

ORDINANCE NO. 2024-15

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE,
COLORADO CONDITIONALLY APPROVING DENSITY TRANSFER FOR LOTS 1001 AND 1005R**

WHEREAS, the Town of Mountain Village Housing Authority (the “Owner”) is the owner of certain real property located at Lot 1001 and Lot 1005, Telluride Mountain Village, commonly known as the Village Court Apartments, Mountain Village, Colorado (the “Property”); and

WHEREAS, Michelle Haynes, Assistant Town Manager (“Applicant”), with the consent of the Owner, has submitted an application to the Town of Mountain Village (the “Town”) to transfer 14 units of density on Lot 1001 and 8 units of density on Lot 1005R to the Town’s Density Bank (the “Application”), which Application consists of the materials submitted and itemized on Exhibit A, attached hereto, plus all statements, representations, and additional documents of the Owner and its representatives made or submitted at the public hearings before the Design Review Board (“DRB”) and the Town of Mountain Village Town Council (“Town Council”); and

WHEREAS, the DRB held a public hearing on October 3, 2024, to consider the Application and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 7-0 to issue a recommendation of approval to Town Council of the Application, subject to conditions; and

WHEREAS, the Town Council held a public meeting on October 17, 2024, to consider the Application, the DRB’s recommendations, and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 7-0 to approve the Application, subject to conditions and a second reading of this Ordinance to be held at a public hearing on November 21, 2024; and

WHEREAS, the Town Council held a public hearing on November 21, 2024, to consider the second reading of this Ordinance and testimony and comments from the Applicant, Town Staff, and members of the public, and voted 6-0 to approve the Application; and

WHEREAS, the public hearings and meetings to consider the Application were duly noticed and held in accordance with the Town’s Community Development Code (“CDC”); and

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.9 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

1. The proposed rezoning is in general conformity with the policies, principles and standards set forth in the Comprehensive Plan;
2. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
3. The proposed rezoning meets the Comprehensive Plan project standards;
4. The proposed rezoning is consistent with public health, safety, and welfare, as well as efficiency and economy in the use of land and its resources;
5. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;
6. Adequate public facilities and services are available to serve the intended land uses;

7. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash, or service delivery congestion; and
8. The proposed rezoning meets all applicable Town regulations and standards.

WHEREAS, the Town Council has considered the criteria set forth in Section 17.4.10 of the CDC and finds that each of the following has been satisfied or will be satisfied upon compliance with the conditions of this Ordinance set forth below:

1. The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
2. The density transfer meets the density transfer and density bank policies; and
3. The proposed density transfer meets all applicable Town regulations and standards.

WHEREAS, the Town Council now desires to approve the Application, subject to the terms and conditions 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. Approvals. The Town Council hereby approves the Application, subject to the conditions set forth below. All exhibits to this Ordinance are available for inspection at the Town Clerk’s Office. The Town Council specifically approves the following density transfer:

Table 1. Lot 1001 and Lot 1005R Density – Existing and Proposed

	Existing Zoning Designations Built	Existing Zoning Designations Platted, Unbuilt	Person Equivalents	Total Person Equivalents
Lot 1001	603	14	3	42
Lot 1005R	90	8	3	24
Total to Density Bank				66

Section 3. Conditions. The approval of the Application is subject to the following terms and conditions:

3.1. The density transfer authorized hereby shall not be effective until the Effective Date of this Ordinance.

3.2. The owner of record of density in the Density Bank shall be responsible for all dues, fees, and any taxes associated with the assigned density and zoning until such time as the density is either transferred to a lot or another person or entity.

3.3. Town staff shall update the Town’s Density List to reflect the changes made by this Ordinance as soon as practicable after the Effective Date.

3.4. All representations of the Applicant, whether within the Application or at the DRB or Town Council public hearings, are conditions of this approval.

Section 4. 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 5. Effective Date. This Ordinance shall become effective on November 22, 2024 (“Effective Date”) 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 6. Public Hearing. A public hearing on this Ordinance was held on the 21st day of November, 2024, in the Town Council Chambers, Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado 81435.

