

**TOWN OF MOUNTAIN VILLAGE
TOWN COUNCIL REGULAR MEETING
THURSDAY, FEBRUARY 15, 2024, 2:00 PM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA **REVISED 2****

https://us06web.zoom.us/webinar/register/WN_VIBgyEQaRm-cmOF_nkA74A

Please note that times are approximate and subject to change.

	Time	Min	Presenter	Type	
1.	2:00				Call to Order
2.	2:00	100		Legal	Executive Session for the Purpose of: <ul style="list-style-type: none"> a. Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With the Development of the Alexander Property Pursuant to C.R.S. 24-6-402(4)(b) and (e) b. Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Wastewater Treatment Plant Pursuant to C.R.S 24-6-402(4)(b) and (e) c. Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Gondola Construction Pursuant to C.R.S. 24-6-402(4)(b) and (e) d. Receiving Legal Advice on Specific Legal Questions, In Connection With Changes to State Law Pursuant to C.R.S. 24-6-402(b).
3.	3:40	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: <ul style="list-style-type: none"> a. Consideration of Approval of the January 18, 2024 Regular Town Council Meeting Minutes
4.	3:45	20	Lemley	Informational Action	Finance: <ul style="list-style-type: none"> a. Presentation of the January 31, 2024 Business & Government Activity Report (BAGAR) b. Consideration of the December 31, 2023 Financials
5.	4:05	10	Wisor	Informational	Department Updates
6.	4:15	5	Perez Chaffin Mahoney	Action Quasi-Judicial	Second Reading, Public Hearing and Council Vote on an Ordinance Regarding a Vested Property Rights Extension for a Site-Specific Development Plan for Lot 27A, TBD Lost Creek Lane Pursuant to CDC 17.4.17
7.	4:20	10	Wisor McConaughy	Action Legislative	Second Reading, Public Hearing, and Council Vote on an Ordinance Regarding Helicopter Landing Within the Town of Mountain Village
8.	4:30	20	Haynes	Action	Town of Mountain Village Housing Authority:

**TOWN COUNCIL MEETING
AGENDA FOR FEBRUARY 15, 2024**

	Time	Min	Presenter	Type	
			Wisor McConaughy Carmer		a. Consideration of a Resolution Amending the Meadowlark Deed Restriction/Covenant
9.	4:50	20	Nelson Perpar	Action Quasi-Judicial	Consideration of a Resolution Approving a Height Variance Application for Lot 165 Unit 3, TBD Cortina Drive, Pursuant to CDC Section 17.4.16
10.	5:10	5	Nelson	Action Quasi-Judicial	Consideration of a Resolution Approving a Height Variance Application for Lot 166AR2-10, TBD Stonegate Drive, Pursuant to CDC Section 17.4.16 – Staff Requests This Item be Continued to the March 21, 2024 Regular Meeting
11.	5:15	15			Dinner
12.	5:30	20	Ward Carmer	Action Legislative	First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations
13.	5:50	15	Ward	Work Session	Staff Update Regarding Potential Meadows Subarea Improvements
14.	6:05	20	Loebe	Work Session	Discussion Regarding Trails Master Plan Implementation
15.	6:25	15	Walters	Work Session	Discussion Regarding the Town of Mountain Village Forestry Program Update
16.	6:40	10	Osgood	Action	Consideration of a Letter of Support for Conservation Protections for the Public Lands of the Dolores River Canyon Country
17.	6:50	15	Wise Kirn	Informational	Update on the Climate Action Implementation Roadmap
18.	7:05	10	Skinner	Informational	Colorado Flights Alliance Update
19.	7:15	5	Wisor	Action	Consideration of Funding for the Boomerang Bridge Egress
20.	7:20	20	Council Members	Action	Council Boards and Commissions Updates: <ol style="list-style-type: none"> 1. Telluride Tourism Board – Gomez 2. Colorado Flights Alliance – Gilbride 3. Transportation & Parking – Duprey & Mogenson 4. Budget & Finance Committee – Duprey, Pearson, & Mogenson 5. Gondola Committee – Mogenson, Prohaska, & Pearson 6. Colorado Communities for Climate Action – Pearson 7. San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez 8. Telluride Historical Museum – Prohaska 9. Collaborative Action for Immigrants (CAFI) – Gomez 10. Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey 11. Wastewater Committee – Duprey & Magid 12. Housing Committee – Duprey & Magid 13. Telluride Conference Center Committee – Duprey & Magid 14. Miscellaneous Boards and Commissions 15. Mayor's Update
21.	7:40	5			Public Comment on Non-Agenda Items
22.	7:45	5			Other Business
23.	7:50				Adjourn

**TOWN COUNCIL MEETING
AGENDA FOR FEBRUARY 15, 2024**

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<https://bit.ly/WatchMVMeetings>

Register in advance for this webinar:

https://us06web.zoom.us/webinar/register/WN_VIBgyEQaRm-cmOF_nkA74A

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

Zoom participation in public meetings is being offered as a courtesy, however technical difficulties can happen, and the Town bears no responsibility for issues that could prevent individuals from participating remotely. Physical presence in Council Chambers is recommended for those wishing to make public comments or participate in public hearings.

Public Comment Policy:

- All public commenters must sign in on the public comment sign in sheet and indicate which item(s) they intend to give public comment on.
- Speakers shall wait to be recognized by the Mayor and shall give public comment at the public comment microphone when recognized by the Mayor.
- Speakers shall state their full name and affiliation with the Town of Mountain Village if any.
- Speakers shall be limited to three minutes with no aggregating of time through the representation of additional people.
- Speakers shall refrain from personal attacks and shall keep comments to that of a civil tone.
- No presentation of materials through the AV system shall be allowed for non-agendized speakers.
- Written materials must be submitted 48 hours prior to the meeting date 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
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**TOWN OF MOUNTAIN VILLAGE
MINUTES OF THE JANUARY 18, 2024
REGULAR TOWN COUNCIL MEETING
DRAFT**

Agenda Item 3

The meeting of the Town Council was called to order by Mayor Pro Tem Scott Pearson at 2:01 p.m. on Thursday, January 18, 2024. The meeting was held in person and with virtual access provided through Zoom.

Attendance:

The following Town Council members were present and acting:

Scott Pearson, Mayor Pro Tem
Harvey Mogenson
Jack Gilbride
Pete Duprey
Tucker Magid
Huascar E. Gomez (Rick)

The following Town Council member was absent:

Marti Prohaska, Mayor

Also in attendance were:

Paul Wisor, Town Manager
Michelle Haynes, Assistant Town Manager
Susan Johnston, Town Clerk
Kim Schooley, Deputy Town Clerk
David McConaughy, Town Attorney
Haley Carmer, Assistant Town Attorney
Lizbeth Lemley, Finance Director
Chris Broady, Police Chief
JD Wise, Economic Development & Sustainability Director
Amy Ward, Community Development Director
Kathrine Warren, Public Information Officer
Lauren Tyler, GIS Administrator
Drew Nelson, Senior Planner
Jim Loebe, Transit & Recreation Director
Lindsay Niehaus, Human Resources Benefits Coordinator
Marleina Fallenius, Housing Manager
Finn Kjome, Public Works Director
Scott Pittenger, Public Works Director
Julie Vergari, Assistant Finance Director
Chambers Squier, Childcare Director

Jason Hibib, Planning Technician
Claire Perez, Planner
Tim Barber
Madeline Gomez
David Ballode
Yvette Rauff
Anton Benitez
Anne Reissner
James Mahoney
Katsia Lord
Todd Herrick
John Miller
Jonathan Greenspan
Bill Kyriagis
Jason Smith
Margaret Rinkevich
Chris McGranahan
Matthew Hintermeister
Chris Chaffin
Jonette Bronson

Public Comment on Non-Agenda Items (2)

Public comment was received from Paul Savage.

Executive Session for the Purpose of: (3)

- a. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Mountain Village Wetlands and Sackett v. Environmental Protection Agency Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- b. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Town of Mountain Village v. Alexander Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- c. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Wastewater Treatment Plant Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- d. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Gondola Construction Pursuant to C.R.S. 24-6-402(4)(b) and (e)**
- e. **Receiving Legal Advice on Specific Legal Questions, to Determine Positions Relative to Matters that may be Subject to Negotiations, Developing Strategy for Negotiations and/or Instructing Negotiators, In Connection With Possible Charter Amendments Pursuant to C.R.S. 24-6-402(4)(b)**

On a **MOTION** by Pete Duprey and seconded Harvey Mogenson, Council voted unanimously to move into Executive Session for the purpose of:

- a. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with Mountain Village Wetlands and Sackett v. Environmental Protection Agency pursuant to C.R.S. 24-6-402(4)(b) and (e)
- b. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with Town of Mountain Village v. Alexander pursuant to C.R.S. 24-6-402(4)(b) and (e)
- c. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with Wastewater Treatment Plant pursuant to C.R.S. 24-6-402(4)(b) and (e)
- d. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with gondola construction pursuant to C.R.S. 24-6-402(4)(b) and (e)
- e. Receiving legal advice on specific legal questions, to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations and/or instructing negotiators, in connection with possible charter amendments pursuant to C.R.S. 24-6-402(4)(b)

at 2:07 p.m.

Council returned to open session at 3:49 p.m.

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 December 14, 2023 Regular Town Council Meeting Minutes** Town Clerk Susan Johnston presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Tucker Magid, Council voted unanimously to approve the Consent Agenda as presented.

Liquor License Authority: Quasi-Judicial (5)

a. **Consideration of Re-Certification of the Mountain Village Promotional Association and Common Consumption Area**

Susan Johnston presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Harvey Mogenson, Council voted unanimously to approve the re-certification of the Mountain Village Promotional Association and Common Consumption Area with the condition that the applicant shall provide an updated insurance certificate to the Clerk's office by July 16, 2024 to show coverage for the remainder of the 2024 calendar year.

Finance (6)

Finance Director Lizbeth Lemley and Assistant Finance Director Julie Vergari presented.

a. **Presentation of the December 31, 2023 Business & Government Activity Report (BAGAR)**

b. **Consideration of the December 31, 2023 Financials**

Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted unanimously to approve the December 31, 2023 Financials as presented.

Department Updates (7)

Town Manager Paul Wisor and Transit & Recreation Director Jim Loebe presented. Council discussion ensued.

Second Reading, Public Hearing and Council Vote on an Ordinance Reenacting Community Development Code Amendment at Section 17.4.13.M with Corrections *Legislative* (8)

GIS Administrator Lauren Tyler presented. Mayor Pro Tem Pearson opened the public hearing. There was no public comment. The Mayor Pro Tem closed the public hearing. Council discussion ensued. On a **MOTION** by Tucker Magid and seconded by Pete Duprey, Council voted 6-0 to approve on second reading an Ordinance with proposed changes to the Community Development Code at Section 17.4.13.M as presented.

Consideration of a Resolution Approving a Conditional Use Permit for Wok of Joy Food Trailer on Lot OS 3XRR, Conference Center Plaza, Pursuant to CDC Section 17.4.14 *Quasi-Judicial* (9)

Senior Planner Drew Nelson and Economic Development & Sustainability Director JD Wise presented. Applicant Jason Smith presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Huascar E. Gomez (Rick), Council voted 5-1 (with Harvey Mogenson dissenting) to approve a Resolution approving a Conditional Use Permit for a mobile food truck/trailer to be located in Conference Center Plaza on Tract OS 3XRR, owned by the Town of Mountain Village, based on the evidence provided in the staff memo dated January 18, 2024, and the finding of this meeting with the following conditions:

1. The Conditional Use Permit shall be valid for a period of three (3) years, expiring on December 31, 2026. The applicant shall be solely responsible for any reapplication in the future.
2. Prior to sitting the mobile food truck/trailer, the applicant shall acquire a building permit for installation of an electric power source in conformance with all applicable building codes.
3. The applicant will enter into an agreement with the Town, the form of which to be approved by the Town Attorney, for monthly billing of electric utility, the rate to be determined by Town Manager.

4. The applicant shall provide proof of compliance to the Telluride Fire Protection District of Section 319 of the 2018 International Fire Code.
5. Prior to siting the mobile food truck/trailer, the applicant shall work with the Plaza Services Manager to site the truck/trailer in such a manner as to avoid driving over or parking on all underground parking structures.
6. Prior to purchasing the mobile food truck/trailer, the applicant shall provide designs and pictures of the proposed vehicle to the Business Development Advisory Committee Chairperson, the Design Review Board Chairperson, the Community Outreach Coordinator, and the Community Development Director for review and approval. The applicant shall strive to acquire a vehicle that is visually interesting and complimentary to the existing resort infrastructure of Mountain Village.
7. Prior to operation of business, the applicant will execute a plaza license agreement with the Town for the trailer space.

Council took a break from 4:52 to 4:58 p.m.

Consideration of a Resolution Regarding a Conditional Use Permit for Driveway Access on Lot OSP 18A for a Single-Family Home on Lot SS811, Pursuant to CDC Section 17.4.14 Quasi-Judicial (10)

Drew Nelson presented. Applicants Katsia Lord, Bill Kyriagis, Chris McGranahan, and Chris Hazen presented. Public comment was received from Paul Savage, Clare Hart, and Matthew Hintermeister. Council discussion ensued. On a **MOTION** by Harvey Mogenson and seconded by Pete Duprey, Council voted 5-1 (with Scott Pearson dissenting) to deny a Resolution approving a Conditional Use Permit for a driveway access on Lot OSP-18A to the adjacent Lot SS811, based on the evidence provided in the staff record of memo dated January 8, 2024.

Council broke for dinner from 5:44 to 5:54 p.m.

First Reading, Setting of a Public Hearing and Council Vote on an Ordinance Regarding a Vested Property Rights Extension for a Site-Specific Development Plan for Lot 27A, TBD Lost Creek Lane Pursuant to CDC 17.4.17 Quasi-Judicial (11)

Planner Claire Perez presented. Applicants Chris Chaffin and Jim Mahoney presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Jack Gilbride, Council voted 6-0 to approve on first reading of an Ordinance regarding the extension of a Vested Property Right at Lot 27A, Parcel 3R, TBD Lost Creek Lane, from April 6, 2024, to April 6, 2027, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated January 8, 2024, and to set the second reading, public hearing, and final Council vote for February 15, 2024.

With the following findings:

1. The proposal to extend the Lot 27A 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 2022 Design Review approval remain applicable for any future development.

Consideration of Approval of a Settlement Agreement with Ken Alexander Regarding the Temporary Restraining Order in Mountain Village Municipal Court Case No. 24M01 (12)

Town Attorney David McConaughy presented. Council discussion ensued. On a **MOTION** by Jack Gilbride and seconded by Huascar E. Gomez (Rick) Council voted 5-1 (with Pete Duprey dissenting) to approve a Settlement Agreement with Ken Alexander regarding the temporary restraining order in Mountain Village Municipal Court Case No. 24M01 as presented.

First Reading, Setting of a Public Hearing, and Council Vote on an Ordinance Regarding Helicopter Landing Within the Town of Mountain Village Legislative (13)

Paul Wisor and David McConaughy presented. Council discussion ensued. On a **MOTION** by Pete Duprey and seconded by Tucker Magid, Council voted 6-0 to approve on first reading an Ordinance adding new chapter 10.13 to the Mountain Village Municipal Code concerning helicopters and to set the second reading, public hearing, and final Council vote for the February 15, 2024, regular Town Council meeting with the change that helicopters cannot land any place that is not Town approved.

David McConaughy left the meeting at 6:15 p.m.

Telluride Regional Airport Authority (TRAA) Bi-Annual Report (15)

Telluride Regional Airport/FBO Manager Kenny Maenpa presented. Council discussion ensued.

Consideration of Council Boards and Commissions Appointments: (16)

1. **Telluride Tourism Board – Gomez**
2. **Colorado Flights Alliance – Gilbride**
3. **Transportation & Parking – Duprey & Mogenson**
4. **Budget & Finance Committee – Duprey, Pearson, & Mogenson**
5. **Gondola Committee – Mogenson, Prohaska, & Pearson**
6. **Colorado Communities for Climate Action – Pearson**
7. **San Miguel Authority for Regional Transportation (SMART) – Magid, Mogenson, & Gomez**
8. **Telluride Historical Museum – Prohaska**
9. **Collaborative Action for Immigrants (CAFI) – Gomez**
10. **Mountain Village Business Development Advisory Committee (BDAC) – Pearson & Duprey**
11. **Wastewater Committee – Duprey & Magid**
12. **Housing Committee – Duprey & Magid**
13. **Telluride Conference Center Committee – Duprey & Magid**
14. **Miscellaneous Boards and Commissions**
15. **Mayor's Update**

Other Business (17)

There was no other business.

There being no further business, on a **MOTION** by Jack Gilbride and seconded by Pete Duprey, Council voted unanimously to adjourn the meeting at 6:39 p.m.

Respectfully prepared,

Respectfully submitted,

Kim Schooley
Deputy Town Clerk

Susan Johnston
Town Clerk



Business and Government Activity Report

For the month ending: January 31st

Activity	2024			2023			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %
Village Court Apartments								
Occupancy Rate %	98.18%	-1.37%	98.18%	98.64%	-0.45%	98.64%	-0.46%	-0.5%
# Vacated Units	1	(2)	1	2	0	2	(1)	-50.0%
# Work Orders Completed	20	(7)	20	20	(8)	20	0	0.0%
# on Waiting List	162	(10)		178	0		(16)	-9.0%
Public Works								
Sewage information is sometimes unavailable at time of publishing.								
Service Calls	608	235	608	594	56	594	14	2.4%
Truck Rolls	46	(31)	46	102	17	102	(56)	-54.9%
Snow Fall Inches	46	8	46	22	(4)	22	24	109.1%
Snow Removal - Streets & Prkg Lots Hours	na	NA	na	754	136	754	NA	NA
Roadway Maintenance Hours	na	NA	na	12	9	12	NA	NA
Water Billed Consumption Gal.	39,093,000	(10,712,000)	39,093,000	50,554,000	11,318,000	50,554,000	(11,461,000)	-22.7%
Sewage Treatment Gal.	9,410,000	1,003,000	9,410,000	8,968,000	(837,000)	8,968,000	442,000	4.9%
Child Development Fund								
Daycare began billing a flat monthly amount and offering up to 5 days a week vs. 4 in September, therefore the calculations of average number of children will change somewhat.								
# Infants Actual Occupancy	7.27	1.45		5.50	0.67		1.77	32.2%
# Toddlers Actual Occupancy	8.93	1.04		10.78	1.78		(1.84)	-17.1%
# Preschoolers Actual Occupancy	14.34	(0.21)		10.78	1.95		3.56	33.0%
Transportation and Parking								
New parking rates, including commuter and residential permits, went into affect 12/23. Bus routes in January 2023 were due to gondola shut downs in that month.								
GPG Parking Utilization (% of total # of spaces occupied)	67.6%	-1.30%	67.6%	75.80%	10.90%	75.8%	-8.2%	-10.8%
HPG Parking Utilization (% of total # of spaces occupied)	49.2%	-13.90%	49.2%	80.50%	11.30%	80.5%	-31.3%	-38.9%
Parking Utilization (% of total # of spaces occupied)	57.8%	-4.20%	57.8%	69.50%	6.00%	69.5%	-11.7%	-16.8%
Bus Routes # of Passengers	0	(504)	0	721	(4,714)	721	(721)	-100.0%
Paid Parking Revenues	\$122,812	(\$9,998)	\$122,812	\$63,882	\$19,381	\$63,882	\$58,930	92.2%
Human Resources								
Seasonal EE's: Gondola Ops, Parking, Plaza Services New Hires: 1 PT Electrical Inspector, 1 seasonal SnowCat Operator, 5 seasonal Gondola Ops Terms: 1 Street Operator, 3 seasonal Gondola Ops Reason for Terms: termination, position was not the right fit								
FT Year Round Head Count	102	NA		101	14		1	1.0%
Seasonal Head Count (FT & PT)	4	NA		0	(1)		4	NA
Gondola FT YR, Seasonal, PT YR Head Count	55	NA		56	4		(1)	-1.8%
Total Employees	161	NA		157	6		4	2.5%
Gondola Overtime Paid Hours	303	NA	303	266	(332)	266	37	13.9%
Other Employee Overtime Paid	133	NA	133	105	(131)	105	28	26.7%
# New Hires Total New Hires	7	NA	7	6	2	6	1	16.7%
# Terminations	4	NA	4	2	(1)	2	2	100.0%
Communications & Business Development								
Town Hosted Meetings	7	2	7	8	3	8	(1)	-12.5%
Email Correspondence Sent	15	0	15	15	5	15	0	0.0%
E-mail List #	8,498	(22)		8,374	(26)		124	1.5%
Ready-Op Subscribers	2,187	7		2,123	12		64	3.0%
News Articles	20	(9)	20	17	(14)	17	3	17.6%
Press Releases Sent	2	(2)	2	3	(2)	3	(1)	-33.3%
Gondola and RETA								
Gondola # of Passengers	314,803	18,160	314,803	353,812	33,320	353,812	(39,009)	-11.0%
Chondola # of Passengers	31,200	(1,644)	31,200	33,060	3,757	33,060	(1,860)	-5.6%
RETA fees collected by TMVOA	\$ 985,290	\$ 207,076	\$ 985,290	\$ 412,343	\$ 6,058	\$ 412,343	\$572,947	138.9%

Police								
Calls for Service #	574	94	574	393	64	393	181	46.1%
Investigations #	15	(12)	15	19	(1)	19	(4)	-21.1%
Alarms #	12	(6)	12	13	5	13	(1)	-7.7%
Arrests #	0	(5)	0	1	(3)	1	(1)	-100.0%
Summons #	1	0	1	5	3	5	(4)	-80.0%
Traffic Contacts #	17	4	17	25	11	25	(8)	-32.0%
Traffic Tickets Written #	3	1	3	4	2	4	(1)	-25.0%
Parking Tickets Written #	659	127	659	654	223	654	5	0.8%
Administrative Dismissals #	92	90	92	15	14	1	91	9100.0%



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

Activity	2024			2023			YTD or MTD Variance	
	MONTH	Monthly Change	YTD	MONTH	Monthly Change	YTD	Variance	Variance %
Building/Planning								
<i>Telluride permits are no longer being issued by Mountain Village</i>								
Community Development Revenues	\$124,679	(\$295,205)	\$124,679	\$16,307	(\$162,493)	\$16,307	\$108,372	664.6%
# Permits Issued	13	2	13	36	19	36	(23)	-63.9%
Valuation of Mtn Village Remodel/New/Additions Permits	\$3,233,941	(\$7,268,795)	\$3,233,941	\$289,400	(\$1,523,847)	\$289,400	\$2,944,541	1017.5%
Valuation Mtn Village Electric/Plumbing/Other Permits	\$0	(\$23,300)	\$0	\$815,875	\$569,414	\$815,875	(\$815,875)	-100.0%
Valuation Telluride Electric/Plumbing Permits	\$41,076	\$41,076	\$41,076	\$63,700	(\$170,347)	\$63,700	(\$22,624)	-35.5%
# Inspections Completed	180	(22)	180	386	10	386	(206)	-53.4%
# Design Review/Zoning Agenda Items	10	2	10	7	0	7	3	42.9%
# Staff Review Approvals	41	8	41	12	(13)	12	29	241.7%

All Hourly related items are unavailable due to the payroll system change over. Refuse and recycle statistics come from an outside source and are not always available at the time of publishing.

Plaza Services									
Snow Removal Plaza	Hours	na	NA	na	814	454	814	NA	NA
Plaza Maintenance	Hours	na	NA	na	608	(183)	608	NA	NA
Lawn Care	Hours	na	NA	na	0	0	0	NA	NA
Plant Care	Hours	na	NA	na	34	34	34	NA	NA
Irrigation	Hours	na	NA	na	0	0	0	NA	NA
TMV Trash Collection	Hours	na	NA	na	110	3	110	NA	NA
Christmas Decorations	Hours	na	NA	na	64	(177)	64	NA	NA
Residential Refuse	Pound	78,810	13,135	78,810	83,246	14,128	83,246	(4,436)	-5.3%
Residential Recycle	Pound	26,978	2,094	26,978	30,566	5,213	30,566	(3,588)	-11.7%
Diversion Rate	%	25.50%	-1.98%	25.50%	26.86%	0.02%	26.86%	-1.35%	-5.0%

Vehicle Maintenance									
# Preventive Maintenance Performed		18	(8)	18	16	(1)	16	2	12.5%
# Repairs Completed		24	8	24	26	(8)	26	(2)	-7.7%
Special Projects		4	2	4	1	(2)	1	3	300.0%
# Roadside Assists		0	0	0	4	4	4	(4)	-100.0%

Finance									
<small>2023 January billing through July 2024 will be reduced because of the Broadband sale. Lodging Revs is tracking differently now.</small>									
# Other Business Licenses Issued		1,101	1089	1,101	982	960	982	119	12.1%
# Privately Licensed Rentals		84	84	84	105	104	105	(21)	-20.0%
# Property Management Licensed Rentals		530	523	530	491	480	491	39	7.9%
# Unique Property Advertisements Listings for MV		683	(2)		620	7		63	10.2%
% of Paperless Billing Customers		56.90%	1.11%		65.22%	2.20%		-8.3%	-12.8%
# of TMV AR Bills Processed		1,123	(17)	1,123	2,303	(66)	2,303	(1180)	-51.2%

Accounts Receivable												
Current	TMV Operating Receivables (includes Gondola funding and childcare)		Utilities - Water/Sewer		VCA - Village Court Apartments		Other Statistics Population (estimated) 1,434 (Active) Registered Voters 1,049 Assessed Property Valuation 430,319,955					
	30+ Days	\$258,542	29.4%	\$436,167	91.9%	\$10,449				50.0%		
60+ Days	539,622	61.4%	30,699	6.5%	9,018	43.2%						
90+ Days	8,320	0.9%	2,208	0.5%	257	1.2%						
over 120 days	35,958	4.1%	787	0.2%	727	3.5%						
Total	36,040	4.1%	4,707	1.0%	447	2.1%						
	\$ 878,482	100.0%	\$ 474,568	100.0%	\$ 20,898	100.0%						
	Construction Parking		Total All AR		Change Since Last Month - Increase (Decrease) in AR							
Current	\$4,588	83.2%	\$ 709,746	51.5%	(\$640,708)	648.5%						
30+ Days	664	12.0%	580,003	42.0%	541,391	-548.0%						
60+ Days	261	4.7%	11,046	0.8%	(31,968)	32.4%						
90+ Days	-	0.0%	37,472	2.7%	16,155	-16.4%						
over 120 days	-	0.0%	41,194	3.0%	16,336	-16.5%						
Total	\$5,513	100.0%	\$ 1,379,461	100.0%	\$ (98,794)	100.0%						



Memorandum

To: Town Council
From: Lizbeth Lemley, Julie Vergari
Date: February 13, 2024
Re: Town of Mountain Village Financial Statements through December 2023

Mountain Village Financials Statements through December 2023

General Fund Summary

The December financial statements as presented reflect the 2023 revised budget approved in December 2023. Also included are 2022, 2021 and 2020 actuals for comparison. These financials are preliminary and subject to year-end accruals and audit adjustments.

As of December 30, 2023, general fund revenues of \$17 million exceeded budget by \$990,299 or 3%. Revenues compared to 2022, 2021 and 2020 revenues were 0%, 13%, and 40% over the prior years, respectively. Investment income and sales taxes have continued to exceed the budget. Sales tax revenues collected and accrued through December 2023 were less than 1% over the amended budget and 4.5% under 2022 collections. The Town has also seen increased use tax collections over budget.

General Fund operating expenditures through December totaled \$12.9 million and were \$2.2 million under budget. While the Town has seen significant savings in personnel costs due to vacancies coupled with timing of completion of projects planned for 2023 that will likely cross into 2024. There are still some year-end adjustments that will be made as we prepare for the 2023 audit.

Year to date, the General Fund Revenue and Expenditure report reflects a surplus of \$3.7 million and an estimated unreserved fund balance of \$17.1 million. The surplus is due not only to expenditure savings, but also the sale of the Broadband system.

Transfers to other funds include: (December transfers are subject to change)

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Capital Projects Fund (From GF)	\$ 279,025	\$ 2,647,386	\$ 2,213,858	\$ (433,528)
Child Development Fund	\$ 35,000	\$ 104,384	\$ 139,572	\$ 35,188
Conference Center Subsidy	\$ 67,978	\$ 257,246	\$ 186,346	\$ (70,900)
Affordable Housing Development Fund (Monthly Sales Tax Allocation)	\$ 96,272	\$ 980,595	\$ 863,874	\$ (116,721)
Vehicle & Equipment Acquisition Fund	\$ -	\$ 398,582	\$ 292,744	\$ (105,838)

Income transfers from other funds include: (December transfers are subject to change)

Fund	This Month	YTD Budget	YTD Actual	Budget Variance
Overhead allocation from Broadband, W/S, Gondola, VCA and Parking Services	\$ 1,396	\$ 720,106	\$ 715,943	\$ (4,163)
*Tourism Fund	\$ 12,257	\$ 136,177	\$ 140,726	\$ 4,549
*This transfer is comprised of administrative fees, interest, and penalties collected.				
Debt Service Fund (Specific Ownership Taxes)	\$ 1,822	\$ 25,000	\$ 21,880	\$ (3,120)

Vehicle and Equipment Acquisition Fund – No Fund Income Statement Attached

A building department vehicle, a police vehicle, a new plow for road and bridge, EV charging stations, and parks and recreation equipment have been purchased and shop equipment, the skid steer exchange has been paid.

Capital Projects Fund – No Fund Income Statement Attached

\$3 million in safety improvements has been expended and \$941,997 in grants have been received and accrued. \$189,775 has been paid for solar panels for the Shop.

Historical Museum Fund – No Fund Income Statement Attached

\$106,568 in property taxes were collected and \$104,430 has been tendered to the historical museum. The county treasurer retained \$2,138 in treasurer’s fees.

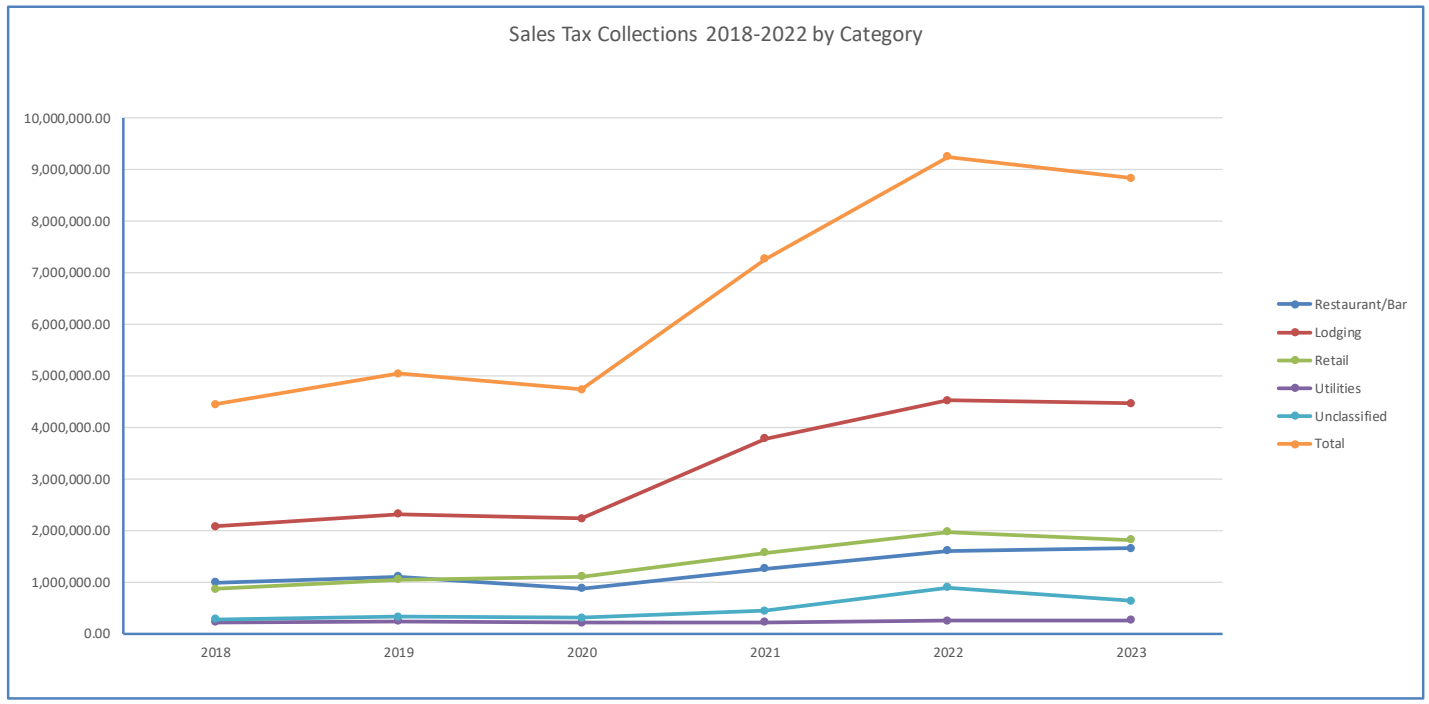
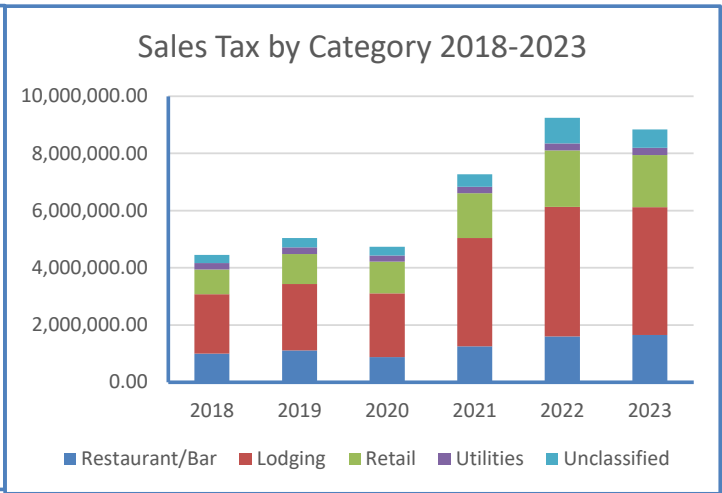
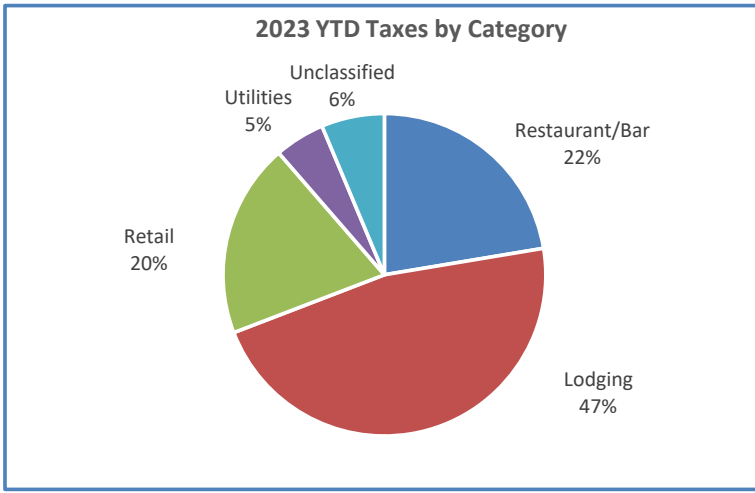
Mortgage Assistance Fund – No Fund Income Statement Attached

Mortgage assistance of \$30,000 was provided in July and \$2,059 has been expended for legal or admin fees.

Sales Tax

The table below reflects actual sales tax collections through January 31, 2023, which represent December 2023 sales tax remittances. Sales taxes are collected one month in arrears. The year-to-date financial statements through December 2023 include actual December sales tax amounts.

Tax Collection Summary								
4.5% Tax	December 2018	December 2019	December 2020	December 2021	December 2022	December 2023	2023-2022 % change	2023-2018 % change
Restaurant/Bar	\$ 118,326	\$ 129,103	\$ 91,181	\$ 173,882	\$ 206,577	\$ 170,436	-17.49%	44.04%
Lodging	319,295	330,975	309,179	636,041	602,889	540,804	-10.30%	69.37%
Retail	171,106	193,730	222,788	278,031	295,773	239,624	-18.98%	40.04%
Utilities	25,468	25,885	25,693	26,277	29,753	25,017	-15.92%	-1.77%
Unclassified	55,815	59,542	52,494	73,605	145,476	97,238	-33.16%	74.21%
Total	\$ 690,010	\$ 739,235	\$ 701,334	\$ 1,187,836	\$ 1,280,467	\$ 1,073,120	-16.19%	55.52%
4.5% Tax	YTD 2018	YTD 2019	YTD 2020	YTD 2021	YTD 2022	YTD 2023	2023-2022 % change	2023-2018 % change
Restaurant/Bar	\$ 994,707	\$ 1,109,520	\$ 874,564	\$ 1,256,709	\$ 1,602,989	\$ 1,651,636	3.03%	66.04%
Lodging	2,080,293	2,320,114	2,231,991	3,787,709	4,523,261	4,470,467	-1.17%	114.90%
Retail	866,058	1,048,710	1,109,628	1,568,014	1,976,514	1,818,736	-7.98%	110.00%
Utilities	224,072	238,579	211,275	218,281	250,516	257,586	2.82%	14.96%
Unclassified	281,036	325,499	306,203	441,666	898,105	639,349	-28.81%	127.50%
Total	\$ 4,446,167	\$ 5,042,421	\$ 4,733,661	\$ 7,272,378	\$ 9,251,385	\$ 8,837,773	-4.47%	98.77%



Tourism Fund

Business license fees of \$394,735 are over budget (11%). Penalties of \$12,359 were collected and transferred to the General Fund.

2023 restaurant taxes totaling \$738,846 have been recorded and will be tendered to the airline guarantee program less a 2% administrative fee. Lodging taxes totaling \$3.973 million have been recorded and ½ of the lodging tax, less a 2% administrative fee, will be tendered to the airline guarantee program.

Lodging taxes are under prior year by 1.2% and under budget by .05%. Restaurant taxes are over prior year and budget by 3.8% and .93%, respectively.

Town of Mountain Village Colorado Lodging Tax Summary

	2019	2020	2021	2022	2023		2022	2023	Budget
	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)	Activity (4%)		Var %	Budget (1)	Var %
January	300,246	325,337	272,725	523,260	591,486		13.04%	544,596	7.93%
February	310,947	334,936	358,584	700,805	708,132		1.05%	679,751	4.01%
March	401,256	212,698	476,051	759,281	722,313		-4.87%	743,353	-2.91%
April	17,822	855	40,874	33,263	32,204		-3.19%	43,727	-35.78%
May	24,335	784	51,474	81,855	33,735		-58.79%	59,627	-76.75%
June	139,428	55,426	229,731	239,859	254,544		6.12%	218,633	14.11%
July	196,062	242,927	412,650	371,297	367,082		-1.14%	349,813	4.70%
August	160,993	226,805	336,701	294,342	313,933		6.66%	274,285	12.63%
September	158,287	173,096	323,713	299,591	289,587		-3.34%	250,435	13.52%
October	46,789	94,985	133,675	123,341	125,604		1.84%	115,279	8.22%
November	14,761	38,597	71,435	55,744	54,734		-1.81%	67,578	-23.47%
December	295,803	266,888	553,765	537,068	479,863		-10.65%	628,074	-30.89%
Total	2,066,729	1,973,334	3,261,375	4,019,707	3,973,215		-1.16%	3,975,151	-0.05%
Tax Base	51,668,223	49,333,357	81,534,381	100,492,663	99,330,387			99,378,775	

Town of Mountain Village Colorado Restaurant/Bar Tax Summary

	2019	2020	2021	2022	2023		2022	2023	Budget
	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)	Activity (2%)		Var %	Budget (1)	Var %
January	62,864	73,576	45,706	76,624	92,994		21.36%	79,057	14.99%
February	66,720	76,476	59,659	104,748	114,079		8.91%	108,337	5.03%
March	87,671	50,565	82,463	126,092	130,164		3.23%	130,298	-0.10%
April	7,364	85	5,733	4,195	3,718		-11.37%	4,392	-18.13%
May	4,299	553	6,196	5,901	5,561		-5.76%	5,856	-5.30%
June	38,614	9,040	55,645	60,810	56,540		-7.02%	62,953	-11.34%
July	60,113	37,654	66,892	74,492	80,968		8.69%	76,861	5.07%
August	44,673	37,777	61,744	67,110	67,932		1.23%	69,541	-2.37%
September	42,922	32,718	62,772	64,352	70,403		9.40%	65,881	6.42%
October	17,657	19,674	25,593	27,132	31,489		16.06%	27,816	11.66%
November	3,503	8,215	8,777	8,854	8,044		-9.15%	8,784	-9.21%
December	57,178	39,959	72,532	91,455	76,953		-15.86%	92,233	-19.86%
Total	493,579	386,293	553,712	711,765	738,846		3.80%	732,009	0.93%
Tax Base	24,678,936	19,314,627	27,685,593	35,588,233	36,942,284			36,600,450	

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
General Fund									
Revenues									
Charges for Services	\$ 536,990	\$ 486,328	\$ 50,662	10.42%	\$ 486,328	\$ (50,662)	\$ 696,605	\$ 738,211	\$ 302,874
Contributions	2,319	173,340	(171,021)	-98.66%	173,340	171,021	98,955	86,252	145,915
Fines and Forfeits	3,520	7,576	(4,056)	-53.54%	7,576	4,056	84,298	3,248	68,175
Interest Income	832,383	379,000	453,383	119.63%	379,000	(453,383)	(219,769)	(47,411)	190,386
Intergovernmental	478,281	449,736	28,545	6.35%	449,736	(28,545)	405,302	512,565	572,124
Licenses and Permits	562,268	522,950	39,318	7.52%	522,950	(39,318)	643,865	650,385	395,985
Miscellaneous Revenues	247,861	300,054	(52,193)	-17.39%	300,054	52,193	156,638	249,683	733,732
Taxes and Assessments	14,380,356	14,234,695	145,661	1.02%	14,234,695	(145,661)	15,232,058	12,851,738	9,733,930
Total Revenues	17,043,978	16,553,679	490,299	2.96%	16,553,679	(490,299)	17,097,952	15,044,671	12,143,121
Operating Expenses									
Legislation & Council	154,548	192,781	(38,233)	-19.83%	192,781	38,233	148,023	124,693	78,447
Town Manager	609,944	669,961	(60,017)	-8.96%	669,961	60,017	461,358	683,532	298,504
Town Clerk's Office	324,970	365,393	(40,423)	-11.06%	365,393	40,423	307,341	289,444	333,421
Finance	1,167,518	1,285,379	(117,861)	-9.17%	1,285,379	117,861	1,127,303	937,166	914,710
Technical	476,975	614,519	(137,544)	-22.38%	614,519	137,544	493,136	392,969	415,883
Human Resources	571,610	577,421	(5,811)	-1.01%	577,421	5,811	464,652	342,943	357,350
Town Attorney	324,426	604,082	(279,656)	-46.29%	604,082	279,656	439,722	217,380	330,138
Communications and Business Development	445,476	504,192	(58,716)	-11.65%	504,192	58,716	536,908	514,664	1,462,463
Municipal Court	40,217	40,224	(7)	-0.02%	40,224	7	36,772	27,765	32,026
Police Department	1,503,980	1,617,307	(113,327)	-7.01%	1,617,307	113,327	1,080,204	1,013,330	969,254
Community Services	53,519	59,949	(6,430)	-10.73%	59,949	6,430	47,026	59,548	51,315
Community Grants and Contributions	801,038	801,038	-	0.00%	801,038	-	133,650	112,338	120,370
Roads and Bridges	1,244,900	1,395,124	(150,224)	-10.77%	1,395,124	150,224	1,068,950	978,600	775,945
Vehicle Maintenance	521,112	517,954	3,158	0.61%	517,954	(3,158)	518,461	460,805	410,962
Municipal Bus	349,172	464,986	(115,814)	-24.91%	464,986	115,814	295,620	228,506	295,158
Employee Shuttle	-	-	-	NA	-	-	-	33,222	41,663
Parks & Recreation	589,325	661,776	(72,451)	-10.95%	661,776	72,451	526,569	437,359	400,381
Plaza Services	1,837,881	2,132,630	(294,749)	-13.82%	2,132,630	294,749	1,591,518	1,317,808	1,175,247
Public Refuse Removal	58,175	74,743	(16,568)	-22.17%	74,743	16,568	64,702	64,486	62,742
Building/Facility Maintenance	310,309	386,002	(75,693)	-19.61%	386,002	75,693	486,870	289,125	240,966
Building Division	495,967	686,659	(190,692)	-27.77%	686,659	190,692	449,053	486,405	324,810
Housing Division Office	-	-	-	NA	-	-	59,240	75,839	22,182
Planning and Zoning Division	1,016,188	1,322,125	(305,937)	-23.14%	1,322,125	305,937	771,078	581,040	279,860
Contingency	-	95,000	(95,000)	-100.00%	95,000	95,000	-	-	-
Total Operating Expenses	12,897,250	15,069,245	(2,171,995)	-14.41%	15,069,245	2,171,995	11,108,156	9,668,967	9,393,797
Surplus / Deficit	4,146,728	1,484,434	2,662,294	179.35%	1,484,434	(2,662,294)	5,989,796	5,375,704	2,749,324
Capital Outlay	162,161	647,200	(485,039)	-74.94%	647,200	485,039	2,572,313	226,182	21,481
Surplus / Deficit	3,984,567	837,234	3,147,333	375.92%	837,234	(3,147,333)	3,417,483	5,149,522	2,727,843
Other Sources and Uses									
Sale of Assets	19,922	-	19,922	NA	-	(19,922)	558	-	-
Insurance Claim Proceeds	-	-	-	NA	-	-	11,449	13,410	-
Transfer (To) From Affordable Housing	(863,874)	(980,595)	116,721	-11.90%	(980,595)	(116,721)	(1,029,571)	(803,876)	(524,406)
Transfer (To) From Affordable Housing-Other	(3,654,446)	(6,047,801)	2,393,355	-39.57%	(6,047,801)	(2,393,355)	-	75,586	22,182
Transfer (To) From Broadband	6,144,290	6,077,628	66,662	1.10%	6,077,628	(66,662)	-	(592,515)	(1,610,148)
Transfer (To) From Child Development	(139,572)	(104,384)	(35,188)	33.71%	(104,384)	35,188	(200,838)	(93,226)	(124,813)
Transfer (To) From Capital Projects	(2,213,858)	(2,647,386)	433,528	-16.38%	(2,647,386)	(433,528)	(1,136,514)	(79,765)	(51,701)
Transfer (To) From Debt Service	21,880	25,000	(3,120)	-12.48%	25,000	3,120	21,440	23,976	(666,709)
Transfer (To) From Overhead Allocation	715,943	720,106	(4,163)	-0.58%	720,106	4,163	605,996	660,364	573,280
Transfer (To) From Parking Services	-	(54,129)	54,129	-100.00%	(54,129)	(54,129)	455,803	-	-
Transfer (To) From Conference Center	(186,346)	(257,246)	70,900	-27.56%	(257,246)	(70,900)	(306,639)	(233,360)	(211,666)
Transfer (To) From Tourism	140,726	136,177	4,549	3.34%	136,177	(4,549)	109,710	100,857	67,643

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
General Fund			(\$)	(%)					
Transfer (To) From Vehicle/Equipment	(292,744)	(398,582)	105,838	-26.55%	(398,582)	(105,838)	(333,518)	(240,872)	(109,221)
Transfer (To) From Water/Sewer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	(308,079)	(3,531,212)	3,223,133	-91.28%	(3,531,212)	(3,223,133)	(1,802,124)	(1,169,421)	(2,635,558)
Surplus / Deficit	\$ 3,676,488	\$ (2,693,978)	\$ 6,370,466	-236.47%	\$ (2,693,978)	\$ (6,370,466)	\$ 1,615,359	\$ 3,980,101	\$ 92,285

<u>Beginning Fund Balance Components</u>	<u>Actual YTD</u>	<u>Annual Budget</u>
Emergency Reserve	\$ 5,989,213	\$ 5,274,236
Energy Mitigation Funds	162,609	162,609
Unreserved	13,239,533	12,261,846
Beginning Fund Balance	\$ 19,391,355	\$ 17,698,691
<u>YTD Ending Fund Balance Components</u>		
Emergency Reserve	\$ 5,989,213	\$ 5,274,236
Unreserved	17,078,630	9,730,477
Ending Fund Balance	\$ 23,067,843	\$ 15,004,713

Revenues

Taxes & Assessments - 98.5% of the annual budget for property taxes has been collected. Specific Ownership taxes are over budget \$16,830. Sales tax is \$35,000 or less than 1% over budget. Construction use tax collections are \$165,000 or 18.3% over budget.

