen (18) months that was valid until January 18, 2021 (the “**Vested Property Right**”); and,
- G. The Vested Property Right was extended by to July 18, 2021 through a staff level extension; and,
- H. The Applicant submitted a Vested Property Right Extension development application on February 15, 2021 seeking a further extension of the Vested Property Right to July 18, 2031 (the “**Vested Property Rights Extension Application**”); and,
- I. The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “**CDC**”); and,
- J. The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on April 22, 2021 and with public notice of such application as required by the public hearing noticing requirements of the CDC. The DRB considered the Applications, testimony, and public comment and recommended to the Town Council that the Vested Property Rights Extension Application be approved with conditions pursuant to the requirement of the CDC; and,
- K. At its regularly scheduled meeting held on May 20, 2021 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.

- L. On June 17, 2021, Town Council held a second reading and public hearing on the ordinance and approved with conditions the Application.
- M. The meeting held on April 22, 2021 was duly publicly noticed as required by the CDC Public Hearing Noticing requirements, including but not limited to notification of all property owners within 400 feet of the Property, posting of a sign and posting on the respective agendas.
- N. The Town Council finds the proposed Vested Property Rights Extension Application meets the Vested Property Rights criteria for decision contained in CDC Section 17.4.17 as follows:
  - 1. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles, and market conditions.
  - 2. The site-specific development plan is consistent with public health, safety, and welfare.
  - 3. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development.
  - 4. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s);

**NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL HEREBY APPROVES THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS.**

- 1. Prior to the recordation of the Ordinance approving the Extended Vested Property Rights and site-specific development plan, the Owner shall revise all documents to include the following statement: " Approval of this site-specific development plan may create a vested property right pursuant to C.R.S. § 24-68-101et seq. and subject to the Town of Mountain Village's Community Development Code."
- 2. The Town shall publish in the newspaper of record within 14 days of approval a notice describing that a vested property right has been created/extended consistent with CDC Section 17.4.17(E)(4).
- 3. All previous conditions of approval provided on the Notice of Action dated December 28, 2020, remain applicable.

**Section 1. Vested Property Right Extension**

- A. The Vested Property Right is hereby extended for a period of ten (10) additional years until July 18, 2031.

**Section 2. Ordinance Effect**

All ordinances, of the Town, or parts thereof, inconsistent or in conflict with this Ordinance, are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

**Section 3. Severability**

The provisions of this Ordinance are severable and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

**Section 4. Effective Date**

This Ordinance shall become effective on June 17, 2021 following public hearing and approval by Council on second reading.

**Section 5. Public Hearing**

A public hearing on this Ordinance was held on the 17<sup>th</sup> day of June 2021 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd, Mountain Village, Colorado 81435.

**INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 22<sup>nd</sup> day of April 2021.**

**TOWN OF MOUNTAIN VILLAGE**

**TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

**HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 17<sup>th</sup> day of June 2021**

**TOWN OF MOUNTAIN VILLAGE  
TOWN OF MOUNTAIN VILLAGE,  
COLORADO, A HOME-RULE  
MUNICIPALITY**

By: \_\_\_\_\_  
Laila Benitez, Mayor

ATTEST:

\_\_\_\_\_  
Susan Johnston, Town Clerk

Approved as To Form:

\_\_\_\_\_  
Paul Wisor, Town Attorney

I, Susan Johnston, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town") do hereby certify that:

1. The attached copy of Ordinance No. \_\_\_\_\_ ("Ordinance") is a true, correct and complete copy thereof.

2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2021, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on \_\_\_\_\_, 2021 in accordance with Section 5.2b of the Town of Mountain Village Home Rule Charter.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on \_\_\_\_\_, 2021. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Laila Benitez, Mayor				
Dan Caton, Mayor Pro-Tem				
Martinique Davis Prohaska				
Peter Duprey				
Patrick Berry				
Natalie Binder				
Jack Gilbride				

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me as Town Clerk, and duly numbered and recorded in the official records of the Town.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Susan Johnston, Town Clerk

(SEAL)

## The Vision of a World Class Resort

Ever since Telluride's earliest days, skiing has been a part of life.

Immigrant miners brought the custom with them, both for fun and to reach mines perched in the snowy high country. Over the years, the sport remained a treasured hobby. In the 1930s, the mining community built a primitive rope tow and a ski trail near what is now the Telluride Town Park.

By the 1960s, many of the area's mines had shut down, and the population declined sharply. Telluride needed a new economy in order to survive. People like William "Senior" Mahoney, a longtime local miner and avid skier, encouraged the town to explore skiing as an option.