Section 7. Publication. The Town Clerk or Deputy Town Clerk shall post and publish notice of this Ordinance as required by Article V, Section 5.8 of the Charter.

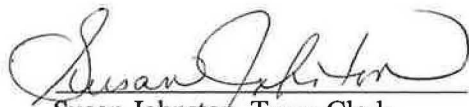
INTRODUCED, READ, AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 17th day of October, 2024.

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 21st day of November, 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. 2024-15 ("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 October 17, 2024, by the affirmative vote of a quorum of the Town Council as follows:

Council Member Name	"Yes"	"No"	Absent	Abstain
Martinique Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride	X			
Tucker Magid	X			
Huascar Gomez	X			

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on October 23, 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 November 21, 2024. At the public hearing, the Ordinance was considered, read by title, and approved with 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 Prohaska, Mayor	X			
Scott Pearson, Mayor Pro-Tem	X			
Harvey Mogenson	X			
Peter Duprey	X			
Jack Gilbride			X	
Tucker Magid	X			
Huascar Gomez	X			

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 21st day of November, 2024.



 Susan Johnston, Town Clerk
 (SEAL)



Exhibit A

[LIST OF APPLICATION MATERIALS]



OFFICE OF THE TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 417-6976

August 27, 2024

Amy Ward, Community Development Director
award@mtnvillage.org

RE: Density Transfer and Rezone, to transfer the unbuilt density on Lots 1001 and 1005R into the density bank.

NARRATIVE

Lots 1001 and Lots 1005R represent Village Court Apartments which is comprised of two lots with a total acreage of 8.394 acres and 2.806 acres respectively for a combined acreage of 11.2 acres.

During the 2017 Town Hall Subarea Comprehensive Plan amendment process, 8 units of density were added to Lot 1005R and in 2019 49 units of density were added to lot 1001 in anticipation of the future housing that has subsequently been constructed, which was entirely constructed on Lot 1001. Although 42-49 units of additional density were envisioned as far back as the 2017 Comprehensive Plan, in an effort to be responsive to the housing challenges that local businesses were having, we reprogrammed one of the two phase IV buildings to have fewer units, but more bedrooms per unit. The decrease in Unit count meant that less density overall was necessary for the project. Currently there are 14 units of excess density on Lot 1001 and 8 unit of excess density on Lot 1005.

Pursuant to the CDC unused density on a lot must be transferred into the density bank. We now understand that additional density will likely not be constructed on these lots pursuant to CDC Section 17.3.8.C.

Further, in 2022 the TMVOA modified their dues policy and noted that density in the density bank will not be charged dues. Ultimately, by moving the density into the density bank, the Town of Mountain Village Housing Authority will no longer need to pay the dues associated with the total unbuilt density of 14 units on Lot 1001 and 8 units on lot 1005R for a total of 21 units each year.

The process outlined in the CDC is a class 4 application which requires a recommendation by the Design Review Board and two readings of an ordinance by Town Council. We respectfully request the density to be moved into the density bank as a cost savings measure for the housing authority and ultimately our tax payers.

REZONE CRITERIA FOR REVIEW CDC SECTION 17.4.9.C.3 CRITERIA FOR DECISION

3. *Criteria for Decision.* The following criteria shall be met for the review authority to approve a rezoning development application:

- a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan;

The 2017 Town Hall Subarea amendment to the Comprehensive Plan envisioned additional housing constructed on the Village Court Apartments property. and is also in general conformance with the goals, policies and provisions of the Comprehensive Plan.

b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

The CDC requires that excess density is placed in the density bank, the action we are taking now that phase IV is constructed and occupied.

c. The proposed rezoning meets the Comprehensive Plan project standards;

The rezoning is meeting these standards or otherwise do not apply for a transfer of density into the density bank.