Licenses & Permits - Construction permits are over budget by \$9,448. Construction parking fees through the year are \$16,950 or 35% over budget.

Intergovernmental - Intergovernmental revenues are over budget in Road & Bridge taxes by \$14,414 and Gondola planning intergovernmental revenues are \$6,232 over budget.

Charges for Services - Development DRB and planning fees are over budget by \$60,100 but \$68,500 under last year.

Fines & Forfeitures - Fines are under budget by \$4,056 due to building fines coming in under budget.

Investment Income - Investment income is increasing due to increasing interest rates, and is over budget by \$953,400. However, at year end the market adjustment for our bond portfolio will be net against investment income bringing it closer to the budget for the year.

Miscellaneous Revenues - Plaza and vending carts rents are over budget \$30,056 offset by grant revenues coming in under budget due to the timing of receipts.

Contributions - A small amount of TMVOA environmental services contributions have been received.

Top Ten Budget Variances

Over Budget

Vehicle Maintenance - \$3,158 Over budget due to personnel costs.

Under Budget

Planning & Zoning - \$305,937 Significant savings in personnel costs due to vacancies, master planning, GIS software, and printing and binding. Forestry management is also under budget due to the timing of invoicing.

Plaza Services - \$294,749 Under budget in personnel expenses, planter/paver repairs and utilities due to the timing of invoicing.

Town Attorney - \$297,656 Under budget in litigation and general legal expenses.

Building Division - \$190,692 Under budget due to mainly to solar and environmental incentives and energy mitigation expenses.

Road & Bridge - \$150,224 Under budget mainly in personnel costs and paving repairs.

Technical - \$137,544 Under budget primarily in personnel costs and certain support fees.

Finance - \$117,861 Under budget in personnel costs due to vacancy and support/licensing fees.

Municipal Bus - \$115,814 - Under budget in employee costs.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023					2022	2021	2020	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Tourism Fund									
Revenues									
Business License Fees	\$ 399,889	\$ 362,500	\$ 37,389	10.31%	\$ 362,500	\$ (37,389)	\$ 374,239	\$ 351,156	\$ 325,964
Lodging Taxes - Condos/Homes	2,644,924	2,764,164	(119,240)	-4.31%	2,764,164	119,240	2,795,146	2,244,364	1,205,168
Lodging Taxes - Hotels	1,328,292	1,210,987	117,305	9.69%	1,210,987	(117,305)	1,224,560	1,005,419	761,487
Lodging Taxes - Prior Year	11,431	11,431	-	0.00%	11,431	-	423	6,678	3,286
Penalties and Interest	22,208	20,000	2,208	11.04%	20,000	(2,208)	33,200	19,914	13,297
Restaurant Taxes	738,846	732,009	6,837	0.93%	732,009	(6,837)	709,058	550,880	385,851
Restaurant Taxes - Prior Year	2,727	2,727	-	0.00%	2,727	-	2,832	442	1,103
Total Revenues	5,148,317	5,103,818	44,499	0.87%	5,103,818	(44,499)	5,139,458	4,178,852	2,696,156
Tourism Funding									
Additional Funding	-	-	-	NA	-	-	-	-	-
General Operating Expense	285,894	356,864	(70,970)	-19.89%	356,864	70,970	585	-	-
Airline Guaranty Funding	2,679,219	2,673,466	5,753	0.22%	2,673,466	(5,753)	2,648,733	2,135,961	1,344,486
Marketing Funding	1,715,000	1,715,000	-	0.00%	1,715,000	-	1,498,700	-	-
MTI Funding	-	-	-	NA	-	-	-	1,942,034	1,281,527
Total Tourism Funding	4,680,113	4,745,330	(65,217)	-1.37%	4,745,330	65,217	4,148,018	4,077,995	2,626,013
Surplus / Deficit	468,204	358,488	109,716	30.61%	358,488	(109,716)	991,440	100,857	70,143
Administrative Fees									
Audit Fees	-	2,500	(2,500)	-100.00%	2,500	2,500	2,500	-	2,500
Total Administrative Fees	-	2,500	(2,500)	-100.00%	2,500	2,500	2,500	-	2,500
Surplus / Deficit	468,204	355,988	112,216	31.52%	355,988	(112,216)	988,940	100,857	67,643
Other Sources and Uses									
Transfer (To) From Other Funds	(140,726)	(136,177)	(4,549)	3.34%	(136,177)	4,549	(109,710)	(100,857)	(67,643)
Total Other Sources and Uses	(140,726)	(136,177)	(4,549)	3.34%	(136,177)	4,549	(109,710)	(100,857)	(67,643)
Surplus / Deficit	327,479	219,811	107,668		219,811	(107,668)	879,230	-	-
Beginning Fund Balance	879,230	520,382			520,382		-	-	-
Ending Fund Balance	\$ 1,206,709	\$ 740,193			\$ 740,193		\$ 879,230	\$ -	\$ -

December

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance	Budget Variance	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
			(\$)	(%)					
Parking Services Fund									
Revenues									
EV Station Revenues	3,146	2,500	646	25.84%	2,500	(646)	1,517	-	-
Fines and Forfeits	84,756	62,000	22,756	36.70%	62,000	(22,756)	55,932	55,889	20,995
Gondola Parking Garage	193,981	151,000	42,981	28.46%	151,000	(42,981)	128,316	129,528	109,581
Grant Revenues	-	-	-	NA	-	-	20,000	-	-
Heritage Parking Garage	293,368	260,000	33,368	12.83%	260,000	(33,368)	258,402	267,109	202,151
Parking in Lieu Buyouts	-	-	-	NA	-	-	62,500	13,000	130,000
Parking Meter Revenues	30,296	30,000	296	0.99%	30,000	(296)	35,495	37,304	20,544
Parking Permits	95,795	38,000	57,795	152.09%	38,000	(57,795)	17,155	11,050	7,450
Special Event Parking	124,839	124,839	-	0.00%	124,839	-	118,566	-	-
Total Revenues	826,181	668,339	157,842	23.62%	668,339	(157,842)	697,883	513,880	490,721
Operating Expenses									
Other Operating Expenses	112,620	115,000	(2,380)	-2.07%	115,000	2,380	70,773	25,745	12,507
Personnel Expenses	149,684	190,817	(41,133)	-21.56%	190,817	41,133	100,198	146,166	111,064
Gondola Parking Garage	99,115	99,469	(354)	-0.36%	99,469	354	49,279	94,947	39,030
Surface Lots	106,480	115,400	(8,920)	-7.73%	115,400	8,920	81,155	12,442	18,655
Heritage Parking Garage	108,193	130,330	(22,137)	-16.99%	130,330	22,137	80,742	100,795	71,848
Meadows Parking	1,000	1,000	-	0.00%	1,000	-	1,000	1,000	1,000
Total Operating Expenses	577,092	652,016	(74,924)	-11.49%	652,016	74,924	383,147	381,095	254,104
Surplus / Deficit	249,089	16,323	232,766	1426.00%	16,323	(232,766)	314,736	132,785	236,617
Capital									
Capital	328,959	337,500	(8,541)	-2.53%	337,500	8,541	458,323	54,997	5,415
Surplus / Deficit	(79,870)	(321,177)	241,307	-75.13%	(321,177)	(241,307)	(143,587)	77,788	231,202
Other Sources and Uses									
Sale of Assets	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	15,345	-
Overhead Allocation	(60,496)	(60,496)	-	0.00%	(60,496)	-	(50,365)	(38,298)	(33,620)
Transfer (To) From General Fund	-	54,129	(54,129)	-100.00%	54,129	54,129	(455,803)	-	-
Total Other Sources and Uses	(60,496)	(6,367)	(54,129)	850.15%	(6,367)	54,129	(506,168)	(22,953)	(33,620)
Surplus / Deficit	\$ (140,366)	\$ (327,544)	\$ -	0.00%	\$ (327,544)	\$ (187,178)	\$ (649,755)	\$ 54,835	\$ 197,582
Beginning Fund Balance	\$ 327,542	\$ 173,165	\$ 154,377						
Ending Fund Balance	\$ 187,176	\$ (154,379)	\$ 341,555						

Parking revenues are over budget by 23.6% due in part to the implementation of new parking rates in December. HPG revenues are over budget 12.8% and over prior year 13.5%. Parking meter (surface lots) revenues are over budget 1% and under prior year 14.7%. GPG is over budget 28.5% and over prior year by 51.2%. Parking fines are over budget 36.7%, and over prior year 51.5% a small portion of that due to the increased parking fines implemented in December. General expenses are under budget in personnel costs and signage. GPG expenses are under budget in maintenance, supplies and utilities offset major repairs to the elevator. Surface lots are under budget in maintenance and leases. HPG has budget savings in credit card processing fees and maintenance. Capital expenses are for the GPG expansion project, GPG structural coating, and the skid steer equipment exchange.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023				2022	2021	2020		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Gondola Fund									
Revenues									
Capital/MR&R Grant Funding	\$ 64,000	\$ 64,000	\$ -	0.00%	\$ 64,000	\$ -	\$ 44,004	\$ -	\$ -
Event Operations Funding	(546)	-	(546)	NA	-	546	11,200	6,124	6,831
Event Operations Funding - TOT	36,000	36,000	-	0.00%	36,000	-	36,000	36,000	36,000
Miscellaneous Revenues	100	-	100	NA	-	(100)	95	-	788
Operations Grant Funding	133,354	133,000	354	0.27%	133,000	(354)	196,148	2,656,532	1,195,511
Sale of Assets	-	-	-	NA	-	-	-	-	-
Van Rider Revenues	4,750	4,300	450	10.47%	4,300	(450)	4,366	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
TSG 1% Lift Sales	233,250	244,899	(11,649)	-4.76%	244,899	11,649	244,363	215,902	146,951
TMVOA Operating Contributions	4,591,448	4,889,154	(297,706)	-6.09%	4,889,154	297,706	4,171,071	1,315,701	2,707,744
TMVOA Capital/MR&R Contributions	396,829	403,612	(6,783)	-1.68%	403,612	6,783	263,051	689,110	168,295
Total Revenues	5,459,185	5,774,965	(315,780)	-5.47%	5,774,965	315,780	4,970,298	4,919,369	4,262,120
Operating Expenses									
Overhead Allocation Transfer	35,837	40,000	(4,163)	-10.41%	40,000	4,163	35,526	29,636	32,249
MAARS	71,521	79,417	(7,896)	-9.94%	79,417	7,896	68,962	68,674	70,301
Chondola	172,627	218,419	(45,792)	-20.97%	218,419	45,792	182,920	155,554	167,757
Operations	2,508,700	2,688,699	(179,999)	-6.69%	2,688,699	179,999	2,403,718	2,157,906	2,021,581
Maintenance	1,603,142	1,621,543	(18,401)	-1.13%	1,621,543	18,401	1,498,925	1,387,002	1,393,983
FGOA	512,122	539,275	(27,153)	-5.04%	539,275	27,153	473,192	431,487	407,954
Major Repairs and Replacements	353,765	330,605	23,160	7.01%	330,605	(23,160)	223,855	285,409	155,903
Contingency	94,388	120,000	(25,612)	-21.34%	120,000	25,612	-	-	-
Total Operating Expenses	5,352,102	5,637,958	(285,856)	-5.07%	5,637,958	285,856	4,887,098	4,515,668	4,249,728
Surplus / Deficit	107,083	137,007	(29,924)	-21.84%	137,007	29,924	83,200	403,700	12,392
Capital									
Capital Outlay	107,083	137,007	(29,924)	-21.84%	137,007	29,924	83,200	403,700	12,392
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

The gondola fund expenditures are 5.5% under budget. MAARS is under budget in personnel expenses and supplies. Chondola is under budget in personnel expenses, Telski utilities and Telski terminal rebuild. Gondola ops is under budget in personnel costs. Gondola Maintenance is under in group insurance. FGOA is under budget in technical support, communications and natural gas. The contingency expense is related to landslide remediation work. There have been expenditures for Bull Wheel replacement, cabin window buffing, a new vehicle, boiler replacement, fiber optics, and station upgrades to date.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023						2022	2021	2020	
	Actual	Budget	Budget	Budget	Annual	Budget	Actual	Actual	Actual	
	YTD	YTD	Variance	Variance	Budget	Balance	YTD	YTD	YTD	
		(\$)	(%)							
Child Development Fund										
Revenues										
Infant Care Fees	\$ 85,037	\$ 82,104	2,933	3.57%	\$ 82,104	\$ (2,933)	\$ 53,184	\$ 67,518	\$ 52,792	
Toddler Care Fees	113,795	115,045	(1,250)	-1.09%	115,045	1,250	110,869	109,025	98,239	
Preschool Fees	161,068	160,820	248	0.15%	160,820	(248)	122,809	131,767	115,098	
Fundraising Revenues - Infant	2,914	3,550	(636)	-17.92%	3,550	636	3,626	-	-	
Fundraising Revenues - Preschool	3,689	5,000	(1,311)	-26.22%	5,000	1,311	4,426	-	165	
Fundraising Revenues - Toddler	3,364	8,450	(5,086)	-60.19%	8,450	5,086	4,626	105	285	
Grant Revenues - Infant	41,200	56,200	(15,000)	-26.69%	56,200	15,000	36,606	61,291	56,067	
Grant Revenues - Preschool	45,100	45,000	100	0.22%	45,000	(100)	40,770	44,767	30,543	
Grant Revenues - Toddler	48,700	63,700	(15,000)	-23.55%	63,700	15,000	41,375	98,286	70,195	
Other Grant Funding	112,526	112,525	1	0.00%	112,525	(1)	340,599	-	-	
Total Revenues	617,393	652,394	(35,001)	-5.37%	652,394	35,001	758,890	512,759	423,384	
Operating Expenses										
Toddler Care Other Expense	54,097	46,447	7,650	16.47%	46,447	(7,650)	52,205	41,681	47,264	
Toddler Care Personnel Expense	194,169	224,049	(29,880)	-13.34%	224,049	29,880	185,893	238,587	238,742	
Infant Care Other Expense	32,717	23,281	9,436	40.53%	23,281	(9,436)	24,312	24,348	14,657	
Infant Care Personnel Expense	187,507	171,675	15,832	9.22%	171,675	(15,832)	134,847	121,992	98,520	
Preschool Other Expense	51,329	45,752	5,577	12.19%	45,752	(5,577)	47,016	44,989	35,069	
Preschool Personnel Expense	191,859	204,092	(12,233)	-5.99%	204,092	12,233	172,031	134,388	113,945	
Total Operating Expenses	711,678	715,296	(3,618)	-0.51%	715,296	3,618	616,304	605,985	548,197	
Surplus / Deficit	(94,285)	(62,902)	(31,383)	49.89%	(62,902)	31,383	142,586	(93,226)	(124,813)	
Capital										
Capital Outlay	45,305	41,500	3,805	9.17%	41,500	(3,805)	343,406	-	-	
Total Capital	45,305	41,500	3,805	9.17%	41,500	(3,805)	343,406	-	-	
Surplus / Deficit	(139,590)	(104,402)	(35,188)	33.70%	(104,402)		(200,820)	(93,226)	(124,813)	
Other Sources and Uses										
Grants/Contributions	-	-	-	NA	-	-	-	-	-	
Transfer (To) From General Fund	139,572	104,384	(35,188)	-33.71%	104,384	(35,188)	200,838	93,226	124,813	
Total Other Sources and Uses	139,572	104,384	(35,188)	-33.71%	104,384	(35,188)	200,838	93,226	124,813	
Surplus / Deficit	\$ (18)	\$ (18)	\$ -	0.00%	\$ (18)	\$ (35,188)	\$ 18	\$ -	\$ -	

Child Development revenues are under budget by \$35,000. This is due to operating grant revenues being under budget. Operating expenses are \$3,618 under budget, due to Toddler and Preschool personnel costs coming in under budget offset by Infant care wages and increased operating costs across departments. The program has required \$139,572 in funding from the General Fund in 2023.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023					2022	2021	2020	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Water & Sewer Fund									
Revenues									
Mountain Village Water and Sewer	\$ 4,074,467	\$ 3,738,251	\$ 336,216	8.99%	\$ 3,738,251	\$ (336,216)	\$ 3,613,293	\$ 3,258,711	\$ 3,092,490
Other Revenues	16,082	8,650	7,432	85.92%	8,650	(7,432)	11,515	12,489	9,741
Ski Ranches Water	389,859	378,811	11,048	2.92%	378,811	(11,048)	349,109	288,160	261,383
Skyfield Water	44,448	41,217	3,231	7.84%	41,217	(3,231)	29,703	23,698	21,163
Total Revenues	4,524,856	4,166,929	357,927	8.59%	4,166,929	(357,927)	4,003,620	3,583,058	3,384,777
Operating Expenses									
Mountain Village Sewer	802,153	987,851	(185,698)	-18.80%	987,851	185,698	690,179	733,811	600,368
Mountain Village Water	1,210,915	1,273,452	(62,537)	-4.91%	1,273,452	62,537	1,099,570	1,198,428	968,177
Ski Ranches Water	83,459	50,416	33,043	65.54%	50,416	(33,043)	34,743	23,582	28,146
Contingency	-	35,000	(35,000)	-100.00%	35,000	35,000	-	-	-
Total Operating Expenses	2,096,527	2,346,719	(250,192)	-10.66%	2,346,719	250,192	1,824,492	1,955,821	1,596,691
Surplus / Deficit	2,428,329	1,820,210	608,119	33.41%	1,820,210	(608,119)	2,179,128	1,627,237	1,788,086
Capital									
Capital Outlay	1,143,828	2,094,050	(950,222)	-45.38%	2,094,050	950,222	150,823	717,619	491,323
Surplus / Deficit	1,284,501	(273,840)	1,558,341	-569.07%	(273,840)	(1,558,341)	2,028,305	909,618	1,296,763
Other Sources and Uses									
Overhead Allocation Transfer	(217,971)	(217,971)	-	0.00%	(217,971)	-	(196,244)	(219,652)	(170,876)
Mountain Village Tap Fees	550,327	365,000	185,327	50.77%	365,000	(185,327)	132,984	215,840	33,680
Grants	810	-	810	NA	-	(810)	-	-	-
Ski Ranches Tap Fees	-	5,000	(5,000)	-100.00%	5,000	5,000	5,150	-	-
Skyfield Tap Fees	26,824	2,000	24,824	1241.20%	2,000	(24,824)	-	-	-
Sale of Assets	2,040	-	2,040	NA	-	(2,040)	-	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	362,030	154,029	208,001	135.04%	154,029	(208,001)	(58,110)	(3,812)	(137,196)
Surplus / Deficit	\$ 1,646,531	\$ (119,811)	\$ 1,766,342	-1474.27%	\$ (119,811)	\$ (1,766,342)	\$ 1,970,195	\$ 905,806	\$ 1,159,567
Beginning (Available) Fund Balance	\$ 8,452,749	\$ 6,184,082	\$ 2,268,667						
Ending (Available) Fund Balance	\$ 10,099,280	\$ 6,064,271	\$ 4,035,009						

Mountain Village water revenues are over budget in base water/sewer fees, excess water and snowmaking fees. Ski Ranch and Skyfield revenues are over budget in excess water charges. Other revenues are over budget in maintenance fees and inspection fees. TOT sewer expenditures are under budget due and legal and consulting are under budget. Mountain Village water expenses are under budget in personnel expenses, repairs and legal. Ski Ranch operations budget overages are due to repairs. Capital costs are for Ski Ranches, regional sewer, meter purchases, and the new SCADA equipment. Capital outlay is under budget due to the timing of meter purchases and regional sewer capital.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023				2022	2021	2020		
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Broadband Fund									
Revenues									
Cable TV User Fees	\$ 325,165	\$ 317,081	\$ 8,084	2.55%	\$ 317,081	\$ (8,084)	\$ 581,330	\$ 846,946	\$ 975,791
Internet User Fees	877,515	870,660	6,855	0.79%	870,660	(6,855)	1,454,064	1,326,721	1,161,287
Other Revenues	6,691	6,275	416	6.63%	6,275	(416)	20,726	26,764	51,843
Phone Service Fees	8,870	8,870	-	0.00%	8,870	-	18,102	27,508	35,488
Total Revenues	1,218,241	1,202,886	15,355	1.28%	1,202,886	(15,355)	2,074,222	2,227,939	2,224,409
Operating Expenses									
Cable TV Direct Costs	236,749	236,748	1	0.00%	236,748	(1)	407,363	729,905	793,119
Phone Service Costs	5,539	4,834	705	14.58%	4,834	(705)	14,673	16,762	19,293
Internet Direct Costs	173,581	173,581	-	0.00%	173,581	-	263,669	160,428	179,615
Broadband Operations	303,077	355,014	(51,937)	-14.63%	355,014	51,937	759,343	851,367	714,711
Total Operating Expenses	718,946	770,177	(51,231)	-6.65%	770,177	51,231	1,445,048	1,758,461	1,706,738
Surplus / Deficit	499,295	432,709	66,586	15.39%	432,709	(66,586)	629,174	469,477	517,671
Capital									
Capital Outlay	5,263	5,329	(66)	-1.24%	5,329	66	298,481	851,903	1,939,290
Surplus / Deficit	494,032	427,380	66,652	15.60%	427,380	(66,652)	330,693	(382,426)	(1,421,619)
Other Sources and Uses									
Sale of Assets	5,700,010	5,700,000	10	0.00%	5,700,000	(10)	-	-	-
Transfer from General Fund	(6,144,290)	(6,077,628)	(66,662)	1.10%	(6,077,628)	66,662	(170,741)	-	-
Transfer (To) From General Fund	-	-	-	NA	-	-	-	592,515	1,610,148
Overhead Allocation Transfer	(210,441)	(210,441)	-	0.00%	(210,441)	-	-	(209,352)	(188,529)
Total Other Sources and Uses	(654,721)	(588,069)	(66,652)	11.33%	(588,069)	66,652	(170,741)	383,163	1,421,619
Surplus / Deficit	\$ (160,689)	\$ (160,689)	\$ -	0.00%	\$ (160,689)	\$ -	\$ 159,952	\$ 737	\$ -

Broadband revenues reflect the sale of the system August 1, 2023.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023				Annual Budget	Budget Balance	2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)			Actual YTD	Actual YTD	Actual YTD
Telluride Conference Center Fund									
Revenues									
Beverage Revenues	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Catering Revenues	-	-	-	NA	-	-	-	-	-
Facility Rental	-	-	-	NA	-	-	-	-	-
Operating/Other Revenues	14,551	-	14,551	NA	-	(14,551)	-	-	-
Total Revenues	14,551	-	14,551	NA	-	(14,551)	-	-	-
Operating Expenses									
General Operations	9,039	18,000	(8,961)	-49.78%	18,000	8,961	56,003	-	4,600
Administration	147,921	111,246	36,675	32.97%	111,246	(36,675)	140,056	119,478	107,066
Marketing	25,000	100,000	(75,000)	-75.00%	100,000	75,000	100,000	100,000	100,000
Contingency	-	-	-	NA	-	-	-	-	-
Total Operating Expenses	181,960	229,246	(47,286)	-20.63%	229,246	47,286	296,059	219,478	211,666
Surplus / Deficit	(167,409)	(229,246)	61,837	-26.97%	(229,246)	(61,837)	(296,059)	(219,478)	(211,666)
Capital Outlay/ Major R&R	18,937	28,000	(9,063)	-32.37%	28,000	9,063	10,580	13,882	-
Surplus / Deficit	(186,346)	(257,246)	70,900	-27.56%	(257,246)	(70,900)	(306,639)	(233,360)	(211,666)
Other Sources and Uses									
Damage Receipts	-	-	-	NA	-	-	-	-	-
Insurance Proceeds	-	-	-	NA	-	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Transfer (To) From General Fund	186,346	257,246	(70,900)	-27.56%	257,246	70,900	306,639	233,360	211,666
Overhead Allocation Transfer	-	-	-	NA	-	-	-	-	-
Total Other Sources and Uses	186,346	257,246	(70,900)	-27.56%	257,246	70,900	306,639	233,360	211,666
Surplus / Deficit	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -

Expenses for the year are HOA dues, legal expenses, consulting, and contracted marketing expenses. Revenues reflect payment from TSG based on 2022 sales as outlined in the operating agreement.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Affordable Housing Development Fund									
Revenues									
Contributions	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Grant Proceeds	-	-	-	NA	-	-	-	-	-
Rental Income	46,827	46,800	27	0.06%	46,800	(27)	45,069	36,125	34,965
Housing Application Fees	7,118	6,600	518	7.85%	6,600	(518)	7,520	-	-
Housing Mitigation Fees	71,499	60,000	11,499	19.17%	60,000	(11,499)	-	-	-
Sales Proceeds	-	-	-	NA	-	-	-	-	-
Total Revenues	125,444	113,400	12,044	10.62%	113,400	(12,044)	52,589	36,125	34,965
Expenses									
Leased Properties	-	-	-	NA	-	-	3,780	22,680	21,000
Operating Expenses	141,676	203,861	(62,185)	-30.50%	203,861	62,185	-	-	74
Norwood Property	45	-	45	NA	-	(45)	63,337	927,424	-
Lot 644	5,225,287	6,121,971	(896,684)	-14.65%	6,121,971	896,684	122,855	-	-
Prospect Unit	104,504	107,169	(2,665)	-2.49%	107,169	2,665	19,259	12,225	-
Future Housing/Density Bank	38,060	300,000	(261,940)	-87.31%	300,000	261,940	137,007	16,086	92,625
Ilium Property expenses	7,033,497	7,000,000	33,497	0.48%	7,000,000	(33,497)	-	92,625	7,341
RHA Funding	-	-	-	NA	-	-	-	2,549	16,475
Debt Service	77,374	77,500	(126)	-0.16%	77,500	126	-	-	-
Purchase/Resale Units	1,764	-	1,764	NA	-	(1,764)	111,055	-	-
Total Expenses	12,622,207	13,810,501	(1,188,294)	-8.60%	13,810,501	1,188,294	457,293	1,073,589	137,515
Surplus / Deficit	(12,496,763)	(13,697,101)	(1,200,338)	8.76%	(13,697,101)	(1,200,338)	(404,704)	(1,037,464)	(102,550)
Other Sources and Uses									
Transfer (To) From MAP	-	(31,475)	31,475	-100.00%	(31,475)	(31,475)	-	(11,429)	(29,900)
Lease Financing Proceeds	7,000,000	7,000,000	-	0.00%	7,000,000	-	-	-	-
Gain or Loss on Sale of Assets	-	-	-	NA	-	-	-	14,705	(355)
Transfer (To) From General Fund - Sales Tax	863,874	980,595	(116,721)	-11.90%	980,595	116,721	1,029,571	803,876	524,406
Transfer (To) From VCA	-	(1,278,263)	1,278,263	-100.00%	(1,278,263)	(1,278,263)	-	-	-
Transfer (To) From General Fund (Other)	3,654,446	6,047,801	(2,393,355)	-39.57%	6,047,801	2,393,355	-	(75,586)	(22,182)
Total Other Sources and Uses	11,518,320	12,718,658	(1,200,338)	-9.44%	12,718,658	1,200,338	1,029,571	731,566	471,969
Surplus / Deficit	\$ (978,443)	\$ (978,443)	\$ -	0.00%	\$ (978,443)	\$ -	\$ 624,867	\$ (305,898)	\$ 369,419
Beginning Fund Equity Balance	\$ 2,872,522	\$ -	\$ 2,872,522						
Ending Fund Equity Balance	\$ 1,894,079	\$ (978,443)	\$ 2,872,522						

Expenses consist of HOA dues, Lot 644 expenses, Ilium property expenses, general operating costs, Norwood property expenses, and maintenance and utilities on town owned properties. Operating expenses are over budget in personnel costs and legal. The Prospect unit expenses include a special assessment for new windows and exterior building repairs. Future housing expenses were originally budgeted to include the Ilium purchase. This purchase was made in September and is included in the Ilium Property account. Debt service is under budget due to the timing of the debt issuance for the purchase of the Ilium property.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023						2022	2021	2020
	Actual YTD	Budget YTD	Budget Var (\$)	Budget Var (%)	Annual Budget	Budget Balance	Actual	Actual	Actual
Village Court Apartments									
Operating Revenues									
Rental Income	\$ 2,371,996	\$ 2,342,213	\$ 29,783	1.27%	\$ 2,342,213	\$ (29,783)	\$ 2,278,632	\$ 2,168,836	\$ 2,109,386
Other Operating Income	110,645	118,060	(7,415)	-6.28%	118,060	7,415	79,312	96,473	127,757
Total Operating Revenue	2,482,641	2,460,273	22,368	0.91%	2,460,273	(22,368)	2,357,944	2,265,309	2,237,143
Operating Expenses									
Office Operations	229,228	287,527	(58,299)	-20.28%	287,527	58,299	210,369	194,984	150,263
General and Administrative	174,338	167,974	6,364	3.79%	167,974	(6,364)	132,837	138,888	146,785
Utilities	370,079	338,529	31,550	9.32%	338,529	(31,550)	332,430	338,465	349,738
Repair and Maintenance	545,220	657,079	(111,859)	-17.02%	657,079	111,859	537,910	559,134	481,721
Major Repairs and Replacement	172,102	222,500	(50,398)	-22.65%	222,500	50,398	99,511	120,449	160,039
Contingency	-	14,500	(14,500)	-100.00%	14,500	14,500	-	-	-
Total Operating Expenses	1,490,967	1,688,109	(197,142)	-11.68%	1,688,109	197,142	1,313,057	1,351,919	1,288,546
Surplus / (Deficit) After Operations	991,674	772,164	219,510	28%	772,164	(219,510)	1,044,887	913,389	948,597
Non-Operating (Income) / Expense									
Investment Earning	-	-	-	NA	-	-	-	(20)	(1,376)
Debt Service, Interest	529,308	600,261	(70,953)	-11.82%	600,261	70,953	555,774	335,317	369,833
Debt Service, Fees (Cost of Issuance)	134,806	135,000	(194)	-0.14%	135,000	194	350	111,102	418,441
Debt Service, Principal	325,000	443,079	(118,079)	-26.65%	443,079	118,079	310,000	15,000	-
Total Non-Operating (Income) / Expense	989,114	1,178,340	189,226	16.06%	1,178,340	189,226	866,124	461,399	786,898
Surplus / (Deficit) Before Capital	2,560	(406,176)	(408,736)	100.63%	(406,176)	(408,736)	178,763	451,990	161,699
Capital Spending	14,171,998	15,195,000	1,023,002	6.73%	15,195,000	1,023,002	267,291	25,943	11,105
Surplus / (Deficit)	(14,169,438)	(15,601,176)	1,431,738	-9.18%	(15,601,176)	(1,431,738)	(88,528)	426,048	150,594
Other Sources / (Uses)									
Transfer (To)/From General Fund	(191,198)	(191,198)	-	0.00%	(191,198)	-	(153,120)	(163,425)	(147,964)
Lease Financing Proceeds	15,000,000	15,000,000	-	0.00%	15,000,000	-	-	-	-
Sale of Assets	-	-	-	NA	-	-	-	-	-
Grant Revenues	-	-	-	NA	-	-	-	93,259	175,837
Transfer From AHDF	-	1,378,263	(1,378,263)	-100.00%	1,378,263	1,378,263	-	-	-
Total Other Sources / (Uses)	14,808,802	16,187,065	(1,378,263)	-8.51%	16,187,065	1,378,263	(153,120)	(70,166)	27,873
Surplus / (Deficit)	639,364	585,889	53,475	9.13%	585,889	(53,475)	(241,648)	355,882	178,467

Rent revenues are over budget by 1.3%. Rent revenues exceed 2022 revenues by 4.1% due to increased rents being phased in as leases are renewed. Other revenues are under budget 6.3% due mainly to miscellaneous revenues coming in underbudget offset by increased interest income. Office operations are under budget 20.3% primarily due to employee costs and outside consulting expenses coming in under budget. General and administrative is over budget by 3.8% as a result of writing off year end doubtful account balances. Utilities are over budget by 9.3% primarily due to increase waste disposal expenses. Maintenance is under budget 17% due to employee costs and apartment turnover expenses coming in under budget. MR&R expenses include carpet replacement, fiber installs, the bobcat purchase, water heaters, painting/staining and appliances. Capital expenditures consist of costs related to Phase IV and a vehicle.

**Town of Mountain Village Monthly Revenue and Expenditure Report
December**

	2023					2022	2021	2020	
	Actual YTD	Budget YTD	Budget Variance (\$)	Budget Variance (%)	Annual Budget	Budget Balance	Actual YTD	Actual YTD	Actual YTD
Debt Service Fund									
Revenues									
Abatements	\$ -	\$ -	\$ -	NA	\$ -	\$ -	\$ -	\$ -	\$ -
Contributions	200,400	200,400	-	0.00%	200,400	-	205,800	206,000	199,600
Miscellaneous Revenue	-	-	-	NA	-	-	-	-	-
Property Taxes	470,193	477,174	(6,981)	-1.46%	477,174	6,981	478,123	461,382	509,934
Reserve/Capital/Liquidity Interest	5,862	2,001	3,861	192.95%	2,001	(3,861)	1,667	405	1,911
Specific Ownership Taxes	21,880	25,000	(3,120)	-12.48%	25,000	3,120	21,440	23,976	24,724
Total Revenues	698,335	704,575	(6,240)	-0.89%	704,575	6,240	707,030	691,764	736,170
Debt Service									
2001/2011 Bonds - Gondola - Paid by contributions from	65,400								
2001/2011 Bond Issue - Interest		65,400	-	0.00%	65,400	-	70,800	76,000	79,600
2001/2011 Bond Issue - Principal	135,000	135,000	-	0.00%	135,000	-	135,000	130,000	120,000
2006/2014/2020 Bonds - Heritage Parking									
2020 Bond Issue - Interest	89,514	89,514	-	0.00%	89,514	-	122,635	144,033	137,213
2020 Bond Issue - Principal	375,000	375,000	-	0.00%	375,000	-	345,000	320,000	285,000
Total Debt Service	664,914	664,914	-	0.00%	664,914	-	673,435	670,033	621,813
Surplus / (Deficit)	33,421	39,661	(6,240)	-15.73%	39,661	6,240	33,595	21,731	114,357
Operating Expenses									
Administrative Fees	6,048	8,048	(2,000)	-24.85%	8,048	2,000	1,995	1,770	83,343
County Treasurer Collection Fees	14,082	14,513	(431)	-2.97%	14,513	431	14,314	13,880	16,012
Total Operating Expenses	20,130	22,561	(2,431)	-10.78%	22,561	2,431	16,309	15,650	99,355
Surplus / (Deficit)	13,291	17,100	(3,809)	-22.27%	17,100	3,809	17,286	6,081	15,002
Other Sources and Uses									
Transfer (To) From General Fund	(21,880)	(25,000)	3,120	-12.48%	(25,000)	(3,120)	(21,440)	(23,976)	666,709
Transfer (To) From Other Funds	-	-	-	NA	-	-	-	-	-
Payment to Refunding Bonds Escrow	-	-	-	NA	-	-	-	-	(6,192,795)
Proceeds From Bond Issuance	-	-	-	NA	-	-	-	-	5,475,000
Total Other Sources and Uses	(21,880)	(25,000)	3,120	-12.48%	(25,000)	(3,120)	(21,440)	(23,976)	(51,086)
Surplus / (Deficit)	\$ (8,589)	\$ (7,900)	\$ (689)		\$ (7,900)	\$ 689	\$ (4,154)	\$ (17,895)	\$ (36,084)
Beginning Fund Balance	\$ 347,439	\$ 351,599	\$ (4,160)						
Ending Fund Balance	\$ 338,850	\$ 343,699	\$ (4,849)						



AGENDA ITEM 5
TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Mountain Village Town Council
FROM: Paul Wisor, Town Manager
DATE: February 8, 2024
RE: Department Updates

Executive Summary: Below is a summary of notable activity within each of the Town's departments. Please contact the Town Manager if this report raises any questions.

Public Works

FOG communications have been delivered to Food Service Establishments (FSEs), instituting new regulations of registering grease interceptor devices and grease hauling record keeping.

Road & Bridge

Snow removal services continue as routine. Facilitating VCA construction with increased snow removal at Lot R as well as plowing and sanding within VCA construction area.

Water

Production has dropped off as TSG Snowmaking has ceased, and water is no longer being pumped from wells in Telluride. Meters are being replaced around Mountain Village, integrating new models into our data collection system.

Plaza Services

Staff (3 members) attended ProGreen Expo landscaping conference in Denver. Holiday decorations continue to be removed as time allows between storms. Routine plaza trash service, maintenance, and snow removal continues. Plaza services is facilitating Friday night concerts in Conference Center Plaza.

Facility Maintenance

Boiler and snowmelt issues continue to be addressed as well as elevator issues at Gondola Parking Garage. Property maintenance and oversight of roof snow removal and ice mitigation.

Vehicle Maintenance

Maintenance of snow removal equipment to keep up with winter weather related wear and tear. Constructing a new welding trailer to aid in efficient completion of planned summer metal work projects.

Munchkins

On the 29th of January, Lizbeth and I had a regional meeting to discuss our communities' childcare needs, funding opportunities, and other general concerns. Munchkins has closed our waitlist with 17 infants, 4 toddlers, and 4 preschoolers waiting for enrollment. We are currently at capacity in each classroom. With students needing to be moved throughout the program as they age, we won't be able to start any new students until mid-July at the earliest. This is the longest our waitlist has ever been during my time at Munchkins. At this meeting we also discussed other ways to secure grant funding for childcare facilities in San Miguel County and there were some good suggestions, but more investigations will need to be done on how the area would respond.

Munchkins had quite a rough round of Covid hit us recently resulting in the county asking us to take two days off in the preschool to let the transmission die down and to really get in and scrub the facility. During that time, we also had our state licensing visit. Staff who needed to update online required courses were our only issues, no major violations and our licenses have been renewed for another year.

Valentine's Day is our last day of Comets Ski School for the preschoolers. It's been a blast this year to see them all improve on the slopes.



Community Development

Planning

Development review for mostly single family homes continues per usual, as is typical for this time of year we have a bit of a lull in new applications and expect development review to pick up in the coming months with projects that hope to get in the ground summer/fall of 2024. We have already seen an uptick in pre-application meetings.

We received an application from a small cell providers interested in creating a small cell wireless network within the Town and are working with the applicant, Toro Blanco to obtain enough additional information to be able to deem the application complete. Staff attended the Colorado Association of Ski Towns meeting in Crested Butte.

Building

Within the building department, the annual Board of Appeals meeting was held. Board members were updated on upcoming code amendments, and happy to report that no appeals processes were instigated in 2023. Otherwise CBO Lars Forsythe is busy reviewing the 2021 IBC for a planned adoption this spring. Building Inspector Mark Eckard received his Residential Plumbing Certifications which will be of huge benefit to the town. The Lot 30 development “the Highline Residences” have submitted for building permit and are being reviewed by a third party reviewer, Shums Coda.

GIS

GIS has launched the first phase of the re-addressing project, and so far this seems to be going smoothly.

Forestry

Forestry has completed writing job descriptions for the seasonal positions to be offered this summer and is working with HR to get those posted soon (more detailed forestry update to be provided under separate agenda item).

Clerk

The yearly 2023 PaperVision purge will be completed by February 14, 2024 in compliance with the State Archivist’s protocol. The Town of Mountain Village Selection Committee agreed to award the Council Chambers, Executive Session break-out room and remodel of the public bathrooms design project to the Blythe Group and is currently in discussions with them to set a date for the design charrette.

New copiers were installed January 23rd in Town Hall, Police Department, Utilities and VCA due to the age of the current copiers. The department is in training with Voter Magic for the updated and fully supported voter database. The new MMXSilo platform document migration is scheduled for the week of February 13-20. Once implemented the platform will allow us to link it to the Town website allowing the public access to public records without having to submit an open records request.

Human Resources

HR is delighted to announce that the new software implementation is nearly complete. The team commenced the implementation of the final module during the week of 2/1/24, and we are now entering the home stretch of this significant project. The dedication and hard work put in by the team have been commendable, and we look forward to the successful completion of this crucial milestone.

Learning & Development Training: Our Learning & Development Training initiative kicked off on January 16th with Performance Review Training for all staff facilitated by our L&D consultant. This included one-on-one sessions with department managers and directors. The training, titled "Unlearning is the New Learning – Ditching the Archaic Performance Management Process," delved into not only learning our new software system but also understanding the underlying motivations of our work. We explored the concepts of motivation versus inspiration and the role of passion, autonomy, relatedness, and competence in performance development. The new performance review process has been rebranded as the Annual Success & Development Collaborative Plan, which includes departmental goals, individual professional goals, town-wide competencies, and additional quarterly check-ins between employees and managers. This process will conclude in November.