Mahoney's vision came to fruition in 1970, when a swiss firm named Simonis Visher and Joe Zoline formed a company that built a small ski area. During the next two years, a few lifts and a day lodge were constructed, and on Dec. 22, 1972, the Telluride Ski Area officially opened its doors.

In 1978, the last of Telluride's mining operations closed, and the fledgling ski area struggled to survive. Ron and Joyce Allred and Jim Wells arrived in town, fresh off of developing the town Avon, Colorado, and purchased the small Telluride Ski Area.

Believing that both the future of the ski area and the viability of Telluride's new economy resided in the creation of a "WORLD CLASS SKI RESORT," Allred spear-headed sweeping enhancements to the ski area, including lift upgrades, the construction of resort-based hotels and restaurants, the establishment of new trails, and the development of Mountain Village, a new residential community on the mountain.

To make the isolated, new ski resort more accessible, Allred pushed for and developed of the Telluride Regional Airport in 1985. To help ensure year-round activity on the mountain, the Telluride Ski Resort opened a golf course in 1992. And to move people more easily between the communities of Telluride and Mountain Village, Allred and Wells spearheaded Telski's multimillion-dollar gondola system – the first free public transportation system of its kind – in 1996.

Under Allred's and Well's leadership, the Telluride Ski Resort grew to become the world-class ski destination Allred had first envisioned in the late 1970s. As skiing became the backbone of the community, Telluride's local economy blossomed to levels not experienced since the height of the mining industry.

In 2011, Allred was inducted into the Colorado Snowsports Hall of Fame in recognition of his vision for and dedication to Telluride and the Telluride Ski Resort.



"All people dream. Some people build their dreams." – Ron & Joyce Allred



## AGENDA ITEM # 14.a

# TOWN OF MOUNTAIN VILLAGE TOWN MANAGER CURRENT ISSUES AND STATUS REPORT JUNE 2021

### 1. Great Services Award Program

- **Great Services Award Nominations – MONTH OF MAY**
  - **Kathrine Warren**, nominated by Jim Loebe and Zoe Dohnal, for her outstanding professionalism and dedication. She is always willing to drop everything for urgent communication. The most recent example being gondola mask regulations and parking over Bluegrass – **WINNER FOR MAY**

### 2. Broadband

- Shut off old cable system in the Meadows with only four customers not converted to the new system
- Continue installing commercial customers in the core
- **Preceding thirty days network uptime are:**
  - North Route, 99.98% with one brief outage
  - South Route, 99.98% with one brief outage
  - TMV Fiber Network, 99.99%, with one brief outage and network performance rating high
  - Attempted hardware upgrade that failed resulting in a small isolated residential outage
- Completed Mountain View Apartment fiber retrofit wiring. Preparing for splicing
- **Contractors have started 2021 fiber construction. Working on Country Club Drive and Upper Mountain Village Blvd.**
- Contractors will start drop conduit installation with 12 complete in June

### 3. IT Updates

- Cybersecurity
  - Last 30 days 794 hunting leads generated with zero mitigations
  - **Initiated Multi-State Information Sharing & Analysis Center (MS-ISAC) Ransomware best practices guide**
  - Applied recommended IP blocks from security sources and continue to security patch
- System Administration
  - Performed a comparison between AV Capture and Zoom
  - Working on upcoming election
  - Continue to work on a long-term graphics printing strategy
- Network Administration
  - **Last 30 days network uptime 99.99% with six brief outages and network performance rating high**
- Efficiency and Automation
  - Continue to work with GIS
- Desktop Support

- Last 30 days remote patch management system reported twelve failed actions. These failed actions are under investigation.
- Continue to organize TechHelp Portal
- Geographic Information System (GIS)
  - The GIS department has focused primarily on the goals outlined in the May report and listed below. More specifically, considerable headway was made in the areas of providing accurate field data solutions, working with the previous CAD/GIS specialist to assess workflows and collaborating with other departments to determine where each stand in terms of mapped data. A plan has been developed to meet with individual departments to determine their individual GIS needs, beginning with a GIS presentation to Directors. Converting CAD workflows to GIS level consistency will continue to be ongoing as there are well over 50,000 files to process.  
(Updated completion percentages and new goals are in red)