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

Paying fees on density that is unbuilt, when those fees would be waived if placed in the density bank is the best savings of public funds.

e. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;

n/a

f. Adequate public facilities and services are available to serve the intended land uses;
Yes

g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
Moving the density into the density bank is the best use of the density. With reduced parking requirements, and alternative parking and trash plans because of the increase in density, the town wishes to remove all additional density on the property and not construct additional units at this time.

h. The proposed rezoning meets all applicable Town regulations and standards.
Yes

The following criteria shall be met for the Review Authority to approve a density transfer:

- a) The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
- b) The density transfer meets the density transfer and density bank policies; and
- c) The proposed density transfer meets all applicable Town regulations and standards.

These criteria are being met.



DENSITY BANK TRANSFER APPLICATION

PLANNING & DEVELOPMENT SERVICES
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

Revised 1.3.2020

The Planning & Development Services Department is here to assist you with your development application pursuant to the Community Development Code (CDC).

This publication outlines the process to transfer density within the density bank development application process of the CDC and also provides the submittal requirements for such development application.

Contents of the Publication

This publication is intended to address the submittal requirements for a density transfer within the density bank development application consistent with the Density Transfer Process. However, it is each applicant's responsibility to review the CDC and any associated regulations to ensure a full understanding of the development application process.

Development Review Process

Density transfers within the density bank development applications shall be processed as a class 1 application as provided for in the CDC, with Planning Division administrative approval. The class 1 development application process generally consists of the following steps:

- Step 1: If required by the Planning Division, Pre-submittal Meeting with Applicant and Planning Division**
- Step 2: Applicant Development Application Submittal**
- Step 3: Planning Division Development Application Completeness Check**
- Step 4: If needed, Planning Division Development Application Referral and Review**
- Step 5: If needed, Planning Division Follow-up Communication**
- Step 6: If needed, Applicant Plan Revisions**
- Step 7: Planning Division Action (Issuance of new density bank certificate to new owner showing the amount of density transferred within the density bank, and, if applicable, issuance of a new density bank certificate to the original owner showing density reduction when all of the density owned by one owner is not being transferred to the new owner)**
- Step 8: Planning Division Provides Notice of Action**
- Step 9: Effective Date of Application Decision and Appeal**
- Step 10: Length of Validity (Density transfers within the density bank do not expire)**

Development Application Submittal Requirements:

The following forms, information and plans will need to be submitted in order to have a complete development application. Situations will occur when all of the listed submittal requirements will not be required and where items not listed as submittal requirements will be required in order for the Town to have sufficient information to fully evaluate the impacts of a development application. The Planning Division is therefore authorized to



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determine, based on the nature of a development application, whether to waive submittal requirements or require additional submittal requirements.

Submitted (Office Use)	Item No	Submittal Requirements
	1.	Application Form. Completed application form (Attached).
	2.	Fees. \$50 for 1 hour; hourly rate thereafter. The applicant and property owner are responsible for paying all Town fees as set forth in the fee resolution, and are also required by the CDC to pay for Town legal fees, the cost of special studies, and other fees as set forth in the CDC. Such fees are considered a condition precedent to having a complete development application, and shall be paid prior to the Town issuing the final approval.
	3.	Proof of Ownership. Copy of original Town issued density bank certificate and recorded assignment and bill of sale for the density being transferred within the density bank.
	4.	Agency Letter. If application is not submitted by the owner of the density in the density bank, a letter of agency, signed by the density bank density owner giving permission to a firm or person to submit the requested land use application (Attached).
	5.	ePlan Submittal. All conceptual worksession requests shall be submitted pursuant to the ePlans submittal as outlined in the following publication: https://townofmountainvillage.com/media/ePlans-Electronic-Submittal-and-Review.pdf

Questions and/or comments on ePlans Process can be directed to cd@mtnvillage.org or call 970-728-1392.



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TOWN OF MOUNTAIN VILLAGE FEE REQUIREMENTS ACKNOWLEDGEMENT

The Town of Mountain Village requires specific fees to be paid with a development application including legal and attorney fees associated with processing land development applications, inquiries and review. Please read and acknowledge the below fee requirement which are found at Community Development Code Section 17.4.4. General Provisions Applicable to All Development Application Classes, Section L. Fees.