Our commitment to monthly Learning & Development training continues, and the next session for all staff and supervisors is scheduled for 2/21. The topic, "You Can't Ski Your Way to Happiness: Why Mental Health is a Problem in our Town and What We Are Doing About It," underscores our dedication to employee well-being and addresses crucial aspects of mental health awareness and support.

Market Compensation Study: We have initiated a market compensation study with a highly sought-after consultant specializing in municipality market studies across Colorado. The consultant will be on-site during the last week of February to meet individually with directors to gain a deeper understanding of their departments.

In pursuit of ensuring fair and competitive compensation, HR has initiated its bi-annual market compensation study. We have engaged a highly sought-after consultant with expertise in municipality market studies across Colorado. The consultant will be on-site during the last week of February, conducting individual meetings with directors to gain a comprehensive understanding of their departments. This study represents a proactive step towards maintaining a competitive edge in the job market and ensuring equitable compensation for our valued employees.

Thanks, once again, to Kathrine Warren, as our employee recruitment video is now final.

Police

Officers were able to continue in-house and online training this month.

We attended Critical Incident debrief training presented by the National Tactical Officers Association (NTOA). This was remote training to debrief several high risk/ barricaded suspect calls. This training was 7 hours.

We also debriefed the mass shooting at Robb Elementary School in Uvalde, Texas. There were several lessons learned from both the documentary that was recently released and well as a Department of Justice report. In contrast we also discussed the Covenant School Shooting in Nashville. In this incident officers responded quickly and were able to contain the situation. Several officers attended the on-line Blue to Gold training regarding reasonable suspicion. This

is a subscription service we have that discusses all aspects of case law and recent court decisions. Sgt. E. Moir is also a certified instructor with Blue to Gold.

January continued to be a busy month for calls as well as several complex investigations that are still ongoing. For January there were 15 written reports, including 9 property damage accidents and 567 total incidents including self-directed activity.

Economic Development and Sustainability

Town staff attended the Colorado Association of Ski Towns meeting in Crested Butte which included presentations on Crested Butte's electric building codes, affordability in mountain communities, and Park City's base area development. Molly Norton continues to go through the Colorado Tourism Leadership Journey and attended an in-person meeting with her cohort in Colorado Springs. Staff also met with the Telluride Tourism Board, Karsh Hagan, and the Town of Telluride to review the first round of summer destination marketing materials and creative assets. Additionally, the Tourism Board, with staff support, was selected as a Destination Learning Lab participant and will be working with the Colorado Tourism Office to develop destination-specific online education for frontline workers.

The Snow Sounds Après Music Series continues with free live music every Friday from 3:00 – 6:00 p.m. in Conference Center Plaza with local businesses offering specials during the event. This event is being produced in collaboration with TMVOA and Telluride Arts.

The Public Art Commission approved a public art application for “Only We Know What It Could Have Been”, a collage-based art print that will be publicly displayed in the Oak Street gondola terminal.

Staff met with Bruin Waste who is launching a commercial composting pilot program including participation by two Mountain Village businesses and an HOA. Bruin anticipates offering full-time commercial composting collection at the conclusion of this pilot program.

Contracting has been completed and the Town is beginning to submit reimbursements for the DOLA Transformational Affordable Housing Grant which is providing \$2,225,000 for the VCA Phase IV Expansion project. Additionally, reimbursements have begun for the DOLA EIAF grant, which is providing \$870,077 for VCA Phase IV horizontal construction and solar arrays, and \$200,000 for Meadowlark horizontal construction.

IT

Information Technology continues to work diligently with its email security systems. Google and other major email service providers announced an email security change starting Feb. 1, 2024. This change is a good thing because it makes it difficult for spammers and attackers to impersonate one's email address. However, this change can potentially cause issues for those who haven't modified their email security systems. TMV has made the necessary changes and has tools to help identify and troubleshoot email issues from legitimate senders. IT has already seen a shift in email attacks. Attackers now send legitimate email that flow through the new email security changes but contain phishing links. Council members experienced such an attack a week ago. Expect more false emails coming from SharePoint or DocuSign senders. The cyber security audit conducted by Kivu is in final draft mode and will be completed soon.

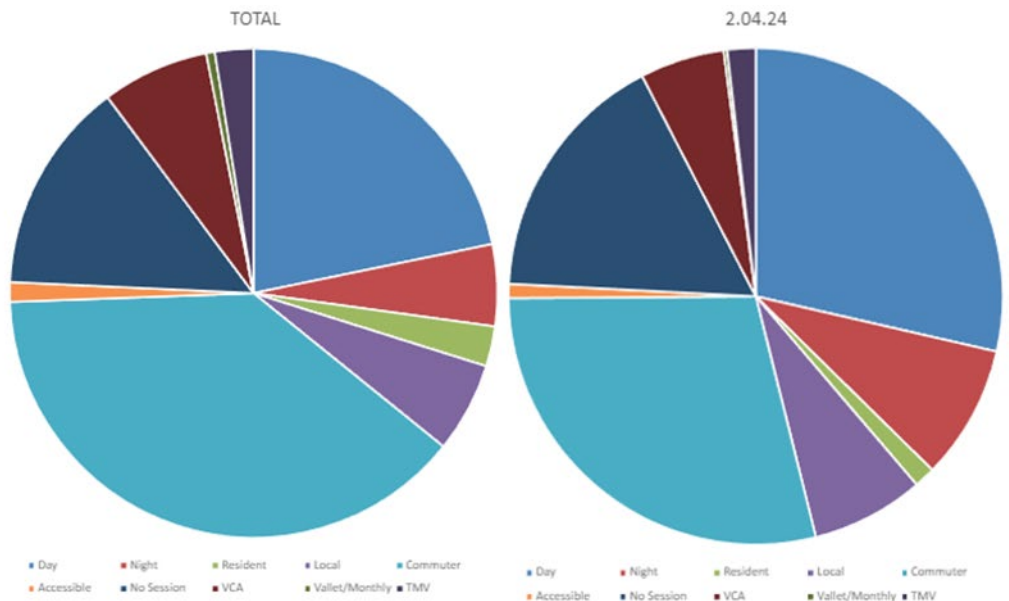
Finance

The Finance team continued to work on the Payroll conversion and processed the first payroll of 2024 in NeoGov. We have picked up many of the administrative functions at VCA payables, leasing, grant compliance auditing, etc. These two projects have taken significant time and focus of our department resources. The team has also been focused on yearend procedures, reporting and preliminary audit preparation.

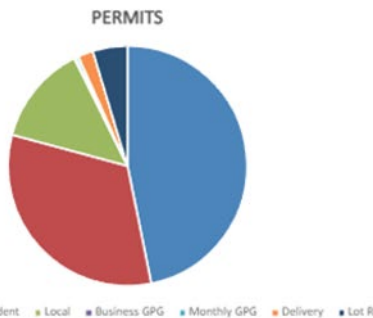
Parking

Transitioning from implementation to operations mode, the parking department has begun collecting and analyzing data across TMV's public parking facilities. Preliminary GPG scan data, collected randomly throughout January and on the overflow day of Sunday, 2/4, is incredibly consistent with the survey data collected during the winter of 2019/20. Day recreational use continues to account for a little over 50% of GPG users on high demand days, with permitted users accounting for the balance. GPG utilization is down slightly from last winter season, hovering just below 70% (+90% on the weekends), but up considerably from the last time the Town charged for day use in GPG during the winter of 2014/15. This verifies the assumption that there are fewer free options available for all categories of parking system users than there were 10 years ago.

PRELIMINARY SCAN ANALYSIS		
	TOTAL	TOTAL %
Day	420	21.78%
Night	104	5.39%
Resident	51	2.65%
Local	115	5.96%
Commuter	745	38.64%
Accessible	25	1.30%
No Session	271	14.06%
VCA	137	7.11%
Vallet/Monthly	11	0.57%
TMV	49	2.54%
Total	1928	100.00%
	2.04.24	2.04.24%
Day	124	28.57%
Night	38	8.76%
Resident	6	1.38%
Local	32	7.37%
Commuter	125	28.80%
Accessible	4	0.92%
No Session	72	16.59%
VCA	24	5.53%
Vallet/Monthly	1	0.23%
TMV	8	1.84%
Total	434	100.00%



PERMITS ISSUED	
Commuter	389
Resident	269
Local	112
Business GPG	2
Monthly GPG	3
Delivery	17
Lot R	39
Total Per T2	831



PERMIT REVENUES			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	1,410	3,575	3,950
DEC	3,425	5,800	59,115
JAN	2,125	10,850	27,815
FEB	1,045	4,450	
MAR	995	2,390	
APR	245	910	
	9,215	27,775	90,880



Total System Revenue – Season to date system revenue has already eclipsed full season revenue from winter 14/15 and winter 22/23.

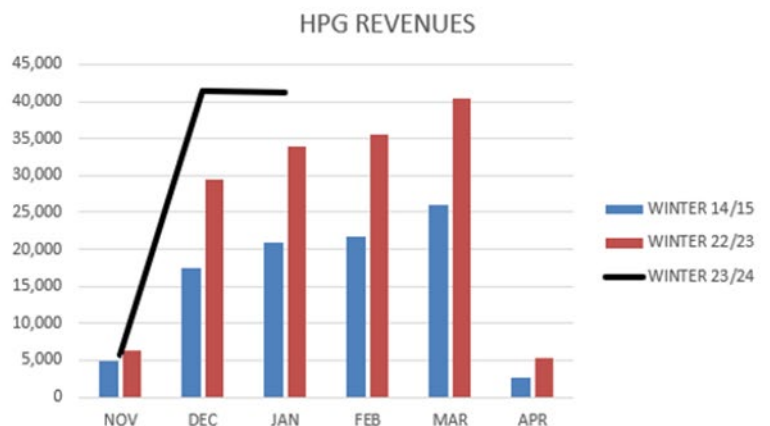
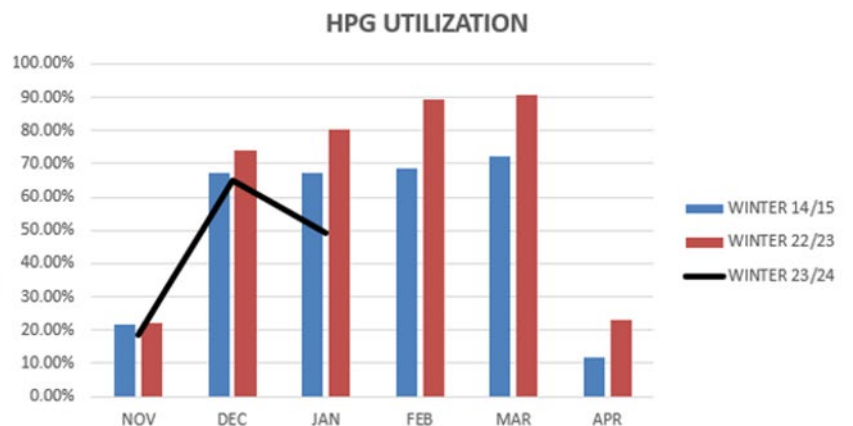
TOTAL REVENUES (including permits)			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	9,091	13,152	11,858
DEC	43,307	45,199	130,498
JAN	38,724	63,882	121,812
FEB	38,871	53,638	
MAR	70,189	56,928	
APR	5,006	7,715	
	205,188	240,514	264,168



Heritage Parking Garage – Season to date utilization is down but revenue is up. Rates in HPG are \$5/hour Monday through Thursday, and \$10/hour Friday through Sunday.

HPG UTILIZATION			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	21.70%	22.17%	18.74%
DEC	67.04%	73.86%	65.16%
JAN	67.04%	80.52%	49.24%
FEB	68.46%	89.45%	
MAR	72.31%	90.57%	
APR	11.73%	23.14%	

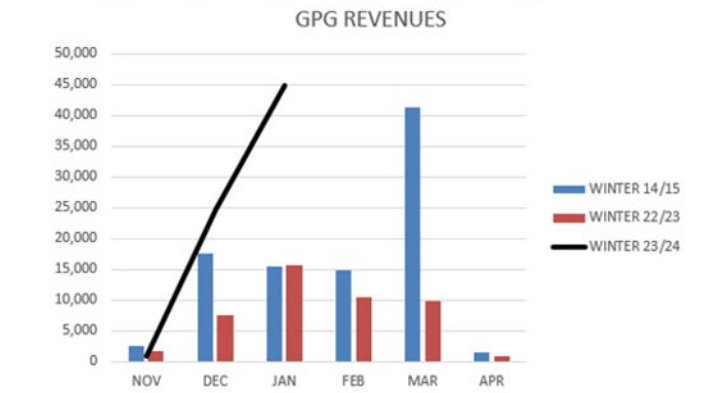
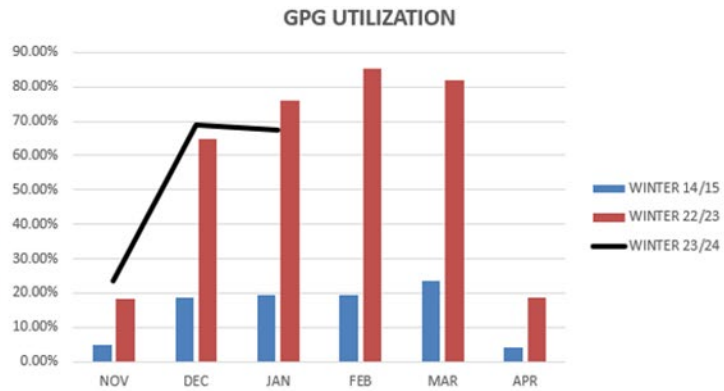
HPG REVENUES			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	4,790	6,393	5,689
DEC	17,465	29,384	41,438
JAN	21,004	33,910	41,312
FEB	21,740	35,521	
MAR	25,909	40,398	
APR	2,719	5,206	
	93,627	150,812	88,439



Gondola Parking Garage – Season to date utilization is down slightly, but day and overnight revenues are up substantially when compared to past sampling periods.

GPG UTILIZATION			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	4.84%	18.33%	23.60%
DEC	18.66%	64.85%	68.92%
JAN	19.38%	75.84%	67.56%
FEB	19.28%	85.45%	
MAR	23.52%	81.94%	
APR	4.18%	18.60%	

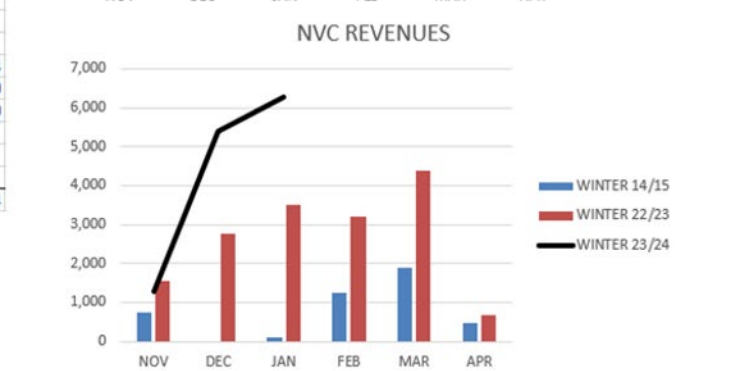
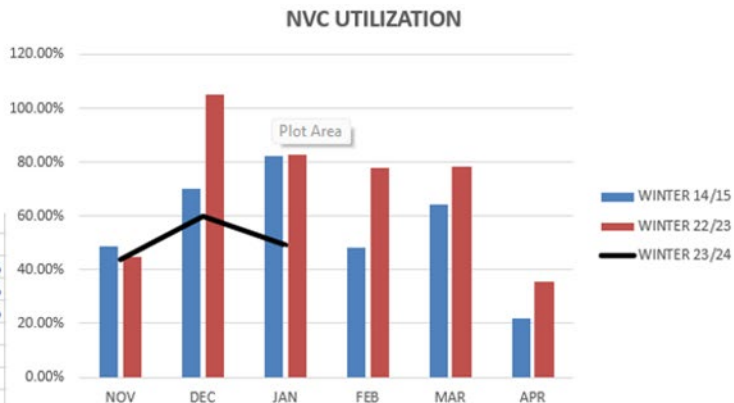
GPG REVENUES			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	2,491	1,620	925
DEC	17,639	7,445	24,555
JAN	15,505	15,630	44,905
FEB	14,848	10,445	
MAR	41,425	9,760	
APR	1,564	925	
	93,472	45,825	70,385



North Village Center – utilization and revenue patterns in NVC are very similar to HPG, with season to date utilization down, but revenues up.

NVC UTILIZATION			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	48.53%	44.77%	43.87%
DEC	70.32%	104.90%	59.74%
JAN	82.19%	82.58%	49.03%
FEB	48.14%	78.00%	
MAR	64.26%	78.45%	
APR	22.13%	35.73%	

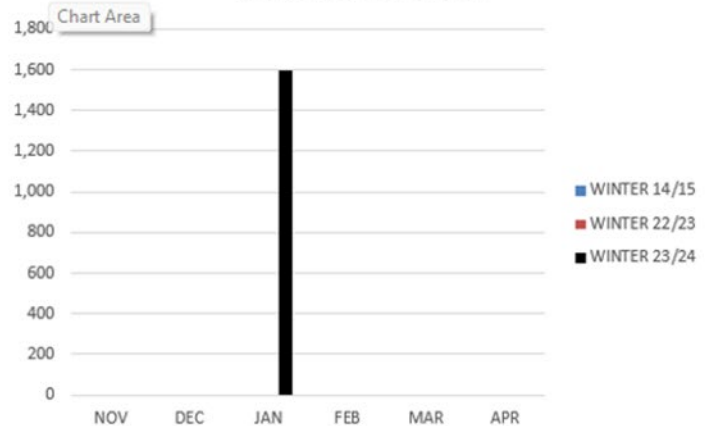
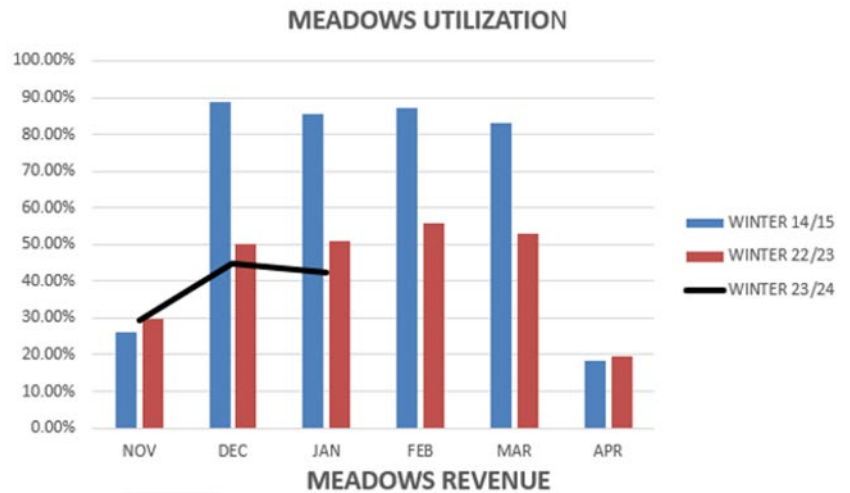
NVC REVENUES			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	742	1,564	1,294
DEC	0	2,770	5,390
JAN	90	3,492	6,270
FEB	1,238	3,222	
MAR	1,890	4,380	
APR	478	674	
	4,438	16,102	12,954



Meadows Lot – Utilization this season is slightly lower than last winter namely due to decreased number of GPG overflow days. Non-permitted, day user revenue collection has begun and baselines are being established.

MEADOWS UTILIZATION			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	26.00%	29.88%	29.21%
DEC	88.65%	50.03%	44.78%
JAN	85.45%	50.91%	42.49%
FEB	87.18%	55.81%	
MAR	83.20%	52.96%	
APR	18.27%	19.45%	

MEADOWS REVENUES			
	WINTER 14/15	WINTER 22/23	WINTER 23/24
NOV	0	0	0
DEC	0	0	0
JAN	0	0	1,600
FEB	0	0	
MAR	0	0	
APR	0	0	



Gondola

Business as usual at the gondola with January ridership down 11.0% when compared to January of 2023. Operations staffing continues to be a challenge. The winter unannounced CPTSB inspection took place on January 31st. The CPTSB performs two types of inspections on the gondola, unannounced inspections which occur during the operating seasons and licensing inspections which occur during the shoulder seasons; a total of four inspections per year. Unannounced inspections focus on operational items, with licensing inspections geared toward the maintenance side of the operation. The operations team followed in the footsteps of the maintenance crew and turned in a perfect inspection with no deficiencies.

Parks and Rec

The parks and rec crew continues to perform their winter routine consisting of ice maintenance at Reflection, Village Pond, and Elk Lake. All three surfaces are well maintained in great skating condition. Nordic grooming activities within our license area and on the Valley Floor are in full swing. Recent snow has helped to improve conditions across the nordic system. Plans for the upcoming trail building season are underway, with scopes and contracts already being developed and negotiated with several contractors. Content development for enhanced trails wayfinding is underway.

Town Manager

Meadowlark

Work on the Purchase and Sale Agreements continues, but we intend to send the Purchase and Sale Agreements and associated draft exhibits to 27 potential buyers who have reservation agreements with the town for the Meadowlark for sale development project. The Town has final drafts of the documents, and those drafts are being included into an overall packet for distribution.

The lottery process for the fifth tier, those working in the R-1 School District, will begin February 20th, with preapplications due March 19th. There are two units remaining, each three bedrooms, two and a half baths with a carport.

Ilium

Town staff has provided comments to the Ilium market study, and we are refining those findings with EPS.

VCA

As noted above, VCA management has undergone some changes, and we have interviewed for the Manager position. In the meantime, Finance as well as Marleina Fallenius, Mae Eckard, and Michelle have done an amazing job stepping in.

Staff is also working on the plan to move people into the East Building of Phase IV. We now tentatively expect to receive a Temporary Certificate of Occupancy on April 15th.

The VCA Committee held a meeting on January 31st. Staff received some good feedback on areas for improvement, including proposed changes to parking, which staff will pursue.

Compliance

Deed Restriction biennial compliance is in process. About 35% of all owners or tenants have qualified to date. Enhanced communication including newspaper communications begin this week.

Regional Housing

A RFP has been issued for a regional housing needs study, and we hope to have a consultant team on board by February.

WWTP

The Town Manager and Assistant Town Manager continue to work closely with the Town of Telluride to pursue next steps on the WWTP. They, along with the Mayor Pro Tem and Councilor Duprey will be attending a meeting with Telluride and the County on February 13th to discuss these steps in more detail.

Gondola

Work continues on the gondola. The Leadership Team met on January 29th. Keating Research provided some very positive polling results, but much work is needed to get voter approval at a November election. There will be a tour of the Winter Park and Steamboat gondolas in February so that leadership may begin to understand the different type of systems that are currently in use, and highlight the need for a replacement of the current system.



PLANNING & DEVELOPMENT SERVICES

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

TO: Mountain Village Town Council
FROM: Claire Perez, Planner II
FOR: Town Council Public Hearing, February 15, 2024
DATE: February 5, 2024
RE: Vested Property Rights Extension for Lot 27A, Parcel Three -R, TBD Lost Creek Lane

Note: There have been no changes to the Ordinance since first reading, this is essentially the same memo as presented for the January 18, 2024, Town Council meeting.

Project Geography

Legal Description:

Lot 27A, Parcel 3R, Belvedere Park Condo,
According to the Second Amendment to the Condo map for Belvedere Park Condos,
Recorded June 15, 2006, in Plat Book 1 at page 3674-3675 under Reception Number 384818,
County of San Miguel, State of Colorado

Address: TBD Lost Creek Lane
Applicant/Agent: James Mahoney
Owner: MV Lot 27A, LLC
Zone District: Multi-Family
Zoning Designation: Condo; Employee Condo
Existing Use: Vacant
Proposed Use: 19 Condominiums and 2 Employee Condominiums

Adjacent Uses:

- **North:** Multi-Family Residential
- **South:** Vacant Land and Single-Family Residential
- **East:** Multi-Family Residential
- **West:** Multi-Family Residential

Attachments

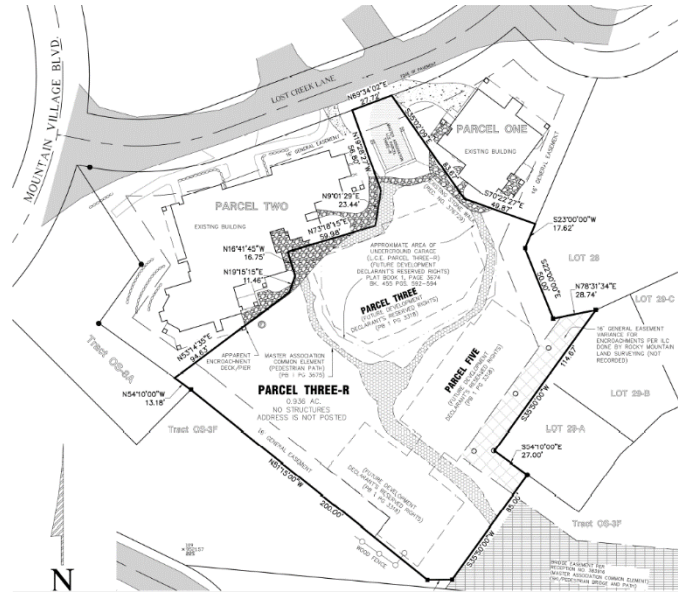
- Exhibit A: Applicant Narrative
- Exhibit B: Application Materials



Current Entitlements

Lot 27A was approved for a new multi-family Condominium development, comprised of 19 condominium units and 2 employee condominium units by the DRB on October 6, 2022. The applicant has submitted an application for a three-year Vested Property Rights Extension for this property.

The development is the third phase of a Master Development Plan which was approved as early as 2004 and amended several times. Ordinance No. 2021-14, included in the application, provided approval for the density transfer and rezone on Lot 27A which was critical to the Final Architectural Review approval. The applicant is requesting a three-year extension on the issued approval in order to move forward with the planned development on Lot 27A, Parcel Three-R. They cite construction and construction financing difficulties as the primary deterrent to being able to commence construction immediately.



Vested Property Rights

A vested property rights extension allows a developer to extend their existing approvals through a Class 4 development application process for a period longer than the initial 18-month period. Town Council can elect to approve an extended vested period that is specific to their site-specific development plan (approved design drawings), typically for an additional three-year period. This is the most logical way for a developer to request additional time to construct their project without losing their current entitlements.

Section 17.4.17 of the CDC lists the following criteria for the Town Council to approve a vested property right application.

Please note staff comments in blue:

- 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: The significant size of the Master Development Plan necessitated a phased approach, which the Town Council approved as part of the rezoning approval in Ordinance 2021-14. The applicant indicated that the development plan for Parcel Three-R and adjacent parcels (developed under phases I and II) were approved as a whole and are coordinated to work together. However, the applicant states that “the existing financial and financing markets over the past year and uncertainty into the future as well as the tight trade and labor markets may make construction and construction financing difficult for the near term, warranting a three-year vested rights in the above noted approvals” for the last phase of development on Parcel Three-R. It is the staff’s understanding that the applicant intends to construct within the three years and would not require an extension beyond the three-year period.

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

Staff: The design review went through a lengthy assessment prior to unanimous approval, and staff feels that the final approval represents site-specific development that meets these criteria.

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

Staff: The design review went through a lengthy assessment prior to unanimous approval, and staff feels that the final approval represents site-specific development that meets these criteria. In addition, the applicant affirms that "The construction plans are near building permit plan set ready and provide for the construction of the project. The Owner is confident that with its financing relationships if granted the three-year vested rights financing of the construction will be feasible."

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

Staff: Staff finds this condition met. As indicated in the application, there are no concurrent development applications, as the site-specific plans have been approved.

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

Staff: Staff finds this condition met.

Design Review Board Recommendation: The Design Review Board reviewed the application to extend Vested Property Rights for Lot 27A, TBD Lost Creek Lane at the January 4, 2024 Design Review Board meeting and voted unanimously to recommend to Town Council approval of a Vested Property Rights Extension for Lot 27A, TBD Lost Creek Lane for a period of 3 years.

Staff Recommendation: The ordinance was unanimously approved on First reading at the January 18, 2024, Town Council meeting for a period of three years. Staff recommends approval at Second Reading.

Proposed Motion:

I move to approve, the second reading of an Ordinance regarding the extension of a Vested Property Right at Lot 27A, Parcel 3R, TBD Lost Creek Lane, from April 6, 2024, to April 6, 2027, pursuant to CDC Section 17.4.17 based on the evidence provided within the Staff Report of record dated February 5, 2024.

With the following findings:

- 1) The proposal to extend the Lot 27A 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 2022 Design Review approval remain applicable for any future development.*

This motion is based on the evidence and testimony provided at a public hearing held on February 15, 2024, with notice of such hearing as required by the Community Development Code.

/cp

ORDINANCE NO. 2024-__

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VESTED PROPERTY RIGHTS EXTENSION FOR LOT 27A,
TDB LOST CREEK LANE**

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. MV Lot 27A LLC (“the **Applicant**”) is the owner of record of real property described as Lot 27A, Parcel 3R, Town of Mountain Village as further described on the plat recorded on June 15, 2006, in Plat Book 1 at Page 3674-3675 at Reception Number 384818 (the “**Property**”); and,
- D. The Design Review Board approved an application in October 2022 for a development consisting of a total of nineteen (19) Condominium Units and two (2) Employee Condominiums; and,
- E. The Applicant submitted a Vested Property Right Extension development application on August 16, 2023, seeking a further extension of the Vested Property Right to April 6, 2027 (the “**Vested Property Rights Extension Application**”); and,
- F. The Vested Property Rights Extension Application has been processed and evaluated pursuant to the Town of Mountain Village Community Development Code (the “**CDC**”); and,
- G. The Design Review Board conducted a public hearing on the Vested Property Rights Extension Application in accordance with the CDC on January 4, 2024 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,
- H. At its regularly scheduled meeting held on January 18, 2024 the Town Council conducted a first reading of an ordinance and set a public hearing, pursuant to the Town Charter.
- I. The meeting held on January 18, 2024 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 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);
5. The proposed vested property right meets all applicable Town regulations and standards.

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

1. 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).
2. All previous conditions of approval from the original 2021 Design Review 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 three (3) additional years until April 6, 2027

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 February 15, 2024, following public hearing and approval by Council on second reading.

Section 5. Public Hearing

A public hearing on this Ordinance was held on the 15th day of February 2024 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 18th day of January 2024.

TOWN OF MOUNTAIN VILLAGE

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

By: _____
Martinique Davis Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 21st day of September 2023

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

By: _____
Martinique Davis Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as To Form:

David McConaughy, 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 _____, 2024, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Davis Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Tucker Magid				
Peter Duprey				
Huascar E. Gomez (Rick)				

Harvey Mogenson				
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 _____, 2024 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 _____, 2024. 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
Martinique Davis Prohaska, Mayor				
Scott Pearson, Mayor Pro-Tem				
Tucker Magid				
Peter Duprey				
Huascar E. Gomez (Rick)				
Harvey Mogenson				
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 _____, 2024.

Susan Johnston, Town Clerk

(SEAL)



LOT 27A PARCEL THREE -R VESTED PROPERTY RIGHTS APPLICATION NARRATIVE

To: Town of Mountain Village
From: James Mahoney and Chris Chaffin
Date: August 16, 2023
Re: Lot 2A, Parcel Three R - Vested Property Rights Application Narrative

On behalf of the owner of Lot 27A, Parcel Three-R (Parcel Three-R), MV Lot 27A, LLC, we have submitted an application to secure vested property rights for the current site-specific development approvals for Parcel Three-R which consist of the following:

1. The Design Review Board (DRB) approved the Final Architectural Review on October 6, 2022 allowing for the construction of a new multi-family building consisting of 19 Condominium Units, and 2 Employee Condominium Units. These approvals also include the specific approvals and design variations as noted therein.
2. Master Development Plan for Lot 27A including the phased approach as approved in 2004 and amended from time to time including ordinance No. 2021-14.
3. 2006 Parcel Three-R Condo Plat and Resolution No.2006-0509-03. These documents are recorded and not subject to expiring; however, they are important to the overall development and Master Development Plan as it combined and altered that plan to create one final parcel for development and its density which was amended by Ordinance No 2021-14 as noted below.
4. Ordinance No. 2021-14 Approving a Density Transfer and Rezone at Lot 27A removing efficiency lodge and lodge density to have 19 Condo Units and 2 Employee Condo Units. While this Ordinance was recorded on January 12, 2022 at reception number 474709 and is not subject to expiring due to the recording, this is a key piece to the site specific development plan for Lot 27 as it drove the Final Architectural Review and was the last piece of the master development plan for Lot 27A.
5. January 13, 2022, Density Transfer of the lodge and efficiency lodge density to the density bank and 2 condo units to the Parcel Three-R.

Pursuant to the Community Development Code (“CDC”) in order for the Town to approve a vested property rights application the Town must consider the following criteria:

- 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:



- i. Applicant: The development is of a significant size and is phased through the Master Development Plan of parcel 27A of which Parcel Three-R is the final phase. Ordinance 2021-14 on rezoning clearly contemplates the development pursuant to the Final Architecture Review Approval in that it references and requires a submittal of that application within 18 months (which was complied with) as a condition of the rezone and Master Development Plan. Further, the existing financial and financing markets over the past year and uncertainty into the future as well as the tight trade and labor markets may make construction and construction financing difficult for the near term, warranting a three-year vested rights in the above noted approvals.
- b. The site-specific development plan is consistent with public health, safety, and welfare:
 - i. Applicant: Extension of the current approvals would not negatively impact public health, safety or welfare as they were discussed and approved with the same considerations and standards. No changes have altered this analysis.
- c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development:
 - i. Applicant: The construction plans are near building permit plan set ready and provide for the construction of the project. The Owner is confident that with its financing relationships if granted the three-year vested rights financing of the construction will be feasible.
- d. The site-specific development plan meets the criteria for decision for a concurrent, required development application(s):
 - i. Applicant: There are no concurrent development applications as the site-specific development plans outlined above are already currently approved.
- e. The proposed vested property rights meet all applicable Town regulations and standards:
 - i. Applicant: At the time of their approvals the site-specific development plans outlined above were approved as meeting all applicable Town regulations and standards as does this application.

The CDC also requires two general standards regarding document notation and duration of vested rights consideration. First the CDC states that 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.

The Applicant and Owner request that upon approval of this application the resulting ordinance would have the above required language and that the applicant shall add to all approval letters and plans that consist of the site-specific development plan the above required notation as is consistent with prior



vested rights approvals of a similar nature. The typical vesting period is three years and no consideration need to be given to vesting beyond three years.

As you can see the above listed documents which constitute the site-specific development plan for Parcel Three-R taken as a whole describe with great certainty the type and intensity of use for Parcel Three-R. They are coordinated to all work together and the applicant believes it would not only be in the applicants interest to get vested property rights for this project, but it would be in the Town's and communities best interest as there exists an approved coordinated plan that is acceptable to the community, meet all standards of approval, was not controversial and would not require the town staff, boards and Council to process and review an entire new application should the approvals expire. For these reasons the Applicant and Owner request that the Town grant the three-year vested rights requested herein.

Included Documents:

- i. Title Commitment
- ii. 2021 Deed to Property
- iii. Lot 27A DRB Approval
- iv. Lot 27A 2006 Parcel Three-R Plat
- v. Lot 27A Parcel Three-R Ordinance and Density Cert Approvals



PLANNING & DEVELOPMENT SERVICES DEPARTMENT

PLANNING DIVISION

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

November 10, 2022

MV Lot 27A, LLC
C/o Chris Chaffin
PO Box 2107
Telluride, CO 81435

RE: Lot 27A, Notice of Action for Class 3 Design Review Process Application

Dear Mr. Chaffin:

At the October 6, 2022, Design Review Board (DRB) meeting the board voted unanimously to approve the Design Review Process application for a new multi-family Condominium on Lot 27A, TBD Lost Creek Lane. The development application was approved with the following conditions:

1. Prior to building permit, the applicant will revise the landscaping plan for review by staff to address concerns raised by the Town Forrester.
2. A reflective surface is required on the address monument in case of power outage.
3. Prior to certificate of occupancy the applicant shall provide the Town with a two (2) year landscaping financial guarantee on all plant materials planted as part of the approved landscape plan. The developer shall enter into an improvements agreement with the Town to ensure performance.
4. Concurrent with Certificate of Occupancy, the condominium map and condominium declarations need to be submitted to the Town for review.
5. Prior to issuance of the certificate of occupancy, the deed restrictions associated with the two employee condominiums need to be executed. The 1997 ordinance/acknowledgment applies.
6. The deed restricted units must receive certificate of occupancies prior to our concurrent with the free market units.
7. The Mountain Village Housing Authority will perform a walk-through inspection of the two deed restricted units prior to issuance of a certificate of occupancy.
8. Consistent with town building codes, Unenclosed accessory structures attached to buildings with habitable spaces and projections, such as decks, shall be constructed as either

noncombustible, heavy timber or exterior grade ignition resistant materials such as those listed as WUIC (Wildland Urban Interface Code) approved products.

9. A monumented land survey of the footers will be provided prior to pouring concrete to determine there are no additional encroachments into the setbacks.

10. Prior to the Building Division conducting the required framing inspection, a four-foot (4') by eightfoot (8') materials board will be erected on site consistent with the review authority approval to show:

- a. The stone, setting pattern and any grouting with the minimum size of four feet (4') by four feet (4');
- b. Wood that is stained in the approved color(s);
- c. Any approved metal exterior material;
- d. Roofing material(s); and
- e. Any other approved exterior materials

11. It is incumbent upon an owner to understand whether above grade utilities and town infrastructure (fire hydrants, electric utility boxes) whether placed in the right of way or general easement, are placed in an area that may encumber access to their lot. Relocation of such above grade infrastructure appurtenances will occur at the owner's sole expense and in coordination with the appropriate entity (fire department, SMPA, Town of Mountain Village) so that the relocated position is satisfactory.

DRB Specific Approval:

1. Exterior Materials – metal hardie-board fascia, board form concrete of 8" horizontal spacing
2. GE Encroachments – Patio surface, retaining walls, decks, green roof, emergency turnaround (subgrade)
3. Green roof

Design Variations:

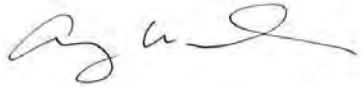
1. Exterior materials- less than 25% stucco, more than 25% wood, less than 25% stone
2. Loading/Unloading Zone Waiver

Findings:

1. The door and window cladding material approved is specified as metal to match the roof

Length of validity shall be for 18 months from the date of approval, expiring on April 6, 2024. 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 'Amy Ward', with a stylized flourish at the end.

Amy Ward

Community Development Director
Town of Mountain Village

O :: 970.369.8248 M :: 970.729.2985



AGENDA ITEM 7
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Mountain Village Town Council
FROM: Amy Ward, Community Development Director; David McConaughy, Town Attorney
DATE: February 15, 2024
RE: Ordinance Adding New Chapter 10.13 to the Mountain Village Municipal Code Concerning Helicopters

Executive Summary: Council is asked to consider on first reading an ordinance prohibiting helicopters from landing or taking off within the Town except at authorized airport fields or helistops and except in the event of an emergency.

Second Reading Update: The ordinance has been updated to provide a helistop may be used for a one time event, pursuant to a special use permit, subject to the following requirements:

1. The helistop is not on top of any building or structure.
2. The helistop would comply with all applicable federal and state regulations.
3. The applicant has a compelling purpose for needing the helistop.
4. The duration of the permit is temporary and only for a one-time event.

Overview

Currently, the Town has no regulations regarding the operation of helicopters within Town limits. The Town has received complaints of the landing and taking off of helicopters on private property. Noise levels and safety for residents are the primary concerns.

As written, the proposed ordinance would:

- prohibit any person owning, piloting, or operating any aircraft including helicopter from landing or taking off within the corporate limits of the Town, except at an authorized airport field or helistop location;
- prohibit any owner or lessee of real property within the Town from permitting any aircraft including helicopter from landing on or taking off from such property;
- prohibit the establishment of new heliports within the Town;
- acknowledge pre-existing helistops and heliports, such as the Helitrax heliport;
- provide an exception for emergency uses; and
- exempt aircrafts owned or operated by governmental agencies.

Financial Considerations

None. Other than the Helitrax heliport, there are no other helistops or heliports now in existence that would be impacted by the enactment of the ordinance.

Proposed Motion

Motion to approve on first reading an Ordinance Adding New Chapter 10.13 to the Mountain Village Municipal Code Concerning Helicopters and to set a second reading, public hearing, and final Council vote for the _____, 2024, regular Council meeting.

From: [mvclerk](#)
To: [Ed Elkins](#); [mvclerk](#)
Subject: RE: Helicopter Landings
Date: Monday, February 5, 2024 9:07:07 AM

Mr. Elkins,

Thank you for your public comment. This email serves as proof that it was received and forwarded to Council and staff.

Regards,

-----Original Message-----

From: Ed Elkins <h.e.elkins@gmail.com>
Sent: Saturday, February 3, 2024 10:28 AM
To: [mvclerk](mailto:mvclerk@mtnvillage.org) <mvclerk@mtnvillage.org>
Subject: Helicopter Landings

Caution: External Message - Please be cautious when opening links or attachments in email.

When drafting this proposed ordinance, please keep in mind that there are a few properties in Mountain Village that are extremely large, and perhaps a helicopter landing would not be disturbing to the neighbor in this case. For example, the 30 and 60 acre lots adjacent to galloping goose and the ski ranches. And no, I do not own one of those lots, but I know someone well who did, and the properties are so large that I don't think it would be an issue. Thank you.

Ed Elkins
131 AJ Dr

Sent from my iPhone

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO ADDING NEW CHAPTER 10.13 TO THE MOUNTAIN VILLAGE MUNICIPAL CODE
CONCERNING HELICOPTERS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, pursuant to its home rule authority and the provisions of C.R.S. 31-15-101, *et seq.*, the Town has the power and authority to regulate businesses and to provide for the health, safety and welfare of the citizens of the Town; and

WHEREAS, the Town Council finds that the unrestricted operation, landing, and takeoff of helicopters within the Town presents a danger to the citizens and negatively impacts the peaceful and quiet enjoyment of areas within the Town and its surrounding natural environment; and

WHEREAS, the Town finds that it is in the best interests of the health, safety, and welfare of its citizens to prohibit the establishment of new heliports and helistops within the Town as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO, as follows:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment. The Town Council hereby amends the Code by the addition of a new Chapter 10.13 as follows:

10.13 AIRCRAFT

10.13.010 Purpose.

This Chapter provides standards and requirements for the operation of aircrafts including helicopters within the Town for the purpose of protecting the health, safety, and welfare of the public by:

1. Prohibiting the establishment of new landing areas not associated with medical facilities;
2. Ensuring existing helistop compatibility with noise-sensitive land areas;
3. Protecting noise-sensitive land areas from disturbing levels of aircraft noise;
4. Ensuring the safety of citizens; and
5. Protecting property values.

10.13.020 Definitions.

- A. *Aircraft.* An aircraft is a powered or unpowered machine or device capable of atmospheric flight, except a parachute or other such device used primarily as safety equipment.

- B. *Helicopter.* A helicopter is an aircraft that depends for its motion and support in the air principally upon the lift generated by one or more power-driven rotors that rotate on substantially vertical axis but excluding unmanned aircraft that are operated without the possibility of direct human intervention from within or on the aircraft.
- C. *Heliport.* A heliport is an area of land or water or a structural surface which is used, or intended for use, for the landing and take-off of helicopters whether on a regular or irregular basis, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.
- D. *Helistop.* A helistop is the same as a heliport except that no refueling, maintenance, repairs or storage of helicopters is permitted. Helistop shall not include an area of land or water or a structural surface that is used exclusively or intended for exclusive use for the landing and take-off of aerial helicopter ambulances used in emergency situations.

10.13.030 Aircraft and Helicopter Landings at Authorized Locations Only.

- A. The following existing heliports and helistops are acknowledged as pre-existing uses under this Chapter and shall continue to be authorized in their existing locations:

Helitrax heliport located west of the Peaks Resort (136 Country Club Drive) on OS 1 R 1

- B. It shall be unlawful for any person owning, piloting, or operating any aircraft including helicopter to land or take off the same, or permit the same to be landed or to take off, within the corporate limits of the Town of Mountain Village, Colorado, except at an authorized airport field or helistop location.
- C. It shall be unlawful for any owner or lessee of real property within the Town to permit any aircraft including helicopter to land on or take off from such property unless authorized as set forth herein.
- D. It shall be unlawful for any person to establish, maintain, or operate any airport field, heliport, or helistop, except for the existing facilities described above in Subsection (A), provided, however, the Town Council may authorize a new heliport or helistop to be operated as part of a medical center or hospital providing emergency medical services to the community. Any such authorization may be subject to reasonable conditions to address the factors under Section 10.13.010, above.
- E. This Section shall not apply in the event of an emergency involving the safety of any aircraft including helicopter or its passengers, nor in those instances where the aircraft or helicopter is involved in the performance of rescue, search, law enforcement, medical evacuation, firefighting, or civil defense duties.