Measurable Short-Term Objectives	Estimated Goal Completion Date	Estimated % Complete
Working with the previous GIS/CAD specialist to delineate current file archive system and structure as well determine the means by which data flows in and out of the TOMV and its constituent communities.	May 31, 2021	95%
Work with members of other departments to determine the quality, consistency, and accuracy of the current CAD and GIS datasets.	May 31, 2021	100%
Convert CAD data and workflows to ArcGIS systems to provide cleaner and more consistent data acquisition and sharing as well as facilitate cloud-based data sharing applications.	June 30, 2021	70%
Provide accurate field data collection solutions to TOMV Public Works and relevant contractors (water, sewer, fiber, and utility locates).	July 31, 2021	60%
Determine GIS, mapping, and workflow needs with other department managers to develop future proposed GIS implementation plans.	November 1, 2021	35%
<b>New Measurable Objectives</b>	<b>Estimated Goal Completion Date</b>	<b>Estimated % Complete</b>
Develop and implement consistent map formats and provide mapping services to TOMV departments and personnel.	December 15, 2021	25%
Provide GIS information and knowledge base materials to other staff and interested parties.	July 31, 2021	20%
Train relevant TOMV employees in the use and maintenance of submeter survey equipment and ESRI data collect software.	December 31, 2021	60%

#### 4. COVID-19

- Attend the bi-weekly Economic Recovery Committee to discuss emergence and recovery from the COVID-19 pandemic
- Continue attending bi-weekly San Miguel County meetings for COVID-19 discussions and updates

## 5. Miscellaneous

- Discussed our non-renewal of the IGA relative to SMRHA at the monthly SMRHA meeting
- **Finance Director Recruitment**
  - Final brochure completed and disseminated
  - Applications for interested candidates due no later than July 7th
- Attended the bi-weekly meetings with MIG and Laila, Dan and staff for the Comprehensive Plan Amendment on June 1st and May 15th
- Continued weekly meetings with Mayor Benitez
- Continue working with Michelle Haynes, Paul Wisor and other staff on Community Housing Initiatives and Communications Plan
- **Town of Mountain Village offices officially re-opened post COVID on June 1, 2021**
- **Developed an RFP for Community Housing Mitigation Methodology. Advertisement will be posted in the newspaper on June 13<sup>th</sup> and 15<sup>th</sup> and widely disseminated through designated websites and direct outreach**
- Michelle Haynes, Paul Wisor and I met with a potential interested developer, to discuss the development formerly known as Rosewood
- Met with TMVOA to discuss potential expansion of the liquor store
- **Participated in the annual Employee Picnic at the Ridge. First one post-COVID and it was exceptionally well received. Huge thanks to the Picnic Committee, our merchants for their generous donations and all the staff that made this the best celebration ever**
- **Attended the Candidate Forum hosted by KOTO on June 8<sup>th</sup>. All candidates were present with approximately 25 attendees in person and 16 on Zoom**
- Attended the MVCOA Board Meeting to discuss costs and construction of the new trash facility at Town Hall Subarea on June 10th



# Town of Mountain Village

**Date:** 6/17/2021  
**To:** Town Council  
**From:** Susan Johnston, Town Clerk  
**RE:** Ethics Committee July Appointments

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Two appointments to the Ethics Commission will be considered at the July 15, 2021 Town Council meeting; a regular and alternate seat. The seats will be advertised in the Daily Planet, by email blasts, on the website and by social media to ensure maximum exposure. The deadline for letters of intent is Wednesday, July 7<sup>th</sup> at 5:00 p.m.

<b>ETHICS COMMISSION:</b> Term: Two years. Vacancies: Appointment by Town Council for full term staggered so that approximately 1/2 of the terms expire each year. Member requirements: Qualified elector.				
<b>TOWN OF MOUNTAIN VILLAGE ~ BOARDS &amp; COMMISSIONS</b>	<b>Position</b>	<b>Appointed</b>	<b>Term Exp.</b>	<b>E-mail</b>
Richard Child	Regular	Aug-19	Jul-21	<a href="mailto:richard@childmail.net">richard@childmail.net</a>
Angela Pashayan	Regular	Jul-20	Jul-22	<a href="mailto:yogaofdevotion@gmail.com">yogaofdevotion@gmail.com</a>
Dan Caton	Regular Council	Jul-19	Jul-21	<a href="mailto:dcaton@mtnvillage.org">dcaton@mtnvillage.org</a>
Peter Duprey	Regular Council	Jul-19	Jul-21	<a href="mailto:pduprey@mtnvillage.org">pduprey@mtnvillage.org</a>
Michael Rosenfeld	Alternate	Aug-19	Jul-21	<a href="mailto:mrosenfeld@tellurideski resort.com">mrosenfeld@tellurideski resort.com</a>