L. Fees

1. Fee Schedule. The Town Council shall, from time to time, adopt a fee resolution setting forth all development application fees and associated permit fees. Fees for submittals not listed in the fee schedule resolution shall be determined by the Director of Community Development on a case-by-case basis determined by the similarity between the submittal and the development applications listed on the fee schedule together with the estimated number of hours of staff time the review of the submittal will require. No development application shall be processed, nor any development or building permits shall be issued until all outstanding fees or moneys owed by the applicant, lot owner, developer or related entity, as defined by the Municipal Code, to the Town, in any amount for any purpose, including but not limited to any fees, delinquent taxes, required Town licenses, permit fees, court fines, costs, judgments, surcharges, assessments, parking fines or attorney's fees are paid to the Town.

2. Town Attorney Fees. The applicant shall be responsible for all legal fees incurred by the Town in the processing and review of any development application or other submittal, including but not limited to any Town Attorney fees and expenses incurred by the Town in the legal review of a development application together with the legal review of any associated legal documents or issues. Legal expenses so incurred shall be paid for by the applicant prior to the issuance of any permits.

3. Property or Development Inquiries. The Town requires that Town Attorney legal fees and expenses be paid for all development or property inquiries where a legal review is deemed necessary by the Town. The developer or person making the inquiry, whichever the case may be, shall be informed of this obligation and execute a written agreement to pay such legal expenses prior to the Town Attorney conducting any legal review. A deposit may be required by the Director of Community Development prior to the commencement of the legal review.

4. Other Fees. The applicant shall be responsible for all other fees associated with the review of a development application or other submittal conducted by any outside professional consultant, engineer, agency or organization and which are deemed necessary by the Town for a proper review.

5. Recordation Fees. The Community Development Department will record all final plats, development agreements and other legal instruments. The applicant shall be responsible for the fees associated with the recording of all legal instruments.

I have read and acknowledge the fee requirements associated with my application.

(signature required)

(date)



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DENSITY TRANSFER WITHIN THE DENSITY BANK APPLICATION			
APPLICANT INFORMATION			
Name: Town of Mountain Village		E-mail Address: mhaynes@mtnvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-239-4061	
City: Mountain Village	State: CO	Zip Code: 81435	
Mountain Village Business License Number:			
PROPERTY INFORMATION			
Physical Address: 415 Mountain Village Blvd		Acreage: 8.394	
Zone District: Multi-Family	Zoning Designations: Multi-family	Density Assigned to the Lot or Site: 241 / 14 unbuild of 241	
Legal Description: Lot 1001			
Existing Land Uses: employee apartments			
Proposed Land Uses: same			
OWNER INFORMATION			
Property Owner: Town of Mountain Village		E-mail Address: mhaynes@mtnvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-239-4061	
City: Mountain Village	State: CO	Zip Code: 81435	
DESCRIPTION OF REQUEST			
Transfer of 14 employee apartment units to Density Bank			



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**OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES**

I, Michelle Haynes, the owner of Lot 1001 (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.



Signature of Owner

8/29/24

Date

Signature of Applicant/Agent Date

OFFICE USE ONLY	
Fee Paid:	By:
	Planner:



OFFICE OF THE TOWN MANAGER
455 Mountain Village Blvd.
Mountain Village, CO 81435
(970) 417-6976

August 27, 2024

Amy Ward, Community Development Director
award@mtnvillage.org

RE: Density Transfer and Rezone, to transfer the unbuilt density on Lots 1001 and 1005R into the density bank.

NARRATIVE

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Pursuant to the CDC unused density on a lot must be transferred into the density bank. We now understand that additional density will likely not be constructed on these lots pursuant to CDC Section 17.3.8.C.

Further, in 2022 the TMVOA modified their dues policy and noted that density in the density bank will not be charged dues. Ultimately, by moving the density into the density bank, the Town of Mountain Village Housing Authority will no longer need to pay the dues associated with the total unbuilt density of 14 units on Lot 1001 and 8 units on lot 1005R for a total of 21 units each year.