10.13.040 Existing Heliports and Helistops.

- A. No heliports may be erected or maintained within the Town except as set forth above.
- B. This Section shall not prohibit helistops lawfully in existence before the effective date of this Section. Any change or substantial extension of the use of the existing helistop may be authorized in the discretion of the Town Council and may include conditions to address the factors under Section 10.13.010 above. This Section shall not be construed as exempting an existing helistop from complying with all applicable Mountain Village Municipal Code provisions and state and federal regulations.

10.13.50 Exceptions.

A helistop may be erected within the corporate limits of the Town of Mountain Village as permitted by special use permit for a one-time event. Applicants must submit an application on forms provided by the Town with an application fee, as set forth in the Town’s annual fee schedule. The Town Manager, in their sole discretion, may approve a helistop permit only if the proposed helistop meets the following criteria:

1. The helistop is not on top of any building or structure.
2. The helistop would comply with all applicable federal and state regulations.
3. The applicant has a compelling purpose for needing the helistop.
4. The duration of the permit is temporary and only for a one-time event.

10.13.060 Exemptions.

This Chapter shall not apply to any aircraft including helicopters owned or operated by the state or federal government or any political subdivision, department, or agency of the state or federal government. Nothing herein is intended to preclude or limit the aerial use of helicopters within the Town for facility operations or maintenance, tourist or ski flights, forestry, construction, or other lawful purposes.

10.13.070 Penalties.

Should any person violate this Chapter, such person may be assessed a fine or penalty as provided in Section 1.08.010 of the Municipal Code for each offense. The Town is further authorized to seek injunctive relief from the municipal court to prevent future violations.

Section 3. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

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, 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. Public Hearing. A public hearing on this Ordinance was held on the ___ day of _____, 2023 in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 6. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 18th day of January, 2024.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this 15th day of February, 2024.

TOWN OF MOUNTAIN VILLAGE:

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

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

Approved as to Form:

David McConaughy, 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. 2024-__ ("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 _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez				

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 _____, 2024 in accordance with Section 5.2(d) 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 _____, 2023. 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
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez				

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 _____, 2024.

 Susan Johnston, Town Clerk
 (SEAL)



OFFICE OF THE TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 729-2654

TO: Town of Mountain Village Housing Authority (“MVHA”)
FROM: Michelle Haynes, Assistant Town Manager & Haley Carmer, Garfield & Hecht
DATE: February 15, 2024
RE: Consideration of a Resolution Amending and Restating the Lot 644, aka Meadowlark at Mountain Village deed restriction

Executive Summary: In anticipation of the Meadowlark at Mountain Village unit closings this fall, we further reviewed the deed restriction inclusive of title company review and received helpful feedback. We added, modified and clarified a few things throughout the deed restriction as well as reformatted it to be a covenant that runs with each unit. The subsequent owners sign an acknowledgement to the deed restriction, consistent with how we administer a majority of the deed restrictions in Mountain Village. This proposed document will replace and restate the former deed restriction adopted in August of 2023.

Attachment

- A. Resolution
 - a. Deed Restriction (clean)
- B. Acknowledgment
- C. Deed Restriction (redline)

Background

The development team inclusive of our title company reviewed the deed restriction and proposed the following edits and staff has added reasoning for each.

The amended and restated deed restriction is now styled as a covenant, not an agreement between MVHA and a future buyer. The covenant will be recorded against Lot 644 by Meadowlark 644 LLC as declarant and will encumber each unit built on the lot without the need to record a separate deed restriction against each unit. Instead, each subsequent unit owner will sign an acknowledgment (see attachment B.) to the covenant upon sale or transfer. This is consistent with how we administer a majority of our deed restrictions in Mountain Village.

- **Section 3.C. Maximum Resale Price.** This was amended from the maximum sales price being calculated as of the date of closing, to execution of the purchase contract. *Staff Note: date of closing can change and would create a financial and administrative headache.*
- **Section 3.I. Qualified Owner.** This was amended to make clearer that a government, or quasi-government entity could own a unit. This was also amended to make clear that in the event a qualified owner is an individual, it must be their primary residence.

- **Section 3.K. Transfer.** We wanted to make clearer that in the event a spouse transferred to the other spouse or child, so long as the grantee can otherwise qualify as a Qualified Owner, the unit would not need to be offered for purchase by the MVHA and/or enter into a lottery process like most other sales. We added addition scenarios where a transfer to a Qualified Buyer would not trigger the right of first offer and lottery requirements, such as transferring a unit for estate planning purposes, gifting the unit, or in the event of death or divorce.
- **Section 4. Occupancy Restrictions.** This also makes clearer that a Qualified Owner who is an individual must occupy the unit as their primary residence, provided that they can lease one or more rooms on a long-term basis while living in the Unit. the changes also clarify that, in event the Qualified Owner is a business or governmental entity, they may rent to Qualified Tenants with 13 month leases to assure long term renters are occupying the units.
- **Section 4.D.** reaffirms that short-term rentals are not allowed in deed restricted units.
- **Section 5.E. Transfer.** we removed the 1% of the maximum resale price MVHA administrative fee upon sale to be paid by the seller with a \$1,000 MVHA administrative fee. The administrative fee will increase annually by the greater of 3% or CPI. The administrative fee will not be assessed against the sale of any unit by Meadowlark 644 LLC as the declarant or in any sale where MVHA is the seller. *Staff note: For a 4% price capped unit to then need to pay 1% of the maximum resale price felt punitive. This is consistent with an administrative fee we charge at closing for deed restricted units pursuant to the adopted MVHA fee schedule.*
- **Section 10.B. Miscellaneous.** We added an interpretation clause to make clear the MVHA has the sole responsibility and authority to enforce and interpret, when needed, the deed restriction.

Staff recommends approving the amended and restated deed restriction as presented.

Proposed Motion

I move to adopt the resolution, attached as exhibit A, to approve the amended and restated Meadowlark at Mountain Village, Lot 644 Deed Restriction and to direct staff to update the MVHA fee schedule accordingly.

Exhibit A

**A RESOLUTION OF THE TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY
APPROVING AN AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION
FOR LOT 644, A/K/A MEADOWLARK AT MOUNTAIN VILLAGE**

RESOLUTION NO. 2024-__

WHEREAS, the Town of Mountain Village Housing Authority (the “Housing Authority”) previously owned certain real property in the Town of Mountain Village (the “Town”), San Miguel County, Colorado known as Lot 644, Mountain Village, according to the plat recorded as Reception No. 261214 (“Lot 644”); and

WHEREAS, Lot 644 is being developed as an employee housing project; and

WHEREAS, the Housing Authority conveyed Lot 644 to Meadowlark 644, LLC (“Meadowlark”) on August 29, 2023, subject to that certain Affordable Housing Deed Restriction recorded at Reception No. 482106 (the “Prior Restriction”), which Prior Restriction restricts use and occupancy of each unit to be constructed on Lot 644 pursuant to Chapter 16.01 of the Mountain Village Municipal Code; and

WHEREAS, Meadowlark desires to amend and restate the Prior Restriction as set forth in Exhibit A hereto; and

WHEREAS, at the Housing Authority’s duly noticed meeting held on February 15, 2024, after public discussion, the Housing Authority voted to approve the Amended and Restated Affordable Housing Deed Restriction attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Town of Mountain Village Housing Authority that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Housing Authority in support of the enactment of this Resolution.

Section 2. Adoption of Deed Restriction. The Housing Authority hereby approves the Amended and Restated Affordable Housing Deed Restriction for Lot 644, a/k/a Meadowlark at Mountain Village, attached hereto as Exhibit A and incorporated herein by reference.

Section 3. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Housing Authority at a regular public meeting held on February 15, 2024.

TOWN OF MOUNTAIN VILLAGE
HOUSING AUTHORITY

By: _____
Martinique Prohaska, President

ATTEST:

Susan Johnston, Housing Authority Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney

Exhibit A

[DEED RESTRICTION]



MOUNTAIN VILLAGE HOUSING AUTHORITY
455 Mountain Village Blvd.
Mountain Village, CO 81435
Housing @mtnvillage.org

**TOWN OF MOUNTAIN VILLAGE
ACKNOWLEDGEMENT OF DEED RESTRICTION
FOR MEADOWLARK AT MOUNTAIN VILLAGE**

THIS DEED RESTRICTION ACKNOWLEDGEMENT is made and executed this ____ day of _____, 20____ by _____ (“Owner”) whose mailing address is _____, for the benefit of the Mountain Village Housing Authority and its successors and /or assigns, as it pertains to certain real property located within the Town of Mountain Village more particularly described as follows:

[insert legal description here]

(the “Unit”)

I, _____, hereby verify that I have read and understand and agree to abide by the Amended and Restated Affordable Housing Deed Restriction, Residential Dwelling Units, Lot 644, Mountain Village, recorded _____ at Reception No. _____ (the “Deed Restriction”), that I am a Qualified Owner as that term is defined in the Deed Restriction, and that I acknowledge and agree to the provisions of the Deed Restriction and agree to be bound thereby.

The Purchase Price of the Unit is \$ _____

IN WITNESS WHEREOF, Owner has executed this Acknowledgement this ____ day of _____, 20____.

Purchaser of Meadowlark at Mountain Village Unit:

By: _____

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

The foregoing instrument was acknowledged before me this _____ day of _____,
20____, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

**AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION
RESIDENTIAL DWELLING UNITS, LOT 644, MOUNTAIN VILLAGE**

THIS AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION (the “Deed Restriction”) is made this ____ day of _____, 2024 (the “Effective Date”), by MEADOWLARK 644, LLC, a Colorado limited liability company and/or its assigns (the “Declarant”), for the benefit of and enforceable by the Town of Mountain Village County Housing Authority, a duly constituted housing authority established pursuant to Colorado law (“MVHA”).

RECITALS

WHEREAS, Declarant owns certain real property in the Town of Mountain Village (the “Town”), San Miguel County, Colorado known as Lot 644, according to the plat recorded at Reception No. 261214 (“Lot 644”), and is in the process of developing Lot 644 as an affordable housing project commonly known as Meadowlark at Mountain Village; and

WHEREAS, prior to conveying Lot 644 to Declarant, MVHA recorded against Lot 644 that certain Affordable Housing Deed Restriction, Residential Dwelling Units, Lot 644, Mountain Village, in the San Miguel County real property records on August 29, 2023, at Reception No. 482106 (the “Prior Restriction”); and

WHEREAS, Declarant, with the consent and approval of MVHA, desires to amend, restate, supersede, and replace, in its entirety, the Prior Restriction with this Deed Restriction; and

WHEREAS, Declarant desires to restrict the occupancy, use, and resale of each Unit constructed on Lot 644 pursuant to the terms and conditions hereof.

NOW, THEREFORE, in consideration of the Recitals as set forth above and for value received, the receipt and sufficiency of which is hereby acknowledged, the Declarant does hereby declare and covenant as follows:

COVENANTS

1. Effect of Deed Restriction. Upon recordation hereof, the Prior Restriction shall be superseded in its entirety by this Deed Restriction, and the Prior Restriction shall be of no further force or effect. Upon recordation of a plat or map creating a Unit, each Unit described and depicted thereon shall be burdened with the covenants and restrictions specified in this Deed Restriction. Any plat or condominium map of Lot 644 shall state that the Units created thereby are subject to this Deed Restriction.

2. Deed Restriction. Each Unit constructed on Lot 644 shall be subject to Chapter 16.02 of the Mountain Village Municipal Code (the “Code”), also known as the 2006 Affordable Housing Restriction, as well as the Guidelines adopted by the MVHA (defined below), except as otherwise modified herein. In the event of a conflict between Chapter 16.02 of the Code or the Guidelines and this Deed Restriction, the recorded version of this Deed Restriction shall control. This Deed Restriction constitutes a covenant that runs with the title to each Unit as a burden thereon and shall be binding on each Owner and its heirs, successors, representatives, assigns, lessees, licensees and any transferee, in perpetuity, subject to Section 10(k) below.

3. Definitions. All terms in this Deed Restriction shall have the same meanings as those used in Chapter 16.02 of the Code, unless otherwise indicated below.

A. *Allowable Home Improvements* mean those improvements to a Unit performed by the current Owner that may qualify for inclusion in the calculation of the Maximum Resale Price, as determined by the MVHA in accordance with the Guidelines and in its sole discretion, provided that the improvements are approved by the MVHA in writing prior to construction. The value of Allowable Home Improvements shall be determined at the time the improvements were completed. See Guidelines for how Allowable Home Improvements may qualify for inclusion in the Maximum Resale Price.

B. *Guidelines* means the current version of the Mountain Village Housing Authority Operating Document adopted by the MVHA, as amended and renamed from time to time.

C. *Maximum Resale Price* means the Purchase Price of a Unit paid by the last Qualified Buyer of the Unit plus (i) an annual increase of 4% of such Purchase Price each year until the Unit is Transferred to a subsequent Qualified Buyer, with such increase prorated through the date execution of a purchase contract for the Unit; and (ii) the value of Allowable Home Improvements to a Unit, as determined by the MVHA.

D. *Non-Qualified Owner* means any person or entity who acquires an ownership interest in a Unit who is not a Qualified Owner.

E. *Owner* means any person or entity who acquires an ownership interest in a Unit, including, without limitation, Qualified Owners and Non-Qualified Owners.

F. *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. In determining what is a Principal Place of Residence, the MVHA shall consider the following: business pursuits; employment; income sources; residence for income or other tax purposes; age; marital status; residence of parents, spouse and children if any; location of personal and real property; voter registration; and motor vehicle registration.

G. *Purchase Price* means all consideration paid by a Qualified Buyer for a Unit but excludes any proration amounts, taxes, costs and expenses of obtaining financing; costs of furnishings or personal property; lenders' fees; title insurance fees; closing costs; inspection fees; and real estate purchase or sales commission(s).

H. *Qualified Buyer* means a person or entity who, upon purchase of the Property, will be a Qualified Owner. To become a Qualified Buyer, a person or entity must submit an application to the MVHA, on a form provided by the MVHA, along with an application fee, as established by the annually adopted MVHA fee schedule.

I. *Qualified Owner* means an Owner who is

i. a person who does not already own a Unit on Lot 644 and that works an average of thirty-two (32) hours or more per week at a business with a physical presence within the Telluride R-1 School District boundary in San Miguel County, Colorado; or

ii. a person who does not already own a Unit on Lot 644 and that holds a valid and current business license within the Telluride R-1 School District boundary and pays sales taxes or is otherwise generally recognized as conducting an ongoing business within the Telluride R-1 School District; or

iii. a trust or corporate entity where at least one settlor, beneficiary, or owner, as applicable, is a person who otherwise qualifies as a Qualified Owner; or

iv. a business with a physical presence within the Telluride R-1 School District boundary that holds a valid and current business license within the Telluride R-1 School District boundary and pays sales taxes or is otherwise generally recognized as an ongoing business within the Telluride R-1 School District. A Qualified Owner that is a business may only own one Unit unless otherwise approved by MVHA; or

v. a governmental or quasi-governmental entity including, but not limited to, a county, municipality, school district, or special district, located within the Telluride R-1 School District; or

vi. a person who was a Qualified Owner when the person purchased a Unit, but then retires while owning the Unit and is sixty (60) years of age or older at the time of retirement, and who, for the five (5) years immediately prior to retirement, worked an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District that held a valid and current business license and paid sales taxes or was otherwise generally recognized as conducting an ongoing business within the Telluride R-1 School District.

By way of example only, if a person worked sixty-four (64) hours per week for one half of the year at a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Owner. A *Qualified Owner* does not include a person who works remotely for a business that does not have a physical presence in the Telluride R-1 School District. In the event that two (2) or more people become joint Owners of the same Unit, only one (1) must be a Qualified Owner, and the Qualified Owner must reside in the Unit as provided in Section 4.

J. *Qualified Tenant* means a person who works an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District or who holds a valid and current business license and pays sales taxes or is otherwise generally recognized as conducting an ongoing business within the Telluride R-1 School District. For example, if a person worked sixty-four (64) hours per week for one half of the year at such a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Tenant.

K. *Transfer* shall refer to and include any conveyance of ownership or title to any portion of or interest in a Unit as evidenced by any deed or instrument or writing wherein or whereby title to such portion of or interest in the Unit is granted or conveyed, subject to the exclusions provided herein. Conveyance of “ownership” for the purposes of this Deed Restriction

includes the transfer to another person or entity of more than fifty percent (50%) of the ownership interest in a corporate entity when said corporate entity owns any portion of or interest in a Unit.

Notwithstanding the foregoing, “transfer” excludes the following and Section 5 shall not apply, provided that the recipient or grantee is a Qualified Buyer:

- i. the conveyance of all or a portion of or interest in a Unit without consideration, including gifts and charitable donation conveyances involving governmental entities;
- ii. the conveyance to a Qualified Owner’s spouse, partner in a civil union, parent, sibling, or legally recognized child;
- iii. conveyance to a trust or other corporate entity for estate planning purposes where the grantor(s) are the sole settlors, beneficiaries, or owners of the trust or entity, as applicable;
- iv. any transfer of title or change of interest in real property by reason of death, will, decree, distribution, divorce, termination of joint tenancy, or other operation of law;
- v. the lease of a Unit or room(s) within a Unit to a Qualified Tenant in accordance with this Deed Restriction.

L. *Unit* means a physical portion of a building constructed on Lot 644 which constitutes a dwelling designated for separate ownership and habitation and the boundaries of which are described in or determined from a condominium map, plat, or other similar instrument.

4. Occupancy Restrictions.

A. A Qualified Owner who is a person shall continuously occupy their Unit as their Principal Place of Residence, provided that a Qualified Owner may lease one or more rooms in the Unit to a Qualified Tenant while the Qualified Owner continues to occupy the Unit as their Principal Place of Residence and provided that such lease is for a term of thirteen (13) months or more. A Qualified Owner’s immediate family members are permitted to occupy a Unit along with the Qualified Owner.

B. When a Qualified Owner is a trust or corporate entity described in Section 3(I)(iii), the individual settlor, beneficiary, or owner who qualifies as a Qualified Owner shall continuously occupy their Unit as their Principal Place of Residence, provided that the Qualified Owner may lease one or more rooms in the Unit to a Qualified Tenant while the individual continues to occupy the Unit as their Principal Place of Residence and such lease is for a term of thirteen (13) months or more. The individual Qualified Owner’s immediate family members are permitted to occupy a Unit along with the individual Qualified Owner.

C. A Qualified Owner that is a business or governmental entity may lease a Unit or part thereof to one (1) or more Qualified Tenants as the Qualified Tenant(s)’ Principal Place of Residence, provided that such lease is for a term of thirteen (13) months or more.

D. No business activity shall occur on or in a Unit, other than as permitted within the zone district applicable to the Unit. No Unit shall be used as a short term accommodation as that

term is defined in Section 17.8.1 of the Town of Mountain Village Municipal Code, as may be amended or recodified from time to time.

E. If a Qualified Owner as described in subsections a and b, above, or a Qualified Tenant as described in subsection c, above, ceases to occupy a Unit as their Principal Place of Residence, the Unit shall be transferred pursuant to Section 5. An Owner shall be deemed to have changed their Principal Place of Residence by becoming a resident elsewhere or accepting permanent employment outside of the Telluride R-1 School District.

F. A Qualified Owner must verify compliance with this Deed Restriction upon purchase of a Unit and upon any refinancing of the Unit. A Qualified Tenant must verify compliance with this Deed Restriction upon entering into a lease for the Property and thereafter bi-annually.

5. Transfer.

A. Every Transfer shall be made in accordance with this Section.

B. The Owner shall first notify the MVHA that the Owner wishes to Transfer a Unit. The MVHA shall determine the Maximum Resale Price and other applicable provisions concerning the sale (“Terms and Conditions”).

C. The MVHA shall have a right of first offer to acquire a Unit the Transfer of which is subject to this Section 5. Upon receipt of notice that the Owner wishes to Transfer a Unit, the MVHA may send a written offer to the Owner stating a specific price not to exceed the Maximum Resale Price and all Terms and Conditions of the proposed Transfer. If the Owner desires to accept said offer, the Owner shall, within ten (10) days’ from receipt thereof, send its acceptance in writing to the MVHA. Should the MVHA determine not to make an offer, or should the Owner reject the MVHA’s offer, the MVHA shall offer the Unit for sale in accordance with the Guidelines, as amended from time to time.

D. The Unit shall be transferred only to the MVHA or a Qualified Buyer and shall not be sold for more than the Maximum Resale Price. The date of closing shall be determined by the MVHA in consultation with the Owner and the Qualified Buyer.

E. Prior to or at closing, the Owner shall pay the MVHA a nonrefundable administrative fee equal to \$1,000 (the “Administrative Fee”) or as set forth in the annually adopted MVHA fee schedule, whichever is greater. The Administrative Fee shall increase on January 1 of each calendar year by the greater of 3% or CPI for the Denver/Boulder area. The MVHA may instruct the title company to pay said fee to the MVHA out of the funds held for the Owner at the closing. No such fee shall be due from Declarant or if the MVHA is the seller.

F. At closing, a Qualified Buyer shall execute, in a form satisfactory to the MVHA and for recording with the San Miguel County Clerk and Recorder, a document acknowledging this Deed Restriction and expressly agreeing to be bound by it.

6. Effect of Transfer to a Non-Qualified Owner.

A. If for any reason a Unit is transferred to a Non-Qualified Owner, the Non-Qualified Owner shall immediately contact the MVHA to Transfer the Unit pursuant to Section 5 hereof.

B. The Non-Qualified Owner shall execute any and all documents necessary for the Transfer.

C. A Non-Qualified Owner shall not: occupy the Unit; rent any part of the Unit; engage in any business activity in the Unit; or Transfer the Unit except in accordance with this Deed Restriction.

D. Each Unit is conveyed in fee simple defeasible subject to the condition that any subsequent Transfer shall be to a Qualified Owner. The MVHA shall have the right of reentry if a Unit is transferred to a Non-Qualified Owner. If the MVHA exercises its right of reentry, the MVHA shall purchase the Unit at the Maximum Resale Price. Otherwise, the Owner shall cooperate with the MVHA to offer the Unit for sale in accordance with the Guidelines, as amended from time to time.

7. Breach.

A. It shall be a breach of this Deed Restriction for an Owner, Qualified Buyer, or Qualified Tenant to violate any provision of this Deed Restriction, or to default in payment or other obligations due to be performed under a promissory note secured by a first deed of trust encumbering a Unit.

B. If the MVHA has reasonable cause to believe that an Owner, Qualified Buyer, or Qualified Tenant is violating this Deed Restriction, the MVHA may inspect the Unit after providing the Owner with twenty-four (24) hours' written notice. This Deed Restriction shall constitute permission to enter the Unit during such times upon such notice.

C. If the MVHA discovers a violation of this Deed Restriction, the MVHA shall notify the Owner, Qualified Buyer, or Qualified Tenant of the violation and allow fifteen (15) days to cure.

8. Remedies.

A. Any Transfer in violation of this Deed Restriction shall be wholly null and void and shall confer no title whatsoever upon the purported buyer. Each and every Transfer, for all purposes, shall be deemed to include and incorporate by this reference the covenants contained in this Deed Restriction, even if the Transfer documents fail to reference this Deed Restriction.

B. This Deed Restriction shall be administered by the MVHA, or its designee, and shall be enforceable by any appropriate legal or equitable action including but not limited to: specific performance; injunction requiring a Transfer of the Unit, with the costs of such Transfer to be paid out of the proceeds of the sale; abatement or eviction of non-complying owners, users or occupants; and/or such other remedies and penalties as may be provided by Colorado law or the ordinances of the Town.

C. Upon request by the MVHA, each Owner authorizes the holder of any mortgage or deed of trust against a Unit to disclose to the Town if any payments due are delinquent and the duration and amount of such delinquency.

D. Any violation of this Deed Restriction shall cause the Maximum Resale Price to freeze and remain fixed until the date such violation is fully cured, to the satisfaction of the MVHA.

E. In addition to the specific remedies set forth herein, the MVHA shall have all other remedies available at law or equity, and the exercise of one remedy shall not preclude the exercise of any other remedy.

9. Foreclosure.

A. The MVHA may require any lender to sign an acknowledgment of this Deed Restriction, on a form provided by the MVHA, but only if the MVHA reasonably determines that any such lender consent is necessary in light of previously-recorded documents.

B. An Owner shall notify the MVHA, in writing, of any notification received from a lender of past due payments or defaults in payments or other obligations within five (5) days of receipt of such notification.

C. An Owner shall immediately notify the MVHA, in writing, of any notice of foreclosure under the first deed of trust or any other subordinate security interest in the Unit, 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 Unit.

D. Within sixty (60) days after receipt of any notice described herein, the MVHA may (but shall not be obligated to) proceed to make any payment required to avoid foreclosure. Upon making any such payment, the MVHA shall have a lien on the Unit in the amount paid to cure the default and avoid foreclosure, including all fees and costs resulting from such foreclosure, which lien shall be subordinate to the foreclosing lender's interest.

E. Notwithstanding any other provision of this Deed Restriction, in the event of a foreclosure, acceptance of a deed-in-lieu of foreclosure, or assignment, this Deed Restriction shall remain in full force and effect.

F. The MVHA shall have a right of redemption in the event of foreclosure in accordance with C.R.S. §§ 38-38-301, *et seq.*, as now in effect or hereafter amended.

10. Miscellaneous.

A. Modification. This Deed Restriction may only be modified by subsequent written agreement of Declarant or its successor and MVHA. Notwithstanding the foregoing, the MVHA reserves the right to promulgate and amend, from time to time, the Guidelines, so long as such regulations are consistent with this Deed Restriction.

B. Interpretation. Questions regarding the interpretation of this Deed Restriction shall be resolved by the MVHA, subject to judicial review. MVHA shall have sole responsibility and authority for enforcement of this Deed Restriction in accordance with its terms.

C. Binding Effect. This Deed Restriction shall run with the land and be binding upon and inure to the benefit of the Declarant and its heirs, successors, and assigns, including all future Owners.

D. Severability. If any provision of this Deed Restriction 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 Deed Restriction 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. Assignment. There shall be no transfer or assignment of any of the rights or obligations of an Owner under this Deed Restriction without the prior written approval of the MVHA, except as provided above in Section 3(j).

G. Third Parties. There are no intended third-party beneficiaries to this Deed Restriction other than MVHA.

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

I. Notice. Any notice under this Deed Restriction shall be in writing and shall be deemed sufficient when directly presented or sent pre-paid, first-class United States Mail to MVHA at it's then-current address or to an Owner at the address on file with MVHA.

K. Recording. This Deed Restriction shall be recorded with the San Miguel County Clerk and Recorder. The benefits and obligations of this Deed Restriction shall run with the land and shall be binding on any subsequent holder of an interest in a Unit.

K. Savings Clause. If any of the terms, covenants, conditions, restrictions, uses, limitations, obligations or options created by this Deed Restriction 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 twenty-one (21) years.

IN WITNESS WHEREOF, the Declarant has executed this Deed Restriction as of the Effective Date.

MEADOWLARK 644, LLC, a Colorado limited liability company

By: _____
Name:
Title:

AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION
RESIDENTIAL DWELLING UNITS, LOT 644, MOUNTAIN VILLAGE

THIS AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION (the "Deed Restriction") is ~~entered into~~made this _____ day of _____, 202_____, 2024 (the "Effective Date"), by ~~and between TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY, a Colorado corporate body organized under C.R.S. §§ 29-4-201, et seq., with an address of 455 MEADOWLARK 644, LLC, a Colorado limited liability company and/or its assigns (the "Declarant"), for the benefit of and enforceable by the Town of Mountain Village Blvd., Unit A, Mountain Village, Colorado 81435 (the "MVHA"), and _____, with an address of _____ ("Buyer") (each individually a "Party" and collectively the "Parties")~~County Housing Authority, a duly constituted housing authority established pursuant to Colorado law ("MVHA").

RECITALS

WHEREAS, ~~the MVHA~~Declarant owns certain real property in the Town of Mountain Village (the "Town"), San Miguel County, Colorado known as Lot 644, according to the plat recorded at Reception No. 261214, ~~and has developed ("Lot 644"), and is in the process of developing~~ Lot 644 as an affordable housing project commonly known as Meadowlark at Mountain Village; and

~~WHEREAS, the MVHA is selling Unit _____ on Lot 644 as more particularly described on Exhibit A hereto (the "Property") to Buyer and desires to restrict the occupancy, use and resale of the Property pursuant to the terms and conditions herein.~~

WHEREAS, prior to conveying Lot 644 to Declarant, MVHA recorded against Lot 644 that certain Affordable Housing Deed Restriction, Residential Dwelling Units, Lot 644, Mountain Village, in the San Miguel County real property records on August 29, 2023, at Reception No. 482106 (the "Prior Restriction"); and

WHEREAS, Declarant, with the consent and approval of MVHA, desires to amend, restate, supersede, and replace, in its entirety, the Prior Restriction with this Deed Restriction; and

WHEREAS, Declarant desires to restrict the occupancy, use, and resale of each Unit constructed on Lot 644 pursuant to the terms and conditions hereof.

NOW, THEREFORE, ~~for and~~ in consideration of the ~~mutual promises and covenants contained herein, the~~ Recitals as set forth above and for value received, the receipt and sufficiency of which is mutually hereby acknowledged, the ~~Parties agree~~Declarant does hereby declare and covenant as follows:

COVENANTS

1. ~~Property. The Property is hereby~~Effect of Deed Restriction. Upon recordation hereof, the Prior Restriction shall be superseded in its entirety by this Deed Restriction, and the Prior Restriction shall be of no further force or effect. Upon recordation of a plat or map creating a Unit,

each Unit described and depicted thereon shall be burdened with the covenants and restrictions specified in this Deed Restriction, ~~which the Buyer shall record against the Property at its expense.~~ Any plat or condominium map of Lot 644 shall state that the Units created thereby are subject to this Deed Restriction.

2. Deed Restriction. ~~The Parties agree that the Property~~ Each Unit constructed on Lot 644 shall be subject to Chapter 16.02 of the Mountain Village Municipal Code (the “Code”), also known as the 2006 Affordable Housing Restriction, as well as the Guidelines adopted by the MVHA (defined below), except as otherwise modified herein. In the event of a conflict between Chapter 16.02 of the Code or the Guidelines and this Deed Restriction, the recorded version of this Deed Restriction shall control. This Deed Restriction constitutes a covenant that runs with the title to ~~the Property~~ each Unit as a burden thereon and shall be binding on ~~the~~ each Owner, and its heirs, successors, representatives, assigns, lessees, licensees and any transferee, in perpetuity, subject to Section ~~3~~ 10(jk) below.

3. Definitions. All terms in this Deed Restriction shall have the same meanings as those used in Chapter 16.02 of the Code, unless otherwise indicated below.

aA. *Allowable Home Improvements* mean those improvements to ~~the Property~~ a Unit performed by the current Owner that may qualify for inclusion in the calculation of the Maximum Resale Price, as determined by the MVHA in accordance with the Guidelines and in its sole discretion, provided that the improvements are approved by the MVHA in writing prior to construction. The value of Allowable Home Improvements shall be determined at the time the improvements were completed. *See* Guidelines for how Allowable Home Improvements may qualify for inclusion in the Maximum Resale Price.

bB. *Guidelines* means the current version of the Mountain Village Housing Guidelines Authority Operating Document adopted by the MVHA, as amended and renamed from time to time.

cC. *Maximum Resale Price* means the Purchase Price of a Unit paid by the last Qualified Buyer of the Unit plus: (i) an annual increase of 4% of such Purchase Price ~~over the Purchase Price for the prior year,~~ each year until the Unit is Transferred to a subsequent Qualified Buyer, with such increase prorated through the date ~~of closing~~ execution of a purchase contract for the Unit; and (ii) the value of Allowable Home Improvements to a Unit, as determined by the MVHA.

dD. *Non-Qualified Owner* means any person or entity who acquires an ownership interest in ~~the Property~~ a Unit who is not a Qualified Owner.

eE. *Owner* means any person or entity who acquires an ownership interest in ~~the Property~~ a Unit, including, without limitation, Qualified Owners and Non-Qualified Owners.

fF. *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 ~~there~~ from therefrom. In determining what is a Principal Place of Residence, the MVHA shall consider the following: business pursuits; employment; income sources; residence for income or other tax

purposes; age; marital status; residence of parents, spouse and children if any; location of personal and real property; voter registration; and motor vehicle registration.

gG. *Purchase Price* means all consideration paid by a Qualified Buyer for ~~the Property~~ a Unit but excludes: any proration amounts, taxes, costs and expenses of obtaining financing; costs of furnishings or personal property; lenders' fees; title insurance fees; closing costs; inspection fees; and real estate purchase or sales commission(s).

hH. *Qualified Buyer* means a person or entity who, upon purchase of the Property, will be a Qualified Owner. To become a Qualified Buyer, a person or entity must submit an application to the MVHA, on a form provided by the MVHA, along with an application fee, as established by the Guidelines annually adopted MVHA fee schedule.

I. Qualified Owner means an Owner who is

i. ~~Qualified Owner means an Owner who is either (i) an individual who a person who does not already own a Unit on Lot 644 and that~~ works an average of thirty-two (32) hours or more per week at a business with a physical presence within the Telluride R-1 School District boundary in San Miguel County, Colorado; or

ii. a person who does not already own a Unit on Lot 644 and that holds a valid and current business license within the Telluride R-1 School District boundary; and pays sales taxes or is otherwise generally recognized as a legitimate conducting an ongoing business; ~~and who does not already own a Unit on Lot 644, within the Telluride R-1 School District;~~ or ~~(ii)~~

iii. a trust or corporate entity where at least one settlor, beneficiary, or owner, as applicable, is a person who otherwise qualifies as a Qualified Owner; or

iv. a business with a physical presence within the Telluride R-1 School District boundary that holds a valid and current business license within the Telluride R-1 School District boundary; and pays sales taxes or is otherwise generally recognized as a legitimate business. For example, if an individual worked sixty-four (64) hours per week for one half of the year at such a an ongoing business within the Telluride R-1 School District ~~and worked elsewhere for the other half of the year, such;~~ or

v. a governmental or quasi-governmental entity including, but not limited to, a county, municipality, school district, or special district, located within the Telluride R-1 School District; or

vi. a person would constitute a Qualified Owner. In the event that two (2) or more individuals become joint Owners of the same Property, only one (1) must be a Qualified Owner. A Qualified Owner also includes an individual who was a Qualified Owner when the individual person purchased ~~the Property~~ a Unit, but then retires while owning the Property Unit and is sixty (60) years of age or older at the time of retirement, and who, for the five (5) years immediately prior to retirement, worked an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District that holds held

a valid and current business license, ~~pays and paid~~ sales taxes or ~~is~~ was otherwise generally recognized as conducting an ongoing business within the Telluride R-1 School District.

~~a legitimate business~~ By way of example only, if a person worked sixty-four (64) hours per week for one half of the year at a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Owner. A Qualified Owner does not include an individual a person who works remotely for a business outside that does not have a physical presence in the Telluride R-1 School District. In the event that two (2) or more people become joint Owners of the same Unit, only one (1) must be a Qualified Owner, and the Qualified Owner must reside in the Unit as provided in Section 4.

j. *Qualified Tenant* means ~~an individual a person~~ who works an average of thirty-two (32) hours or more per week at a business within the Telluride R-1 School District ~~that or who~~ holds a valid and current business license, ~~or and~~ pays sales taxes, or is otherwise generally recognized as ~~a legitimate~~ conducting an ongoing business within the Telluride R-1 School District. For example, if ~~an individual a person~~ worked sixty-four (64) hours per week for one half of the year at such a business within the Telluride R-1 School District and worked elsewhere for the other half of the year, such person would constitute a Qualified Tenant.

k. *Transfer* ~~means~~ shall refer to and include any conveyance of ~~the ownership of a or~~ title to ~~real property and that which is~~ any portion of or interest in a Unit as evidenced by any deed or instrument or writing wherein or whereby title to ~~real property situated in the city such portion of or interest in the Unit~~ is granted or conveyed. ~~Transfer excludes conveyances involving governmental entities, the lease of a room or rooms within the Property to a Qualified Tenant in accordance with,~~ subject to the exclusions provided herein. Conveyance of "ownership" for the purposes of this Deed Restriction, the termination of a joint tenancy, or conveyances to a spouse, partner in a civil union, parent, sibling, or legally recognized child of the seller, includes the transfer to another person or entity of more than fifty percent (50%) of the ownership interest in a corporate entity when said corporate entity owns any portion of or interest in a Unit.

Notwithstanding the foregoing, "transfer" excludes the following and Section 5 shall not apply, provided that the recipient or grantee is a Qualified Buyer:

i. the conveyance of all or a portion of or interest in a Unit without consideration, including gifts and charitable donation conveyances involving governmental entities;

ii. the conveyance to a Qualified Owner's spouse, partner in a civil union, parent, sibling, or legally recognized child;

iii. conveyance to a trust or other corporate entity for estate planning purposes where the grantor(s) are the sole settlors, beneficiaries, or owners of the trust or entity, as applicable;

iv. any transfer of title or change of interest in real property by reason of death, will, decree, distribution, divorce, termination of joint tenancy, or other operation of law;

v. the lease of a Unit or room(s) within a Unit to a Qualified Tenant in accordance with this Deed Restriction.

L. Unit means a physical portion of a building constructed on Lot 644 which constitutes a dwelling designated for separate ownership and habitation and the boundaries of which are described in or determined from a condominium map, plat, or other similar instrument.

4. Occupancy Restrictions.

~~a.~~ ~~The Property shall be continuously occupied by at least one (1) Qualified Owner or one (1) Qualified Tenant as their Principal Place of Residence.~~

A. A Qualified Owner who is a person shall continuously occupy their Unit as their Principal Place of Residence, provided that a Qualified Owner may lease one or more rooms in the Unit to a Qualified Tenant while the Qualified Owner continues to occupy the Unit as their Principal Place of Residence and provided that such lease is for a term of thirteen (13) months or more. A Qualified Owner's immediate family members are permitted to occupy a Unit along with the Qualified Owner.

B. When a Qualified Owner is a trust or corporate entity described in Section 3(D)(iii), the individual settlor, beneficiary, or owner who qualifies as a Qualified Owner shall continuously occupy their Unit as their Principal Place of Residence, provided that the Qualified Owner may lease one or more rooms in the Unit to a Qualified Tenant while the individual continues to occupy the Unit as their Principal Place of Residence and such lease is for a term of thirteen (13) months or more. The individual Qualified Owner's immediate family members are permitted to occupy a Unit along with the individual Qualified Owner.

~~bC.~~ ~~The~~A Qualified Owner that is a business or governmental entity may lease the Property, a Unit or part thereof, to one (1) or more Qualified Tenants as the Qualified Tenant(s)' Principal Place of Residence, provided that such lease is for a term of thirteen (13) months or more.

~~eD.~~ No business activity shall occur on or in the Property a Unit, other than as permitted within the zone district applicable to the Property Unit. No Unit shall be used as a short term accommodation as that term is defined in Section 17.8.1 of the Town of Mountain Village Municipal Code, as may be amended or recodified from time to time.

~~dE.~~ If a Qualified Owner as described in subsections a and b, above, or a Qualified Tenant as described in subsection c, above, ceases to occupy the Property a Unit as their Principal Place of Residence, the Property Unit shall be transferred pursuant to Section 5. An Owner shall be deemed to have changed their Principal Place of Residence by becoming a resident elsewhere or accepting permanent employment outside of the Telluride R-1 School District.

~~eF.~~ A Qualified Owner must verify compliance with this Deed Restriction upon purchase of a Unit and upon any refinancing of the Property Unit. A Qualified Tenant must verify compliance with this Deed Restriction upon entering into a lease for the Property and thereafter bi-annually.

5. Transfer.

~~aA.~~ Every Transfer shall be made in accordance with this Section.

~~b~~B. The Owner shall first notify the MVHA that the Owner wishes to Transfer ~~the Property~~a Unit. The MVHA shall determine the Maximum Resale Price and other applicable provisions concerning the sale (“Terms and Conditions”).

~~e~~C. The MVHA shall have a right of first offer to acquire ~~the Property~~a Unit the Transfer of which is subject to this Section 5. Upon receipt of notice that the Owner wishes to Transfer ~~the Property~~a Unit, the MVHA may send a written offer to the Owner stating a specific price not to exceed the Maximum Resale Price and all Terms and Conditions of the proposed Transfer. If the Owner desires to accept said offer, the Owner shall, within ten (10) days’ from receipt thereof, send its acceptance in writing to the MVHA. Should the MVHA determine not to make an offer, or should the Owner reject the MVHA’s offer, the MVHA shall ~~list~~offer the ~~Property~~Unit for sale in accordance with the Guidelines, as amended from time to time.

~~d~~D. The ~~Property~~Unit shall be transferred only to the MVHA or a Qualified Buyer and shall not be sold for more than the Maximum Resale Price. The date of closing shall be determined by the MVHA in consultation with the Owner and the Qualified Buyer.

~~e~~E. Prior to or at closing, the Owner shall pay the MVHA a nonrefundable administrative fee equal to ~~1% of the Maximum Resale Price~~\$1,000 (the “Administrative Fee”) or as set forth in the ~~Guidelines~~annually adopted MVHA fee schedule, whichever is greater. The Administrative Fee shall increase on January 1 of each calendar year by the greater of 3% or CPI for the Denver/Boulder area. The MVHA may instruct the title company to pay said fee to the MVHA out of the funds held for the Owner at the closing. No such fee shall be due from Declarant or if the MVHA is the seller.

~~f~~F. At closing, ~~the~~a Qualified Buyer shall execute, in a form satisfactory to the MVHA and for recording with the San Miguel County Clerk and Recorder, a document acknowledging this Deed Restriction and expressly agreeing to be bound by it.

6. Effect of Transfer to a Non-Qualified Owner.

~~a~~A. If for any reason ~~the Property~~a Unit is transferred to a Non-Qualified Owner, the Non-Qualified Owner shall immediately contact the MVHA to Transfer the ~~Property~~Unit pursuant to Section 5 hereof.

~~b~~B. The Non-Qualified Owner shall execute any and all documents necessary for the Transfer.

~~e~~C. A Non-Qualified Owner shall not: occupy the ~~Property~~Unit; rent any part of the ~~Property~~Unit; engage in any business activity in the ~~Property~~Unit; or Transfer the ~~Property~~Unit except in accordance with this Deed Restriction.

~~d~~D. ~~Buyer acknowledges and agrees that the Property~~Each Unit is conveyed ~~to Buyer~~ in fee simple defeasible subject to the condition that any subsequent Transfer shall be to a Qualified Owner. The MVHA shall have the right of reentry if ~~the Property~~a Unit is transferred to a Non-Qualified Owner. If the MVHA exercises its right of reentry, the MVHA shall purchase the ~~Property~~Unit at the Maximum Resale Price. Otherwise, ~~Buyer~~the Owner shall cooperate with the

MVHA to ~~list~~offer the ~~Property~~Unit for sale in accordance with the Guidelines, as amended from time to time.

7. Breach.

~~a~~A. It shall be a breach of this Deed Restriction for an Owner, Qualified Buyer, or Qualified Tenant to violate any provision of this Deed Restriction, 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~~a Unit.

~~b~~B. If the MVHA has reasonable cause to believe that an Owner, Qualified Buyer, or Qualified Tenant is violating this Deed Restriction, the MVHA may inspect the ~~Property~~Unit after providing the Owner with twenty-four (24) hours' written notice. This Deed Restriction shall constitute permission to enter the ~~Property~~Unit during such times upon such notice.

~~c~~C. If the MVHA discovers a violation of this Deed Restriction, the MVHA shall notify the Owner, Qualified Buyer, or Qualified Tenant of the violation and allow fifteen (15) days to cure.

8. Remedies.

~~a~~A. Any Transfer in violation of this Deed Restriction shall be wholly null and void and shall confer no title whatsoever upon the purported buyer. Each and every Transfer, for all purposes, shall be deemed to include and incorporate by this reference the covenants contained in this Deed Restriction, even if the Transfer documents fail to reference this Deed Restriction.

~~b~~B. This Deed Restriction shall be administered by the MVHA, or its designee, and shall be enforceable by any appropriate legal or equitable action including but not limited to: specific performance; injunction requiring a Transfer of the ~~Property~~Unit, with the costs of such Transfer to be paid out of the proceeds of the sale; abatement or eviction of non-complying owners, users or occupants; and/or such other remedies and penalties as may be provided by Colorado law or the ordinances of the Town.

~~c~~C. Upon request by the MVHA, each Owner authorizes the holder of any mortgage or deed of trust against ~~the Property~~a Unit to disclose to the Town if any payments due are delinquent and the duration and amount of such delinquency.

~~d~~D. Any violation of this Deed Restriction shall cause the Maximum Resale Price to freeze and remain fixed until the date such violation is fully cured, to the satisfaction of the MVHA.

~~e~~E. In addition to the specific remedies set forth herein, the MVHA shall have all other remedies available at law or equity, and the exercise of one remedy shall not preclude the exercise of any other remedy.

9. Foreclosure.

~~a~~A. ~~Upon execution of this Deed Restriction, the~~The MVHA may ~~simultaneously~~ require any lender to sign an acknowledgment of this Deed Restriction, on a form provided by the

MVHA, but only if the MVHA reasonably determines that any such lender consent is necessary in light of previously-recorded documents.

bB. An Owner shall notify the MVHA, in writing, of any notification received from a lender of past due payments or defaults in payments or other obligations within five (5) days of receipt of such notification.

eC. An Owner shall immediately notify the MVHA, in writing, of any notice of foreclosure under the first deed of trust or any other subordinate security interest in the ~~Property Unit~~, 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 Unit~~.

dD. Within sixty (60) days after receipt of any notice described herein, the MVHA may (but shall not be obligated to) proceed to make any payment required to avoid foreclosure. Upon making any such payment, the MVHA shall have a lien on the ~~Property Unit~~ in the amount paid to cure the default and avoid foreclosure, including all fees and costs resulting from such foreclosure, which lien shall be subordinate to the foreclosing lender's interest.

eE. Notwithstanding any other provision of this Deed Restriction, in the event of a foreclosure, acceptance of a deed-in-lieu of foreclosure, or assignment, this Deed Restriction shall remain in full force and effect.

fF. The MVHA shall have a right of redemption in the event of foreclosure in accordance with C.R.S. §§ 38-38-301, *et seq.*, as now in effect or hereafter amended.

10. Miscellaneous.

aA. Modification. This Deed Restriction may only be modified by subsequent written agreement of ~~the Parties~~ Declarant or its successor and MVHA. Notwithstanding the foregoing, the MVHA reserves the right to promulgate and amend, from time to time, the Guidelines, so long as such regulations are consistent with this Deed Restriction.

~~b. Integration. This Deed Restriction and any attached exhibits constitute the entire agreement between Buyer and the MVHA, superseding all prior oral or written communications.~~

B. Interpretation. Questions regarding the interpretation of this Deed Restriction shall be resolved by the MVHA, subject to judicial review. MVHA shall have sole responsibility and authority for enforcement of this Deed Restriction in accordance with its terms.

eC. Binding Effect. This Deed Restriction shall run with the land and be binding upon and inure to the benefit of the ~~Parties and their respective~~ Declarant and its heirs, successors, and assigns, including all future Owners.

dD. Severability. If any provision of this Deed Restriction 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.

eE. Governing Law and Venue. This Deed Restriction 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.

fF. Assignment. There shall be no transfer or assignment of any of the rights or obligations of ~~Buyer~~an Owner under this Deed Restriction without the prior written approval of the MVHA, except as provided above in Section 3(j).

gG. Third Parties. There are no intended third-party beneficiaries to this Deed Restriction other than MVHA.

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

iI. Notice. Any notice under this Deed Restriction shall be in writing and shall be deemed sufficient when directly presented or sent pre-paid, first-class United States Mail to ~~the Party~~MVHA at it's then-current address or to an Owner at the address ~~set forth on the first page of this Deed Restriction~~on file with MVHA.

jK. Recording. This Deed Restriction shall be recorded with the San Miguel County Clerk and Recorder. The benefits and obligations of ~~the Parties under~~ this Deed Restriction shall run with the land and shall be binding on any subsequent holder of an interest in ~~the Property~~a Unit.

kK. Savings Clause. If any of the terms, covenants, conditions, restrictions, uses, limitations, obligations or options created by this Deed Restriction 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 twenty-one (21) years.

IN WITNESS WHEREOF, the ~~Parties have~~Declarant has executed this Deed Restriction as of the Effective Date.

~~TOWN OF MOUNTAIN VILLAGE~~
~~HOUSING AUTHORITY~~
MEADOWLARK 644, LLC, a Colorado
limited liability company

By: _____
Name:
Title:

ATTEST:

Town Clerk

BUYER

By: _____

By: _____

Name:

Title:

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was subscribed, sworn to and acknowledged before me this ____ day of _____, 202__, by _____, as the owner of the Property 202____, by _____, as _____ of Meadowlark 644, LLC, a Colorado limited liability company.

Witness my hand and official seal. _____

My commission expires:

Notary Public

ACCEPTANCE BY THE TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY

The foregoing AMENDED AND RESTATED AFFORDABLE HOUSING DEED RESTRICTION RESIDENTIAL DWELLING UNITS, LOT 644, MOUNTAIN VILLAGE, and its terms are hereby adopted and declared by the Town of Mountain Village Housing Authority.

TOWN OF MOUNTAIN VILLAGE HOUSING AUTHORITY

By: _____

Name:

Title:

STATE OF COLORADO)
) ss.
~~(SEAL~~ COUNTY OF _____)

The above and foregoing document was acknowledged before me by _____ this _____ day of _____, 20____.

Witness my hand and official seal.

My commission expires:

Notary Public



**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Town Council
FROM: Drew Nelson, Senior Planner
FOR: Meeting of February 15, 2024
DATE: February 7, 2024
RE: Consideration of a Resolution Approving a Height Variance at Lot 165 Unit 3, 130 Cortina Drive, pursuant to CDC Section 17.3.11&12 and 17.4.16

Legal Description: Unit 3 Cortina Land Condominiums Acc To The Map Of The Cortina Land Condominiums A Colorado Common Interest Community Lot 165 Town Of Mountain Village

Address: 130 Cortina Drive

Applicant/Agent: Kristine Perpar, Shift Architects LLC

Owner: Chalets at Cortina, LLC

Zoning: Multi-Family

Existing Use: Vacant

Proposed Use: Single-Family Condominium

Lot Size: .339 acres

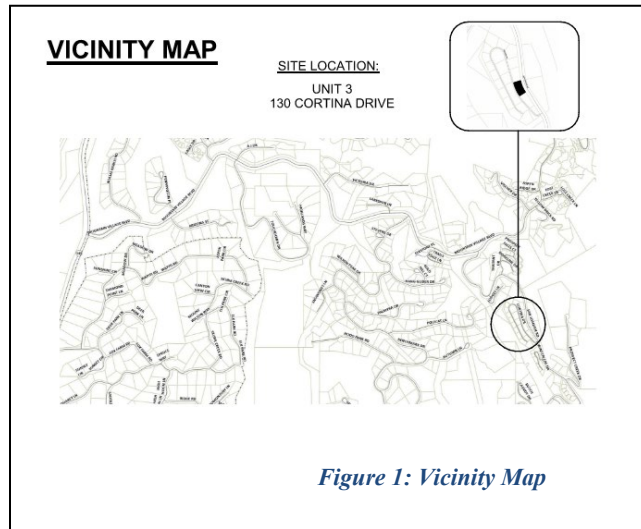


Figure 1: Vicinity Map

Adjacent Land Uses:

- **North:** Multi-Family
- **East:** Multi-Family
- **West:** Multi-Family
- **South:** Multi-Family

ATTACHMENTS

Exhibit A: Resolution

BACKGROUND:

Kristine Perpar of Shift Architects LLC is requesting a Height Variance to develop a new single-family detached condominium on Lot 165 Unit 3, 130 Cortina Drive.

The site is extremely sloped, with a majority of the site having a grade of over 50%. While the structure reads as a single story from Cortina Drive, it is a four-story building that steps down the site towards San Joaquin Road. Due to the slope of the site and the setback requirements, the applicant is requesting a maximum height and average height variance.

The DRB reviewed an initial application at a regular meeting on February 1, 2024, and has recommended approval of the variance request. The DRB also voted to continue the requested Initial Architecture and Site Review (IASR) at that meeting, which included a condition that if the Height Variance is not approved by Council, the applicant must return to DRB for an updated IASR review.

Applicable CDC Requirement Analysis: The applicable requirements cited may not be exhaustive or all-inclusive. The applicant 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.***

Table 1: Relevant information from CDC Sections 17.3.11-14; 17.5.6 (materials); 17-5.8 (parking)

<u>CDC Provision</u>	<u>Requirement</u>	<u>Proposed</u>
Maximum Building Height	35' (shed) Maximum	53.31'
Avg. Building Height	30' Maximum	35.76'
Maximum Lot Coverage	65% (9,598.4 sq ft)	21% (3,072 sq ft)
General Easement Setbacks	No encroachment	N/A
Roof Pitch		
Primary		2:12
Secondary		5:12
Exterior Material		
Stone	35% minimum	36%
Windows/Door Glazing	40% maximum	16%
Metal	n/a	
Wood	n/a	
Parking	2 spaces*	2 spaces

Chapter 17.3: ZONING AND LAND USE REGULATIONS

17.3.11 and 17.3.12: Building Height and Building Height Limits

Sections 17.3.11 and 17.3.12 of the CDC provide the methods for measuring maximum building height and average building height, along with providing the height allowances for specific types of buildings based on their roof form. The proposed design incorporates shed roof forms. Single-family condominium developments are granted a maximum height of 35 feet for shed roofs, with a maximum average of 30 feet. The average height is an average of measurements from a point halfway between the roof ridge and eave. The maximum height is measured from the highest point on a roof directly down to the existing grade or finished grade, whichever is more restrictive.

Staff: The primary roof form of the proposed structure is shed and is therefore granted a maximum height of 35 feet and an average height of 30 feet. The applicant has indicated that the maximum height of the current proposed structure is 53.31 feet and has an average height of 35.76 feet. Due to the extreme slope of the site (an average 53% slope for the site) as well as an existing retaining wall that runs parallel on Cortina Drive for the length of the property, the applicant is requesting a variance to both the maximum height and average height of 18.31 feet and 5.76 feet, respectively. The area of impact for the variance is limited to the garage area and portions of a shed roof form which is driven by the extreme slope of the lot. The height variances are desired to provide for additional

stories and square footage, as the steep natural grade of the site and the existing retaining wall limit the size of the building footprint and therefore the size of an individual story.

The applicant has indicated that they feel difficulties as it relates to accessing the site and developing a driveway that follows CDC requirements for slope.

Figures 2-5 show the elevations as they relate to the natural grade and height measurements of the proposed structure and Figure 6 shows the 35' parallel offset to show portions of the structure above the 35-foot threshold.

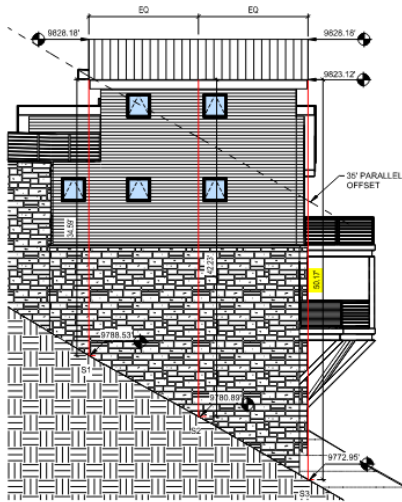


Figure 2 – South Elevation Height

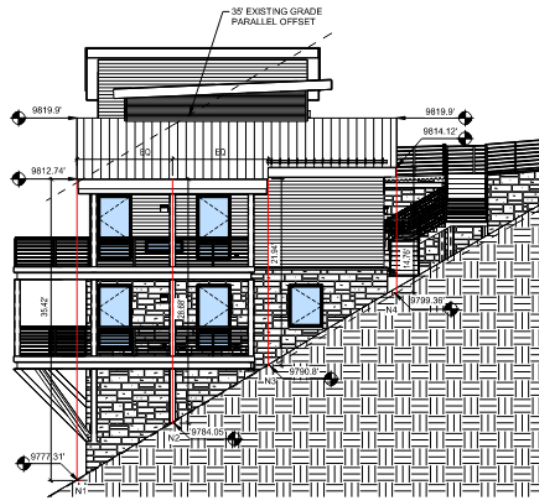


Figure 3 – North Elevation Height

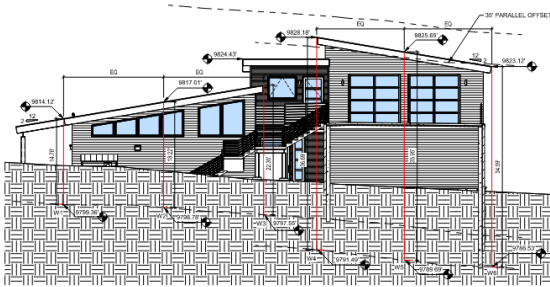


Figure 4 – West Elevation Height

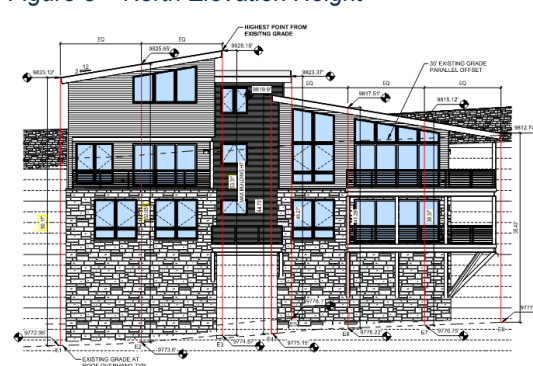


Figure 5 – East Elevation Height

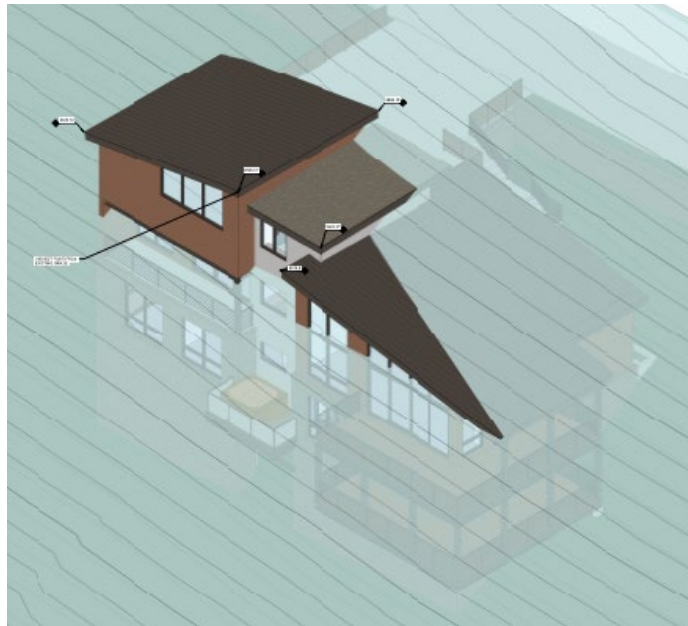


Figure 6 – Height Analysis 3D Planar View with 35' Offset

According to the CDC, the following criteria shall be met for the review authority to approve a variance:

a. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;

Staff: The entirety of the lot has significant slopes, with a majority of the site having a slope greater than 53%. Additionally, the impractical levels of excavation and site disturbance make it difficult to expand the home's footprint in order to decrease its overall height. Both circumstances limit the ability of the lot to adequately site a development within a strict application of the CDC regulation. Staff believes both of these issues could constitute special circumstances.

b. The variance can be granted without substantial detriment to the public health, safety and welfare;

Staff: This excess height poses no threat to public health, safety and welfare.

c. The variance can be granted without substantial impairment of the intent of the CDC;

Staff: Staff does not believe the granting of this variance represents a "substantial impairment of the intent of the CDC" as the proposed structure adheres to a majority of the design regulations if the CDC, as outlined throughout this memo.

d. 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, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;

Staff: The DRB has approved height variances before due to unique site conditions related to the slope of a lot. The Town Council should discuss whether this variance represents the granting of special privilege in excess of that enjoyed by other property owners.

e. Reasonable use of the property is not otherwise available without granting of a variance, and the variance being granted is the minimum necessary to allow for reasonable use;

Staff: The proposed development and associated height variance request allows the lot to be used in a manner similar to that of other sites within the Cortina subdivision and throughout Mountain Village. The Town Council should discuss if a larger driveway grade could reduce the requested height variance. The current driveway grade is at 3%, less than the 8% maximum.

f. 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;

g. The variance is not solely based on economic hardship alone; and

h. The proposed variance meets all applicable Town regulations and standards unless a variance is sought for such regulations or standards.

Staff: Staff believes the criteria for f-h are all being met.

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

DRB RECOMMENDATION

The DRB by a vote of 5-2 recommended approval to the Town Council regarding the height variance application for Lot 165 Unit 3 with conditions found in the proposed motion at their regular meeting on February 1, 2024. The two dissenting votes were based on the DRB members believing that Criteria E – “variance being granted is the minimum necessary” – was not met.

STAFF RECOMMENDATION

In terms of the Height Variance application, Staff has provided a motion for both approval and denial depending on the findings of Town Council.

If the Town Council chooses to **approve** of the **variance**, then staff suggests the following motion:

I move to approve a Resolution Approving a Height Variance allowing a maximum height of 18.31 feet above the allowable and an average height of 5.76 feet above the allowable, per the height restrictions listed in the CDC for portions of a new single-family detached condominium located at Lot 165 Unit 3, 130 Cortina Drive based on the evidence provided in the staff record of memo dated February 15, 2024, and the findings of this meeting and with the following conditions:

- 1. The approved height variance is valid only with the design presented for Initial DRB review on March 7, 2024, and is valid only for the 18-month period of that design approval. One 6-month extension of the original design review approval is allowable.*
- 2. The height variance is specific to the area described in the staff memo in figure 2, and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.*

If the Town Council chooses to **deny** the **variance** then staff suggests the following motion:

I move to deny a Resolution Approving a Height Variance at Lot 165, Unit 3, 130 Cortina Drive based on the evidence provided in the staff record of memo dated February 15, 2024 and the findings of this meeting.

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO APPROVING A VARIANCE OF THE MAXIMUM HEIGHT LIMITATIONS OF
THE MOUNTAIN VILLAGE MUNICIPAL CODE TO UNIT 3, LOT 165**

RESOLUTION NO. _____

WHEREAS, Chalets at Cortina 2, LLC (the "Owner") is the owner of certain real property described as Unit 3, Lot 165, Mountain Village, Colorado, Assessor Parcel No. 477903405004, and commonly known as 130 Cortina Drive (the "Property"); and

WHEREAS, Kristine Perpar of Shift Architects, LLC (the "Applicant"), with the Owner's consent, has submitted a request to the Town of Mountain Village (the "Town") for a variance to the maximum height limitations (the "Variance Request") found in the Town's Community Development Code ("CDC") for the purpose of developing a single-family detached condominium on the Property; and

WHEREAS, the Variance Request consists of the materials submitted to the Town, plus all statements, representations, and additional documents of the Applicant and its representatives made or submitted at the public hearings before the DRB and Town Council; and

WHEREAS, the DRB held a public hearing on February 1, 2024, to consider the Variance Request and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to issue a recommendation of approval to Town Council of the Variance Request; and

WHEREAS, the Town Council held a public hearing on February 15, 2024, to consider the Variance Request, the DRB's recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted unanimously to approve this Resolution ("Variance Approval"); and

WHEREAS, the public hearings and meetings to consider the Variance Request were duly noticed and held in accordance with the CDC; and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.16 of the CDC and finds that each of the following have been satisfied or will be satisfied upon compliance with the conditions of this Resolution set forth below:

1. The strict development application of the CDC regulations would result in exceptional and undue hardship upon the property owner in the development of property lot because of special circumstances applicable to the lot such as size, shape, topography or other extraordinary or exceptional physical conditions;
2. The variance can be granted without substantial detriment to the public health, safety and welfare;
3. The variance can be granted without substantial impairment of the intent of the CDC;
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, such as without limitation, allowing for a larger home size or building height than those found in the same zone district;
5. Reasonable use of the property 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.

WHEREAS, the Town Council now desires to approve the Variance Request, subject to the terms and conditions set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Mountain Village, Colorado, that:

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Resolution.

Section 2. Approval. The Town Council hereby approves a variance of 13.79 feet above the allowable maximum height and a variance of 4.29 feet above the allowable average height as outlined in the CDC for portions of a new single-family detached condominium to be constructed on the Property, as described in the Variance Request.

Section 3. Conditions. The Variance Approval is subject to the following terms and conditions:

- 3.1. The approved height variance is valid only with the design presented for Initial DRB review on March 7, 2024, and is valid only for the 18 month period of that design approval. One 6-month extension of the original design review approval is allowable.
- 3.2. The height variance is specific to the area described in the staff memo in figure 2 and represented in the DRB approved drawings. Should any modifications to the building design occur, including future expansion, that the variance would not cover portions of the building that are not thus described.

Section 4. Effective Date. This Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED by the Town of Mountain Village Town Council at a regular public meeting held on February 15, 2024.

TOWN OF MOUNTAIN VILLAGE,
COLORADO

By: _____
Martinique Prohaska, Mayor

ATTEST:

Susan Johnston, Town Clerk

APPROVED AS TO FORM:

David McConaughy, Town Attorney



Agenda Item 10
**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 369-8250

TO: Mountain Village Town Council
FROM: Drew Nelson, Senior Planner
FOR: Town Council Meeting – February 15, 2024
DATE: February 8, 2024

RE: Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166 Unit 10, Stonegate, pursuant to CDC 17.3.11 and 17.4.16

Staff is requesting that this be continued to the March 21, 2024 Town Council Meeting

BACKGROUND: Staff is requesting a continuation of the Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166, Unit 10, Stonegate, pursuant to CDC sections 17.3.11 and 17.4.16. The memo is being provided not to open the public hearing but solely for the purpose of the Town Council providing a motion to continue to the March 21, 2024 meeting date.

Council also has the ability to table the item, which would require the applicant to re-notice the project at a time in the future.

RECOMMENDED MOTION: I move to continue the Consideration of a Resolution Approving a Height Variance of 8' above maximum allowable height for Lot 166, Unit 10, Stonegate, pursuant to CDC 17.3.11 and 17.4.16 to the regular March 21, 2024 Town Council Meeting

/DN



Agenda Item 12
**COMMUNITY DEVELOPMENT
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-139

TO: Mountain Village Town Council
FROM: Amy Ward, Community Development Director
FOR: February 15, 2024
DATE: February 8, 2024
RE: First Reading, Setting of a Public Hearing and Council Vote on an Ordinance to Amend the CDC Section 17.6.1(B) - Wetlands Regulations

ATTACHMENTS

Exhibit 1: Garfield Hecht Memo re: TOMV Wetlands Regulations
Exhibit 2: CDC Wetland Regulations redline
Exhibit 3: Proposed Ordinance

PUBLIC COMMENT

None received

DESIGN REVIEW BOARD (DRB) RECOMMENDATION

The DRB found that changes to the wetland regulations could be recommended with the removal of some added language referencing “compelling public purpose such as affordable housing” that had been added to CDC 17.6.1.B.2.d, and 17.6.1.B.2.i as shown in ~~red strike-through text~~ in the attached redline (Exhibit 2). With the above referenced changes, DRB provided unanimous recommendation to Town Council to approve the changes to wetlands regulations per the attached redline and Ordinance. The attached Ordinance incorporates the proposed edits as proposed by the DRB.

STAFF ANALYSIS AND RECOMMENDATION

It should be noted that CDC 17.6.1.B.2.b in the existing wetlands regulations states “Provide appropriate setbacks to wetland areas to the extent practicable. There will be situations where wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs.” and could also apply to compelling public purposes such as affordable housing.

Staff recommends approval of the Ordinance as proposed.

PROPOSED MOTION

I move to approve on first reading an Ordinance to Amend the CDC Section 17.6.1.B- Wetlands Regulations

/aw

EXHIBIT 1

Glenwood Springs Office
910 Grand Avenue, Suite 201
Glenwood Springs, Colorado 81601
Telephone (970) 947-1936
Facsimile (970) 947-1937

GARFIELD & HECHT, P.C.
ATTORNEYS AT LAW
Since 1975

www.garfieldhecht.com

MEMORANDUM

To: Town of Mountain Village Town Council

From: Garfield & Hecht, P.C.

Date: February 8, 2024

RE: Town of Mountain Village Wetlands Regulations

The Town of Mountain Village (“TMV”) regulates wetland disturbance associated with land use and development within TMV. TMV’s wetlands regulations are codified in Section 17.6.1(B) of the Community Development Code (the “Wetland Regulations”). Additionally, certain parts of TMV are subject to both the Wetland Regulations and a Wetland Management Plan (“WMP”) imposed by the Consent Decree entered into by the Environmental Protection Agency (“EPA”) and Telluride Ski and Golf (“TelSki”) in 1997. The Consent Decree was the negotiated conclusion of an EPA enforcement action involving unauthorized fill of wetlands in what is now TMV. The wetlands subject to the WMP are those wetlands identified in the WMP or located on land now owned by TelSki or owned by Telski as of April 1997. The Consent Decree was terminated in 2013, but per Section 19 of the Consent Decree, the WMP remains in effect until modified or terminated by the EPA.

The state and federal governments also regulate wetland disturbance under the Clean Water Act, 33 U.S.C. §§ 1251, *et seq.* (the “CWA”) and Colorado Water Quality Control Act, C.R.S. §§ 25-8-101, *et seq.* (“WQCA”), and their respective implementing regulations. The EPA and Army Corps of Engineers (“ACOE”) administer the CWA, while the Colorado Department of Public Health and Environment (“CDPHE”) and its commissions administer the WQCA.

Whether a “wetland” is subject to the CWA and/or WQCA depends on the definition of “wetland.” The CWA applies to “navigable waters” which is defined to mean “the waters of the United States, including the territorial seas.” The state WQCA is and has historically been broader than CWA jurisdiction in that the WQCA covers “state waters,” which means “any and all surface and subsurface waters which are contained in or flow through the state.” Regulations promulgated by CDPHE under the WQCA define wetlands as “those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.” 5 CCR1002-31.5(36).

Based on the CWA definition of “navigable waters,” the federal agencies only have authority over those wetlands that are considered “waters of the United States.” “Waters of the

United States” is not further defined in the CWA, so the implementing agencies (EPA and ACOE) have adopted a definition through the administrative rulemaking process. The definitions have changed over time based on evolving agency interpretation of the term and federal appellate and supreme court case law but have come to include wetlands when they are adjacent to or connected with a “water of the United States.”

The regulatory definition of “waters of the United States” was recently challenged and ultimately struck down when the U.S. Supreme Court issued its opinion in *Sackett v. EPA* in May 2023. The question in *Sackett* was whether certain “wetlands” on the Sacketts’ property in Idaho were considered “waters of the United States” and therefore subject to the CWA and EPA enforcement action. SCOTUS determined that the then-current definition of “waters of the United States” adopted and implemented by the EPA did to comport with the language and intent of the CWA and therefore adopted a new definition of the term. Specifically, SCOTUS interpreted “waters of the United States” to mean “a relatively permanent body of water connected to traditional interstate navigable waters.” It went on to determine that “wetlands” are only considered “waters of the United States” and subject to CWA jurisdiction if the wetland has a continuous surface connection with a water that is a “water of the United States in its own right,” making it difficult to determine where the “water” ends, and the “wetland” begins.

TMV’s Wetland Regulations currently define wetland as “an area where water is at, near, or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.” CDC Sec. 17.8.1. Because the CDC refers to ACOE regulations to define wetlands, the scope of the Wetland Regulations—and therefore TMV’s land use authority over them—is effectively defined by federal law. Accordingly, at present, wetlands subject to the Wetland Regulations are limited to the narrower reach of the CWA established in *Sackett* and, relatedly, the new definitions of “waters of the United States” and wetlands adopted by the ACOE in response to *Sackett*. See Exhibit A.

Conversely, even though the Consent Decree/WMP were established under and based on the CWA, the scope of the WMP remains the same despite the changes brought about by *Sackett*. As is articulated in both the Consent Decree and WMP, the WMP applies to the wetlands identified in the WMP, whether or not they are jurisdictional wetlands—i.e., wetlands that fall within the purview of the CWA. And because the WMP was imposed under the Consent Decree and the WMP survived termination of the Consent Decree, its provisions apply unless/until modified or terminated by the EPA or a federal court. Thus, there will no change in the Town’s enforcement of the WMP.

To ensure that wetlands that are important to the TMV environment remain protected—at least with respect to development activities—withstanding changes that have occurred or may occur in federal regulations, staff is proposing certain changes to the CDC. Those changes are set forth in the ordinance provided with this memorandum.

First and foremost, staff proposes that the definition of “wetlands” be amended to remove the reference to ACOE determinations and defer to the more general description currently included in the CDC definition. Because this new definition is broader than the federal definition of

“wetlands” following *Sackett*, the Wetland Regulations will apply to wetlands that are subject to federal regulation and to those that are not. Second, since the definition of wetlands will not track ACOE delineations, there will be no need for ACOE review of land use applications. Accordingly, those requirements are proposed for removal from CDC Section 17.6.1.B. Instead, an applicant must provide a wetlands report prepared by a qualified professional that identifies wetlands on the subject and adjacent properties that meet the new CDC definition. Finally, the proposed CDC amendments include an option to request a waiver from Town Council from compliance with the Wetland Regulations. The waiver process will provide a formal mechanism to effectuate CDC Section 17.6.1.B.2.b, which acknowledges that there may be situations where “wetland fill or no wetland setbacks are appropriate to implement the Comprehensive Plan, allow for reasonable use, or for site-specific issues or project needs.”

We will be available at the February 15, 2024, Town Council meeting to discuss the proposed CDC changes further with Council. Thank you.

EXHIBIT A

33 CFR 328.3(a)

(a) *Waters of the United States* means:

(1) Waters which are:

(i) Currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;

(ii) The territorial seas; or

(iii) Interstate waters;

(2) Impoundments of waters otherwise defined as waters of the United States under this definition, other than impoundments of waters identified under [paragraph \(a\)\(5\)](#) of this section;

(3) Tributaries of waters identified in [paragraph \(a\)\(1\)](#) or [\(2\)](#) of this section that are relatively permanent, standing or continuously flowing bodies of water;

(4) Wetlands adjacent to the following waters:

(i) Waters identified in [paragraph \(a\)\(1\)](#) of this section; or

(ii) Relatively permanent, standing or continuously flowing bodies of water identified in [paragraph \(a\)\(2\)](#) or [\(a\)\(3\)](#) of this section and with a continuous surface connection to those waters;

(5) Intrastate lakes and ponds not identified in [paragraphs \(a\)\(1\)](#) through [\(4\)](#) of this section that are relatively permanent, standing or continuously flowing bodies of water with a continuous surface connection to the waters identified in [paragraph \(a\)\(1\)](#) or [\(a\)\(3\)](#) of this section.

...

(c) In this section, the following definitions apply:

(1) **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(2) **Adjacent** means having a continuous surface connection.

EXHIBIT 2

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTIONS 17.4.2, 17.4.3, 17.6.1, AND 17.8.1 OF THE MOUNTAIN VILLAGE
MUNICIPAL CODE REGARDING WETLAND REGULATIONS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, the Town has adopted zoning and subdivision regulations codified at Title 17 of the Mountain Village Municipal Code and referred to as the Community Development Code (the “CDC”); and

WHEREAS, the CDC Section 17.6.1 includes regulations regarding the preservation and protection of wetlands; and

WHEREAS, the issuance of the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* has created ambiguity and inconsistency in the scope of wetlands subject to regulation under the CDC; and

WHEREAS, Town Council now desires to amend the CDC’s definition of “wetlands” and other relevant portions of CDC Chapter 17.4 and Section 17.6.1.

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

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment of CDC Sec. 17.8.1. The Town Council hereby amends CDC Section 17.8.1 of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

Wetlands. An area where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. ~~Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.~~

Section 3. Amendment of CDC Sec. 17.6.1. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

B. *Wetland Regulations.*

...

2. Standards

d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that ~~(i) the development proposed in the land use application serves a compelling public purpose including, but not limited to, affordable housing, and a waiver is granted pursuant to Section 17.6.1.B.2.j, or (ii)~~ there is not a practicable alternative to avoiding such activities and if the following criteria are met:

...

iii. ~~the United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval or has approved the required federal permits~~ **all state and federal permits related to the disturbance or fill (if any) have been approved.**

...

f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands **report and delineation performed by a USACE qualified wetlands consultant or other appropriate professional. The wetlands report required by this section must have been prepared within 5 years of the date of the development application and shall include an analysis of whether the wetlands are subject to any federal or state wetland permitting process in effect as of the date of the development application.**

~~i. Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.~~

~~(a) The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.~~

~~(b) ACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.~~

...

i. Any development application that proposes wetland fill **to a wetland that is subject to federal and/or state regulation** shall be referred to the USACE **appropriate state or federal agency** in accordance with the Referral and Review Process to ensure compliance with the federal **and state** wetland permitting process.

j. Through a Class 5 application, whether as a standalone application or in conjunction with another land use application, an applicant may request from Town Council a waiver of the Wetland Regulations for projects that serve a compelling public purpose including, but not limited to, affordable housing. Town Council may, after weighing the public benefits to be gained by the subject application and the purpose and intent of these Wetland Regulations, grant the waiver in whole or in part and with or without conditions. Town Council shall be the sole review authority with authorization to grant a waiver from these Wetland Regulations.

Section 4. Amendment of CEC Sec. 17.4.2.B. Town Council hereby amends “Table 4-1 Development Application Classes” set forth in CDC Section 17.4.2.B to include the language in **bold** and underlined under the “Subdivision” portion of Table 4-1:

Development Application Type	Application Class	Review Authority
<u>Wetland Regulations Waiver under CDC Sec. 17.6.1.B.2.j</u>	Class 5	Town Council

Section 5. Amendment of CDC Sec. 17.4.3.J.5. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

17.4.3. *Development Review Procedures*

...

J. *Step 10: Review Authority Public Hearing or Meeting.*

...

5. *Other Class 5 Applications.* Minor subdivision, **requests for waiver of Wetland Regulations under CDC Section 17.6.1.B.2.j,** and other class 5 development applications do not require a public hearing.

Section 6. Effect of Ordinance. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

Section 7. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, 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 9. Effective Date. This Ordinance shall become effective on fourteen (14) days after final publication pursuant to Section 4.3 of the Town Charter and shall be recorded in the official records of the Town kept for that purpose and shall be authenticated by the signatures of the Mayor and the Town Clerk.

Section 10. Public Hearing. A public hearing on this Ordinance was held on the ____ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 11. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____ 2024

TOWN OF MOUNTAIN VILLAGE:
TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:
TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

By: _____
David McConaughy, 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. 2024-____ (the "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 _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	"Absent"	"Abstain"
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

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 _____ in accordance with Section 5.2(d) 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 _____. 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"
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar E. Gomez (Rick)				

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 _____ 2024.

By: _____
Susan Johnston, Town Clerk (SEAL)

EXHIBIT 3

ORDINANCE NO. 2024-__

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE
AMENDING SECTIONS 17.4.2, 17.4.3, 17.6.1, AND 17.8.1 OF THE MOUNTAIN VILLAGE
MUNICIPAL CODE REGARDING WETLAND REGULATIONS**

WHEREAS, the Town of Mountain Village (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town of Mountain Village Home Rule Charter of 1995, as amended (“Charter”); and

WHEREAS, the Town has adopted zoning and subdivision regulations codified at Title 17 of the Mountain Village Municipal Code and referred to as the Community Development Code (the “CDC”); and

WHEREAS, the CDC Section 17.6.1 includes regulations regarding the preservation and protection of wetlands; and

WHEREAS, the issuance of the United States Supreme Court decision in *Sackett v. Environmental Protection Agency* has created ambiguity and inconsistency in the scope of wetlands subject to regulation under the CDC; and

WHEREAS, Town Council now desires to amend the CDC’s definition of “wetlands” and other relevant portions of CDC Chapter 17.4 and Section 17.6.1.

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

Section 1. Recitals. The above recitals are hereby incorporated as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment of CDC Sec. 17.8.1. The Town Council hereby amends CDC Section 17.8.1 of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

Wetlands. An area where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. ~~Determination of wetlands area boundaries shall be according to the United States Army Corps of Engineers delineation requirements.~~

Section 3. Amendment of CDC Sec. 17.6.1. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

B. *Wetland Regulations.*

...

2. Standards

d. The review authority shall only allow for wetland disturbance or fill if it is demonstrated that there is not a practicable alternative to avoiding such activities and if the following criteria are met:

...

iii. ~~the United States Army Corps of Engineers (“USACE”) has reviewed the proposed wetland disturbance or fill and has either recommended approval or has approved the required federal permits~~ **all state and federal permits related to the disturbance or fill (if any) have been approved.**

...

f. All development applications for lots that contain wetlands or that are in close to proximity of wetlands on adjoining lots shall, as a part of the applicable development application, submit a wetlands **report and** delineation performed by a USACE qualified **wetlands** consultant **or other appropriate professional.** **The wetlands report required by this section must have been prepared within 5 years of the date of the development application and shall include an analysis of whether the wetlands are subject to any federal or state wetland permitting process in effect as of the date of the development application.**

i. ~~Written verification of the delineation from the USACE is required prior to the review authority issuing the final CDC required development approval.~~

(a) ~~The review authority may also, as a condition of the final approval, require the submission of the USACE wetland delineation verification prior to the issuance of a development permit.~~

(b) ~~ACE written approval of wetland delineations typically expire after five (5) years. A new wetland delineation approval letter from the USACE shall be submitted if the original wetland delineation approval has expired.~~

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i. Any development application that proposes wetland fill **to a wetland that is subject to federal and/or state regulation** shall be referred to the USACE **appropriate state or federal agency** in accordance with the Referral and Review Process to ensure compliance with the federal **and state** wetland permitting process.

j. Through a Class 5 application, whether as a standalone application or in conjunction with another land use application, an applicant may request from Town Council a waiver of the Wetland Regulations. Town Council may, after weighing the public benefits to be gained by the subject application and the purpose and intent of these Wetland Regulations, grant the waiver in whole or in part and with or without conditions. Town Council shall be the sole review authority with authorization to grant a waiver from these Wetland Regulations.

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Development Application Type	Application Class	Review Authority
<u>Wetland Regulations Waiver under CDC Sec. 17.6.1.B.2.j</u>	Class 5	Town Council

Section 5. Amendment of CDC Sec. 17.4.3.J.5. The Town Council hereby amends CDC Section 17.6.1.B. of the Code as follows, with added language in **bold** and underlined typefaces and removed language ~~stricken~~.

17.4.3. *Development Review Procedures*

...

J. *Step 10: Review Authority Public Hearing or Meeting.*

...

5. *Other Class 5 Applications.* Minor subdivision, **requests for waiver of Wetland Regulations under CDC Section 17.6.1.B.2.j,** and other class 5 development applications do not require a public hearing.

Section 6. Effect of Ordinance. Those provisions on the Code not expressly amended by this Ordinance shall remain unchanged and in full force and effect.

Section 7. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

Section 8. Safety Clause. The Town Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the Town, 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.

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Section 10. Public Hearing. A public hearing on this Ordinance was held on the ____ day of _____, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 11. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.9 of the Charter.

INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado this ____ day of _____ 2024.

TOWN OF MOUNTAIN VILLAGE:

TOWN OF MOUNTAIN VILLAGE, COLORADO, a Home-Rule Municipality

By: _____
Martinique Prohaska, Mayor

ATTEST

By: _____
Susan Johnston, Town Clerk

Approved as to Form:

By: _____
David McConaughy, 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. 2024-____ (the "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 _____, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	“Yes”	“No”	“Absent”	“Abstain”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar Gomez				

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 _____ in accordance with Section 5.2(d) of the Town of Mountain Village Home Rule Charter.

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Council Member Name	“Yes”	“No”	“Absent”	“Abstain”
Marti Prohaska, Mayor				
Scott Pearson, Mayor Pro Tem				
Jack Gilbride				
Peter Duprey				
Harvey Morgenson				
Tucker Magid				
Huascar Gomez				

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 _____ 2024.

By: _____
Susan Johnston, Town Clerk (SEAL)



**COMMUNITY DEVELOPMENT
DEPARTMENT**
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 728-13

TO: Mountain Village Town Council

FROM: Amy Ward, Community Development Director
Finn Kjome, Scott Pittinger, Public Works Directors
Jim Loebe, Transit and Recreation Director

FOR: February 15, 2024

DATE: February 5, 2024

RE: Work session regarding Meadow Sub-area Action Plan (Near Term) and Potential Improvements

PURPOSE:

This work session is meant as a check-in with Council to take a look at The Meadows Sub-Area and possible upcoming improvements as well as to review Action Items listed on the 2022 Amended Comprehensive Plan. Additionally, staff is requesting feedback/direction on some items to assure that we are planning accordingly. Staff recognizes that some of the items on this list cannot be fully vetted without a more comprehensive review, we are just looking for general direction from Council on some of these items and would necessarily come back for further review by Council of items that require additional funding, detailed plan review or additional feedback.

MEADOWS SUB-AREA

The 2022 amended Town of Mountain Village Comprehensive Plan describes the Meadows Sub-Area Plan Principles and Policies “as a neighborhood for locals and provides primarily deed-restricted housing opportunities serving many year-round residents,” with “Multimodal transportation infrastructure and amenities ensure that the Meadows is accessible and well-connected internally and to other prominent destinations in Mountain Village,” that “serves as a community base for access to the ski area and other outdoor recreation. Mountain Village promotes a healthy, active lifestyle through provision of recreational amenities in the Meadows, direct access from the Meadows to surrounding outdoor recreation opportunities, and preservation of open space.” It further states that, “Essential amenities and services that improve the quality of life for local residents are provided in the Meadows,” and that “Strategic development and redevelopment enhances the Meadows. New development in the Meadows serves the full-time residential population and transitions sensitively to the surrounding neighborhood. New development provides public benefits as required and appropriate, prior to construction. The Town of Mountain Village ensures infrastructure capacity and maintenance needs are met related to any new development prior to construction.”



ACTION PLAN (Near Term)

In order to successfully meet the metrics of these stated Principles and Policies, action will need to be taken by the Town and private landowners to ensure that improvements and further development in the Meadows help to achieve these goals. During the Comprehensive Plan Revision Process the Meadows Subarea Plan was guided by input from the Meadows Resident Advisory Board (MRAB) who created an Action Table that lists specific action items for near-term, mid-term and long-term actions that can be used to accomplish Sub-area goals.

There are 11 near-term actions listed in the Comprehensive Plan, listed below. Mid-term and long-term actions can be discussed at a later date.

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Table 9. Meadows Action Table

Timeframe	Priority Order	Action Item (Short Name)	Action Item	Order of Magnitude Cost	Implementation Leaders and Key Stakeholders
NEAR-TERM ACTIONS					
Near-Term	1	Conduct Parking Assessment	Conduct a Meadows parking assessment, including analysis of supply, demand, and an evaluation of current parking requirements. <i>(Principle II)</i>	\$	Public Works & Utilities, Transportation, Town Manager, <i>property owners</i>
Near-Term	2	Plan Upgraded Chondola to Village Center	Partner with TSG to fund and design a Meadows/ Village Center year-round connection through upgrading the chondola to a year-round pulse gondola. <i>(Principle II)</i>	\$\$	Public Works & Utilities, Transportation, TSG, TMVOA, <i>property owners</i>
Near-Term	3	Plan Gondola Connection to Town Hall Center	Partner with TSG to evaluate alternatives, fund, and design a Meadows/ Town Hall Center year-round mass transit/gondola connection. <i>(Principle II)</i>	\$\$	Public Works & Utilities, Transportation, TSG, TMVOA, <i>property owners</i>
Near-Term	4	Assess Additional Road and/ or Emergency Route	Evaluate opportunities, including preliminary engineering and design, to provide a new multimodal road (in addition to Adams Ranch Road) in/out of the Meadows for year-round use. If an additional year-round road is determined to be infeasible, evaluate opportunities to provide an additional emergency ingress/egress vehicular route. <i>(Principle II)</i>	\$\$	Public Works & Utilities, Transportation, Town Manager, Police, Fire Department, TMVOA, <i>property owners</i>

1. Parking Assessment – The recent parking system analysis done by Walker Consulting does not speak to expansion of parking in the Meadows subarea, only expansion in GPG. Jim Loebe reports that the Meadows Lot as currently configured more than meets the needs of residents. One issue from past discussions regarding parking is that previous developments that were approved did not seem to provide enough parking for their residents, therefore there are compliance issues with residents parking in fire lanes, etc. Any code amendment contemplated that would change the requirements for parking would not address the issue with previously approved developments. Staff would also note that the current trend in parking is to minimize parking requirements as they often serve as a barrier to community housing development. Minimally with future development we want to assure drive lane widths are adequate, fire access and turn arounds are adequate and parking requirements are met. Significant public benefits would otherwise be sought should parking variations, via a PUD, were to be considered in the Meadows.

Staff is seeking input:

- a. *on whether a parking study needs to be conducted*
 - b. *whether parking requirements for future development should be re-considered (noting that if this is the case it would apply town-wide in multi family development, and would be a broader discussion to be had at a later date)*
 - c. *see further discussion regarding Meadows Parking Lot below in #7*
2. Plan upgraded chondola to Village Center – This requires partnership with Telski. Problems related to golf course/chondola interactions.

No action currently proposed. This was a discussion point with a prior development proposal and those discussions did not result in a change of chondola hours or duration. Does Council want to pursue discussions regarding this?

3. Plan Gondola connection to Village Center – Initial meeting with TMVOA regarding Town Hall Subarea improvements (inclusive of possible gondola substation) was conducted in 2023.

This item is being discussed in the Gondola leadership meetings.

4. Assess Additional Road/Emergency Route

Staff is aware of an EIAF Grant (DOLA) Climate Resilience Grant in 2024 that would be appropriate to request funding to work with a consultant to look at emergency egress route planning.

Near-Term	5	Explore Short-Term Rental Regulations	Explore regulations for short-term rentals in the Meadows and provide resources to HOAs to manage related impacts. <i>(Principle I)</i>	\$	Planning & Development Services, HOA's, STR companies
Near-Term	6	Mitigate Beaver Damage to Trees	Mitigate and prevent additional beaver damage to trees through wrapping/fencing of trees in close proximity to wetlands and/or another appropriate method. <i>(Principle III)</i>	\$	Public Works & Utilities, Parks & Recreation, Environment, property owners

5. Explore Short Term Rental Regulations.

Staff notes that the community as a whole has not desired to impose short term rental regulations pursuant to discussions at the tail end of the comprehensive amendment adoption process. Perhaps the better direction is to consider 3rd party monitoring of short term rental sites for those that may be short term renting illegally, aka a deed restricted unit. However, this document is expressing the desires of the Meadows residents which perhaps should be the point of the discussion, who feel that short term rentals are problematic in a primarily residential neighborhood.

Staff is seeking input:

- a. *On whether short term rental regulations should be pursued at this time*
- b. *If the directive is yes, this would be agendized for further discussion at another hearing*

6. Mitigate Beaver Damage to trees

Trees in proximity to public trails have been wrapped in wire for protection. Due to the nature of beavers that continue to move to find food sources, this will be an on-going task.

Near-Term	7	Install Additional Landscaping and Plant New Trees	<p>Through a combination of public investment and partnership with private property owners, plant new trees and install additional landscaping elements, including:</p> <ul style="list-style-type: none"> » The north side of Adams Ranch Road, especially between Coyote Court and the Boulders entrance.] » The south side of the existing sidewalk on Adams Ranch Road. » Flowering shrubs such as lilacs in all public and private parking areas. » Replace unhealthy trees and plant new trees and landscaping as part of the proposed improvements to the Meadows Run Parking Lot and Jeff Jurecki Memorial Playground. » Replace the wetland bridge decking with a green building material. <p><i>(Principle III and IV)</i></p>	\$\$	Public Works & Utilities, Parks & Recreation, Environment, property owners
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7. Install additional landscaping and plant new trees

These were the specific items listed in the 2022 Comprehensive Plan. Staff response in blue:

The north side of Adams Ranch Road, especially between Coyote Court and the Boulders entrance. The hill falls away steeply to the north of the sidewalk here, it would be difficult to establish any meaningful landscaping in this area. Instead, staff suggests reconfiguring the landscaping along the southern sidewalk.

The south side of the existing sidewalk on Adams Ranch Road.

The small divider between road and sidewalk here presents difficulties for public works in terms of snow removal. The cottonwood trees are beautiful, but require much water and as they continue to grow in the small area provided have the potential to damage sidewalks. Staff suggests reconfiguring this sidewalk with a curb and gutter and re-locating the landscaping to the south. The south side of the sidewalk has more room for planting as well as the potential to carve out areas for benches or other amenities that will allow residents to engage with the adjacent riparian zone.

Staff is seeking input on whether this plan is amenable and if so could potentially realize these improvements in 2024 and 2025. There are also grant funding opportunities available.

Flowering shrubs such as lilacs in all public and private parking areas.

Town can encourage this type of landscaping in new developments when undergoing DRB review. Otherwise, any improvements proposed for the Meadows Parking Lot should consider adding flowering shrubs.

Replace unhealthy trees and plant new trees and landscaping as part of the proposed improvements to the Meadows Run Parking Lot and Jeff Jurecki Memorial Playground.

Staff needs to better understand the current priorities of Council for this area before getting into detailed landscaping plans.

Staff is seeking input on:

- a. *Meadows Parking Lot improvements. An action item in the long-term category for the meadows sub-area is listed as “pending results of the Parking Assessment and*

implementation of other parking management strategies, expand and amenitize Jeff Jurecki Memorial Playground/Park and the Meadows Run Parking Lot as described in the site specific policies for Parcel F” The following concept drawings are part of the Comprehensive Plan and show a multi-story, multi-use parking structure.



At grade: green roof/park expansion



Upper level: underground parking deck



Lower level: underground parking deck



MEADOWS SUBAREA

— MEADOWS PARKING CONCEPT —

- 10' Contour Lines
- Access Drive
- Walkway
- Restroom
- Neighborhood-Serving Use
- Mail Room
- Picnic Shelter
- Parking Structure, At Grade
- Parking Structure, Underground
- Parking Entrance/Exit
- New Park Space
- New Tree
- Existing Tree (to preserve)

Staff needs to understand if the concept above is something that Council thinks is likely to be pursued in the next 10-15 years. The expansion of GPG seems more likely to be of priority and will utilize critical funding. The existing surface parking lot needs improvements – at a minimum a new surface and new striping. If a multi-level structure is not likely in the next 10-15 years, discussion regarding the scope of other improvements in this area would be helpful for staff to prioritize projects. There is potential grant funding for improvements such as playground, landscaping, public restrooms and post office improvements.

Replace the wetland bridge decking with a green building material

This would be done at the end of life of the existing wooden decking material.

Near-Term	8	Assess and Construct Community Garden and Composting and Additional Recycling Receptacles	Assess the desire for a community garden and composting program and potential location options and construct per assessment recommendations. Ensure recycling receptacles are provided adjacent to all public and private trash bins and dumpsters within the Meadows. <i>(Principle IV)</i>	\$\$	Public Works & Utilities, Environment, property owners, Meadows residents
Near-Term	9	Assess ADA Accessibility	Assess the ADA accessibility of public pedestrian facilities. <i>(Principle II)</i>	\$	Public Works & Utilities, Transportation, Meadows residents

8. Community Garden, compost and Recycling

A survey of Meadows residents could easily be conducted in 2023 to assess the desire for community garden and compost. More difficult would be finding a location for such facility. The Town provides recycling receptacles in all locations where public trash containers are located.

9. ADA Accessibility

With the retirement of Drew Harrington as CBO, the Town is currently without a certified ADA coordinator. Staff is discussing in what department this position should be housed and working to identify staff that could complete the required training. Once we have a staff member qualified to do these assessments, we can return to this action item.

*10. There is no near term-action item listed as number 10 in Table 9 of the amended 2022 Comprehensive Plan.

Near-Term	11	Add Amenities to Bus Stops	Provide bus stop improvements & amenities, including dedicated lighting, route and schedule signage, real-time tracking, and bicycle parking, collaborate with SMART as needed. <i>(Principle II)</i>	\$\$	Public Works & Utilities, Transportation, SMART, TMVOA
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The Town has been working with KEO Studioworks on conceptual design drawings for the replacement of some existing and the addition of some new bus stops that would include these amenities, however the Strong Communities grant which we applied for in late 2023 was not granted so funding is limited.

Staff is seeking input on whether there is a priority area for a new or revised bus stop, and if so could come back with a proposal for this to be completed in 2024-25

BUDGET

Staff understands that there is some money, roughly \$100,000 allotted within the Town manager's budget to start the Meadows Sub-area improvements in 2024. To start, these funds will likely support grant matches or consultant fees for planning so that shovel ready projects can be realized in 2025 and beyond. Once direction from Council is received by staff, individual work items can be brought back to Council with more detailed proposals if additional funding is necessary.

STAFF ANALYSIS AND RECOMMENDATION

Staff recommends that Council discuss these action items and provide staff with specific feedback regarding the following:

- 1. Whether a parking study needs to be conducted specific to the Meadows Sub-area, and if so what is the scope, what are our primary areas of concern?*
- 2. Whether parking requirements for future development should be re-considered (noting that any changes to parking requirements would apply town-wide)?*
- 3. Whether we should fund a study to determine a secondary access route out of the Meadows?*
- 4. Whether further discussion regarding short term rental regulations should be pursued at this time?*
- 5. Whether the improvements described above for the south side of the existing sidewalk on Adams Ranch Road are amenable?*
- 6. Whether expansion of Meadows Parking Lot could be expected in 10-15 years, or if the Town should proceed with improvements to surface parking, playground, landscaping, post office and public restrooms?*
- 7. If there is a single priority area for bus stop improvements to be considered for 2024 or 2025?*

/aw



TO: Mountain Village Town Council
FROM: Jim Loebe, Transit & Recreation Director
DATE: February 8, 2024
RE: Discussion Regarding Trails Master Plan Implementation

Executive Summary: During the 2024 budget process, council allocated \$600,000 to fund projects contemplated in the Trails Master Plan. The Town made an additional funding request to TMVOA to increase the scope of projects to be included in the 2024 trails and on-system construction and improvement project list.

Overview

Drawing from the Trails Master Plan, which was developed with extensive public and stakeholder input, staff and advisory members of council have identified a number of trails and on-system improvement projects to be implemented during the 2024 construction season. Also contemplated in the project list is an enhanced wayfinding initiative covering the entirety of Boulevard Trail, the Mountain Village Center to Country Club corridor, and the Country Club to Meadows corridor. The project lists below are intended to facilitate discussion based on several funding scenarios.

Proposed Natural Surface Trail Projects – TMV Funding Only

Project	Contractor	Estimated Cost	Type
Big Billes Novice Connection	Big Loop	\$ 15,000	New Construction
Stegosaurus	Big Loop	\$ 50,000	New Construction
VCA to MVB Connector	Big Loop	\$ 10,000	New Construction
Bear Creek Trail	Big Loop	\$ 10,000	New Construction
Meadows Express	Big Loop	\$ 27,500	Planning
Boulevard Trail (Center Section)	Telluride Landscape Company	\$ 257,500	Improvement
Wayfinding	TMV / CoCreative / Esse	\$ 30,000	Improvement
		\$ 400,000	

Proposed On-System Projects – TMV Funding Only

Project	Contractor	Estimated Cost	Type
ADA Sidewalk Connection - Lost Creek Lane East	TBD	\$ 50,000	New Construction
Boulevard Trail Reroute at VBP Ski Bridge	TBD	\$ 150,000	New Construction
		\$ 200,000	

Modified Project List with Additional \$2.1M in TMVOA Funding (Duplicative Projects in Yellow)

Project	Contractor	Estimated Cost	Type
Big Billes Novice Connection	Big Loop	\$ 15,000	New Construction
Stegosaurus	Big Loop	\$ 50,000	New Construction
Boulevard Trail Reroute at VBP Ski Bridge	TBD	\$ 150,000	New Construction
ADA Sidewalk Connection - Lost Creek Lane East	TBD	\$ 50,000	New Construction
VCA to MVB Connector	Big Loop	\$ 10,000	New Construction
Bear Creek Trail	Big Loop	\$ 10,000	New Construction
Meadows Express	Big Loop	\$ 27,500	Planning
Wayfinding	TMV / CoCreative / Esse	\$ 30,000	Improvement
Lower Jurassic 644 Reroute	TBD	\$ 500,000	New Construction
Meadows Express	Big Loop	\$ 300,000	New Construction
ADA Sidewalk Connection - Madeline Frontage	TBD	\$ 50,000	New Construction
Boulevard Trail - Entrance to Market	Telluride Landscape Company	\$ 700,000	Improvement
ADA Sidewalk Connection - Vischer to Aspen Ridge	Uncompaghre Engineering	\$ 30,000	Planning
Elk Lake to Touchdown Trail	TBD	\$ 250,000	New Construction
		<u>\$ 2,172,500</u>	

BIG BILLIES NOVICE CONNECTOR

- New trail approved in the 2023 Trails License Agreement with TSG
- Serves as a detour around Meadowlark during construction and a more manageable bicycle climb to existing Big Billies Trail
- Multi-use hike / bike
- Variation of NS-16 in Trails Master Plan
- Length = .32 miles
- Cost = \$15,000





STEGOSAURUS TRAIL

- New trail approved in the 2023 Trails License Agreement with TSG
- NS-6 in Trails Master Plan
- Eastbound bike / both direction hike
- Length = .5 miles
- Cost = \$50,000

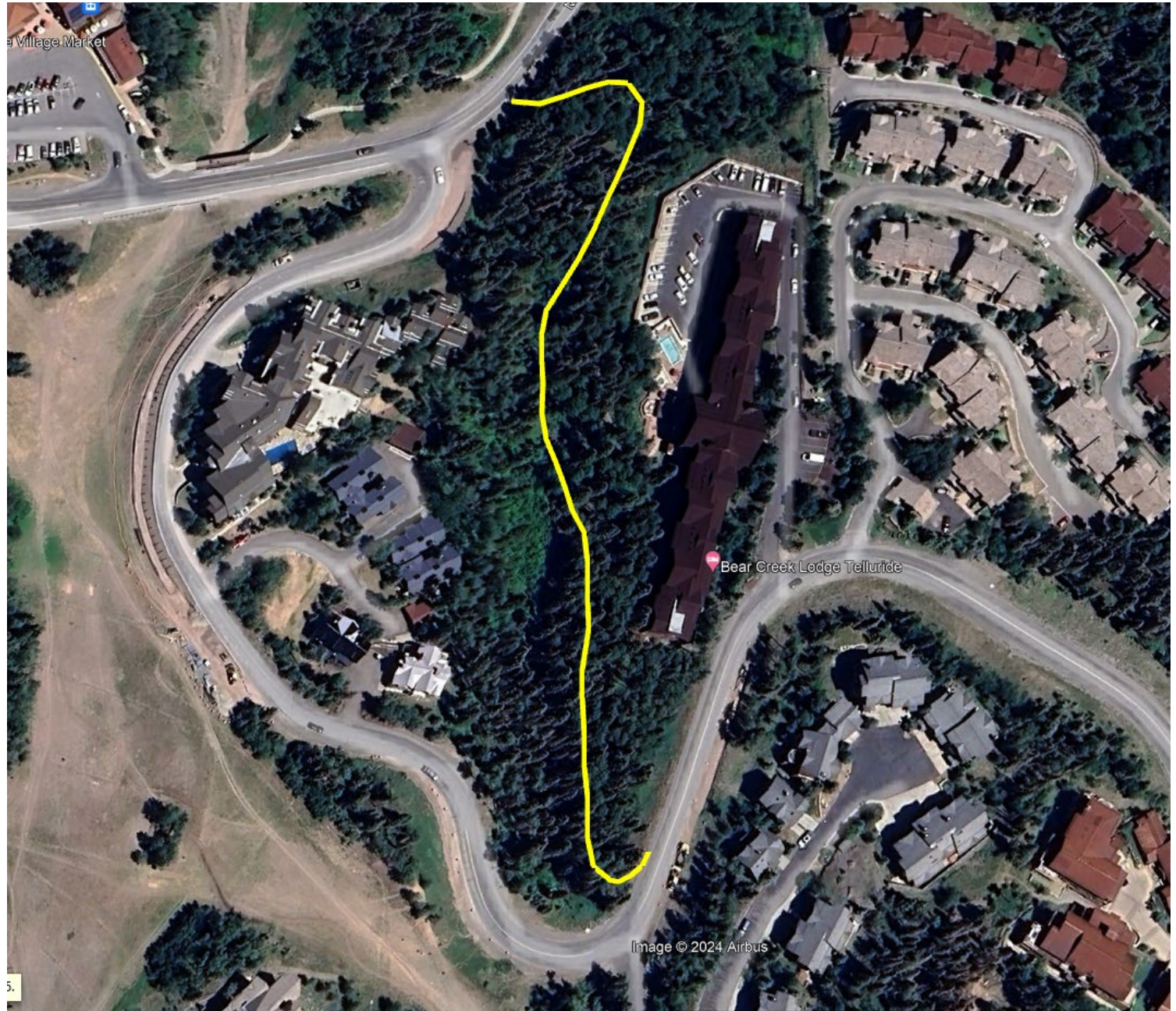
VCA to BOULEVARD TRAIL

- New trail approved in the 2023 Trails License Agreement with TSG
- Existing social path will be improved and several small bridges installed
- NS-12 in Trails Master Plan
- Multi-use hike / bike
- Length = .12 miles
- Cost = \$10,000



BEAR CREEK TRAIL

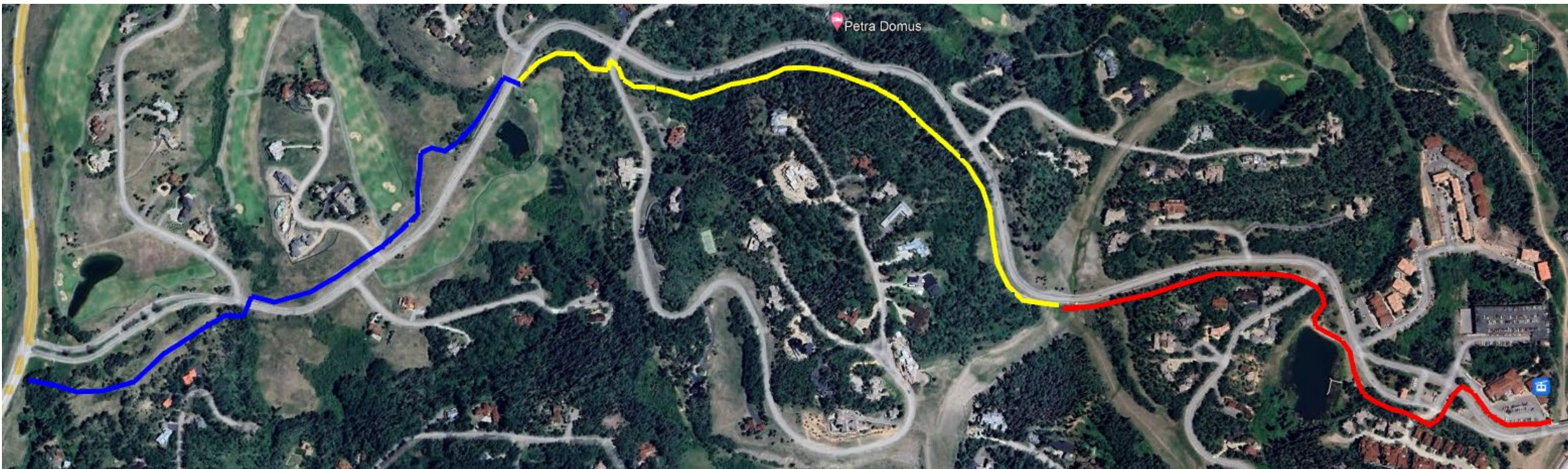
- New trail segment approved in the 2023 Trails License Agreement with TSG
- Extension of existing lower Bear Creek Trail up to middle San Joaquin
- NS-3 in Trails Master Plan
- Multi-use hike / bike
- Length = .22 miles
- Cost = \$10,000





MEADOWS EXPRESS TRAIL

- New trail segment approved in the 2023 Trails License Agreement with TSG
- Meadows neighborhood bypass trail connecting Jurassic Trail with Meadows Trail
- Will require USFS coordination / approval
- NS-4 in Trails Master Plan
- Multi-use hike / bike
- Length = .42 miles
- Cost = \$27,500 planning project only - \$300K construction cost estimate



BOULEVARD TRAIL

- Renovation of existing trail – reestablish existing path to 8'-0", add / enhance drainages, replace timber retaining walls, install new retaining walls, import fresh surface material
- NS-9 in Trails Master Plan
- Multi-use hike / bike
- Length = 1.89 miles (West = .63, Center = .67, East = .59)
- Total project cost \$700,000 – Center phase only \$257,000

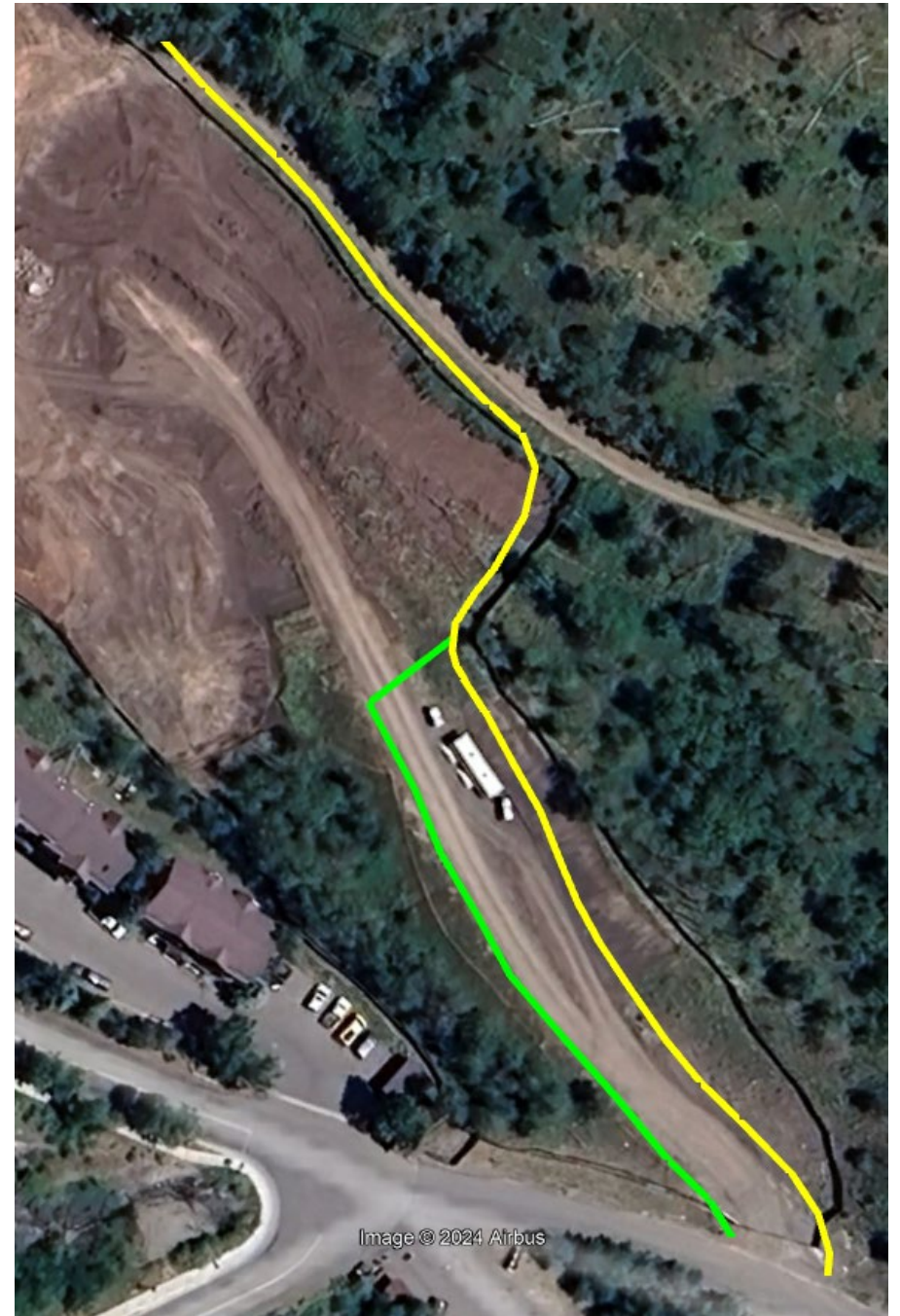
ON-SYSTEM IMPROVEMENTS

- BLUE - Boulevard Trail Reroute at VPB Ski Bridge
 - SU-2 in Trails Master Plan
 - Length = .1 miles
 - Cost = \$150,000
- YELLOW – ADA Sidewalk Connection Vischer to Aspen Ridge
 - SU-2 in Trails Master Plan
 - Length = .12 miles
 - Cost = \$30,000 planning and engineering only
- GREEN – ADA Sidewalk Connection Lost Creek Lane East
 - SU-3 in Trails Master Plan
 - Length = 100'
 - Cost = \$50,000
- RED – ADA Sidewalk Connection Madeline Frontage
 - Connection of SU-1 and SU-3 in Trails Master Plan
 - Length = .1 miles
 - Cost = \$50,000



LOWER JURASSIC MEADOWLARK REROUTE

- **YELLOW** – Adams Ranch Road to Jurassic Trail Connection
 - Working with Alta Planning + Design on design elements
 - Natural surface
 - Significant retaining walls required
 - Lower portion bike only
 - Length = 644'
 - Cost = \$500,000
- **GREEN** – Adams Ranch Road to Jurassic Sidewalk Connection
 - Working with Alta Planning + Design on design elements
 - Curb and gutter sidewalk
 - Pedestrian only
 - Length = 333'

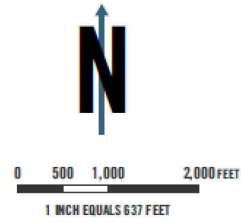


ELK POND LOOP & ELK POND TO TOUCHDOWN TRAIL

- Not a part of the 2023 TSG Trails License Agreement – this project would be pending TSG approval
- **YELLOW** – Elk Pond to Touchdown Trail
 - NS-8 in Trails Master Plan
 - Multi-use hike / bike
 - Beginner level
 - Length = 1 mile
 - Cost = \$250,000
- **GREEN** – Elk Pond Loop
 - NS-8 in Trails Master Plan
 - Pedestrian only
 - Length = .22 miles



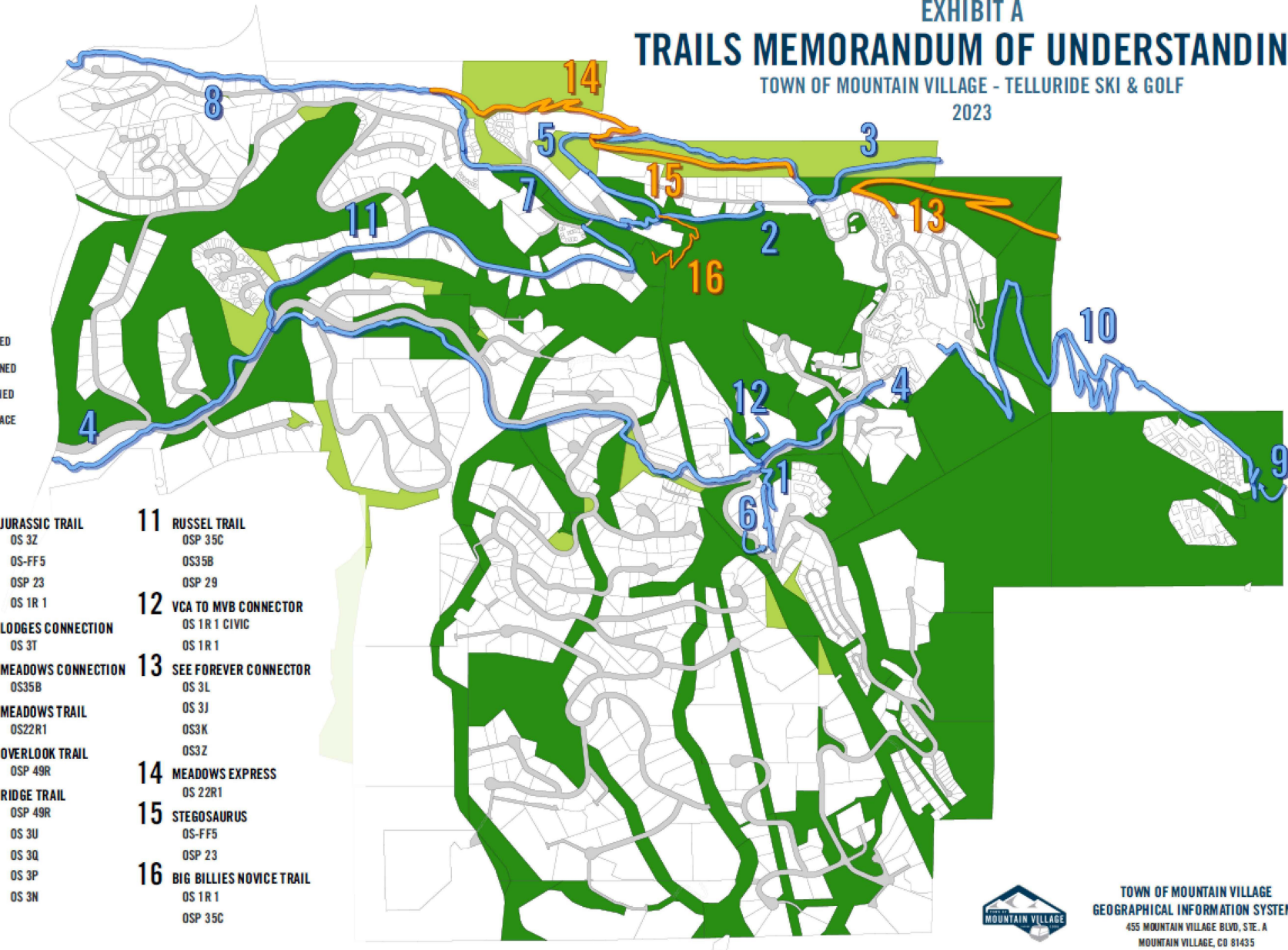
EXHIBIT A TRAILS MEMORANDUM OF UNDERSTANDING TOWN OF MOUNTAIN VILLAGE - TELLURIDE SKI & GOLF 2023



LEGEND

- PROPOSED TRAILS
- CURRENT TRAILS
- ACTIVE OPEN SPACE - TSG OWNED
- PASSIVE OPEN SPACE - TSG OWNED
- ACTIVE / PASSIVE OS - TMV OWNED
- RIGHT-OF-WAY ACTIVE OPEN SPACE
- PRIVATELY OWNED PARCELS

- | | | |
|--|--|---|
| <p>1 BEAR CREEK TRAIL
OS 3T</p> <p>2 BIG BILLIE'S TRAIL
OS 1R 1</p> <p>3 BOOMERANG TRAIL
OS-FF5
OS 3Z</p> <p>4 BOULEVARD TRAIL
TRACT A 7A
OS 7R
OS 7R
OS 2
OS 3G
OS 3F
OS 1C
OS 1R 1 CIVIC
OSP 2S
OSP 17
OSP 29
OSP 28</p> | <p>5 JURASSIC TRAIL
OS 3Z
OS-FF5
OSP 23
OS 1R 1</p> <p>6 LODGES CONNECTION
OS 3T</p> <p>7 MEADOWS CONNECTION
OS35B</p> <p>8 MEADOWS TRAIL
OS22R1</p> <p>9 OVERLOOK TRAIL
OSP 49R</p> <p>10 RIDGE TRAIL
OSP 49R
OS 3U
OS 3Q
OS 3P
OS 3N</p> | <p>11 RUSSEL TRAIL
OSP 35C
OS35B
OSP 29</p> <p>12 VCA TO MVB CONNECTOR
OS 1R 1 CIVIC
OS 1R 1</p> <p>13 SEE FOREVER CONNECTOR
OS 3L
OS 3J
OS3K
OS3Z</p> <p>14 MEADOWS EXPRESS
OS 22R1</p> <p>15 STEGOSAURUS
OS-FF5
OSP 23</p> <p>16 BIG BILLIES NOWICE TRAIL
OS 1R 1
OSP 35C</p> |
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TOWN OF MOUNTAIN VILLAGE
GEOGRAPHICAL INFORMATION SYSTEMS
455 MOUNTAIN VILLAGE BLVD, STE. A
MOUNTAIN VILLAGE, CO 81435

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**PLANNING AND DEVELOPMENT SERVICES
DEPARTMENT**

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

TO: Town Council

FROM: Rodney Walters, Town Forester / GIS Assistant

FOR: Town Council Regular Meeting

DATE: February 15, 2024

RE: Community Forestry Program Update

Attachments: *Summer 2023 Mountain Village Forest Conditions report (Sibold)*

Mountain Village Community Forestry Program Update

Mountain Village Forestry Program Accomplishments, 2023:

1. The Mountain Village woodlot and tree removal permitting:

The **woodlot** program continues to be successful and is functioning well with contractors and other woodlot users who are demonstrating an excellent level of stewardship and respect.

During 2023, one hundred fifty-one (151) tree removal permits were issued. Tree removals for wildfire mitigation continues to be a very high priority for property owners due to insurability issues associated with wildfire concerns. Insect infestations continue to be a trend and high tree mortality rates continue, particularly among the subalpine fir trees.

Year	2017	2018	2019	2020	2021	2022	2023
Tree Permits Issued	137	104	97	84	101	167	151

Table 1. Tree permits

2. Wildfire Mitigation Defensive Space Incentive Program

The Defensive Space Incentive Program produced fifteen (15) Defensive Space Assessments. This resulted in the completion of 5 five (5) Defensive Space Program projects with wildfire mitigation work performed value over one hundred one thousand dollars (\$101,273). Wildfire defensive space projects and home hardening measures improve a structure’s likelihood of surviving a wildfire and advances the primary criterion for assigning firefighting assets to specific locations (Colorado State Forest Service 2012).

3. Cedar Shake Incentive Program

The single most effective step that can be taken to protect properties from wildfire is to ensure that cedar shake roofing is replaced with UL Class A fire rated roofing assemblies (Colorado State Forest Service 2012). During 2023, we processed forty (40) cedar shake building permits with a total waived permit value of \$185,345.04 that resulted in \$4,936,415.62 in cedar shake roof replacement work. The replacement of cedar shake roofs is helping properties to be insurable and provides our community with much needed protection from potential wildfire.

4. Regional Wildfire Mitigation Engagement

During 2023, Mountain Village staff and the forester participated in meetings and discussions with the Colorado State Forest Service (CSFS), the West Region Wildfire Council (WRWC), Telluride Fire Protection District, the San Miguel Watershed and Wildfire Collaborative (SMWWC), San Miguel County, The Town of Telluride, Ski Ranches, Telluride Ski and Golf, Genesee Properties, and others. The goal remains the facilitation of partnerships in mutually beneficial, meaningful, and effective planning efforts and field project collaborations that will help mitigate the effects of potential wildfires and keep our community healthy and safe.

5. Forest Health Projects and Activities

Generally, forest health and fire mitigation objectives can be achieved simultaneously. This is because regeneration and thinning projects both improve forest health and reduce negative effects of wildfire. During 2024, TMV forest health/wildfire mitigation related forest health management projects occurred on both public parcels and in partnership with large property holdings within the Town of Mountain Village. During 2023, seven (7) forestry related projects were conducted for assessment purposes and with fieldwork to improve forest health and reduce tree risks:

- 1200 MCH anti aggregation pheromone packets were set out late April, early May to prevent Douglas fir beetle attacks.
- 67 blue tubes were installed as an experimental test to monitor their effectiveness in protecting aspen saplings from elk browse.
- Dr. Sibold revisited Mountain Village to make field observations and produced a 2023 Mountain Village Forest Conditions report (attached) about TMVs forests (Sibold 2023). His most notable finding is that there is little to no Englemann spruce seed and seedlings production presently occurring in our Town. This implies that our forests are presently not regenerating Englemann spruce trees. He also noted that research has documented reduced or limited Englemann spruce seed production associated with spruce budworm infestations. He notes that the spruce budworm outbreak could continue in TMV until their primary food source (subalpine fir) has been depleted.
- 33 dead and dying hazard aspen trees located on the slope above the TMV shop were removed to keep TMV personnel safe and prevent damage to TMV buildings and equipment.

- In a joint project, Mountain Village removed 64 beetle infested Douglas fir trees and TSG removed 15 trees in a heavy lift helicopter operation to remove a total of 79 Douglas fir beetle infested trees near the TMV shop.
- A Community Forestry Questionnaire survey was designed and distributed to stakeholder groups for the purpose of receiving community and professional feedback about our community forest(s). Forty (40) surveys were completed by the Community Stakeholder Group and nineteen (19) surveys were completed by the Professional, Local and Regional Stakeholder Group. The survey results, which are still being tabulated, will help identify the forest benefits that our community most values and will serve as an important social data set for determining and setting strategic goals and objectives for the management of our community forest(s).
- The 2023 Voxel maps LiDAR flight data was delivered to TMV. This data included sub-meter resolution LiDAR data, 4-inch pixel orthoimagery with infrared spectrometry, an individual trees map showing tree heights, and a forest stand map showing the vegetation class types of TMVs vegetation.
- Town Forester reviewed all design review applications for new development and provided feedback on fire mitigation plans, landscaping plans and construction mitigation.

Mountain Village Forestry Program Activities Moving into 2024:

2024 Planned assessments:

To better understand our community forest(s) and make sound decisions, assessments will be performed to help define what we have regarding forest composition, structure, and function and to better help us determine what we want in terms of desired future conditions. The following assessments are planned for 2024:

- Colorado Risk Assessment Portal (COWRAP) analyses. This is a free online satellite imagery product that is made available by the Colorado State Forest Service. The COWRAP portion of forest atlas website (Colorado State Forest Service, 2023) allows users to generate wildfire risk assessments based on various factors including, slope, vegetation, topography, etc. Although the resolution of this product is coarse, the quality is improving, and the analyses are able to provide data-based perspectives about wildfire potentials in and around TMV.
- Tabulation and summary of the Community Forestry Questionnaire survey. The results of this survey will be made available, and a summary of the findings will be produced. This will serve as a valuable tool for discussions to determine strategic objectives and goals for the management of our community forest(s).

- Voxel Maps LiDAR data. We are currently upgrading our equipment to be able to effectively load this data. Once that has been accomplished, we will be able to examine the data and determine how it may best be utilized.

Planning is Underway to Accomplish Forestry Initiatives and Complete Forestry Field Projects:

- With the Town's support and initiative to enhance the management of our community forest(s), steps are being taken to equip and hire a seasonal forestry crew. The purpose of a seasonal forestry crew is to conduct field operations to improve forest health and protect our community by making it more resilient to the effects of wildfire and insects.
- MCH Packet distribution will help protect Douglas fir trees from beetles.
- Aspen sapling protection will reduce damage from elk browse and encourage aspen regeneration.
- Touch up/maintenance is planned for the TMV demonstration forest located between Double Eagle Drive and Lupine Lane on Adams Ranch Rd.
 - This area provides a visual representation and demonstration of how forestry related thinning improves the health and function of forested areas.
- A VCA wildfire mitigation and defensive space project will be conducted.
- Monitor areas near the shop area for Douglas fir beetle and assess potential need for further mitigation.
- Wildfire and hazard mitigation along TMV roadways will be implemented.
- Initial phases of a community scale shaded fuel break will be started to perform dead and down fuels reduction along the northern TMV boundary area (see image 1).

The above 2024 initiatives are in alignment with a strategic approach to establish and achieve the Town's forestry goals over time. An effective strategic process will:

1. Gather fact-based data to generate high-quality forest assessments.
2. Engage the community and its partners to formulate a vision and strategic objectives.
3. Apply resources to complete objectives through the completion of ongoing field work projects.
4. Engage in an ongoing program assessment process to facilitate the ability to adapt to inevitable changes.

The primary goal for the TMV's forestry program outlined in the Community Development Code provides the directive to "...preserve and maintain a healthy forest ecosystem and landscape while also protecting buildings from wildfire" (TMV 2020). To meet this goal, active management of TMV's forest is required to successfully maintain forest health, prevent wildfire, and help work with the inevitable transformation that always occurs within forest ecosystems. The Colorado State Forest Service affirms this on its Forest Health and Management webpage, "Forest management can fulfill an important role in how we help shape

Colorado’s future forests. Where lands allow for active management to occur, we can enhance forest resilience to fire, insects, and diseases. This approach will provide diverse forests for tomorrow, and ensure that we continue to receive the wide range of benefits our forests provide” (Colorado State Forest Service2023).



Image 1: Photo of GIS mapping imagery showing the planned North TMV Community Shaded Fuel Break (orange), area where Douglas fir beetle infested trees were removed (green & blue dots), area where blue tube sapling protectors were put out (dark blue dots) and fire mitigation project area for VCA (transparent light orange).

References

- Colorado State Forest Service. 2023. *Colorado Forest Atlas Information Portal*. [Colorado Forest Atlas](#)
- Colorado State Forest Service. 2023. Forest health and Management. [Forest Health & Management | Colorado State Forest Service | Colorado State University \(colostate.edu\)](#)
- Colorado State Forest Service. 2012. *Protecting Your Home from Wildfire: Creating Wildfire-Defensible Zones: Quick Guide Series*, Fire 2021-1. Fort Collins, CO
- Sibold, Jason S. 2023. Summer 2023 Mountain Village Forest Conditions

Attachment

Summer 2023 Mountain Village Forest Conditions

Dr. Jason S. Sibold

In summer 2023 I revisited all forest plots that I established in the Mountain Village landscape in summer 2022 to address the following forest-management related questions:

- 1) In aspen forests: Is there evidence of Shepherd's crook on aspen suckers and saplings? And, is there evidence of an aspen beetle outbreak?
- 2) In spruce-dominated stands: Is there any new spruce regeneration (seedlings established in 2023) and are spruce producing seeds?

Methods:

To accomplish these two goals, I revisited and resampled 15 forest plots in 13 Mountain Village Open Space parcels (Figure 1; for more details on these sites see "Forest Type and Conditions Report 2022"). To answer the aspen questions (Shepherd's crook and aspen beetle), in the ten aspen-dominated monitoring plots I checked all leading stems on all aspen suckers for evidence of Shepherd's crook, and all aspen trees (> 5 cm diameter at breast height, and > 2 meters height), for evidence of aspen beetle infestation. To evaluate the spruce regeneration question, I revisited all plots with spruce (five plots; two spruce-dominated (plots 9, and 10), and three with a spruce component (plots 4, 12, and 15) to check for new seedling establishment. In some spruce stands (plots 9, 10, and 12) I also collected the contents of seed traps that I deployed in summer 2022. I deployed a total of seven seed traps in summer 2022 before spruce seed dispersal in early fall, thus seeds in traps would represent dispersal in fall 2022.

I made seed traps following standard methods. Traps are 30 x 30 x 8 cm wire and mesh cages. The bottom of the trap is made from fine wire mesh and the top of the trap is made from coarse mesh (Figure 2). This design allows seeds to drop through the top of the trap and collects them in the mesh bottom of the trap. Wire mesh on top and bottom is intended to keep seed predators (rodents) out of the trap while allowing snowmelt and rain to pass through the trap, so moisture accumulation does not destroy seeds in the trap. Traps are secured to the ground with landscaping staples to keep them in place and secure the top and bottom portions of the trap to keep seed predators out.

I collected the contents of the seven seed traps in plastic bags (Figure 3) and replaced and resecured the tops of the seed traps so that they could collect seed in fall 2023. To quantify seed from traps, I sifted through the contents of traps, which includes all forest litter that can pass through the top of the seed traps, to identify any spruce seeds (Figure 3).

Results:

Aspen-dominated stands: I did not document any stems with Shepherd's crook in any of the forest monitoring plots that I established in summer 2022 (Figure 4). While I did not resample for ungulate browse, it continues to be the primary driver limiting aspen recruitment in these stands. While stems without evidence of ungulate browse on aspen suckers are rare, none of these stems had evidence of Shepherd's crook (Figure 4). Likewise, there was no evidence of aspen bark beetle in any of the forest plots.

Spruce-dominated stands: I did not find any new spruce establishment (seedlings) in the spruce-dominated plots or plots with a spruce component. Likewise, the seven seed traps that I installed in summer 2022 did not capture any spruce seed. The traps were all in excellent condition in August 2023, and there was no evidence that rodents had entered traps and consumed seeds. Thus, the lack of seed is not a result of disappearance of evidence. Note that spruce seed dispersal occurs in late-September to early-October, so seed in traps would have represented dispersal in fall 2022.

Implications:

Whereas the lack of Shepherd's crook and aspen bark beetle in aspen-dominated stands in Mountain Village is positive for aspen health, continued heavy ungulate browse damage on aspen is a continuing concern. Following on findings from my 2022 assessment ("Forest Type and Conditions Report 2022"), addressing the ungulate browse issue is a central management concern for the aspen forest type. The use of tubes to protect aspen in one stand (forest monitoring plot #5, Figure 1) is a potential solution. In my visit to this stand (plot 5) in 2023, most of the aspen suckers in tubes were doing well, although some suckers had signs of potential heat stress or damage from other issues associated with the tubes (Figure 5). It will be valuable to continue monitoring this stand to see if the tubes facilitate sucker recruitment above browse height and to the canopy. If tubes facilitate recruitment, expand use of tubes on the landscape could be valuable to facilitate more aspen recruitment, however, their success is likely contingent on a range of stand and site factors, and their use could exacerbate decline in some situations.

The lack of new spruce establishment is concerning and the absence of seeds in seed traps amplifies these concerns. More specifically, ongoing warming and regionally elevated spruce beetle populations suggests the continued potential for a high-severity spruce beetle outbreak that would likely kill all overstory spruce in the landscape. Limited spruce seedlings on the landscape (see "Forest Type and Conditions Report 2022") and the loss of overstory seed producing spruce trees from an outbreak would result in extremely prolonged forest recovery. Because spring, summer 2023 represented ideal weather for spruce establishment, lack of seed is the likely reason for no new spruce establishment. It is possible that there was a low-level of seed production in 2022 and the limited number of seed traps (seven) installed on the

landscape were not sufficient to capture any seed. However, because I strategically placed seed traps in locations that would be highly likely to capture seed (close to and under spruce trees, Figure 2), I find this explanation unlikely. My monitoring plots in the Bear Creek Preserve, just east of the Mountain Village landscape, tell a similar story of a lack of spruce seedlings and seed in recent years. The likely reason for limited Engelmann spruce cone/seed production, and seedlings is because spruce budworm damages early developing cones. Likewise, it is possible that spruce are not producing cones because of the stress of repeated annual defoliation by spruce budworm.

While mapping the extent and severity of the spruce budworm infestation in the Mountain Village landscape was beyond the scope of this project, the outbreak appears to be more severe and more extensive than in the past few years. Using remote sensing it would be possible to map and monitor the severity and extent of the outbreak (see “Forest Type and Conditions Report 2022”). This coupled with strategically placed seed traps in locations with little to no budworm infestation could help disentangle the role that budworm is playing in limiting seed production. Likewise, deploying many more seed traps would be another option to get a better sense of seed production on the landscape. Because traps are unesthetic, this would likely be done by deploying traps for a short (4-weeks) period centered on the limited weeks of seed dispersal in the fall.

It is not clear how much longer the spruce budworm outbreak will continue in Mountain Village. In the context of my annual assessment of Bear Creek, just south of the Mountain Village landscape, the spruce budworm outbreak in that landscape has significantly and suddenly slowed to very low population levels in 2023. This appears to be because nearly all subalpine fir, the primary host species, has been killed. If the spruce budworm outbreak in the Mountain Village landscape follows a similar pattern, this implies that the outbreak will continue for the foreseeable future as many subalpine fir trees are still alive in the landscape.

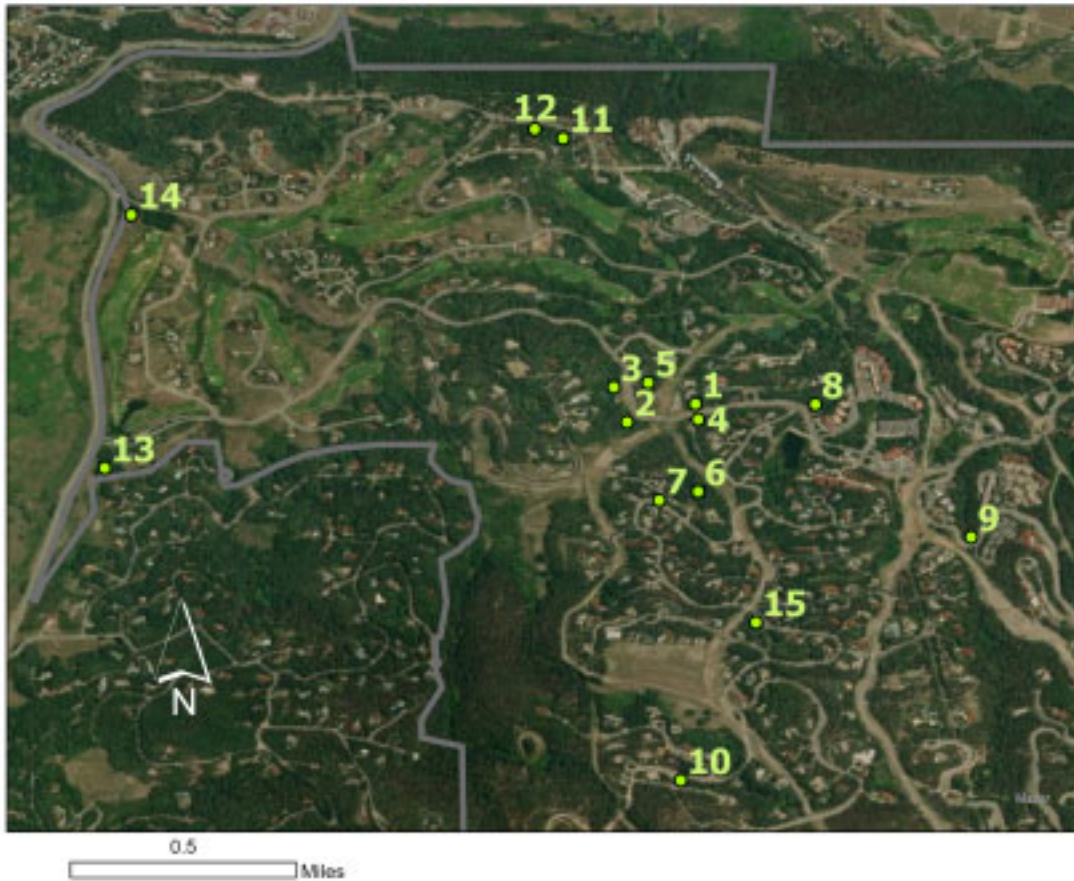


Figure 1. Location of the fifteen study stands that were established in Mountain Village in 2022 and resampled in summer 2023. Aspen dominated sites: 1, 2, 3, 5, 6, 7, 8, 11, 13, 14. Spruce-fir dominated stands: 9, 10. Aspen-conifer stands: 4, 12, 15. See 2022 “Forest Type and Conditions Report” for more details on these monitoring plots. Sites 9, 10 and 12 each have two seed traps.



Figure 2. Seed trap from forest monitoring plot #9 from August 2023. Leg: the bottom (fine mesh) and top (coarse mesh, and landscaping pins). Litter inside fine mesh was the collection of material between summer 2022 and summer 2023. Right: The seed trap shown in the leg photo deployed in plot #9 at the base of a spruce tree. Note: the silver box attached to the right side of the tree is a solar radiation shield with a temperature sensor, which is constantly recording temperature at the site and can be valuable to relate weather changes to forest dynamics (e.g., spruce seed production, seedling establishment, insect activity).



Figure 3. Left: Forest litter collected from one of the seed traps at forest monitoring site #10 in August 2023, which represents litter from the previous 12 months including any seeds dispersed in fall 2022. Right: Forest litter from the bagged seed trap contents from plot #10 (leg photo).



Figure 4. Photo of an aspen sucker with ungulate browse on the leading stem, and no browse of Shepard's crook on the other leaders.

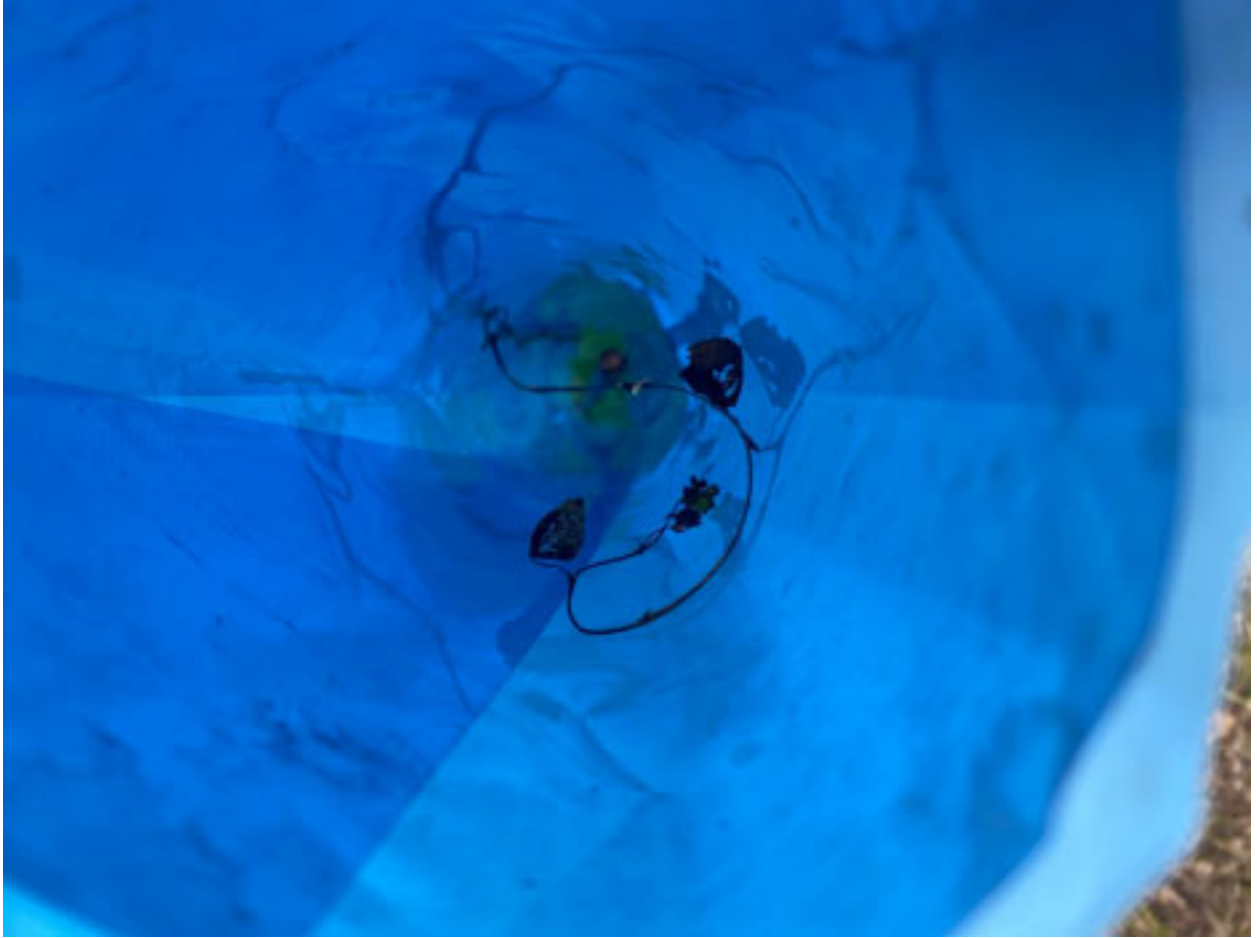


Figure 5. Dead aspen sucker in protective tube.

PROTECT THE DOLORES RIVER CANYON COUNTRY

Over the course of millions of years, the Dolores River has carved one of America's most stunning canyon systems. From its upper reaches in the forested peaks of the San Juan Mountains through ponderosa gorges and slickrock canyons to its confluence with the Colorado River near the Utah state-line, the Dolores River cuts an extraordinary path through western Colorado's public lands.

The Dolores River has been the backbone of life in the region for millenia, supporting Indigenous communities, nurturing vibrant wildlife and unique plant species, sustaining small towns, and inspiring unparalleled outdoor recreation opportunities. For 50 years local communities have worked to protect the public lands surrounding the Dolores River. But the river and its surrounding wildlands remain

unprotected and threatened by development pressures, renewed mining interest, a warming climate, and poor natural resource management.

For this incredible place to endure and thrive beyond our lifetimes, the Dolores River Canyon Country must be protected as a national monument!



WHY DO WE NEED TO PROTECT THIS AREA AS A NATIONAL MONUMENT?

THE PALISADE WILDERNESS STUDY AREA | BOB WICK

CLEAN WATER: The Dolores River is a headwater tributary of the Colorado River. Climate change and a multi-decadal drought have already caused these important water resources to reach perilously low levels. Conservation will help secure the health and resiliency of the lands and waters throughout the Dolores River Canyon Country with downstream benefits to some 40 million Americans who rely on water from the Colorado River.

INTACT WILDLANDS: This is one of Colorado's last, best wild places. By permanently protecting the Dolores River Canyon Country as a national monument we can help ensure that this unique landscape and its irreplaceable cultural, historic, and archaeological resources endure for generations to come.

RESILIENT COMMUNITIES: Designating the Dolores River Canyon Country as a national monument will assist transitioning rural economies, increase resources to manage the land more holistically, and broaden protections that echo local voices,

Conservation action is widely supported. According to a 2023 poll, 7-of-10 Coloradans who live in the region are in favor of protecting the Dolores River Canyon Country as a national monument.

while maintaining existing water rights, access, and private property rights.

HEALTHY WILDLIFE: The Dolores River Canyon Country spans one of Colorado's most biodiverse stretches of unprotected public lands, providing important interconnected habitat for rare plants and animals, iconic big game, and sensitive native fish species.



WHAT'S NEXT?

Since time immemorial, the Dolores River and surrounding lands have been vitally important to the people of this region. These lands are the ancestral territory of the Ute people and are connected to the Pueblos of New Mexico, Hopi, and Diné (Navajo).

It is time to deliver on the decades-long effort to protect the Dolores River and surrounding lands. The Dolores River Canyon Country should be managed for the health of our public lands and the Dolores River, the benefit of local communities, the preservation of traditional Tribal uses and culturally-significant places, and the

enhancement of outdoor opportunities. Additional conservation measures will ensure that more resources are available to better manage this magnificent and singular landscape in western Colorado and protect it from future threats.

Help call our national decision makers to action. Add your support for permanently protecting the Dolores River Canyon Country as a national monument by visiting us online at protectthedolores.org.

SCAN ME USING THE
CAMERA ON YOUR PHONE.



PLEASE VISIT US ONLINE AT
[PROTECTTHEDOLORES.ORG](https://protectthedolores.org)

THE DOLORES RIVER |
COLORADO WILDLANDS PROJECT



TOWN OF MOUNTAIN VILLAGE

455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-369-6406
970-728-4342 Fax
mvclerk@mtnvillage.org

February 15, 2024

Senator Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

Senator John Hickenlooper
374 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet and Senator Hickenlooper,

The Town of Mountain Village local elected officials strongly support conservation protections for the public lands of the Dolores River Canyon Country—one of Colorado’s last, best wild places. The abundance of cultural resources is only matched by its scenic beauty and biodiversity. Designating a new landscape-scale national monument for the Dolores River and its surrounding public lands in Mesa and Montrose Counties is a benefit to the people and communities of Colorado’s Western Slope. As elected representatives in the Dolores River watershed, we know our constituents support protections of public lands.

Mountain Village sits above headwaters of the San Miguel River, a free-flowing river that meets the Dolores just outside of Paradox, Colorado. Adjacent both physically and conceptually to the Dolores River, our community values the economic, recreational, and ecosystem benefits that these two rivers provide. We believe that enacting the National Conservation Area (NCA) legislation could be an important part of protecting Dolores River Canyon Country in the south, and we also support ongoing efforts to provide landscape-level protections for this incredible, unique landscape. This includes securing protections such as those afforded by a National Monument designation for deserving lands downstream of the proposed NCA legislation.

For millennia, the Dolores River and surrounding lands have been vitally important to the people of this region, supporting Indigenous Peoples since time immemorial and later sustaining small towns weathering the boom and bust of extractive industries. In recent years, the Dolores has become an unparalleled outdoor recreation destination, drawing people from all over the country and offering new economic opportunities to Colorado’s rural communities.

The Town of Mountain Village has long supported public land protection campaigns and has led the charge for climate action, wildfire resiliency, and forest health initiatives across the region. Protecting our natural resources for generations to come is more important than ever as we see impacts to our water supply, forests, and community well-being from climate change. Efforts to protect the Dolores River and surrounding public lands align with our commitment to environmental stewardship, sustainable tourism, and the preservation of our natural and cultural resources.



TOWN OF MOUNTAIN VILLAGE

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mvclerk@mtnvillage.org

For nearly five decades, local community members have been working to protect the Dolores River and surrounding lands. It is time to deliver on these long-standing efforts. We support the permanent protection of the Dolores River Canyon Country, from McPhee Dam to the Utah state line, and respectfully ask that you, our statewide fellow elected leaders, work with President Joe Biden to conserve this crown jewel of Colorado.

Sincerely,

Mayor Martinique Prohaska
Town of Mountain Village, Colorado



TO: Town Council

FROM: J.D. Wise, Economic Development & Sustainability Director
Lauren Kirn, Environmental Efficiencies & Grant Coordinator

DATE: February 9, 2024

RE: Mountain Village Climate Action Roadmap Update

EXECUTIVE SUMMARY:

In 2023, Town staff began work with Cascadia Consulting to develop a Climate Action Roadmap. This roadmap is designed to serve as an implementation plan that provides analysis and helps prioritize the strategies outlined in the Town's 2020 Climate Action Plan.

The attached presentation provides an informational update on the project.

Through this process, staff has identified items in the Town's 2020 CAP and 2019 greenhouse gas emissions inventory that should be revisited prior to completing the roadmap, specifically the accounting of transportation related emissions. Staff plans to address the needed updates and come back to Council with an updated CAP, implementation roadmap, and greenhouse gas emissions inventory for adoption in 2024.

ATTACHMENTS:

- Presentation: Climate Action Roadmap Update

ADDITIONAL INFORMATION:

In 2023, the Town of Mountain Village hired Cascadia Consulting to develop a Climate Action Roadmap. The roadmap is intended to be a guiding document for prioritizing and implementing the 2020 Mountain Village Climate Action Plan's strategies and actions. Additionally, the roadmap will include a cost-benefit assessment of high-priority actions as well as an assessment of the cost of inaction.

To date, the Town has hosted internal workshops with Town staff and a public workshop to present on the roadmap's progress and garner public input on priority actions. Public feedback was received both during the workshop and through an online survey. Through this process staff has identified items within the Town's 2020 CAP and 2019 greenhouse gas emissions inventory that should be revisited for accuracy and comprehensiveness. These included, but are not limited to, assumptions about and parameters around transboundary transportation emissions.

Town staff recommends updating the Mountain Village Climate Action Plan to account for these revised emissions assumptions and calculations. Additionally, staff will produce a 2023 greenhouse gas emissions inventory to inform the updated CAP. Concurrently, staff will continue work on the implementation roadmap and bring an updated CAP and final roadmap to Town Council as a comprehensive document for formal adoption in 2024.

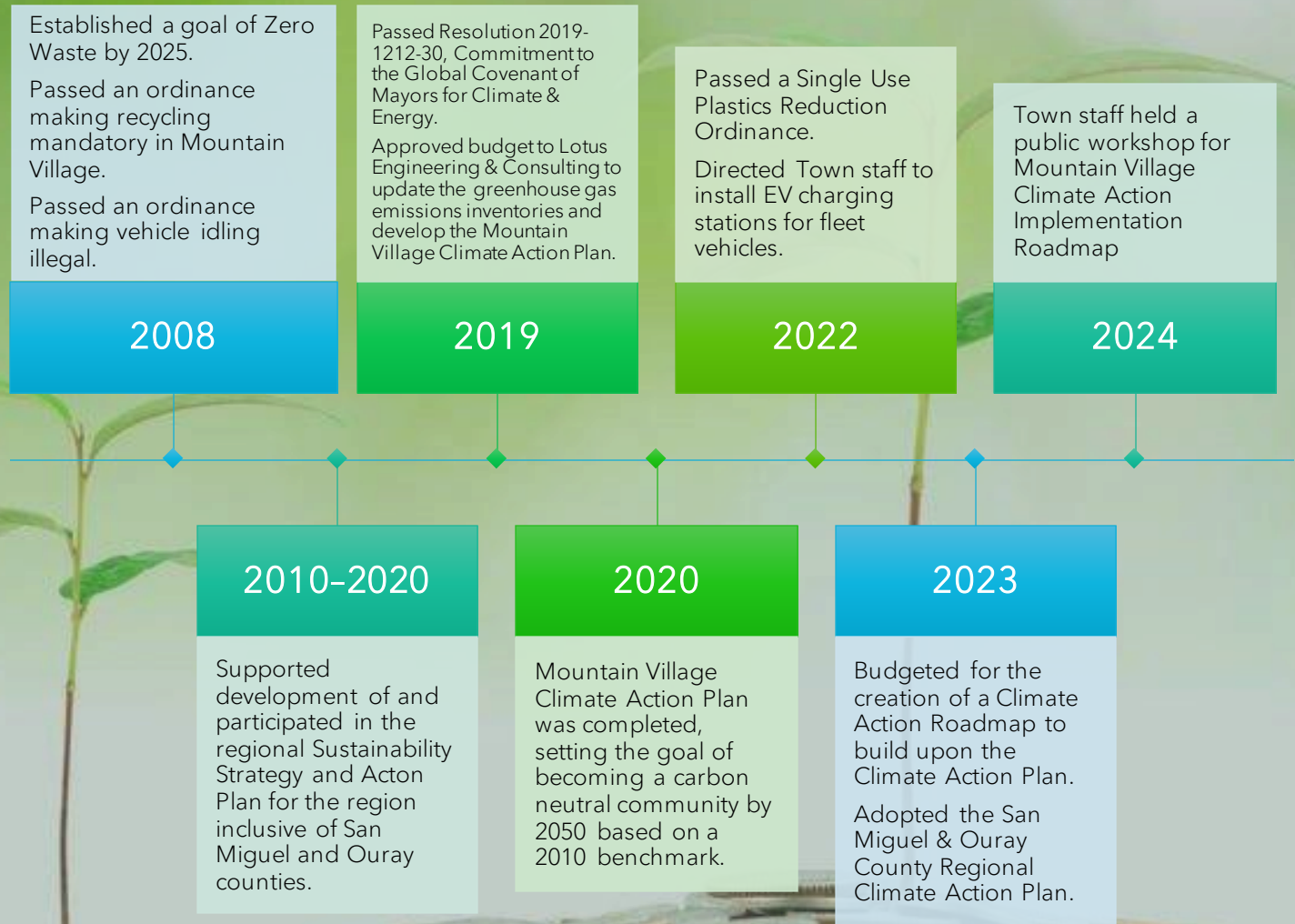
Mountain Village Climate Action Roadmap Update

MOUNTAIN VILLAGE
TOWN COUNCIL
MEETING

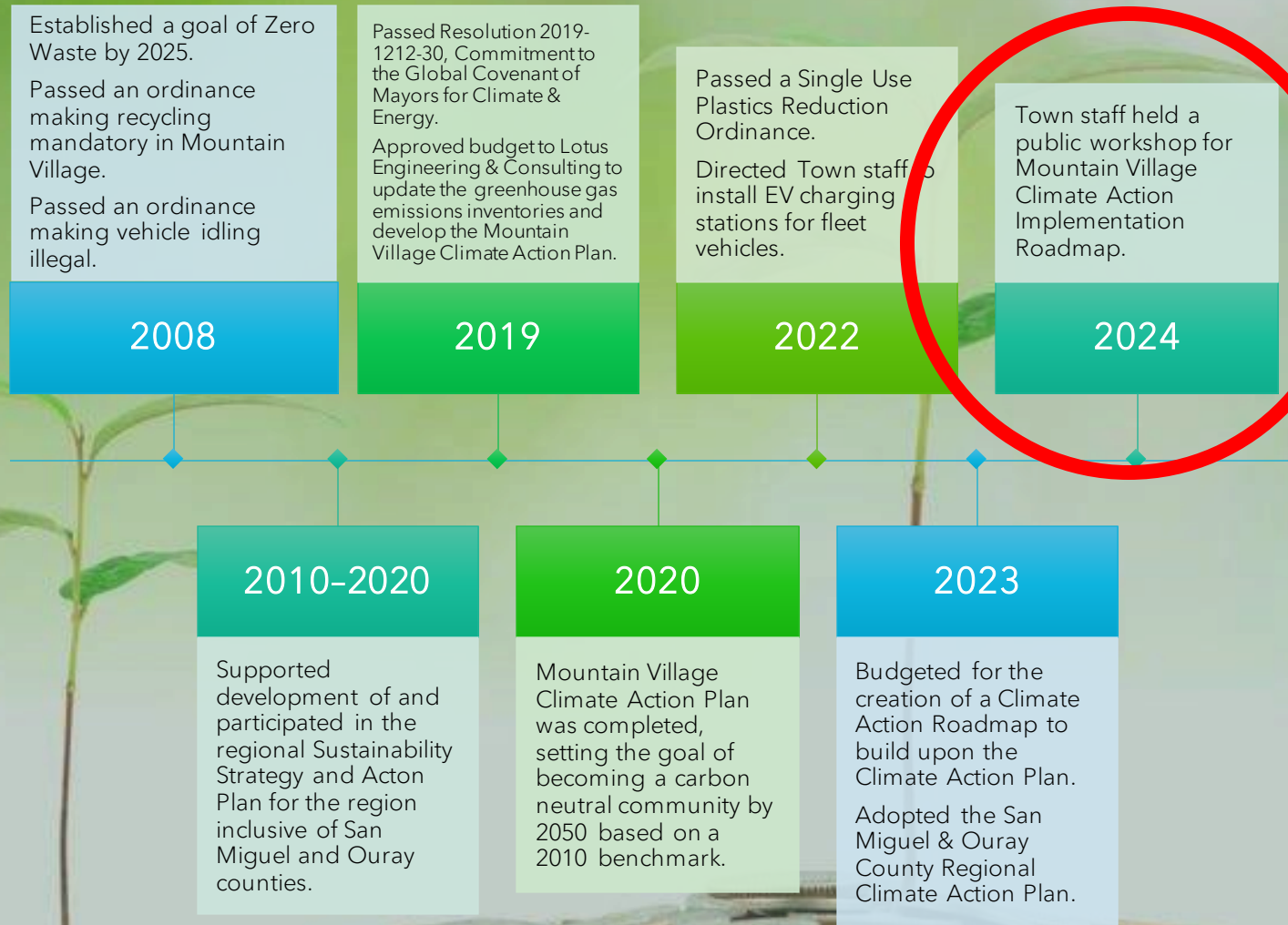
FEBRUARY 15, 2024



Mountain Village Sustainability



Mountain Village Sustainability



Mountain Village Climate Action Plan (CAP)

-Developed in 2020-



Goal Setting

The CAP includes 11 strategies and 33 implementation actions to reduce greenhouse gas emissions. If all recommended actions are implemented, then Mountain Village will reduce its emissions by over 85% by 2050.



Methodology

Lotus Engineering & Sustainability was hired to develop a 2019 greenhouse gas emissions inventory compliant with the Global Protocol for Community-Scale Greenhouse Gas Emissions Inventories. This inventory informed the CAP. The 85% emissions reduction by 2050 is based on a 2010 baseline.



Strategies

The CAP sets emissions reduction strategies across four categories: Transportation, Building Energy, Renewable Energy, and Waste. These strategies include suggested actions and emissions reduction estimations.



Values

The CAP defines Mountain Village's climate action values in terms of fiscal responsibility, quality of life, circular economy, equity, education and engagement, and supporting local food networks.

Mountain Village Climate Action Roadmap: Implementing the CAP



Purpose

To implement the Climate Action Plan's strategies and actions. The roadmap will prioritize these based on greenhouse gas emissions reductions, timeline for implementation, cost, and community benefit.



Goal setting

To establish 3-, 5-, and 10-year emissions reductions targets to reach carbon neutrality by 2050.



Focal points

Address climate mitigation and climate adaptation, taking into consideration economic, social, and environmental factors within the context of the Mountain Village community.



Approach

Town staff is working with Cascadia Consulting to develop a science-based, transparent implementation plan to reach carbon neutrality by 2050. The plan will be developed with the public's input and will be presented to Town Council for adoption.

Mountain Village 2019 GHG Emissions Inventory



GPC Protocol

Compliant with Global Protocol for Community-Scale Greenhouse Gas Emissions Inventories (GPC protocol).



BASIC Methodology with aviation (partial BASIC+)

The BASIC methodology covers stationary energy, in-boundary transportation, and community-generated waste. Emissions from aviation were also included.



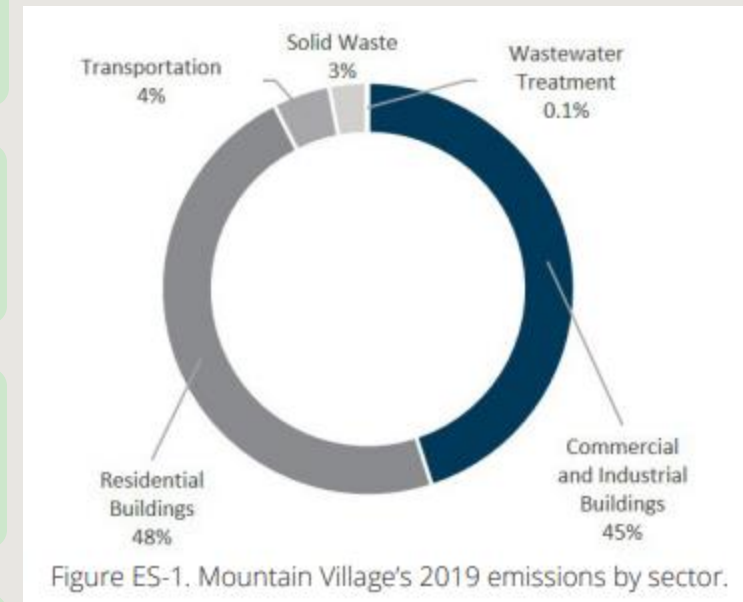
Town Boundary

The boundaries of the GHG emissions inventory were set as within Town limits.



Data Collection

Data was collected from TMVOA, the wastewater treatment plant, TSG, the State of Colorado, Bruin Waste, Waste Management, Black Hills Energy, SMPA, and town departments.



Next Steps

- ✓ Town staff has identified items in the 2020 Climate Action Plan and 2019 Greenhouse Gas (GHG) Emissions Inventory that should be revisited.
 - ✓ Staff recommends updating the CAP based on a 2023 GHG emissions inventory that considers additional transboundary transportation emissions.
 - ✓ Concurrently, staff will continue development of the Climate Action Roadmap, taking into account relevant updates to the CAP.
 - ✓ The updated CAP will include the implementation roadmap and cost benefit assessment within a comprehensive document.
 - ✓ This document will be presented to Town Council for adoption in 2024.
-



COLORADO FLIGHTS
ALLIANCE



COLORADO FLIGHTS ALLIANCE

1. CFA Overview
2. National Economic Trends
3. National Airline Trends
4. Winter Performance
5. Air Planning
6. Economic Impact

A REGIONAL COOPERATION

OPERATING

Montrose Regional Airport
Telluride Regional Airport
Telluride Ski & Golf
Telluride Tourism Board

GOVERNMENTAL

Town of Mountain Village
Town of Telluride
City of Montrose
San Miguel County
Montrose County



COLORADO FLIGHTS
ALLIANCE

STAKEHOLDERS

Telluride Lodging Association
Restaurants & Retail
Telluride Association of Realtors
Activities & Events
Transportation

REGIONAL

Ouray
Ridgway
Norwood
Gunnison/CB



NATIONAL OUTLOOK

Americans Have Not had this Level of Positive Financial Sentiment Since March 2022

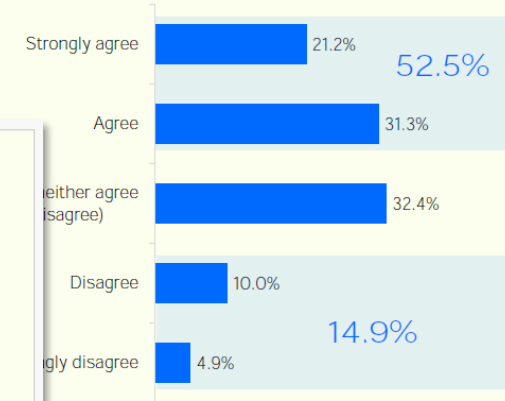
Question:
Would you say that you (and your household) are better off or worse off financially than you were a year ago?



Future Partners The State of the American Traveler—November 2023

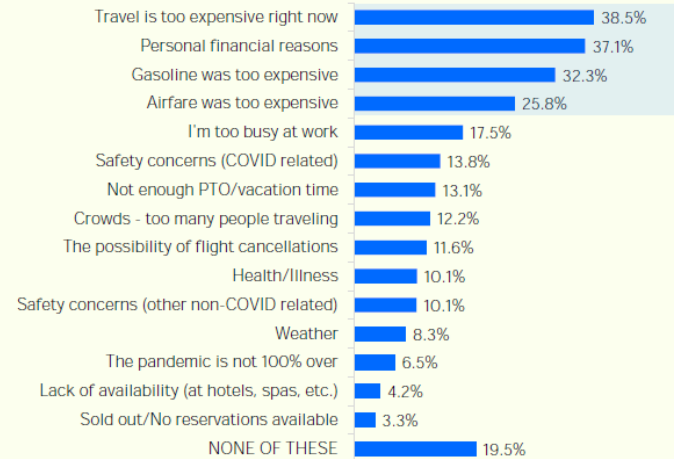
Economic Uncertainty Does Continue to be Elevated

Question:
I expect the United States will enter an economic recession sometime in the NEXT SIX (6) MONTHS.



High Costs Remain the Top Impediment to Travel

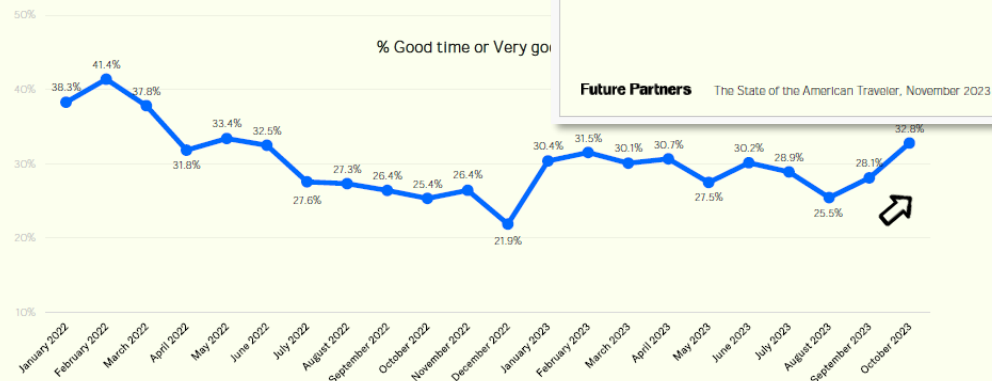
Question:
In the PAST SIX (6) MONTHS, which (if any) of the following have kept you from traveling more than you would have otherwise preferred? (Select all that apply)



Future Partners The State of the American Traveler, November 2023

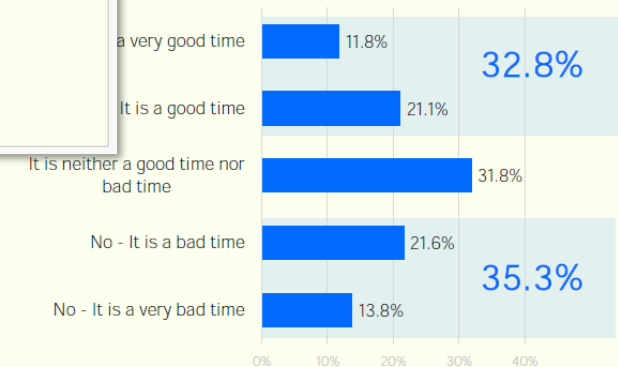
This is the Best Americans have had for Travel Spending all Year

Question:
Thinking only of your household's finances, do you feel NOW is a good or bad time for you to spend on travel?



Future Partners The State of the American Traveler—November 2023

Good Time to Spend on



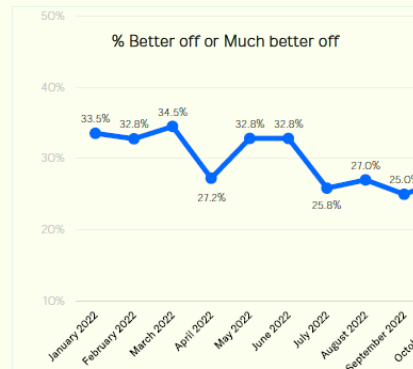
Future Partners The State of the American Traveler—November 2023



NATIONAL OUTLOOK

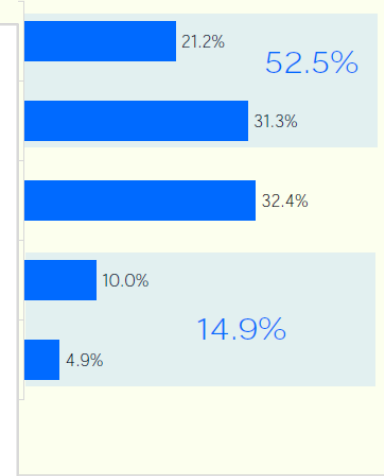
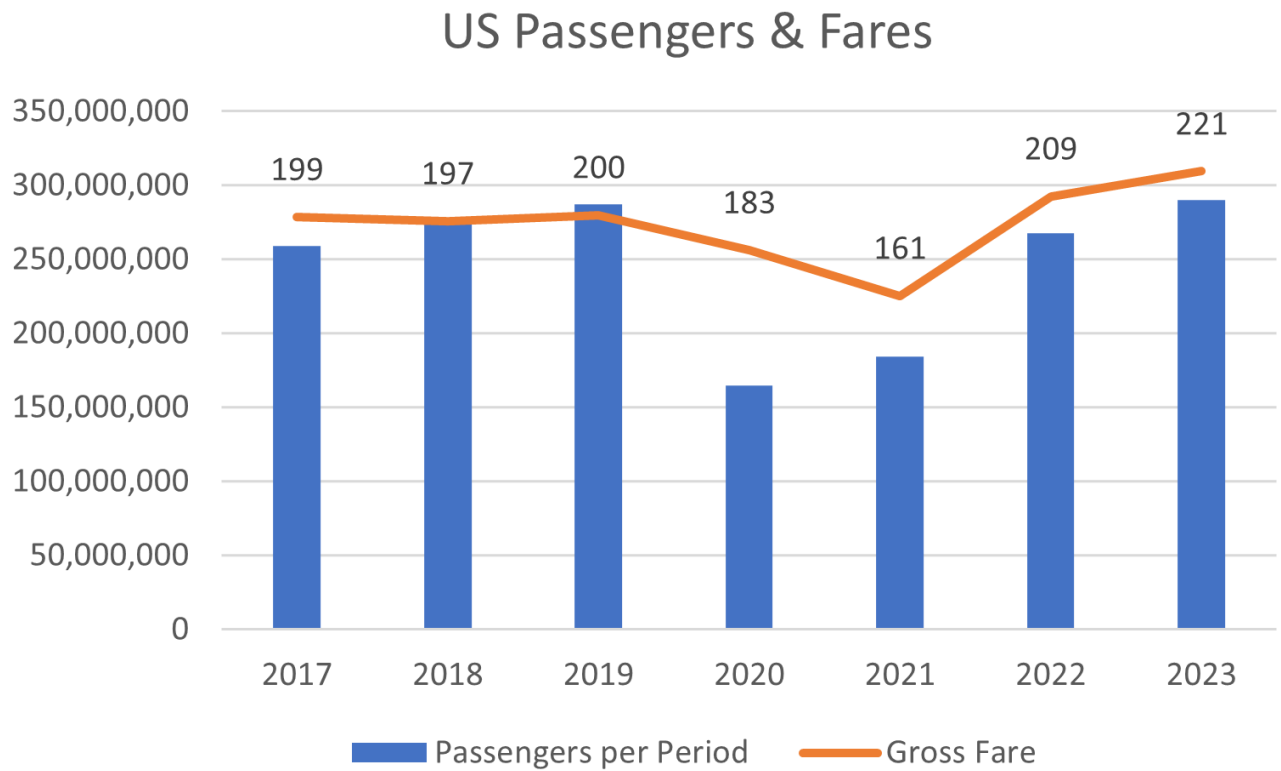
Americans Have Not had this Level of Positive Financial Sentiment Since March 2022

Question: Would you say that you (and your household) are better off or worse off financially than you were a year ago?



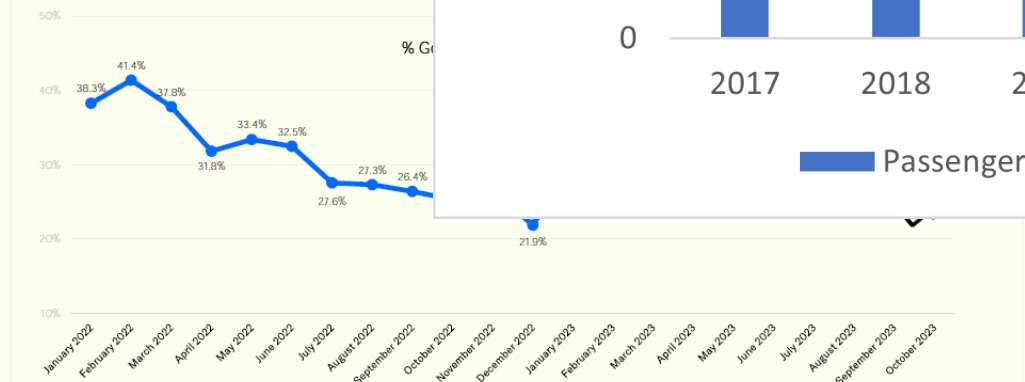
Future Partners The State of the American Traveler—November 2023

Economic Uncertainty Does Continue to be Elevated

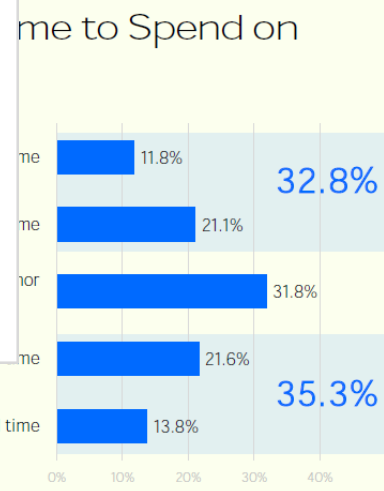


This is the Best American Time to Spend on Travel

Question: Thinking only of your household's finances, do you feel NOW is a good time to spend on travel?



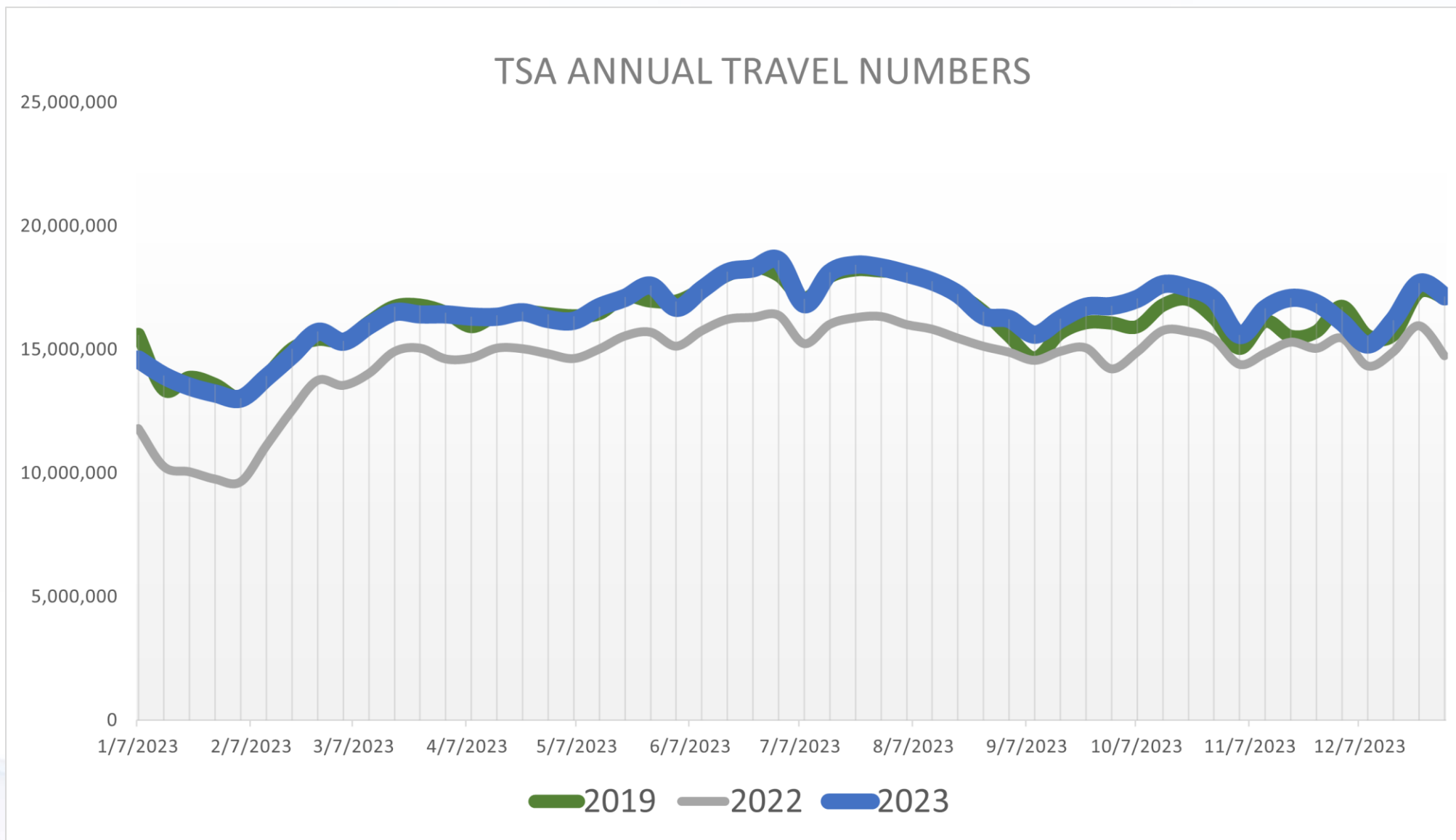
Future Partners The State of the American Traveler—November 2023



Future Partners The State of the American Traveler—November 2023



NATIONAL OUTLOOK





NATIONAL OUTLOOK

MAJOR AIRLINE RECOVERY

■ 2019 ■ 2020 ■ 2021 ■ 2022 ■ 2023

300,000,000

250,000,000

200,000,000

150,000,000

100,000,000

50,000,000

0

American

United

Southwest

Delta

Alaska

Jet Blue

Frontier

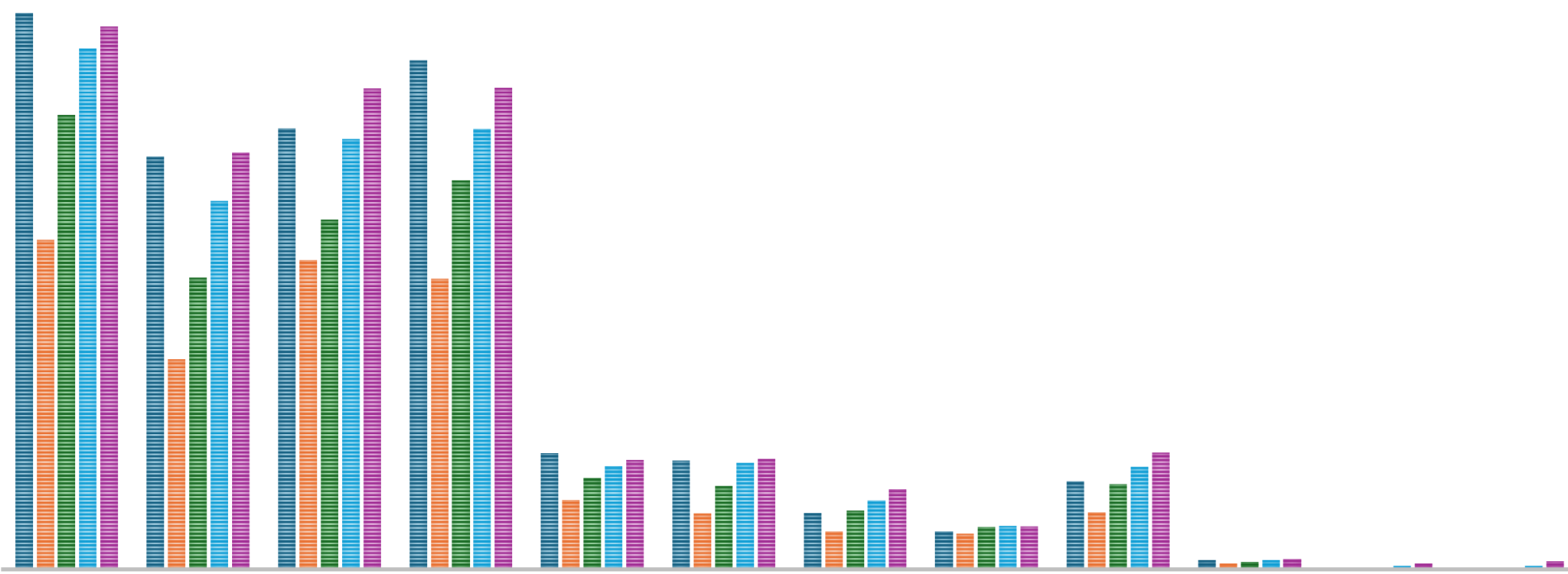
Allegiant

Spirit

Sun Ctry

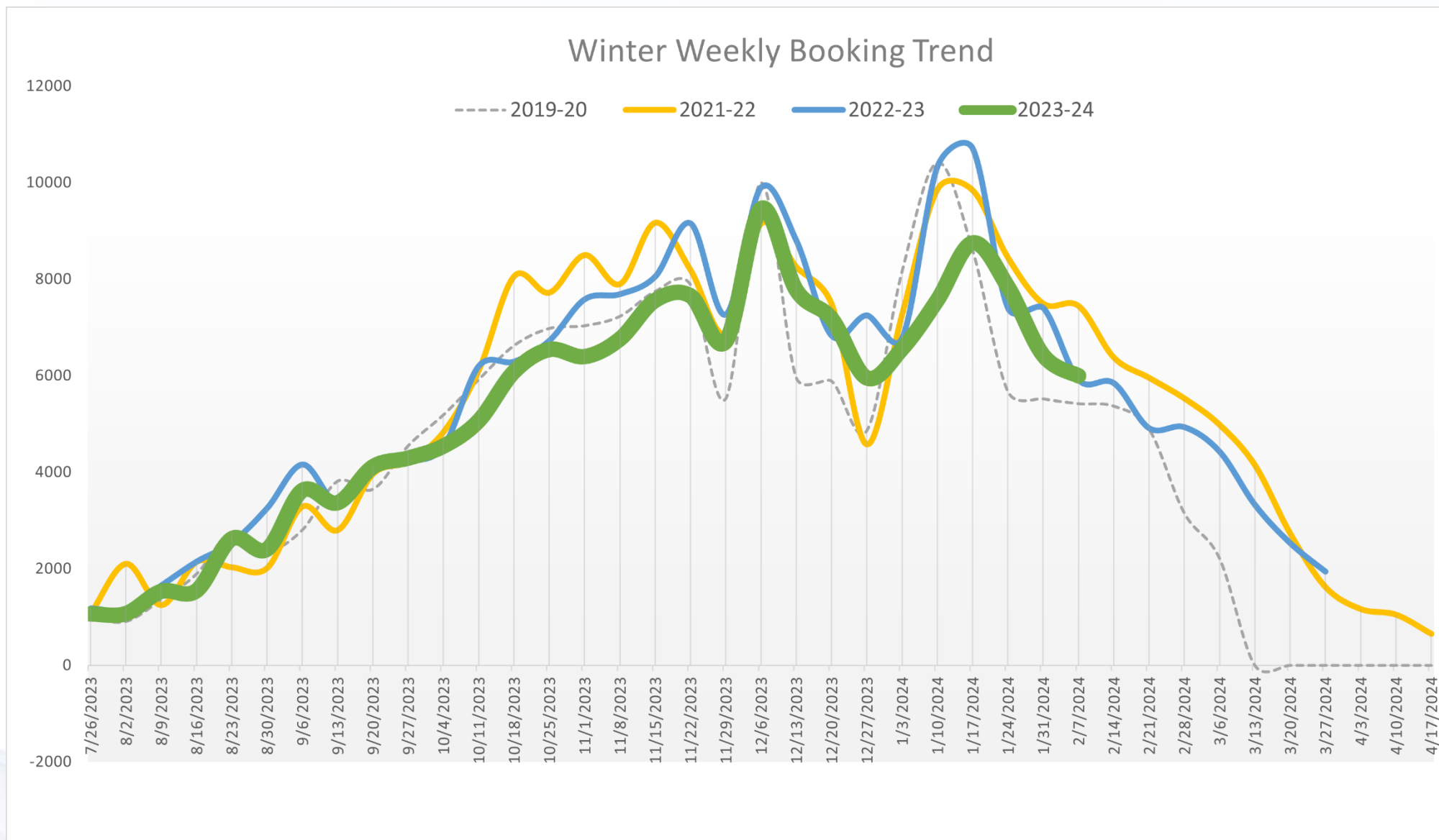
Avelo

Breeze



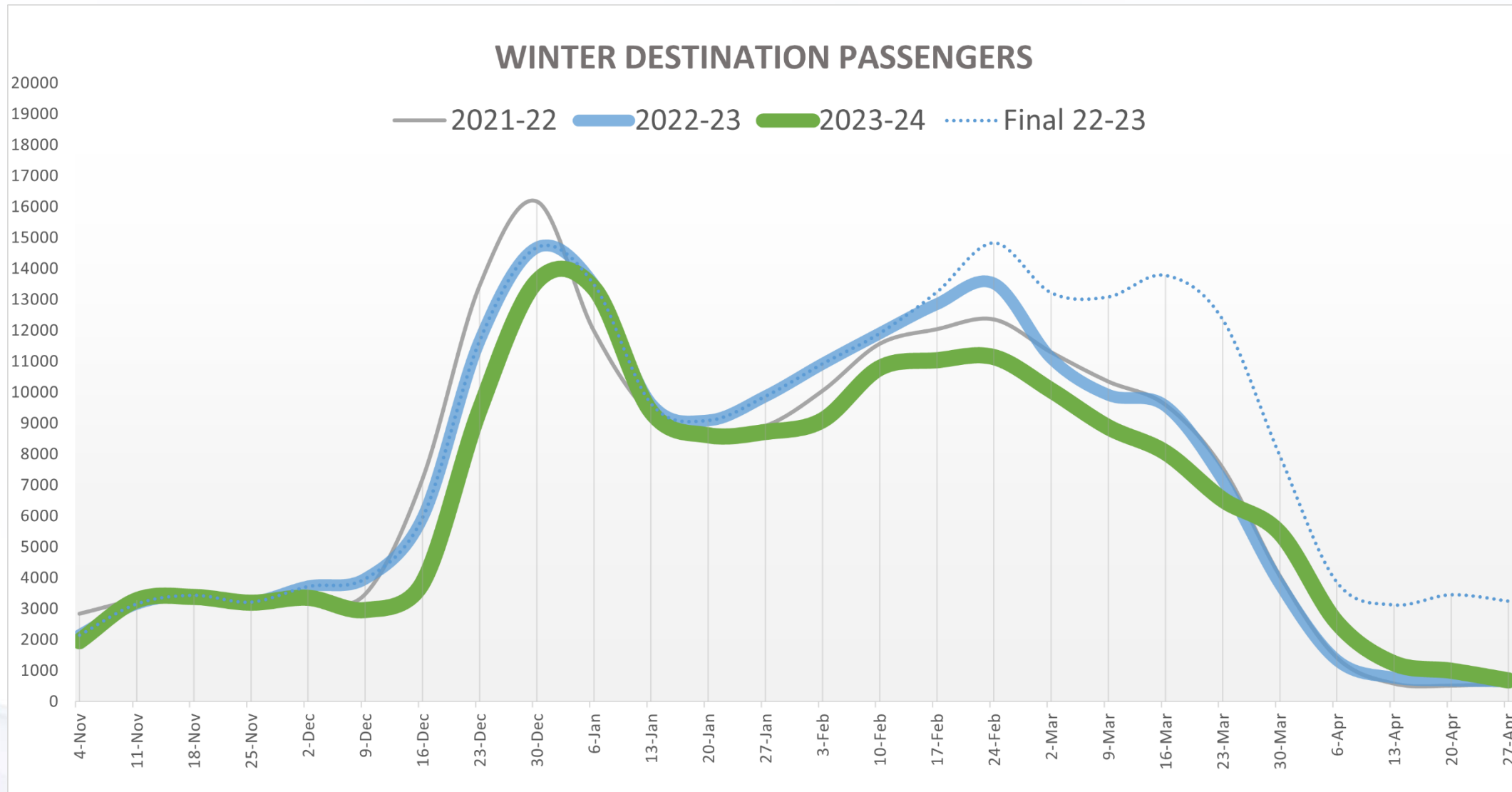


WINTER 23-24

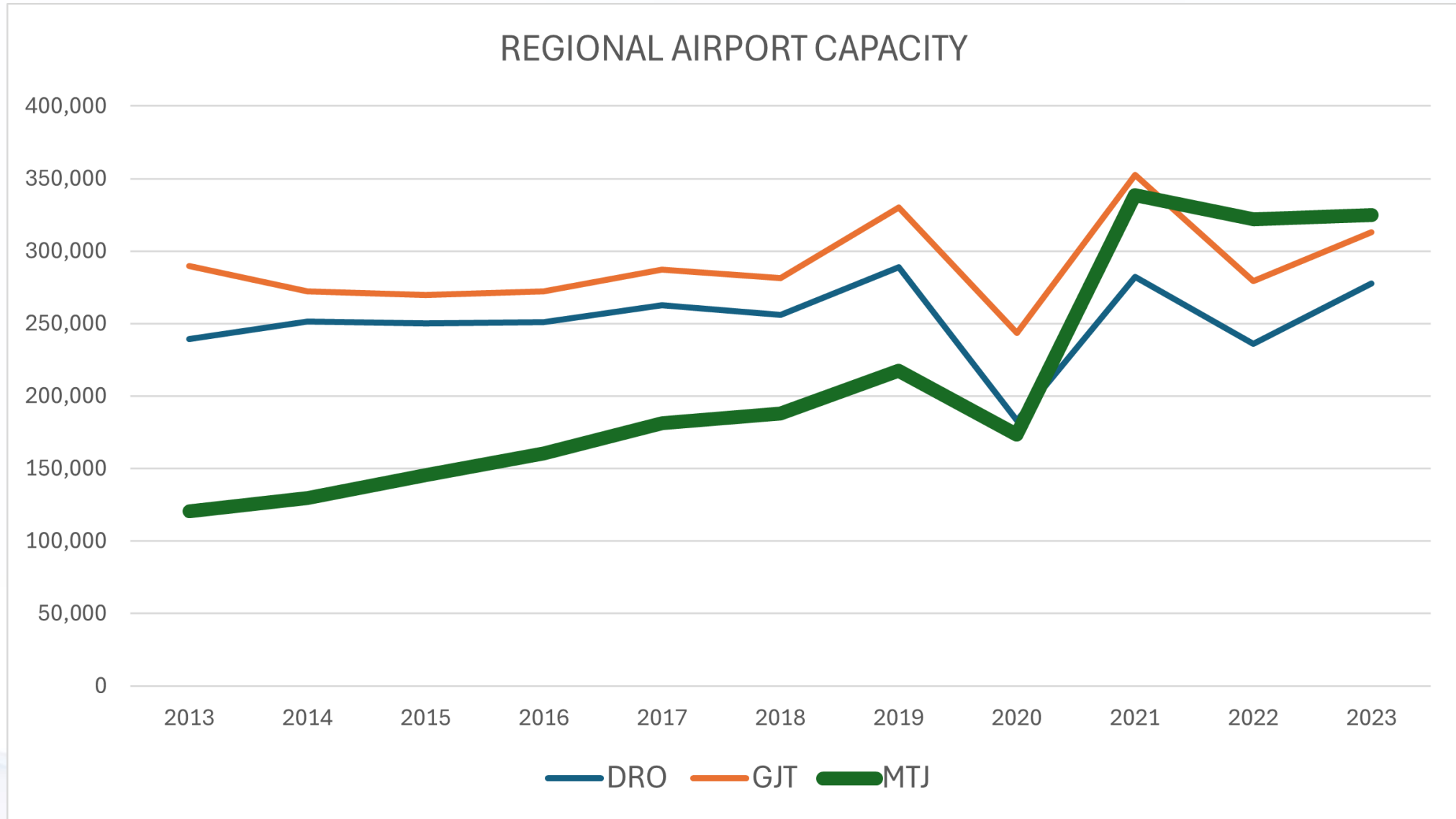




WINTER 23-24



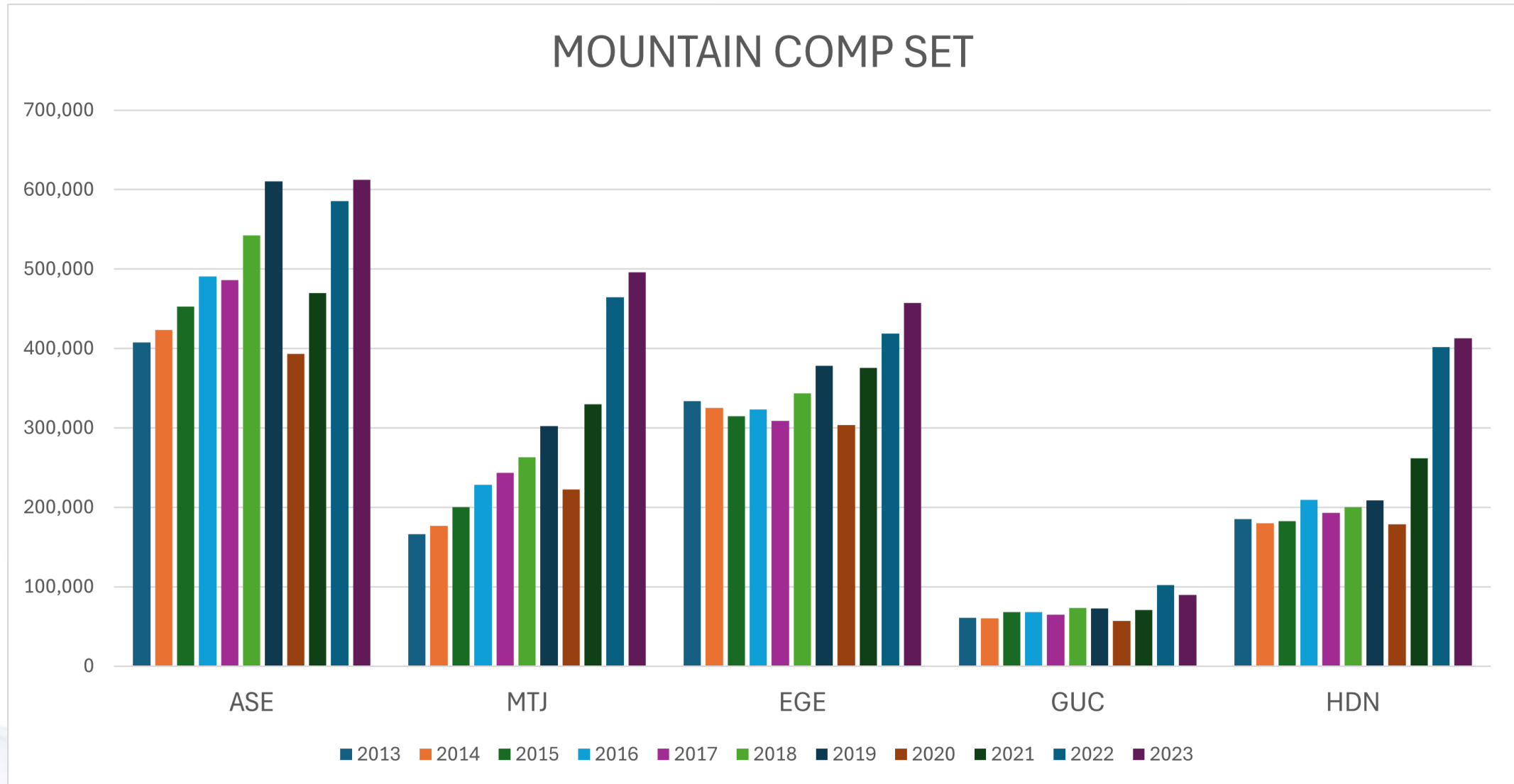
AIR PASSENGERS



AIR PASSENGERS



MOUNTAIN COMP SET





SUMMER 2024



NONSTOP SERVICE WITH CONNECTIONS WORLDWIDE

- American Airlines
- United Airlines
- Denver Air Connection (UNITED / AMERICAN / DELTA)
- Southwest Airlines

Highlights include:

- All mainline (big) jets on the MTJ-Denver route
- Earlier start to daily Houston and Chicago before Memorial Day
- Larger mainline jets from DFW
- Addition of Dallas Love-Field with Southwest on Saturdays

TEX- DENVER AIR



Growth & Continued Priority

- Currently Two Routes
- Daily Year-round DEN, Year-round PHX
- New Interline with Delta, adding to United and American
- Future Routes
- Future Aircraft

FARE SALE LIVE FOR APRIL-MAY

From \$129 for DEN and PHX





MTJ EXPANSION

AIR PASSENGERS & ECONOMIC IMPACT



Table 2: Economic Impacts of Tourism by County, 2018
(Including direct, indirect and induced effects)

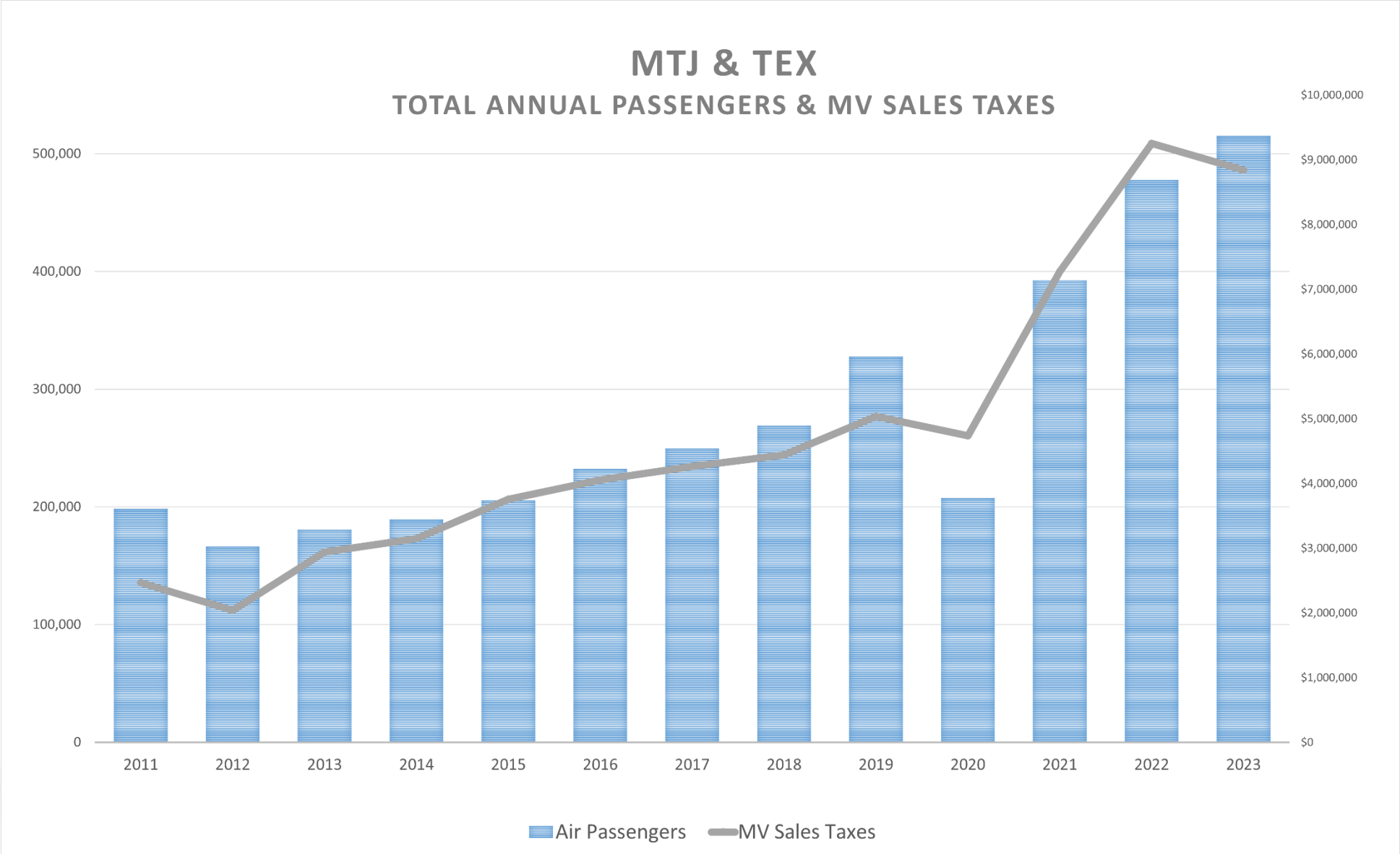
Impact Type (total effects)	Sum Total	County of Impact		
		Montrose	Ouray	San Miguel
2018 economic impacts:				
Jobs attributable to tourism	8,068	2,938	1,304	3,827
Jobs attributable to airline flights to MTJ & TEX	4,016	1,302	352	2,361
Jobs attributable to drive / other modes	4,052	1,636	951	1,465
Output attributable to tourism (\$ million)	\$886	\$287	\$107	\$492
Output attributable to airline flights to MTJ & TEX (\$ million)	\$478	\$147	\$39	\$291
Output attributable to drive / other modes (\$ million)	\$408	\$140	\$67	\$201
Labor income attributable to tourism (\$ million)	\$271	\$84	\$36	\$151
Labor income attributable to airline flights to MTJ & TEX (\$ million)	\$137	\$39	\$10	\$88
Labor income attributable to drive / other modes (\$ million)	\$134	\$46	\$26	\$63



San Miguel County Tourism Impact - 2018

	Jobs	Output	Labor Income
<u>Total Impacts</u>	<u>(FTE)</u>	<u>(\$ Millions)</u>	<u>(\$ millions)</u>
Attributable to Tourism	3,827	\$492	\$151
Attributable to Fly	2,361	\$291	\$88
Attributable to Drive/Other	1,465	\$201	\$63

AIR PASSENGERS & ECONOMIC IMPACT





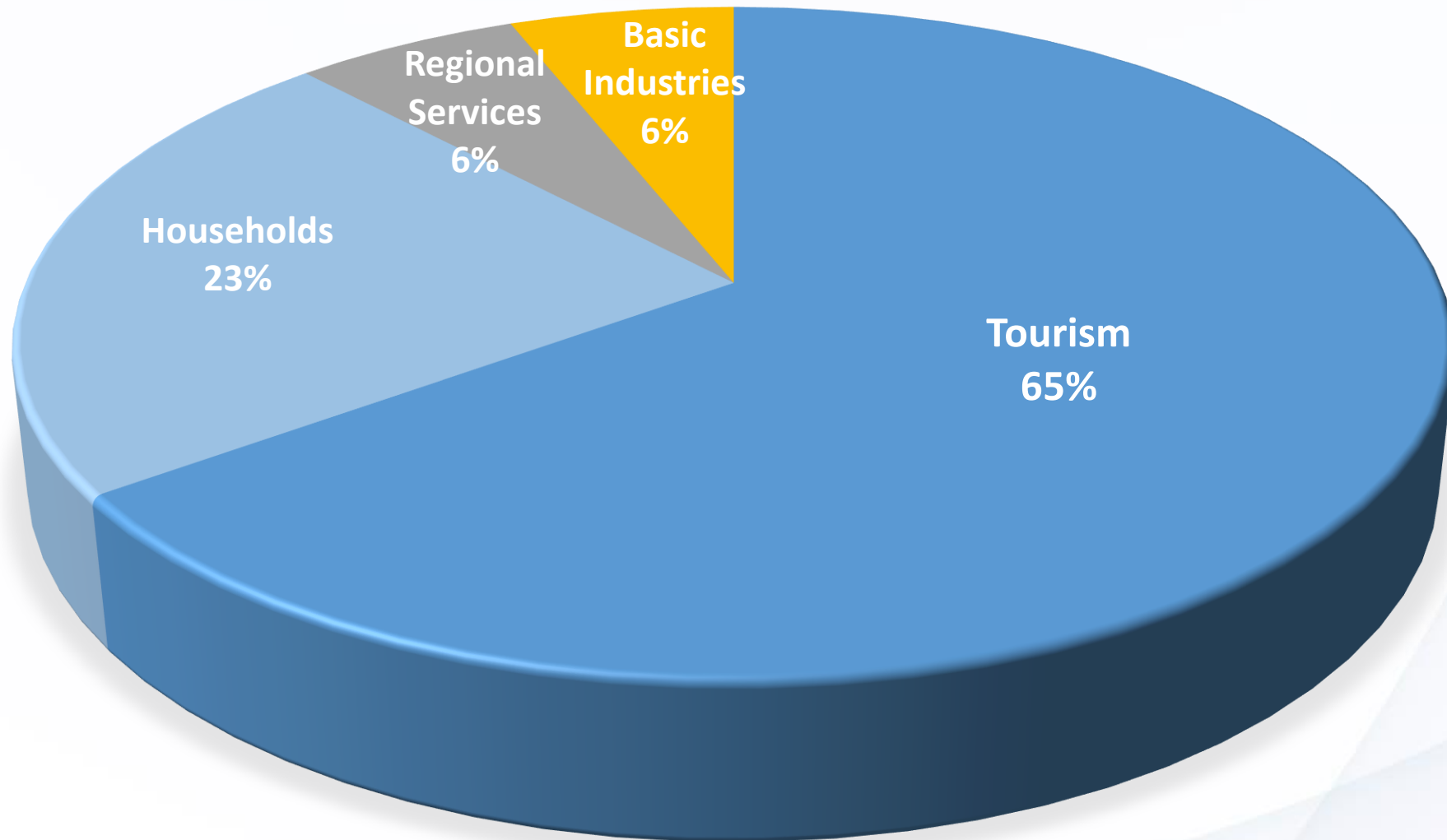
COLORADO FLIGHTS
ALLIANCE



Regional Tourism Impact – 2018

	Jobs	Output	Labor Income
<u>Total Impacts</u>	<u>(FTE)</u>	<u>(\$ Millions)</u>	<u>(\$ Millions)</u>
Attributable to Tourism	8,068	\$886	\$271
Attributable to Fly	4,016	\$478	\$137
Attributable to Drive/Other	4,052	\$408	\$134

SAN MIGUEL COUNTY ECONOMIC BASE



Basic: Gov't, Mining, Ag

Regional: Comm, Finance, Construction, Professional, Health

Households: 18 of the 22% is Retirees



San Miguel County	2018
DIRECT BASIC JOBS:	
Traditional Basic Industries - Total	369
<i>Agribusiness</i>	181
<i>Mining</i>	43
<i>Manufacturing</i>	39
<i>Government (State & Federal)</i>	106
Regional Center / National Services - Total	356
<i>Communications</i>	2
<i>Construction</i>	1
<i>Finance, Insurance and Real Estate</i>	24
<i>Trade and Transportation</i>	10
<i>Professional and Business Services</i>	12
<i>Education and Health Services</i>	305
Tourism - Total	3,903
<i>Resorts (resorts, attractions, lodging)</i>	2,587
<i>Service (dining, shopping, entertainment)</i>	346
<i>Transportation (airfare, car rental, gas, etc.)</i>	39
<i>Second Homes (construction, upkeep, sales)</i>	930
Households - Total	1,385
<i>Commuters</i>	(185)
<i>HHs with Public Assistance Income</i>	60
<i>Retirees</i>	1,099
<i>HHs with Dividend / Interest / Rental Income</i>	411
TOTAL DIRECT BASIC JOBS	6,010
OTHER CATEGORIES OF JOBS:	
Indirect Basic	1,043
Total Basic (Direct Basic + Indirect Basic)	7,053
Worker/Local Resident Services (Non Basic)	487
Total Local Resident Services (HHs + Non Basic)	1,871
TOTAL - ALL INDUSTRIES	7,541

Source: "Industry Base Analysis," Colorado State Demography Office.

San Miguel County GDP

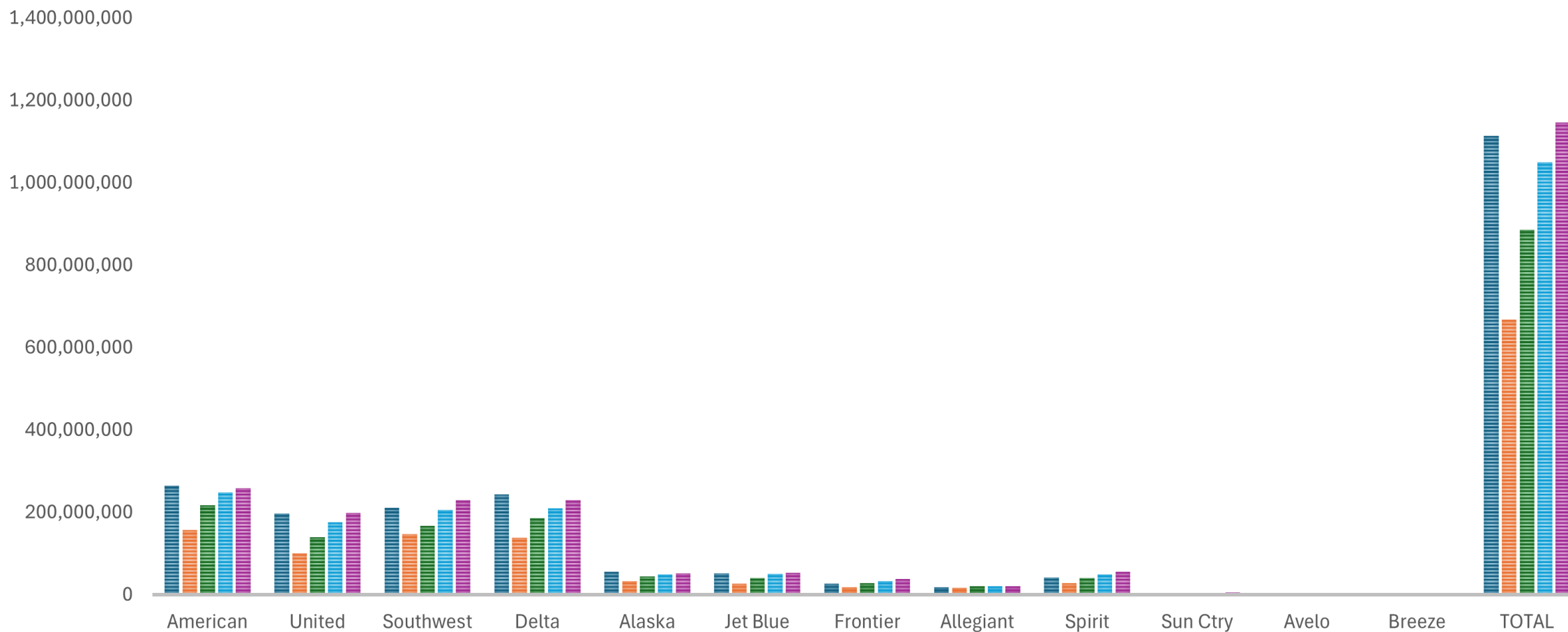
*Tourism responsible for
79% of Direct Basic Jobs*



NATIONAL OUTLOOK

MAJOR AIRLINE RECOVERY

■ 2019 ■ 2020 ■ 2021 ■ 2022 ■ 2023



From: [Heather Knox](#)
To: [council](#)
Subject: Meadows improvements discussion
Date: Wednesday, February 14, 2024 10:06:53 PM

Caution: External Message - Please be cautious when opening links or attachments in email.

Mountain Village council -

Thank you for reviewing the 2022 Action Items for the Meadows Subarea Amended Master Plan. My public comments follows each question:

1. Whether a parking study needs to be conducted specific to the Meadows Sub-area, and if so what is the scope, what are our primary areas of concern?

No, please do not pay consultants to do another study. The townwide parking study was completed and parking rates increased. The daily rates make sense. I have heard complaints from my neighbors who rely on the Meadows lot for overflow parking, that they are unhappy with the permit fee increase from \$100 annually to \$200 for 6 months. It is a big jump. In the future the rates for residential permits could be reviewed, but at this time MV should stay the course with the parking fees, and no new studies conducted.

2. Whether parking requirements for future development should be re-considered (noting that any changes to parking requirements would apply town-wide)?

I live in a complex that does not have adequate parking, which is why so many of my neighbors rely on the Meadows parking lot. My opinion: Future developments should be required to provide adequate on-site parking and provide a parking plan that addresses overflow parking in a public parking lot. If a developer is relying on a town-owned parking lot for their parking they should contribute to the upkeep and improvements.

3. Whether we should fund a study to determine a secondary access route out of the Meadows?

YES! The northside of the Meadows adjacent to USFS is identified in the MV Forestry Plan as being a "Red Zone" for fire danger level. Our neighborhood is densely populated with only one way in and out. Please pursue additional egress as a top priority for the Action Items.

4. Whether further discussion regarding short term rental regulations should be pursued

at this time?

MV has an incentive plan for placing deed restrictions on free market units. I don't

know how many people have utilized this incentive plan. The incentive plan should be marketed and targeted to Meadows non-deed restricted unit owners. Funds would go directly to housing year-round employees per the deed restriction. Short term rentals in the Meadows are incongruent with the neighborhood. Outreach to free market owners offering incentives to place a deed restriction on their unit would be a win for all. In the future, a zone district that does not allow short term rentals in the Meadows would be beneficial.

5. Whether the improvements described above for the south side of the existing sidewalk on Adams Ranch Road are amenable?

I do not fully understand the proposed plan, but sidewalk and landscaping improvements are needed and welcomed.

6. Whether expansion of Meadows Parking Lot could be expected in 10-15 years, or if the Town should proceed with improvements to surface parking, playground, landscaping, post office and public restrooms?

I was on the Meadows Resident Advisory Board, and the majority was not in favor of an expanded 2-story underground parking garage with green space above. It sounds great, but it seemed far-fetched that the town would ever put that amount of money into the Meadows parking lot. I advocated to focus on attainable parking lot improvements immediately. Please proceed with the improvements to the surface parking, playground, landscaping, post office and public restrooms.

Speaking for Meadows residents, we look at the Meadows parking lot as OUR parking lot for overflow parking. We don't want day traffic directed here, because skiers who don't want to pay the daily rate pull into one of the complexes parking lots (illegally). It is easy for them to slip in and then the complex must deal with it. Parking improvements should be directed to the Gondola Parking Garage.

7. If there is a single priority area for bus stop improvements to be considered for 2024

or 2025?

I don't have an opinion on this.

Thank you for considering my input.

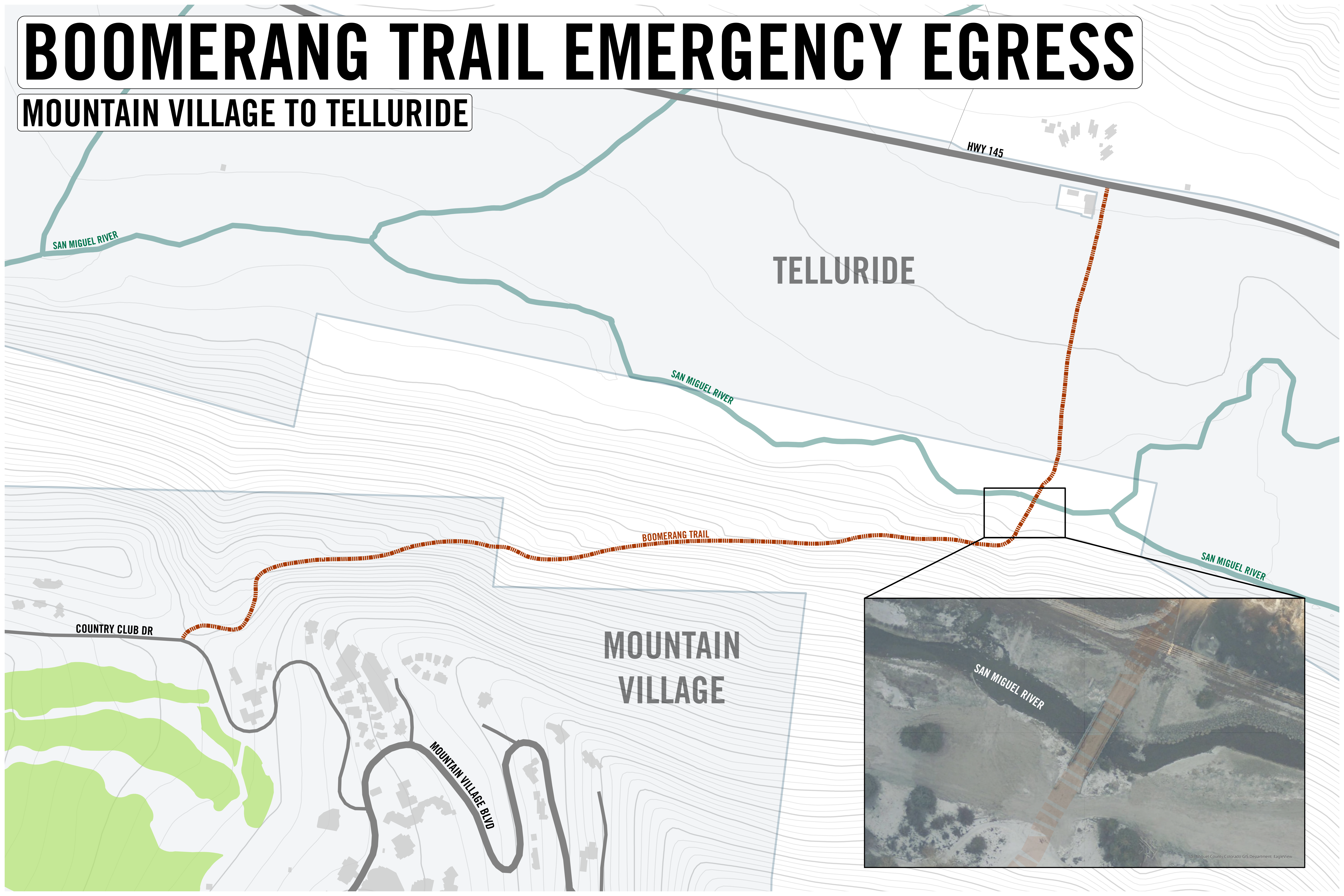
Heather Knox

327 Adams Ranch Road #402

Mountain Village, CO 81435

BOOMERANG TRAIL EMERGENCY EGRESS

MOUNTAIN VILLAGE TO TELLURIDE



Subject: Support for SMART's RAISE Grant Application

Project Name: Uplifting Rural Communities with Innovative Transit.

Dear review committee,

We are writing to express our strong endorsement for the San Miguel Authority for Regional Transit (SMART) and their application for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant. This funding is vital to support the replacement of the current gondola system connecting the Town of Telluride to the Town of Mountain Village.

The existing gondola system is integral to our community, facilitating approximately 3 million person-trips annually and ranking as one of Colorado's busiest transit lines. In the face of parking constraints and escalating traffic volumes, the gondola serves not only as a convenience but a necessity, playing a crucial role in minimizing traffic and preserving the charm that draws visitors to Telluride. Additionally, it enhances road safety and contributes significantly to the reduction of greenhouse gas emissions. It is noteworthy that 70% of gondola riders are non-resident visitors, underscoring its economic importance.

The proposed project encompasses design, engineering, and construction, aiming to increase capacity by at least 50%. The replacement gondola system promises improved safety and ADA compliance through level loading, while also enhancing overall efficiency and reducing passenger wait times. Given the current system's age and its surpassing the typical service life, replacing it is essential to meet the projected future capacity of four million riders by 2037.

The SMART Gondola Long-Term Planning Leadership Committee, representing key stakeholders such as Telluride Mountain Village Owner's Association (TMVOA), Telski, Telluride Mountain Village, San Miguel County, and SMART, has unanimously endorsed the pursuit of a new gondola system as the Locally Preferred Alternative.

We wholeheartedly support this endeavor to maintain economic competitiveness and provide a sustainable transportation option for the future. We urge you to approve this critical grant application for RAISE funding, which will play a pivotal role in moving this project forward and ensuring its continued contribution to our community's prosperity.

Sincerely,

[Your Name]

[Your Title/Position]

[Your Contact Information]