The process outlined in the CDC is a class 4 application which requires a recommendation by the Design Review Board and two readings of an ordinance by Town Council. We respectfully request the density to be moved into the density bank as a cost savings measure for the housing authority and ultimately our tax payers.

REZONE CRITERIA FOR REVIEW CDC SECTION 17.4.9.C.3 CRITERIA FOR DECISION

3. *Criteria for Decision.* The following criteria shall be met for the review authority to approve a rezoning development application:

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The 2017 Town Hall Subarea amendment to the Comprehensive Plan envisioned additional housing constructed on the Village Court Apartments property. and is also in general conformance with the goals, policies and provisions of the Comprehensive Plan.

b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;

The CDC requires that excess density is placed in the density bank, the action we are taking now that phase IV is constructed and occupied.

c. The proposed rezoning meets the Comprehensive Plan project standards;

The rezoning is meeting these standards or otherwise do not apply for a transfer of density into the density bank.

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

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e. The proposed rezoning is justified because there is an error in the current zoning, there have been changes in conditions in the vicinity or there are specific policies in the Comprehensive Plan that contemplate the rezoning;

n/a

f. Adequate public facilities and services are available to serve the intended land uses;
Yes

g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
Moving the density into the density bank is the best use of the density. With reduced parking requirements, and alternative parking and trash plans because of the increase in density, the town wishes to remove all additional density on the property and not construct additional units at this time.

h. The proposed rezoning meets all applicable Town regulations and standards.
Yes

The following criteria shall be met for the Review Authority to approve a density transfer:

- a) The criteria for decision for a rezoning are met, since such density transfer must be processed concurrently with a rezoning development application (except for MPUD development applications);
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These criteria are being met.



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Revised 1.3.2020

The Planning & Development Services Department is here to assist you with your development application pursuant to the Community Development Code (CDC).

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Contents of the Publication

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- Step 7: Planning Division Action (Issuance of new density bank certificate to new owner showing the amount of density transferred within the density bank, and, if applicable, issuance of a new density bank certificate to the original owner showing density reduction when all of the density owned by one owner is not being transferred to the new owner)**
- Step 8: Planning Division Provides Notice of Action**
- Step 9: Effective Date of Application Decision and Appeal**
- Step 10: Length of Validity (Density transfers within the density bank do not expire)**

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determine, based on the nature of a development application, whether to waive submittal requirements or require additional submittal requirements.

Submitted (Office Use)	Item No	Submittal Requirements
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	2.	Fees. \$50 for 1 hour; hourly rate thereafter. The applicant and property owner are responsible for paying all Town fees as set forth in the fee resolution, and are also required by the CDC to pay for Town legal fees, the cost of special studies, and other fees as set forth in the CDC. Such fees are considered a condition precedent to having a complete development application, and shall be paid prior to the Town issuing the final approval.
	3.	Proof of Ownership. Copy of original Town issued density bank certificate and recorded assignment and bill of sale for the density being transferred within the density bank.
	4.	Agency Letter. If application is not submitted by the owner of the density in the density bank, a letter of agency, signed by the density bank density owner giving permission to a firm or person to submit the requested land use application (Attached).
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Questions and/or comments on ePlans Process can be directed to cd@mtnvillage.org or call 970-728-1392.



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TOWN OF MOUNTAIN VILLAGE FEE REQUIREMENTS ACKNOWLEDGEMENT

The Town of Mountain Village requires specific fees to be paid with a development application including legal and attorney fees associated with processing land development applications, inquiries and review. Please read and acknowledge the below fee requirement which are found at Community Development Code Section 17.4.4. General Provisions Applicable to All Development Application Classes, Section L. Fees.

L. Fees

1. Fee Schedule. The Town Council shall, from time to time, adopt a fee resolution setting forth all development application fees and associated permit fees. Fees for submittals not listed in the fee schedule resolution shall be determined by the Director of Community Development on a case-by-case basis determined by the similarity between the submittal and the development applications listed on the fee schedule together with the estimated number of hours of staff time the review of the submittal will require. No development application shall be processed, nor any development or building permits shall be issued until all outstanding fees or moneys owed by the applicant, lot owner, developer or related entity, as defined by the Municipal Code, to the Town, in any amount for any purpose, including but not limited to any fees, delinquent taxes, required Town licenses, permit fees, court fines, costs, judgments, surcharges, assessments, parking fines or attorney's fees are paid to the Town.

2. Town Attorney Fees. The applicant shall be responsible for all legal fees incurred by the Town in the processing and review of any development application or other submittal, including but not limited to any Town Attorney fees and expenses incurred by the Town in the legal review of a development application together with the legal review of any associated legal documents or issues. Legal expenses so incurred shall be paid for by the applicant prior to the issuance of any permits.

3. Property or Development Inquiries. The Town requires that Town Attorney legal fees and expenses be paid for all development or property inquiries where a legal review is deemed necessary by the Town. The developer or person making the inquiry, whichever the case may be, shall be informed of this obligation and execute a written agreement to pay such legal expenses prior to the Town Attorney conducting any legal review. A deposit may be required by the Director of Community Development prior to the commencement of the legal review.

4. Other Fees. The applicant shall be responsible for all other fees associated with the review of a development application or other submittal conducted by any outside professional consultant, engineer, agency or organization and which are deemed necessary by the Town for a proper review.

5. Recordation Fees. The Community Development Department will record all final plats, development agreements and other legal instruments. The applicant shall be responsible for the fees associated with the recording of all legal instruments.

I have read and acknowledge the fee requirements associated with my application.

(signature required)

(date)



DENSITY BANK TRANSFER APPLICATION

PLANNING & DEVELOPMENT SERVICES
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mntvillage.org

DENSITY TRANSFER WITHIN THE DENSITY BANK APPLICATION

APPLICANT INFORMATION

Name: Town of Mountain Village		E-mail Address: mhaynes@mntvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-239-4061	
City: Mountain Village	State: CO	Zip Code: 81435	
Mountain Village Business License Number:			

PROPERTY INFORMATION

Physical Address: 415 Mountain Village Blvd		Acreage: 2.806 acres	
Zone District: Multi-Family	Zoning Designations: Multi-family	Density Assigned to the Lot or Site: 114 3F UNITS / 8 unbuil ^{of} 38	
Legal Description: Lot 1005R			
Existing Land Uses: employee apartments			
Proposed Land Uses: same			

OWNER INFORMATION

Property Owner: Town of Mountain Village		E-mail Address: mhaynes@mntvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-239-4061	
City: Mountain Village	State: CO	Zip Code: 81435	

DESCRIPTION OF REQUEST

Transfer of 8 employee apartment units to Density Bank



DENSITY BANK TRANSFER APPLICATION

PLANNING & DEVELOPMENT SERVICES
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Mountain Village, CO 81435
970-728-1392
970-728-4342 Fax
cd@mtnvillage.org

**OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES**

I, Michelle Haynes, the owner of Lot 1005R (the "Property") hereby certify that the statements made by myself and my agents on this application are true and correct. I acknowledge that any misrepresentation of any information on the application submittal may be grounds for denial of the development application or the imposition of penalties and/or fines pursuant to the Community Development Code. We have familiarized ourselves with the rules, regulations and procedures with respect to preparing and filing the development application. We agree to allow access to the proposed development site at all times by members of Town staff, DRB members and the Town Council. We agree that if this request is approved, it is issued on the representations made in the development application submittal, and any approval or subsequently issued building permit(s) or other type of permit(s) may be revoked without notice if there is a breach of representations or conditions of approval. By signing this acknowledgement, I understand and agree that I am responsible for the completion of all required on-site and off-site improvements as shown and approved on the final plan(s) (including but not limited to: landscaping, paving, lighting, etc.). We further understand that I (we) are responsible for paying Town legal fees and other fees as set forth in the Community Development Code.



Signature of Owner

8/29/24

Date

Signature of Applicant/Agent

Date

OFFICE USE ONLY	
Fee Paid: <u>N/A</u>	By:
	Planner: