

**TOWN OF MOUNTAIN VILLAGE
DESIGN REVIEW BOARD REGULAR MEETING
THURSDAY MARCH 3, 2016 10:00 AM
2nd FLOOR CONFERENCE ROOM, MOUNTAIN VILLAGE TOWN HALL
455 MOUNTAIN VILLAGE BLVD, MOUNTAIN VILLAGE, COLORADO
AGENDA
REVISION (3)**

	Time	Min.	Presenter	Type	
1.	10:00				Call to Order
2.	10:00	5	Van Nimwegen	Action	Reading and Approval of Summary of Motions of the February 4, 2016 Design Review Board Meeting
3.	10:05	90	Van Nimwegen	Public Hearing Quasi-Judicial Action	The following proposed actions for Lots 376RA, 387R and Access Tract A-376R, 127 and 129 Rocky Road: 1. Rezone; 2. Major Subdivision; and 3. Vested Rights Approval.
4.	11:35	30	Van Nimwegen	Public Hearing Quasi-Judicial Action	Consideration for a Conditional Use Permit for a Panning Sluice Amusement on Tract OS-3X, Heritage Plaza
5.	12:05	30	Van Nimwegen	Work Session	Conceptual Design Review for a Density Transfer and Plat on Lots AR-17 and 615-1CR Applicant has requested the work session be tabled to a future agenda.
6.	12:05	30		Lunch Break	
7.	12:35	30	Van Nimwegen	Action	DRB Member Applicants and Interviews with a Recommendation to Town Council
8.	1:05	10	Van Nimwegen		Other Business
9.	1:15				Adjourn

**SUMMARY OF MOTIONS
TOWN OF MOUNTAIN VILLAGE
DESIGN REVIEW BOARD MEETING
THURSDAY FEBRUARY 4, 2016**

Call to Order

Chairman Hoins called the meeting of the Design Review Board of the Town of Mountain Village to order at 10:08 a.m. on Thursday February 4, 2016 in the Conference Room at 455 Mountain Village Boulevard Mountain Village, CO 81435.

Attendance

The following Board/Alternate members were present and acting:

Bill Hoins (Chairman)
Banks Brown
Keith Brown
Dave Eckman
Phil Evans
Greer Garner
Dave Craige (Alternate)
Jean Vatter (Alternate)

The following Board member was absent:

Luke Trujillo

Town Staff in attendance:

Glen Van Nimwegen, Director of Community Development
Dave Bangert, Town Forester/Planner
Colleen Henderson, Planner II
Jim Mahoney, Town Attorney

Public in attendance:

Leah Ballard, San Juan Independent

Reading and Approval of Summary of Motions of the January 7, 2016 Design Review Board Meeting.

On a **Motion** made by Bill Hoins and seconded by Keith Brown, the DRB voted **7-0** to approve the Summary of Motions from the January 7, 2016 meeting.

Board member Greer Garner asked that the Board be made aware of an issue that was brought to her attention concerning a bright orange paint/stain used at 130 Russell Drive. Dave Bangert, Town Forester/Planner said he was aware of the situation.

On a **Motion** made by David Craige and seconded by Greer Garner, the DRB voted **7-0** to adjourn the February 4, 2016 meeting of the Mountain Village Design Review Board at 10:12 a.m. and enter into an Executive Session.

On a **Motion** made by Bill Hoins and seconded by Banks Brown, the DRB voted **7-0** to adjourn the Executive Session at 11:35 a.m. and reconvene the February 4, 2016 Mountain Village Design Review Board meeting.

Consideration of a recommendation to the Town Council regarding an Ordinance amending Section 17.6.6 of the Community Development Code concerning Road and Driveway Standards.

On a **Motion** made by Banks Brown and seconded by Phil Evans, the DRB voted **7-0** for Town Attorney Jim Mahoney to make a recommendation to Town Council Town to amend Section 17.6.6 of the Community Development Code concerning criteria to allow acceptance of access tracts with no obligation to accept privately owned access tracts; to better define the term “*uniquely situated*” access tract; and to construct access tracts to the design specifications as referenced on Figure 6-5 (Access Tract Design Specifications).

Glen Van Nimwegen, Director of Community Development presented a Draft Memorandum of Understanding (MOU) to serve as an agreement on the process of updating the Town Hall Subarea Plan of the Mountain Village Comprehensive Plan. Language in the agreement has been shared with representatives of the Telluride Mountain Village Owner’s Association (TMVOA) and Telluride Ski & Golf (TSG) and will be presented to Town Council at the February 11, 2016 Town Council meeting.

Other Business

Leah Ballard introduced herself as writing an article for the San Juan Independent about the local politics of “tiny houses” and was interested in learning the opinion of the Mountain Village Design Review Board.

Due to excessive construction noise, on a **Motion** made by Bill Hoins and seconded by Phil Evans, the DRB voted **7-0** to adjourn the February 4, 2016 meeting of the Mountain Village Design Review Board at 11:55 a.m.

Respectfully Submitted,

Glen Van Nimwegen, AICP
Director of Community Development



**PLANNING AND DEVELOPMENT SERVICE
DEPARTMENT**

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

TO: Design Review Board
FROM: Glen Van Nimwegen, AICP, Director
FOR: Meeting of March 3, 2016
DATE: February 24, 2016
RE: Consideration of a recommendation to Town Council for a Rezone, Major Subdivision and Vested Rights for Lots 376RA, 387R and Access A-376R

PROJECT GEOGRAPHY

Legal Description: Lots 376R, 387R and Access Tract A-376R
Address: 127 and 129 Rocky Road
Applicant/Agent: Law Offices of Thomas G. Kennedy
Owner: Yellow Brick Road CO LLC.
Zoning:
 Lot 376RA: Single-Family
 Lot 387R: Single-Family
 A-376R: Right-of-Way Active Open Space
Existing Use: Vacant land and open space
Proposed Use: Two single-family dwellings; active and passive open space uses with restrictions
Site Area: 59.73 Acres
Density: 0.05 units per acre
Adjacent Land Uses:
 North: Single-family residence on 39.3 acres
 South: Open space (U.S. Forest Service)
 East: Active open space (Telluride Ski and Golf)
 West: Single-family subdivision (Telluride Ski Ranches)

ATTACHMENTS

1. Applicant Narrative with Exhibits A-G

BACKGROUND

The applicant's goal is to construct two single-family homes; an employee single-family home; passive and active open space uses on the 59.73 acre site. To reach that goal, the applicant is requesting approval for the following development applications:

1. **Rezoning.** The site is currently zoned Single-Family and Right-of-Way Active Open Space and contains two lots and two single-family units and eight person-equivalent units of density. The request is to rezone 35.3 acres to Passive Open Space; a 1.9 acre tract to Right-of-Way Active Open Space and 6.9 acres to Full Use Active Open Space. A single-family employee housing unit is proposed in one of the Full Use Active Open Space tracts and equestrian and stable uses are proposed in the other. Both uses require Conditional Use Permit approval prior to construction.
2. **Major Subdivision Approval.** The applicant is proposing to re-subdivide the lots and access tract into the configuration depicted by Exhibit C. The plat includes two home sites of 12.9 and 2.7 acres that receive access from a 1.9 acre private access tract. The plat also includes a one acre Full Use Active Open Space tract at the entrance to the subdivision which will include the employee housing unit. The remaining tracts are designated for both Active and Passive Open Space as shown in Table 2.
3. **Vested Property Rights.** Section 17.4.17 provides a process for an applicant to receive vested property rights for their project in conformance with Colorado Revised Statutes. Approval of vested property rights precludes the Town from taking a land use action, such as rezoning, that would impair development of the site as proposed. Criteria must be met that finds the project to be of a size that the possibility of a town initiated rezoning would hinder the long-term development of the project. For the proposed project the vested rights designation is for the overall zoning and subdivision plat approvals. Development on each lot and tract will have to meet the development requirements at the time of submission.

Table 1. Current Designations and Uses

Lot / Tract	Size (acres)	Zoning Designation	Units	Person Equivalent	Allowed Uses
376RA	15.00	Single-Family	1	4	Single residence and accessory dwelling unit
387R	44.45	Single-Family	1	4	Single residence and accessory dwelling unit
A-276R	.28	ROW Active Open Space			Private driveway
Total	59.73		2	8	
Active OS	0.4%				
Passive OS	0				

A work session was held with the Design Review Board on May 7, 2015 and the Town Council on May 21, 2015. The current proposal differs from what was presented at the work sessions by:

- Not requiring the transfer of a unit of density to the site;
- Reduced the length of the private drive to the primary residence; and
- The percentage of open space changed from 83% to 73%.

The Board raised the following recommendations with the previous submittal:

1. Provide a forested buffer to the Marmot Ski Run for development on Tract 387-1.
2. Provide conceptual plan for Tract 387-1 to ensure all uses fit and are not crammed onto the site.
3. Explore covenant or other legal instrument that ties all open space tracts to the single-family lots to ensure they cannot be sold off separately.

4. Explore trailhead parking on the easterly side of the access bridge on Access Tract A 1-F26 or other locations in the area for public to access the trail running up the Marmot Ski Run (Old Wagon Road).

STAFF ANALYSIS

Though the configuration of the site has changed from what the Board reviewed last May, the basic goal of clustering the single-family uses to the southeast portion of the site and preserving open space over the majority of the site remains. The proposed land uses are as shown in Table 2.

Table 2. Proposed Designations and Uses

Lot / Tract	Size (acres)	Zoning Designation	Units	Person Equivalent	Proposed Uses
387R1	12.93	Single-Family	1	4	Single residence and accessory dwelling unit
376RA1	2.70	Single-Family	1	4	Single residence and accessory dwelling unit
OS-387-1	1.01	Full Use Active Open Space		N/A	Single-family employee housing unit ¹ ; passive open space uses
OSP-387-2	2.03	Passive Open Space		N/A	Private trails; forest management; passive open space uses
OSP-387-3	1.2	Passive Open Space		N/A	Private trails; forest management; passive open space uses
OS-387-4	5.89	Full Use Active Open Space		N/A	Equestrian stables, pasture ² ; limited active open space uses
OSP-387-5	32.07	Passive Open Space		N/A	Private trails; forest management; passive open space uses
A-376R-1	1.90	ROW Active Open Space		N/A	Private drive constructed to public roadway standards
Total	59.73		2	8	
Active OS	14.7%				
Passive OS	59%				

¹ Employee housing units are allowed in the Full Use Active Open Space District after approval of a conditional use permit. A workforce housing deed restriction will be applied to the property.

² Stables and equestrian uses also require conditional use permit approval. Other more intensive uses are proposed to be restricted by a development agreement.

1. Rezoning

The rezoning action is to change approximately 42 acres of the Single-Family district to Passive or Full Use Active Open Space. No additional units are being transferred to the site. Workforce housing is allowed in the Full Use Active Open Space district with conditional use permit

approval. Rezoning to open space is typically considered as a down zone, because of the limitation of allowed uses. However, there are some intense uses that are allowed in the Full Use Active Open Space district that staff is proposing to limit through a development agreement. One of the limitations is the only workforce housing that may occur is a Single-family employee unit in Tract OS-387-1.

Section 17.4.9(D)1. of the CDC requires:

a. The proposed rezoning is in general conformance with the goals, policies and provisions of the Comprehensive Plan. Staff has identified the following related citations from the Plan:

- Page 18; LAND USE VISION #4. Development of open space is beneficial to Mountain Village and its environment by reserving development to areas that are most optimal for development and preserving those areas that are most appropriate for passive recreation and conservation. The proposed development clusters the two single-family homes on 15.7 acres of the property, leaving 73% of the site as open space.
- Page 40; LAND USE PRICIPLES, POLICIES AND ACTIONS #I.D. Respect the integrity of single-family and duplex areas. Any proposed rezoning of single-family and duplex lots should be considered exceptional and must meet specific conditions, such as separation and buffering from other single-family and duplex lots. The residences are clustered to the southeast corner of the site away from existing residences. The two residential lots are of greater size than the adjoining lots in Ski Ranches to the west. The future single-family employee housing unit proposed for tract OS-387-1 requires conditional use permit approval which allows conditions to be added for buffering from adjacent residential areas. Restrictions will be added to the Full Use Active Open Space districts to limit the more intense recreation uses; and staff is recommending no future employee housing may occur in Full Use Active Open Space Tract OS-387-4.
- Page 40; LAND USE PRINCIPLES, POLICIES AND ACTIONS #I.G. Require a rezoning, PUD, subdivision or density transfer to meet the following criteria: 1. A proposal shall not increase the town's density beyond the 8,027 person equivalent density cap in accordance with the terms of the County Settlement Agreement. The request does not raise the density cap. The proposed workforce housing unit does not count toward the cap.
- Page 42; LAND USE PRINCIPLES, POLICIES AND ACTIONS #II.F. Strive to increase open space where possible, with an emphasis on lands containing special environmental features. 1. Provide 60% or more of the land area with the original Council PUD boundary as open space in accordance with the County Settlement Agreement. 2. Expand the amount of open space within the town when possible, such as rezoning wetland areas into resource conservation active open space or rezoning appropriate land into open space areas, on a site when such provides for an open space value. Tract OSP-387-3 is proposed to be rezoned to Passive Open Space to protect the existing wetland. One of the reasons for the application is to allow the clustering of the residential units onto 28% of the site, leaving the remainder of the parcel as open space. These areas will increase the amount of open space in Mountain Village by 4%.
- Page 71; DEED RESTRICTED HOUSING #I.F. Encourage the provision of secondary dwelling units for deed restricted housing on single-family lots (i.e. caretaker units) by the creation of incentives, such as water and sewer tap waivers and other fee waivers. Though the application does not propose using accessory dwelling units for deed

restricted housing, they are proposing a single-family employee housing unit in the Full Use Active Open Space parcel OS-387-1. This unit will have to receive conditional use permit approval prior to its construction and will be deed restricted for employee housing as approved by the Town.

- Page 73; FORESTS AND VEGETATION #B. Work towards good stewardship of the forests by actively managing the forests with the town to ensure their continued vital role for recreation, wildlife habitat, watershed protection, wildfire mitigation and scenic views. The applicant received approval of a forest management plan and is actively implementing it now.

Staff finds the request meets the other criteria to approve a rezoning:

- b. The proposed rezoning is consistent with the Zoning and Land Use Regulations;
 - Section 17.3.4.F.4 of the CDC restricts further subdivision of Single-Family lots to the following limited situations:
 - a. The density is currently permitted on a lot; or
 - b. The Comprehensive Plan envisions higher density; or
 - c. A PUD is approved pursuant to the PUD Regulations; or
 - d. The Town Council determines that the rezoning is exceptional and meets conditions to mitigate the upzoning, such as but not limited to clustered development, the provision of additional open space, or other community benefits; and.
 - e. The rezoning is compatible and fits with surrounding area development.

The density is currently permitted on the lots. In staff's opinion the rezoning is exceptional because it is a down zoning that preserves open space by clustering the development on 27% of the site. Other community benefits provided by the project are new utility lines, including water, natural gas and conduit for fiber optics that traverse the site. The development is compatible because the density is far below the surrounding development.

- c. The proposed rezoning meets the Comprehensive Plan project standards;
 1. Visual impacts shall be minimized and mitigated to the extent practical, while also providing the targeted density identified in each subarea plan development table. It is understood that visual impacts will occur with development. The most visible development on the site will be the proposed single-family employee housing unit proposed for Tract OS-387-1. However, the approval of this unit will require conditional use permit and design review approval allowing opportunities to evaluate and address its impacts.
 2. Appropriate scale and mass that fits the site(s) under review shall be provided. The density of the project is only .05 units per acre, far less impactful than the existing, surrounding development.
 3. Environmental and geotechnical impacts shall be avoided, minimized and mitigated, to the extent practical, consistent with the Comprehensive Plan, while also providing the target density identified in each subarea plan development table. A goal of the development is to cluster the residential development and not impact 73% of land area. Development details will receive further scrutiny by the reviewing authorities.

4. Site-specific issues such as, but not limited to the location of trash facilities, grease trap cleanouts, restaurant vents and access points shall be addressed to the satisfaction of the Town. Details of the residential development will receive scrutiny by the Design Review Board.
 5. The skier experience shall not be adversely affected, and any ski run width reductions or grade changes shall be within industry standards. There are no changes to ski runs.
- 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;
 - 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;
 - f. Adequate public facilities and services are available to serve the intended land uses;
 - g. The proposed rezoning shall not create vehicular or pedestrian circulation hazards or cause parking, trash or service delivery congestion; and
 - h. The proposed rezoning meets all applicable Town regulations and standards.

2. Major Subdivision Approval

The major subdivision consists of reconfiguring the two single-family lots and access tract into a development with two residential lots of 12.93 and 2.7 acres; two Full Use Active Open Space parcels of one and 5.89 acres; Passive Open Spaces of 1.2 acres, 2.03 acres and 32.07 acres; and a 1.9 acre tract that provides access to each parcel. Some of the issues and solutions presented by the proposed plat include:

- Portions of the 16 foot wide General Easement which surrounded the previous lots are proposed to be abandoned. The easement is maintained adjacent to the TSG owned Marmot Ski Run; and a portion of the frontage of the lot north of the site and the US Forest Service property adjacent to the south. Staff feels this is will adequately serve any future need for access or utility extensions. The plat has 16 foot setbacks around the single-family lots. Staff recommends the building setback be defined on the plat.
- The plat includes a 30 foot wide utility easement that meanders through the site along an existing alignment for water, gas and fiber optic utilities to serve the project and adjacent Ski Ranches subdivision.
- A private trail easement for the benefit of the Ski Ranches residents connects that subdivision through the proposed open space tracts to the open space adjacent to the Marmot Ski Run.
- The private access tract is 65 feet wide, the standard for a public street. The applicant will be before the Design Review Board for approval of the grading and construction of the driveway at a future meeting.
- Roughly the west one-third of the site, now proposed for Passive Open Space uses only, also includes the "No Build Zone" that was put in place on the original lots.
- The applicant is proposing that individual utility lines to the buildable lots will access those lots principally through Tract OSP-387-2. Those easements would be recorded

after their installation but before issuance of a certificate of occupancy as stipulated under Note 5.c on the plat and included in a subsequent development agreement.

- The note regarding vested rights must be updated to read:

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

Staff finds the major subdivision meets the criteria for approval:

- a. The proposed subdivision is in general conformance with the goals, policies and provisions of the Comprehensive Plan;
- b. The proposed subdivision is consistent with the applicable Zoning and Land Use Regulations and any PUD development agreement regulating development of the property;
- c. The proposed density is assigned to the lot by the official land use and density allocation, or the applicant is processing a concurrent rezoning and density transfer;
- d. The proposed subdivision is consistent with the applicable Subdivision Regulations;
- e. Adequate public facilities and services are available to serve the intended land uses;
- f. The applicant has provided evidence to show that all areas of the proposed subdivision that may involve soil or geological conditions that may present hazards or that may require special precautions have been identified, and that the proposed uses are compatible with such conditions;
- g. Subdivision access is in compliance with Town standards and codes unless specific variances have been granted in accordance with the variance provisions of this CDC; and
- h. The proposed subdivision meets all applicable Town regulations and standards.

3. Vested Property Rights Approval

The CDC mirrors Colorado State Statutes which allows local governments to bestow vested property rights upon specific development plans. This means that once enacted, the town cannot take a land use action “...which would alter, impair or diminish the development or use of the property as set forth in an approved site-specific development plan”. In this case the site specific development plan is the rezoning and approval of the subdivision plat. Development within each parcel shall meet the codes that are in effect at the time of submittal. The most common action a municipality may take is to rezone the property contrary to prior approvals. The vested rights protection is for a period of three years.

The following criteria shall be met to approve a vested property right:

- a. A vested property right is warranted in light of relevant circumstances, such as the size and phasing of the development, economic cycles and market conditions;
- b. The site-specific development plan is consistent with public health, safety and welfare;
- c. The site-specific development plan provides for the construction and financing of improvements and facilities needed to support the proposed development;
- d. The site-specific development plan meets the criteria for decision for concurrent, required development application(s); and
- e. The proposed vested property right meets all applicable Town regulations and standards.

Staff believes approval of the vested property right is warranted because the size and complexity of the development of the 60 acre site will require a multi-year development timeframe.

DEVELOPMENT AGREEMENT

Staff recommends that approval of the rezoning be subject to the applicant entering into a development agreement with the Town to address the following and other topics that arise during the rezoning:

1. Allowed uses within the Full Use Active Open Space districts shall include those allowed in the Passive Open Space districts; necessary utilities, infrastructure, roads and bridges; community facilities, including a caretaker’s office, that would be normally required for the development and operation of the project. An employee single-family housing unit may locate only within Tract OS-387-1, subject to Conditional Use Permit approval and equestrian stables may only locate in Tract OS-387-4, subject to Conditional Use Permit approval.
2. Excluded uses from the Full Use Active Open Space districts shall be the more intense, commercial oriented uses that are normally related to the operation of a ski resort. Examples of these uses include ski schools, restaurants, amphitheaters, golf course and ski schools.
3. A workforce housing restriction shall be recorded for the employee single-family dwelling unit per Town standards prior to issuance of a certificate of occupancy.
4. Completion of the access drive and bridge prior to issuance of a certificate of occupancy for any unit within the development.
5. The open space tracts shall not be sold separately from single family Lot 387R1.
6. Prior to the sale of either of the single family lots the owner shall prepare and record appropriate agreements for the ownership, use and maintenance of common facilities.
7. At the time of submission of any site specific development applications for any of the residential units a utility plan must be submitted that stipulates location and construction of utilities prior to issuance of a certificate of occupancy.

STAFF RECOMMENDATION

Staff recommends the proposal to rezone, re-plat and apply vested rights to the proposed project be approved. The proposal is consistent with the comprehensive plan and implements key elements of the plan including the provision of workforce housing and providing additional open space. Approval should be contingent on the preparation and recording of a development agreement addressing the issues described above and that the plat shall be amended to revise the vested rights note and define “setback”.

PROPOSED MOTIONS

1. “I Move the Design Review Board recommend to the Town Council approval of the proposed rezoning of approximately 42 acres from Single-Family to Full Use Active Open Space and Passive Open Space as described in the applicants proposal, subject to preparation and recording of a development agreement as recommended by staff”;

2. "I Move the Design Review Board recommend to the Town Council approval of the Major Subdivision for Lot 387R, Lot 376RA, and Access Tract A-376R as recommended by staff"; and
3. "I Move the Design Review Board recommend to the Town Council approval of vested rights for the rezoning and major subdivision".

**REPLAT/REZONE/VESTED/PROPERTY RIGHTS
APPLICATION**

NARRATIVE

January 29, 2016

Owner: Yellow Brick Road CO LLC
YBR Property: Lots 376RA, 387R and Access Tract A-376R

The Owner has submitted its form applications with the Town of Mountain Village seeking to both (a) rezone and (b) subdivide the YBR Property to accommodate certain single-family development, open space, infrastructure and related uses and activities and to plat certain lots, access tract, open space parcels all as outlined in this narrative (“**Rezone/Replat Application**”). The Owner is also requesting that the Town grant and approve a companion application for the Rezone/Replat Application, granting certain Vested Property Rights for the YBR Property, which coincide with the Town’s action on the Rezone/Replat Application. This narrative and the referenced attached submission documents support the Rezone/Replat Application and the request for Vested Property Rights.

Simultaneously with the submission of the Rezone/Replat Application, the Owner is submitting an application seeking design review approval for a certain access road and bridge serving the proposed development on the YBR Property (“**Road/Bridge Design Review Application**”). Materials being submitted with this Rezone/Replat Application are intended to further supplement the Road/Bridge Design Review Application.

The Owner presented information about its development goals and objectives to the Town in separate worksessions held with the Town Design Review Board (DRB) and Town Council in the spring of 2015. Since the worksession, the Owner has further refined its development objectives, which has resulted in a more simplified plan. The Owner is no longer contemplating the placement of a second residential unit that is over 1500 sf on the upper lot, which necessitated an up-zoning and density transfer.

YBR Property Description

The YBR Property is located along the southwesterly edge of the Mountain Village, adjoining the Marmot ski run to the east, the Telluride Ski Ranches subdivision (located outside of the municipal boundaries of the Town and within the unincorporated boundaries of San Miguel County) to the west, USFS land to the south and Lot 388, Mountain Village to the north. A vicinity map is appended as **Exhibit “C”**.¹

¹ The YBR Property was not part of the originally platted boundaries of the Mountain Village. The Telluride Company acquired certain lands from the USFS as part of a land exchange that was completed in the early 1990’s. The acquired property was subsequently annexed into the Mountain Village and platted as four large lots, including the two lots that constitute the YBR Property and Lots 388 and 420R to the north. At the time that the USFS land exchange was being completed and its development in the Mountain Village was being considered, to address concerns introduced by the Ski Ranches and the Goodman family (owners of a lot in the Ski Ranches), The Telluride Company, the Ski Ranches and the Goodman family entered into an agreement establishing certain use restrictions on portions of the YBR Property (“**Ski Ranches/Goodman Agreement**”). The Ski Ranches/Goodman Agreement was modified in 2015 by the parties to clarify and confirm certain usage rights by Ski Ranches owners of various recreational trails on the YBR Property, portions of which were allowed to be relocated by the Owner, and to note certain use restrictions on portions of the YBR Property. At the outset the Owner confirms that the proposed development of the YBR Property conforms to the use restrictions established in the Ski Ranches/Goodman Agreement, as amended. Copies of the Ski Ranches/Goodman Agreement and the 2015 Amendment have been submitted to the Town by separate transmission.

The YBR Property cumulatively consists of approximately 59.774 acres (mol) and is currently platted as follows:

- Lot 376RA (15.04 acres and zoned for single-family residential)
- Lot 387R (44.449 acres and zoned for single-family residential)
- Access Tract A-376R (0.285 acres)

An Existing Conditions Map (**Exhibit “F”**) depicts conditions relating to the YBR Property.

The YBR Property is forested. A Forest Management Plan has been prepared for the YBR Property and was reviewed and accepted by the Town. The Forest Management Plan is being implemented by the Owner and will take several additional seasons to complete.

The topography of the YBR Property experiences a variety of undulations, with a high point in its southerly portion and along both sides of the Skunk Creek riparian area, which runs in a north/south alignment generally in the westerly half of the YBR Property. An area of wetlands is located along a portion of the middle easterly edge of the YBR Property near the access bridge.

The YBR Property is currently unimproved, although a certain existing waterline road/Ski Ranches trail is present on a discreet portion of the YBR Property, which accommodates an existing waterline and gasline serving development in the Telluride Ski Ranches. The waterline road/Ski Ranches trail crosses a portion of the YBR Property in an east-west direction. The waterline road/Ski Ranches trail also accommodates certain private recreational uses (hiking, biking, equestrian, cross-country skiing) by members of the Telluride Ski Ranches and Goodman Family, consistent with easement agreements between the parties that were contained in the Ski Ranches/Goodman Agreement. The 2015 modification to the Ski Ranches/Goodman Agreement allows Yellow Brick to relocate the waterline road/Ski Ranches trail, which is in the process of being built. The waterline and gasline historically located in the waterline road/Ski Ranches trail have been relocated as well to coincide with the relocated waterline road/Ski Ranches trail.

Development Goals/Objectives

The YBR Property, as noted above, is platted and zoned for two single family lots. By right, the Owner could develop a primary residence, an accessory dwelling unit and various allowable structures on each platted lot. If developed as currently platted and zoned, the Owner would need to design and construct separate access and utility corridors to serve the allowable development. In lieu of pursuing a “by right” project, the Owner is proposing a replat and rezone to provide for the clustering of its development activities within the southeasterly portion of the YBR Property, with the homesites located on certain relatively flatter benches and access and utilities confined to same area of clustering. The remainder of the YBR Property will be platted and zoned as private open space parcels in the areas that the residential development is not occurring.

The YBR Property is currently platted as two lots and zoned single-family residential. As currently platted and zoned, the Owner has the right to develop a main residence, an accessory dwelling unit (up to 1500 sf) and accessory buildings and structures on each of the two lots, as the same are allowed by the Mountain Village Community Development Code (CDC). Development of these improvements would be accessed from Rocky Road, over Access Tract A1-F26 and access easement AE-376. The Owner constructed an access bridge within access easement AE-376 to serve the YBR Property in 2014 pursuant to permits and approvals obtained from the Town.

Simultaneously with the Replat/Rezone Application, the Owner has submitted its separate Road/Bridge Application seeking Town approval to construct/install an internal private access road and bridging within the area of a proposed new Access Tract to serve its allowable development.

Utilities will be extended to the YBR Property from various corridors adjacent to the YBR Property as indicated on the Utility Plan submitted with the Road/Bridge Application.

Proposed Land Uses and Activities

The particular land use activities proposed by the Owner are as follows:

- Re-subdividing the YBR Property into a total of two single-family lots, an access tract and a series of open space parcels
- Construction of a main residential structure, Accessory Dwelling Unit (which meets CDC size limitations) and appropriate accessory structures on each of the two residential lots, although the construction of the accessory dwelling unit on the lower lot would be delayed and reserved for a future date.
- Constructing an area near that entry to the YBR Property that would accommodate a Workforce Housing Unit, a secured entry area and equipment/vehicle storage structure.
- Potentially constructing a private equestrian stable for use by the Owner and guests, which would occur as part of a subsequent application at such time the Owner has elected to pursue such a facility.

The rezoning is essentially a downzoning. Currently, the entire 60 acres of the YBR Property is zoned as “Residential”, containing two residential lots, each capable of accommodating a main residence, an accessory dwelling unit and allowable accessory structures. As a result of the rezone, the YBR Property will continue to consist of two residential lots, each capable of accommodating a main residence, an accessory dwelling unit and allowable accessory structures, but the area of the residential development will be clustered on 15.63 acres (approximately 26% of the YBR Property) located in the SE portion of the YBR Property. One shared access tract (consisting of 1.90 acres) will accommodate a private road that will access both residential lots in the clustered area. The balance of the YBR Property (42.20 acres or approximately 71% of the overall YBR Property) will consist of a series of open space parcels. The proposed land use allocation/break down of the YBR Property contemplated by the Owner in its development plan is as follows:

Land Use	Acreage	Percentage of Yellow Brick Road YBR Property
Access Tract for shared driveway	1.90 ac	3.18%
Active Open Space Parcel	6.90 ac	11.55%
Passive Open Space Parcel	35.30 ac	58.09%
Residential Lots	15.63 ac	26.16%

The low density, clustered development will result in compatible development for the uses and activities occurring in the area. The clustering will reduce the overall impact of development on the YBR Property, by creating the need for only one corridor for a shared driveway and fewer corridors for shared utilities. Areas proposed for development will be located away from important environmental zones. The Owner is placing the Skunk Creek riparian area, certain wetland areas and other wildlife corridors into undeveloped Passive Open Space.

Implementation - Replatting/Rezoning. To authorize these land uses, the Owner has submitted its application to replat/rezone the YBR Property, which is a two-step process, with a review and recommendation by the Town Design Review Board and an action/decision by Town Council, both at noticed, public meetings.

- **General Provisions**

- The Owner seeks to replat the two existing lots into a series of two smaller residential lots, an access tract and various privately owned open space parcels. A copy of the Replat is attached as **Exhibit “D”** and a copy of the Rezoning map is attached as **Exhibit “E”**. The Replat and Zoning Map illustrate the proposed division of the YBR Property and the proposed areas of land uses.
- As described above and depicted on the Replat and the Rezoning map, development would be concentrated within the southeasterly portion of the YBR Property.
- Within this southeasterly quadrant of the YBR Property, the residential development would generally occur in two pods, one is referred to as the “upper area” and the other is referred to as the “lower peninsula area.”

- **Development within Upper Area (Lot 387R1)**

- Within the Upper Area, the Owner proposes to create one residential lot (namely Lot 387R1), which will consist of 12.93 acres and will accommodate a main residential structure and an accessory dwelling unit that meets the 1500 sf maximum size is allowed for an accessory dwelling unit under the CDC. The Owner is currently contemplating constructing a main residence and accessory dwelling in the Upper Area. Separate applications for the design of the main residence and accessory dwelling will be submitted and must be reviewed and approved by the Town before development can occur. The Owner is still working on finalizing the specific siting for the main residence and accessory dwelling on Lot 387R1, but it the siting will fit within the lot boundaries indicated on the Replat. The approximate locations of the siting of the main residence and the accessory dwelling on Lot 387R1 is indicated on the Utility Plan, but this is still conceptual.
- As discussed in more detail below, in lieu of establishing a 16’ General Easement around the interior portion of the residential lot, the Owner is showing a setback area of 16’.

- **Development Within The Lower Peninsula Area (Lot 376RA).**

- Within the lower peninsula area, the Owner proposes to create one residential lot (namely Lot 376RA), which will consist of 2.70 acres and will accommodate a main residential structure and an accessory dwelling unit that meets the 1500 sf maximum size is allowed for an accessory dwelling unit under the CDC. Initially, the Owner is contemplating constructing a main residence on this lot and reserves the right to develop an accessory dwelling unit that would not exceed the 1500 sf maximum size allowed by the CDC at a later time. Separate applications for the design of the main residence and accessory dwelling will be submitted and must be reviewed and approved by the Town before development can occur. The Owner is still working on finalizing the specific siting for the main residence in this area, but it the siting will fit within the boundaries of Lot 376RA indicated on the Replat. The approximate locations of the siting of the main residence and the accessory dwelling on Lot 376RA is indicated on the Utility Plan, but this is still conceptual.
- In lieu of establishing a 16’ General Easement around the interior portion of the residential lot, the Owner is showing a setback area of 16’.

- **Access Tracts.** The Owner will plat an Access Tract connecting the newly constructed bridge to proposed Lot 387R1 and Lot 376RA, insuring that each lot will have frontage on and access to the Access Tract. A shared access road serving development of the various residential units contemplated on the YBR Property will be located within the Access Tract. The access road will be privately owned and maintained and is not proposed for public dedication.
- **Open Space Parcels.** Owner will plat the balance of the YBR Property, beyond the two residential lots and the Access Tract, as certain privately owned open space parcels, described as follows:
 - Tract OS 387-1 is located within the cluster development area adjacent to the two residential lots and would be zoned Full Use Active Open Space to allow the placement of a workforce housing unit to house an onsite employee of Owner and a maintenance/equipment structure. The Owner would own the Workforce Housing Unit and lease it to its full time employee. The development of a Workforce Housing Unit is allowed on a parcel zoned Full Use Active Open Space following Town review and approval of a Conditional Unit Permit review. Owner intends to submit and pursue the CUP for the Workforce Housing Unit by separate application at a later time. Owner further understands that it will need to seek an exemption to the Town's Workforce Housing regulations to be able to own and lease the unit as described. A Conditional Use Permit is a two-step review process by the DRB and Town Council following notice and a public hearing, which will include design review and landscaping review aspects to the Town process. The Town, in the course of its review of the CUP and Design Review application for the Workforce Housing Unit will be able to confirm that the siting of the structures combined with vegetative screening will provide suitable visual mitigation from the adjacent ski run, which concern was identified in the Town worksessions.
 - Tract OSP 387-2 is also located within the cluster development area adjacent to the two residential lots and would be zoned as Passive Open Space. Tract OSP 387-2 would accommodate the relocated Goodman/Ski Ranch Trail and portions of the relocated waterline and gasline and serve as a further buffer area separating the land uses and activities proposed for the YBR Property. No development is proposed or contemplated on Tract OSP 387-3, except for the relocated Goodman/Ski Ranch Trail and portions of the relocated waterline and gasline and certain forest management.
 - Tract OSP 387-3 is located north of the Access Tract and would be zoned Passive Open Space. No development is proposed or contemplated on Tract OSP 387-3, except for certain private trails and forest management.
 - Tract OS 387-4 is being platted in an area to the north of the Access Tract, adjoining Tract OS 387-1. Tract OS 387-4 would be zoned Full Use Active Open Space to accommodate the potential future development of an equestrian stabling and/or pasturing area for the Owner's horses, which Owner is still considering and may seek to install and operate in the future. The development of an equestrian facility is allowed on property zoned Full Use Active Open Space following Town review and approval of a Conditional Unit Permit review. Owner recognizes that it will be required to submit and pursue the CUP for the equestrian stabling and/or pasturing area, which Owner would do by separate application at a later time upon an election to proceed with this aspect of the development. Separate and apart from the potential for an equestrian stabling and/or pasturing area, this area would accommodate certain private trails and forest management.

- Tract OSP 387-5 is located west of the residential lots and would be zoned Passive Open Space. No development is proposed or contemplated on Tract OSP 387-3, except for the relocated Goodman/Ski Ranch Trail and portions of the relocated waterline and gasline, certain private trails and forest management.
- The Owner would place a covenant on Tract OS 387-1 and Tract OS 387-4, running to the benefit of the Town, which would preclude these parcels from being used for other more expansive active open space uses beyond the stated Workforce Housing Unit and the equestrian stabling and/or pasturing area that are otherwise allowed in the Full Use Active Open Space zone. Typical passive open space uses would be allowed.

- **Timing and Sequencing.**

The Owner desires to commence the installation of the access road and bridge as early this upcoming building season as is feasible and possible. To enable that construction, the Owner needs to replat the YBR Property to create the proposed Residential Lots, Open Space Parcels and Access Tract indicated in the Rezone/Replat Application so that the Town has the appropriate context to review and act upon the Road/Bridge Application and authorize the construction of the proposed access road and bridge within the proposed Access Tract to serve the proposed Residential Lots and Open Space Parcels.

The Rezone/Replat Application is not seeking specific Town approval of the design of the various residential units and accessory structures contemplated by the Owner's development goals and objectives. It is recognized and understood that individual site specific design and development applications will be required to allow the Owner to pursue such development. The Owner also seeks approval of the Rezone/Replat Application to enable it to plat the proposed Residential Lots and Open Space Parcels and, thereafter, submit and pursue these separate site specific development applications for the improvements associated with the residential units and accessory structures.

With the replatting and rezoning of the YBR Property the overall development concept for the property is evident. The final siting of allowable residential units and accessory dwelling units will be finalized and presented to the Town in individual site specific design applications to be submitted by the Owner. If the Owner did not pursue the Replat/Rezone Application, the Owner would have the right and ability to prepare and submit separate applications with the Town for the individual development and buildout of these lots.

- **Justification for the Rezoning/Replatting/Vested Property Rights.**

- The platting/zoning plan will result in the creation and placement of some 42 acres of land (mol) as open space, which is roughly 71% of the YBR Property. The portions of the newly created open space parcels that will be platted as passive open space embrace important environmental areas such as the Skunk Creek riparian area, wetland areas located on the YBR Property and wildlife corridors that align with these riparian areas.
- The designation of these open space parcels for Passive Open Space likewise conforms to the use covenants provided for in the Ski Ranches/Goodman Agreement.
- The clustering will concentrate development of the 60 acre YBR Property into a designated area and reduce overall impacts associated with development to much smaller portion of the YBR Property. The clustering will enable the construction of one shared road serving the development, thus eliminating the need for multiple road corridors and utility corridors. This will reduce the overall need for clearing/grading and tree removal for infrastructure services.

- Owner has generated a table showing the size of nearby platted lots in the Mountain Village, see attached **Exhibit “G”**. The average size of these nearby lots is 1.33 acres, with two larger lots, namely Lot 351 being 2.675 acres and Lot 352R, which is a replat of Lots 348 and 352 being larger at 5.8 acres. As such, the lots being proposed for the YBR Property are in keeping with the scale of other platted residential lots in the Mountain Village. Lot 388 to the north was platted and annexed into the Town with the YBR Property, contains 39.317 acres. Lot 388 and the YBR Property were part of the same land exchange in the early 1990’s that was completed by The Telluride Company with the USFS. Four large lots were platted and annexed into the Town at that time.
- The implementation of the Forest Management Plan for the YBR Property, which undertaking will greatly exceed the requirements and expectations by the Town under the provisions of the CDC which govern forest management. The implementation of the plan will substantially improve the overall health of the forest and greatly reduce fire hazards at this important location at the edge of the Mountain Village.
- **Compliance with the Community Development Code/Rezone.** The Owner contends that the proposed rezoning of the YBR Property, for reasons stated above, meets the standards for rezoning property in the Mountain Village as required by the CDC, including Section 17.4.9. Of note, the Owner contends as follows:
 - The proposed rezoning of the YBR Property is in general conformance with the Comprehensive Plan for the following reasons:
 - It preserves the residential density assigned to the YBR Property, while establishing substantial amounts of surrounding open space, including passive open space, which would restrict development.
 - The resulting lot sizes are in keeping with the size of other platted residential lots in the vicinity of the YBR Property.
 - It promotes the creation of workforce housing that will house full time, local employees employed by the Owner and retained to manage the YBR Property.
 - The proposed rezoning of the YBR Property is consistent with the Zoning and Land Use Regulations.
 - The use and development of the proposed residential lots, access tract and open space parcels will conform to the requirements of the CDC.
 - The proposed rezoning of the YBR Property is consistent with the public health, safety and welfare, as well as the efficient and economical use of the YBR.
 - The clustered nature of the development allows for the shared usage of infrastructure, reducing overall project needs.
 - The clustered nature of the development enhances the ability to preserve and protect important environmental features on the YBR Property.
 - The proposed rezoning of the YBR Property and resulting land uses will increase the overall open space in the Mountain Village.
 - The use and development of the proposed residential lots, access tract and open space parcels will conform to the requirements of the CDC.
 - The Owner is implementing a comprehensive forest management plan for the YBR Property, which aligns with the proposed development plan.
 - There are adequate public facilities serving the proposed development of the YBR Property.

- The site is currently zoned for two residential lots and the resulting rezoning will not change that usage, except for the potential for a workforce housing unit and a potential equestrian facility.
 - As noted in the conceptual utility plan for the YBR Property and the proposed road/bridge plan which has been submitted for Town review and approval under separate application, the proposed development of the YBR Property can and will be served by adequate public infrastructure, the extension and associated cost of which will be incurred by Owner.
 - The proposed rezoning shall not create vehicle or pedestrian circulation hazards or cause parking, trash or special delivery congestion.
 - The YBR Property is at the edge of the Town and abuts the Telluride Ski Ranches; no through roads are necessary to provide access to other platted lots in the Mountain Village. The waterline road, which provides a means of access to the Town to service the waterline serving the Ski Ranches extends through the YBR Property and an easement has been granted to the Town for this purpose.
 - There are no public trails connecting to the property or existing beyond the YBR Property for which trails linkage would be required. The trails made available to the Ski Ranches by the Goodman/Ski Ranch agreement are private to the Ski Ranch owners and the YBR Property owner and connect to private trails in the Ski Ranches. There are no public authorized trailheads on USFS land that connect to the private trails on the YBR Property.
 - Parking will occur on site in connection with the development of the residence.
 - The area of the workforce housing will include a residence for the worker and certain facilities for services and storage. The area is strategically located at the end of the recently constructed access bridge at the edge of the YBR Property. This pod will accommodate and serve as a convenient, centralized area for visitor access, trash collection, and deliveries/services. A turnaround area will be provided in this area. The Owner will submit separate applications for development contemplated in this area, which will need to be reviewed and approved by the Town at a later date, including a CUP for the Workforce Housing Unit.
 - The proposed rezoning of the YBR Property meets all applicable Town regulations and standards.
 - The use and development of the proposed residential lots, access tract and open space parcels will conform to the requirements of the CDC. Site specific development and design plans will be submitted to the Town and acted upon before any improvements can be undertaken. The proposed zoning of the YBR Property is contemplated to be able to accommodate the contemplated uses and activities proposed by the Owner.
 - The proposed rezoning does not violate any rezoning limitations set forth in the CDC.
- **Compliance with the Community Development Code/Replat.** The Owner contends that the proposed replatting of the YBR Property, for reasons stated above, meets the standards for replatting property in the Mountain Village as required by the CDC, including Section 17.4.13. Of note, the Owner contends as follows:
 - The proposed subdivision of the YBR Property is in general conformance with the Comprehensive Plan for the following reasons:

- It preserves the residential density assigned to the YBR Property, while establishing substantial amounts of surrounding open space, including passive open space, which would restrict development.
 - The resulting lot sizes are in keeping with the size of other platted residential lots in the vicinity of the YBR Property.
- The proposed subdivision of the YBR Property is consistent with the Zoning and Land Use Regulations.
 - The use and development of the proposed residential lots, access tract and open space parcels will conform to the requirements of the CDC.
- The YBR Property is zoned for two residential lots and the requisite density is assigned to the property to accommodate the uses and activities proposed by the subdivision. No additional density is required to be transferred to the YBR Property to accommodate the proposed uses, including the Workforce Housing Unit should it be pursued by the Owner. As such, no density transfer is proposed or required.
- The proposed subdivision of the YBR Property is consistent with the Subdivision Regulations. In particular:
 - The residential lots both front directly to the Access Tract, with a frontage of not less than 50’.
 - The subdivision will be served by a private shared access road designed to Town road standards, which is being reviewed simultaneously with this application. The road is being designed to road, not driveway standards. The road will be a private road, maintained by the owner of the YBR Property. A copy of the road plan, prepared by the project engineer is included in the companion Road/Bridge Application.
 - The residential lots are compatible in size to other nearby lots. The residential lots and active open space parcels are appropriately laid out and contain a sufficient area to suitably accommodate the proposed development activities.
 - The siting of the residences will be capable of accommodating solar access as is practical for the site.
 - General easements are discussed below.
 - The design, width and shape of the lots take advantage of topographic features, are suitably designed to accommodate the proposed development activities and are logically arranged to be able to be served by shared utilities and access. The proposed siting of the residences reflect the flatter, more buildable portions of the overall YBR Property.
 - The subdivision and rezoning of the YBR Property allows for the preservation of environmental features and facilities.
 - The subdivision will be designed and constructed in accordance with Town drainage design standards.
 - Fire protection is being provided in accordance with plans developed by the project engineer, which have been submitted with the Road/Bridge Application.
 - The subdivision will be served by water, sewer and other utilities which have been designed by the project engineer as indicated in the utility plans for the YBR Property, in accordance with applicable Town standards.
- There are adequate public facilities serving the proposed development of the YBR Property.

- The site is currently zoned for two residential lots and the resulting rezoning will not change that usage, except for the potential for a workforce housing unit and a potential equestrian facility.
 - As noted in the conceptual utility plan for the YBR Property and the proposed road/bridge plan which has been submitted for Town as part of the companion Road/Bridge Application, the proposed development of the YBR Property can and will be served by adequate public infrastructure, the extension and associated cost of which will be incurred by Owner.
- Known areas of the YBR Property upon which soils or geologic hazards may exist have been noted in the Existing Conditions Mapping (**Exhibit “F”**) submitted with the Applications. When specific development of residences, roads/bridge or other structures, the Owner recognizes that site specific development applications will need to be submitted to the town for its review and approval. As part of the submission, the Owner will provide the Town with detailed information about any soils or geologic hazards that would affect or concern such development. In developing the proposed replat and designating areas for residential or other development, the Owner endeavored to avoid areas of known soils or geologic hazards that might otherwise impede or preclude the contemplated uses and activities occurring in these areas.
- The YBR Property is accessed by certain public access roads connecting to the Ridge Road over a series of access tracts, some of which have been improved to enable access to the YBR Property, the balance of which will be improved by the Owner. Internal subdivision access will be provided by a shared access road, designed to Town Standards, which is being reviewed by the Town pursuant to the Road/Bridge Application, be submitted simultaneously with the Replat and Rezone Application.
- The proposed subdivision of the YBR Property meets all applicable Town regulations and standards.
 - The proposed replatting of the YBR Property is contemplated to be able to accommodate the contemplated uses and activities proposed by the Owner.
 - The proposed rezoning does not violate any subdivision limitations set forth in the CDC.
- The Replat will include certain plat notes addressing:
 - A requirement that the Owner shall prepare and record CCR’s providing for the shared use and maintenance of the private access road and bridge, the private open space parcels and any other shared improvements (such as trails) by the owners of the residential lots, including the shared cost and expense of maintenance and repair of such facilities, which will be executed and recorded at such time that the Owner elects to sell and convey a residential lot to a third party.
 - A requirement for the Owner, at the time of the submission of any site specific development applications for individual improvements on the YBR Property, to submit a utility plan to provide utility services to the proposed development and a requirement for the Owner to record utility easements serving the residential lots and open space parcels (as appropriate) at such time as the utilities have been installed. The easement shall be reviewed by the Town. The note shall further confirm that none of the lots may be sold to third parties unless and until utility easements have been recorded to the satisfaction of the Town.

- A requirement that at the time of the submission of any site specific development applications for individual improvements on the YBR Property, the Owner must include an updated existing conditions map indicating the location of any steep slopes, geologic hazards, wetlands, ponds, streams and drainages on the lot or parcel that development is proposed.
- General Easement.
 - The draft Replat shows and establishes a 16' General Easement around the easterly outer perimeter of the YBR Property, where the property adjoins TSG open space. The draft Replat also shows the vacation of the balance of the 16' General Easements around the perimeter of the YBR Property and the internal boundaries of the Lots and Parcels.
 - The Owner does not propose establishing a 16' General Easement around the outer boundaries of the YBR Property to the south (where the property adjoins land owned by the USFS), to the west (where the property adjoins the Telluride Ski Ranches) and to the north as none of the services commonly provided for in a General Easement would appear necessary to serve Lot 388, which adjoins the YBR Property to the north.
 - The Owner does not propose establishing a 16' General Easement around the perimeter of the two residential lots and contends that no such GE is necessary or appropriate for this development.
 - The Owner has developed a utility distribution plan, which is being submitted to the Town. The locations for the utilities will generally not run along the boundaries of the residential lots where the general easement might otherwise be established. Easements will be recorded for these areas once the utilities are installed and final "as built" locations are surveyed.
 - There is no reason for establishing general easements for other typical purposes contemplated by the CDC, since no other lots in the Mountain Village would rely upon and use the YBR Property for other uses and activities typically provided for in a general easement.
 - The Owner has granted certain utility easements to the Town and Source Gas to accommodate waterlines, gas lines and fiber-optic lines which pass through the center of the YBR Property and extend through to the Ski Ranches. No other utility services connecting the Mountain Village and Ski Ranches have been identified or requested.
 - As such, the Replat does not create general easements around the perimeter of the new residential lots.
 - The Owner is proposing to establish a 16' setback area around the perimeter of the newly platted residential lots. The placement of the 16' setback area will allow for the maintenance of the setback area in a natural, undisturbed state to provide buffering to surrounding land uses.

- **Compliance with the Community Development Code/Vested Property Rights.** The Owner seeks approval by the Town for Vested Property Rights relating to the Town's action on the Replat and the Rezoning applications. The size of the project and the anticipated timing to construct the road and bridge, followed by the timing anticipated for the submission, review and approval of the individual design review applications for the allowable residential units and accessory structures warrant the granting of the requested Vested Property Rights. Since the Owner is essentially downzoning the YBR Property, which the Owner contends is in the public interest for reasons stated above, the Owner seeks assurances that it will have the opportunity to develop the newly platted residential lots and open space parcels for the uses and activities noted in this Narrative, each of which are currently allowed by the CDC.

The following documents are being submitted with the Town prescribed form Applications for the Rezone/ Subdivision Application and this Narrative.

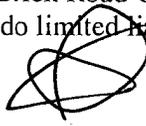
Table of Submitted Materials

Exhibit	Document
A	Proof of Ownership/Title Report
B	Owner Authorization/Agency Letter
C	Vicinity Map
D	Copy of [draft] Replat
E	Copy of Zoning Map Exhibit
F	Existing Conditions Mapping
G	Adjoining Lot Table

The Owner looks forward to presenting this information to the Town Council and DRB during the upcoming noticed meetings and hearings.

Sincerely

Yellow Brick Road CO LLC,
a Colorado limited liability company



By: _____
Thomas G. Kennedy, Authorized Agent

ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule A

Order Number: TLR86004733-3

Customer Ref-Loan No.:

Property Address:

VACANT LAND, MOUNTAIN VILLAGE, CO 81435

1. Effective Date:

01-14-2016 At 5:00 P.M.

2. Policy to be Issued and Proposed Insured:

"TBD" Commitment \$0.00
Proposed Insured:
A BUYER TO BE DETERMINED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is:

A FEE SIMPLE AS TO PARCEL A
AN EASEMENT INTEREST AS TO PARCELS B AND C

4. Title to the estate or interest covered herein is at the effective date hereof vested in:

YELLOW BRICK ROAD CO LLC, A COLORADO LIMITED LIABILITY COMPANY

5. The Land referred to in this Commitment is described as follows:

PARCEL A:

LOTS 376RA, 387R AND ACCESS TRACT A-376R, TOWN OF MOUNTAIN VILLAGE, ACCORDING TO THE REPLAT OF LOTS 376R, 387, ACCESS EASEMENT AE-376 AND ACCESS TRACT A-376 RECORDED JANUARY 14, 2005 IN PLAT BOOK 1 AT PAGE 3427 AND THE CORRECTION PLAT RECORDED MARCH 4, 2014 IN PLAT BOOK 1 AT PAGE 4634, COUNTY OF SAN MIGUEL, STATE OF COLORADO.

PARCEL B:

THOSE EASEMENT RIGHTS CREATED BY ACCESS EASEMENT RECORDED JANUARY 14, 2005 UNDER RECEPTION NO. 371761 AND FIRST AMENDMENT TO ACCESS EASEMENT AGREEMENT RECORDED DECEMBER 23, 2013 UNDER RECEPTION NO. 431117.

PARCEL C:

THOSE EASEMENT RIGHTS CREATED BY ACCESS TRACT A1-F26 AGREEMENT RECORDED MARCH 4, 2014 UNDER RECEPTION NO. 431896.

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ALTA COMMITMENT
Old Republic National Title Insurance Company
Schedule B-1

(Requirements)

Order Number: TLR86004733-3

The following are the requirements to be complied with:

Payment to or for the account of the grantors or mortgagors of the full consideration for the estate or interest to be insured.

Proper instrument(s) creating the estate or interest to be insured must be executed and duly filed for record, to-wit:

1. DULY EXECUTED AND ACKNOWLEDGED STATEMENT OF AUTHORITY SETTING FORTH THE NAME OF YELLOW BRICK ROAD CO LLC, A COLORADO LIMITED LIABILITY COMPANY AS A LIMITED LIABILITY COMPANY. THE STATEMENT OF AUTHORITY MUST STATE UNDER WHICH LAWS THE ENTITY WAS CREATED, THE MAILING ADDRESS OF THE ENTITY, AND THE NAME AND POSITION OF THE PERSON(S) AUTHORIZED TO EXECUTE INSTRUMENTS CONVEYING, ENCUMBERING, OR OTHERWISE AFFECTING TITLE TO REAL PROPERTY ON BEHALF OF THE ENTITY AND OTHERWISE COMPLYING WITH THE PROVISIONS OF SECTION 38-30-172, CRS.

NOTE: THE STATEMENT OF AUTHORITY MUST BE RECORDED WITH THE CLERK AND RECORDER.

2. A FULL COPY OF THE FULLY EXECUTED OPERATING AGREEMENT AND ANY AND ALL AMENDMENTS THERETO FOR YELLOW BRICK ROAD CO LLC, A COLORADO LIMITED LIABILITY COMPANY MUST BE FURNISHED TO LAND TITLE GUARANTEE COMPANY. SAID AGREEMENT MUST DISCLOSE WHO MAY CONVEY, ACQUIRE, ENCUMBER, LEASE OR OTHERWISE DEAL WITH INTERESTS IN REAL PROPERTY FOR SAID ENTITY.

NOTE: ADDITIONAL REQUIREMENTS MAY BE NECESSARY UPON REVIEW OF THIS DOCUMENTATION.

3. WARRANTY DEED FROM YELLOW BRICK ROAD CO LLC, A COLORADO LIMITED LIABILITY COMPANY TO A BUYER TO BE DETERMINED CONVEYING SUBJECT PROPERTY.
4. EVIDENCE SATISFACTORY TO LAND TITLE GUARANTEE COMPANY THAT THE TERMS, CONDITIONS AND PROVISIONS OF THE TELLURIDE MOUNTAIN VILLAGE RESORT COMPANY REAL ESTATE TRANSFER ASSESSMENT HAVE BEEN SATISFIED OR THAT AN EXEMPTION HAS BEEN GRANTED.

NOTE: ALL PARTIES WILL BE REQUIRED TO SIGN A SATISFACTORY LIEN AFFIDAVIT AT CLOSING.

NOTE: ADDITIONAL REQUIREMENTS OR EXCEPTIONS MAY BE NECESSARY WHEN THE BUYERS NAMES ARE ADDED TO THIS COMMITMENT. COVERAGES AND/OR CHARGES REFLECTED HEREIN, IF ANY, ARE SUBJECT TO CHANGE UPON RECEIPT OF THE CONTRACT TO BUY AND SELL REAL ESTATE AND ANY AMENDMENTS THERETO.

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: TLR86004733-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

1. Any facts, rights, interests, or claims thereof, not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
3. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
4. Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the Public Records.
5. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date of the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this Commitment.
6. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
7. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water.
8. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE FOLLOWING PLATS:
#1 - TELLURIDE MOUNTAIN VILLAGE, FILING 1 RECORDED MARCH 9, 1984 IN PLAT BOOK 1 AT PAGE 476, AND TECHNICAL AMENDMENT CONCERNING DENSITY RECORDED FEBRUARY 12, 1990 IN BOOK 462 AT PAGE 759,
#2 - PLAT OF THE TOWN OF MOUNTAIN VILLAGE RECORDED OCTOBER 6, 1995 IN PLAT BOOK 1 AT PAGE 1918 AND OFFICIAL LAND USE AND DENSITY ALLOCATION FOR ALL LAND WITHIN THE TOWN OF MOUNTAIN VILLAGE, COLORADO RECORDED OCTOBER 6, 1995 IN BOOK 551 AT PAGE 485 AND AS AMENDED IN INSTRUMENT RECORDED JUNE 25, 2009 UNDER RECEPTION NO. 407544,
#3 - TOWN OF MOUNTAIN VILLAGE RECORDED JULY 24, 1996 IN PLAT BOOK 2 AT PAGE 2073, AND
#4 - THE TOWN OF MOUNTAIN VILLAGE OFFICIAL TOWN PLAT RECORDED SEPTEMBER 8, 1997 IN PLAT BOOK 1 AT PAGE 2281 AND THE TOWN OF MOUNTAIN VILLAGE OFFICIAL LOT LIST RECORDED SEPTEMBER 8, 1997 IN BOOK 586 AT PAGE 548.
9. RESTRICTIVE COVENANTS, FOR MOUNTAIN VILLAGE, WHICH DO NOT CONTAIN A FORFEITURE OR REVERTER CLAUSE, BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANDICAP, NATIONAL ORIGIN, ANCESTRY, OR SOURCE OF INCOME, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS CONTAINED IN INSTRUMENT RECORDED MARCH 9, 1984 IN BOOK 409 AT PAGE 714, AS AMENDED OR SUPPLEMENTED. AMENDED AND RESTATED GENERAL DECLARATION RECORDED DECEMBER 11, 2002 UNDER RECEPTION NO. 353668. FIRST AMENDMENT TO THE AMENDED AND RESTATED GENERAL DECLARATION RECORDED DECEMBER 09, 2009 UNDER RECEPTION NO. 410160. SECOND AMENDMENT TO THE

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: TLR86004733-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

AMENDED AND RESTATED GENERAL DECLARATION RECORDED MARCH 19, 2012 UNDER RECEPTION NO. 422188.

NOTE: UNDER THE GENERAL NOTES ON THE PLAT OF TELLURIDE MOUNTAIN VILLAGE RECORDED MARCH 9, 1984 IN PLAT BOOK 1 AT PAGE 476 THE TELLURIDE COMPANY RESERVES THE RIGHT TO IMPOSE ADDITIONAL RESTRICTIVE COVENANTS ON ALL LOTS IN ADDITION TO THE ONES DESCRIBED HEREIN.

NOTICE REGARDING CONTACT INFORMATION AND REAL ESTATE TRANSFER ASSESSMENT RECORDED MAY 25, 2011 UNDER RECEPTION NO. 418209.

10. TERMS, CONDITIONS AND PROVISIONS OF NOTICE OF WATER AND SEWER TAP FEE PAYMENT RECORDED APRIL 14, 1987 IN BOOK 435 AT PAGE 603, TAP FEE AGREEMENT RECORDED MAY 29, 1992 IN BOOK 492 AT PAGE 991, AND BY FIRST AMENDMENT TO TAP FEE AGREEMENT RECORDED DECEMBER 18, 1996 IN BOOK 573 AT PAGE 237, AND AS ASSIGNED BY TAP FEE ASSIGNMENT AND ASSUMPTION AGREEMENT RECORDED APRIL 29, 1999, UNDER RECEPTION NO. 326037.
11. TERMS, CONDITIONS AND PROVISIONS OF FACILITIES, WATER RIGHTS AND EASEMENT AGREEMENT RECORDED APRIL 27, 1992 IN BOOK 491 AT PAGE 359 AND AS AMENDED IN INSTRUMENT RECORDED NOVEMBER 13, 1992 IN BOOK 501 AT PAGES 433 AND 437 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 26, 1993 IN BOOK 510 AT PAGE 8 AND AS AMENDED IN INSTRUMENT RECORDED APRIL 26, 1993 IN BOOK 510 AT PAGE 11 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 24, 1996 IN BOOK 569 AT PAGE 668.
12. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT REGARDING GENERAL EASEMENTS RECORDED MAY 21, 1996 IN BOOK 562 AT PAGE 97 AND AS AMENDED IN INSTRUMENT RECORDED OCTOBER 24, 1996 IN BOOK 569 AT PAGE 670.
13. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN AGREEMENT INCLUDING DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED APRIL 02, 1992 IN BOOK 490 AT PAGE 115 AND THE FIRST AMENDMENT RECORDED JANUARY 27, 1994 IN BOOK 524 AT PAGE 253 AND THE SUPPLEMENTAL AGREEMENT RECORDED FEBRUARY 13, 2015 UNDER RECEPTION NO. 436396.
14. EASEMENTS, CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS AND NOTES ON THE PLAT OF:
#1 - PLAT OF LOT 376, TELLURIDE MOUNTAIN VILLAGE RECORDED MARCH 10, 1993 IN PLAT BOOK 1 AT PAGE 1456;
#2 - AMENDMENT TO TRACT 2 AND AMENDMENT TO THE FINAL PLAT OF LOT 376 AND THE FINAL PLAT OF TRACT OS-387 AND ACCESS EASEMENT AE-376, TELLURIDE MOUNTAIN VILLAGE RECORDED JULY 31, 1996 IN PLAT BOOK 1 AT PAGE 2088;
#3 - PLAT OF LOT 376RA, LOT 387R AND ACCESS TRACT A-376R, TELLURIDE MOUNTAIN VILLAGE RECORDED JANUARY 14, 2005 IN PLAT BOOK 1 AT PAGE 3427; AND
#4 - CORRECTION PLAT OF LOT 376RA, LOG 387R AND ACCESS TRACT A-376R, TOWN OF MOUNTAIN VILLAGE RECORDED MARCH 4, 2014 IN PLAT BOOK 1 AT PAGE 4634.
15. RIGHT OF WAY FOR DITCHES OR CANALS CONSTRUCTED BY THE AUTHORITY OF THE UNITED STATES AS RESERVED IN UNITED STATES PATENT RECORDED JULY 01, 1993, IN BOOK 513 AT PAGE 559.

Old Republic National Title Insurance Company

Schedule B-2

(Exceptions)

Order Number: TLR86004733-3

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company:

16. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN THE TELCO/METRO DISTRICT UTILITIES EASEMENT RECORDED JULY 01, 1993 IN BOOK 513 AT PAGE 564.
17. RESERVATION BY THE TELLURIDE COMPANY OF ALL OF THE RIGHTS TO MINERAL AND OIL, GAS OR OTHER HYDROCARBONS LOCATED ON, IN OR UNDER THE REAL PROPERTY, WITHOUT ANY RIGHT OF SURFACE ENTRY FOR EXPLORATION, DEVELOPMENT OR EXTRACTION. THE TELLURIDE COMPANY COVENANTS THAT IT WILL NOT MINE, EXTRACT, EXPLORE FOR OR DEVELOP ANY OF THE MINERALS, OIL, GAS OR OTHER HYDROCARBONS LOCATED ON, IN OR UNDER THE REAL PROPERTY, ALL AS CONTAINED IN INSTRUMENT RECORDED APRIL 15, 1994 IN BOOK 527 AT PAGE 972.
18. TERMS, CONDITIONS, RESERVATIONS AND PROVISIONS AS CONTAINED IN WARRANTY DEEDS RECORDED APRIL 15, 1994 IN BOOK 527 AT PAGES 972 AND 975.
19. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, MOUNTAIN VILLAGE, COLORADO, APPROVING AMENDMENT TO FINAL PLAT LOT 376 AND FINAL PLAT LOT 387, OS 387, OS 387-2, OS 376, TRACT A376 AND ACCESS EASEMENT AE-376 RECORDED JULY 31, 1996 IN BOOK 565 AT PAGE 485.
20. TERMS, CONDITIONS AND PROVISIONS OF NOTICE FILED BY SAN MIGUEL POWER ASSOCIATION, INC. RECORDED MARCH 18, 1999 UNDER RECEPTION NO. 325020.
21. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN TOWN OF MOUNTAIN VILLAGE RESOLUTIONS #2002-07 AND #2002-1210-31 AMENDING AND RESTATING THE TOWN OF MOUNTAIN VILLAGE DESIGN REGULATIONS RECORDED DECEMBER 18, 2002 UNDER RECEPTION NOS. 353852 AND 353853.
22. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN UTILITY EASEMENT AGREEMENT RECORDED JANUARY 14, 2005 UNDER RECEPTION NO. 371760 AND THE FIRST AMENDMENT RECORDED DECEMBER 23, 2013 UNDER RECEPTION NO. 431116 AND AS AMENDED BY INSTRUMENT RECORDED JULY 9, 2015 UNDER RECEPTION NO. 438393.
23. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACCESS EASEMENT AGREEMENT RECORDED JANUARY 14, 2005 UNDER RECEPTION NO. 371761 AND THE FIRST AMENDMENT RECORDED DECEMBER 23, 2013 UNDER RECEPTION NO. 431117.
24. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN ACCESS TRACT A1-F26 IMPROVEMENT AGREEMENT RECORDED MARCH 04, 2014 UNDER RECEPTION NO. 431896.
25. ANY RIGHTS OR INTERESTS OF THIRD PARTIES WHICH EXIST OR ARE CLAIMED TO EXIST IN AND OVER THE PRESENT AND PAST BED, BANKS OR WATERS OF SKUNK CREEK, AS SHOWN ON ESI 22637154.
26. TERMS, CONDITIONS, PROVISIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN GAS LINE FACILITIES EASEMENT RECORDED JULY 09, 2015 UNDER RECEPTION NO. 438392.

OWNER AUTHORIZATION

January 26, 2016

1. Yellow Brick Road CO LLC, a Colorado limited liability company ("**Owner**") is the current owner of that certain real property located in the Town of Mountain Village, San Miguel County, Colorado, more particularly described as follows ("**Property**"):

Lots 376RA, 387R and Access Tract A-376R, according to the Replat of Lots 376R, 387, Access Easement AE-376 and Access Tract A-376, The Town of Mountain Village, recorded January 14, 2005, in Plat Book 1 at page 3427 and Correction Plat recorded March 4, 2014, in Plat Book 1 at page 4634, County of San Miguel, State of Colorado

2. The Owner hereby designates and authorizes Thomas G. Kennedy/The Law Offices of Thomas G. Kennedy, Dave Bulson/Foley and Associates Surveying, David Ballode and Fortenberry and Ricks Construction, Inc. (each an "**Agent**") to be the designated representative and agent of the Owner through all aspects of the development review process with the Town of Mountain Village. The designations include, without limitation, the authority to prepare, execute, submit and pursue approval of necessary and appropriate land use entitlement applications and supporting materials ("**Applications**") with the Town of Mountain Village ("**Town**") relating to the Owners proposed development plans for the Property, which Applications may include, without limitation, Replat, Rezone, Vested Property Rights, Density Transfer, Conditional Use Permits, Design Reviews for any and all structures and other improvements, Building Permits, Development Permits and such other necessary and related matters for which an application is required to develop the Property for the Owners purposes under the Town's Community Development Code.

Approved and Respectfully Submitted by the Undersigned.

OWNER:

Yellow Brick Road CO LLC,
a Colorado limited liability company

By: Bob Greene Enterprises Inc.,
Its Manager

By: Bob Greene
Bob Greene, President

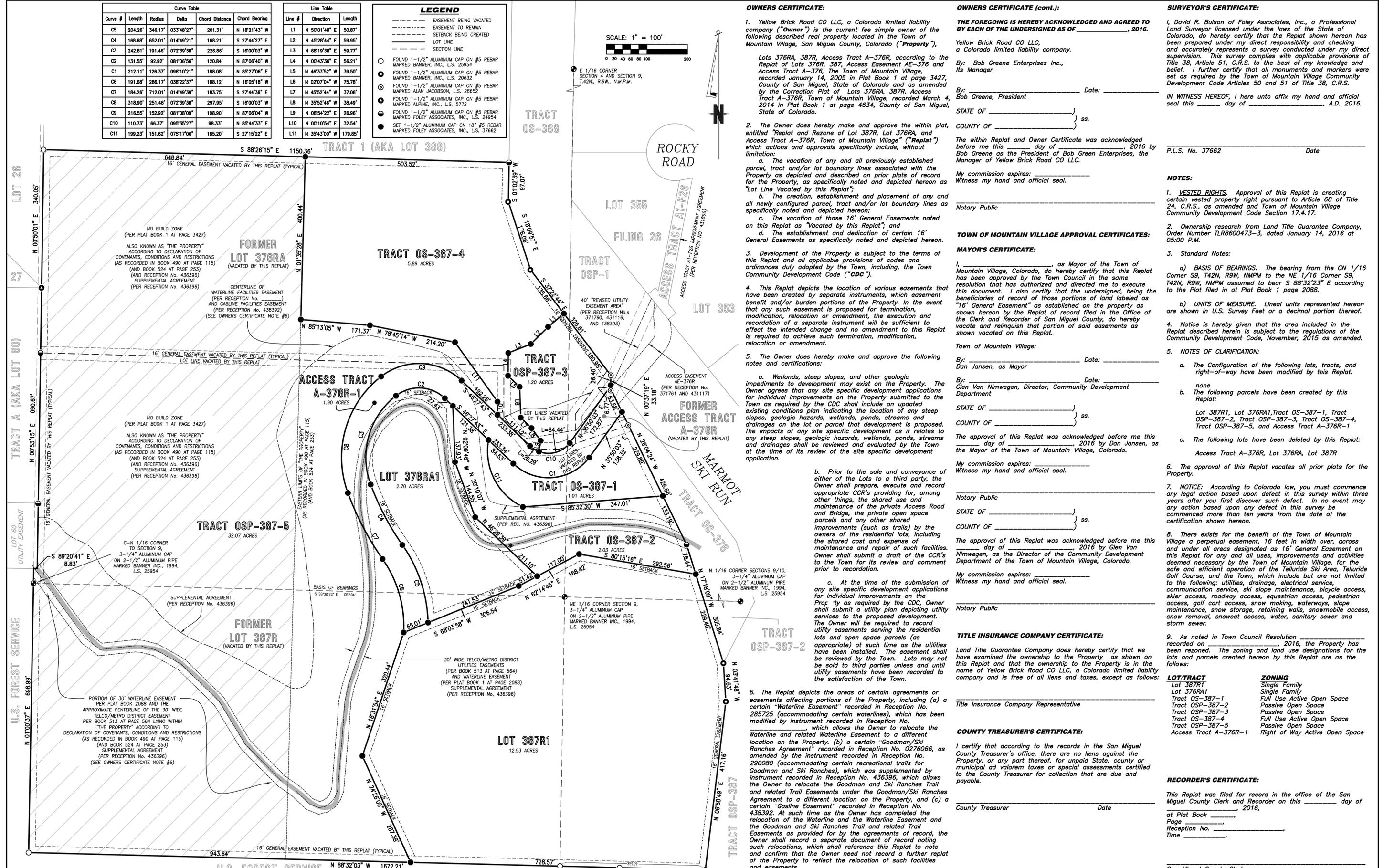
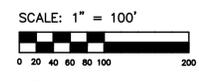
Curve Table					
Curve #	Length	Radius	Delta	Chord Distance	Chord Bearing
C5	204.26'	346.17'	033°48'27"	201.31'	N 18°21'43" W
C4	168.68'	652.01'	014°49'21"	168.21'	S 27°44'27" E
C3	242.81'	191.46'	072°39'38"	228.86'	S 16°00'03" W
C2	131.55'	92.92'	081°06'56"	120.84'	N 87°06'40" W
C1	212.11'	126.37'	096°10'21"	188.08'	N 85°27'06" E
C6	191.68'	286.17'	038°22'37"	188.12'	S 16°05'18" W
C7	184.26'	712.01'	014°49'39"	183.75'	S 27°44'36" E
C8	318.90'	251.46'	072°39'38"	297.95'	S 16°00'03" W
C9	216.55'	152.92'	081°06'56"	198.90'	N 87°06'40" W
C10	110.73'	66.37'	095°35'27"	98.33'	N 85°44'33" E
C11	198.23'	151.62'	075°17'06"	185.20'	S 27°15'22" E

Line Table	
Line #	Length
L1	N 50°11'48" E 50.87'
L2	N 45°28'44" E 59.95'
L3	N 68°19'38" E 59.77'
L4	N 00°43'36" E 56.21'
L5	N 46°33'52" W 39.50'
L6	N 02°07'04" W 75.78'
L7	N 45°52'44" W 37.06'
L8	N 35°52'46" W 38.49'
L9	N 08°54'22" E 28.96'
L10	N 00°10'54" E 32.54'
L11	N 35°43'00" W 179.85'

LEGEND

- EASEMENT BEING VACATED
- EASEMENT TO REMAIN
- SETBACK BEING CREATED
- LOT LINE
- SECTION LINE

- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR MARKED BANNER, INC., L.S. 25954
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR MARKED BANNER, INC., L.S. 20632
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR MARKED ALAN JACOBSON, L.S. 28852
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR MARKED ALPINE, INC., L.S. 3772
- FOUND 1-1/2" ALUMINUM CAP ON #5 REBAR MARKED FOLEY ASSOCIATES, INC., L.S. 24954
- SET 1-1/2" ALUMINUM CAP ON 18" #5 REBAR MARKED FOLEY ASSOCIATES, INC., L.S. 37662



OWNERS CERTIFICATE:

1. Yellow Brick Road CO LLC, a Colorado limited liability company ("Owner") is the current fee simple owner of the following described real property located in the Town of Mountain Village, San Miguel County, Colorado ("Property"),

Lots 376RA, 387R, Access Tract A-376R, according to the Replat of Lots 376R, 387, Access Easement AE-376 and Access Tract A-376, The Town of Mountain Village, recorded January 14, 2005 in Plat Book 1 at page 3427, County of San Miguel, State of Colorado and as amended by the Correction Plat of Lots 376RA, 387R, Access Tract A-376R, Town of Mountain Village, recorded March 4, 2014 in Plat Book 1 at page 4634, County of San Miguel, State of Colorado.

2. The Owner does hereby make and approve the within plat, entitled "Replat and Rezone of Lot 387R, Lot 376RA, and Access Tract A-376R, Town of Mountain Village" ("Replat") which actions and approvals specifically include, without limitation:

- The vacation of any and all previously established parcel, tract and/or lot boundary lines associated with the Property as depicted and described on prior plats of record for the Property, as specifically noted and depicted hereon as "Lot Line Vacated by this Replat";
- The creation, establishment and placement of any and all newly configured parcel, tract and/or lot boundary lines as specifically noted and depicted hereon;
- The vacation of those 16' General Easements noted on this Replat as "Vacated by this Replat"; and
- The establishment and dedication of certain 16' General Easements as specifically noted and depicted hereon.

3. Development of the Property is subject to the terms of this Replat and all applicable provisions of codes and ordinances duly adopted by the Town, including, the Town Community Development Code ("CDC").

4. This Replat depicts the location of various easements that have been created by separate instruments, which easement benefit and/or burden portions of the Property. In the event that any such easement is proposed for termination, modification, relocation or amendment, the execution and recording of a separate instrument will be sufficient to effect the intended change and no amendment to this Replat is required to achieve such termination, modification, relocation or amendment.

5. The Owner does hereby make and approve the following notes and certifications:

- Wetlands, steep slopes, and other geologic impediments to development may exist on the Property. The Owner agrees that any site specific development applications for individual improvements on the Property submitted to the Town as required by the CDC shall include an updated existing conditions plan indicating the location of any steep slopes, geologic hazards, ponds, streams and drainages on the lot or parcel that development is proposed. The impacts of any site specific development as it relates to any steep slopes, geologic hazards, wetlands, ponds, streams and drainages shall be reviewed and evaluated by the Town at the time of its review of the site specific development application.
- Prior to the sale and conveyance of either of the Lots to a third party, the Owner shall prepare, execute and record appropriate CCR's providing for, among other things, the shared use and maintenance of the private Access Road and Bridge, the private open space parcels and any other shared improvements (such as trails) by the owners of the residential lots, including the shared cost and expense of maintenance and repair of such facilities. The Owner shall submit a draft of the CCR's to the Town for its review and comment prior to recordation.
- At the time of the submission of any site specific development applications for individual improvements on the Property as required by the CDC, Owner shall submit a utility plan depicting utility services to the proposed development. The Owner will be required to record utility easements serving the residential lots and open space parcels (as appropriate) at such time as the utilities have been installed. The easement shall be reviewed by the Town. Lots may not be sold to third parties unless and until utility easements have been recorded to the satisfaction of the Town.

6. The Replat depicts the areas of certain agreements or easements affecting portions of the Property, including (a) a certain "Waterline Easement" recorded in Reception No. 285725 (accommodating certain waterlines), which has been modified by instrument recorded in Reception No. _____, which allows the Owner to relocate the Waterline and related Waterline Easement to a different location on the Property, (b) a certain "Goodman/Ski Ranches Agreement" recorded in Reception No. 0276066, as amended by the instrument recorded in Reception No. 290080 (accommodating certain recreational trails for Goodman and Ski Ranches), which was supplemented by instrument recorded in Reception No. 436396, which allows the Owner to relocate the Goodman and Ski Ranches Trail and related Trail Easements under the Goodman/Ski Ranches Agreement to a different location on the Property, and (c) a certain "Gasline Easement" recorded in Reception No. 438392. At such time as the Owner has completed the relocation of the Waterline and the Waterline Easement and the Goodman and Ski Ranches Trail and related Trail Easements as provided for by the agreements of record, the Owner shall record a separate document of record noting such relocations, which shall reference this Replat to note and confirm that the Owner need not record a further replat of the Property to reflect the relocation of such facilities and easements.

OWNERS CERTIFICATE (cont.):

THE FOREGOING IS HEREBY ACKNOWLEDGED AND AGREED TO BY EACH OF THE UNDERSIGNED AS OF _____, 2016.

Yellow Brick Road CO LLC,
a Colorado limited liability company.

By: Bob Greene Enterprises Inc.,
Its Manager

By: _____ Date: _____

Bob Greene, President

STATE OF _____ } ss.

COUNTY OF _____ }

The within Replat and Owner Certificate was acknowledged before me this _____ day of _____, 2016 by Bob Greene as the President of Bob Green Enterprises, the Manager of Yellow Brick Road CO LLC.

My commission expires: _____
Witness my hand and official seal.

Notary Public

TOWN OF MOUNTAIN VILLAGE APPROVAL CERTIFICATES:

MAYOR'S CERTIFICATE:

I, _____ as Mayor of the Town of Mountain Village, Colorado, do hereby certify that this Replat has been approved by the Town Council in the same resolution that has authorized and directed me to execute this document. I also certify that the undersigned, being the beneficiaries of record of those portions of land labeled as "16' General Easement" as established on the property as shown hereon by the Replat of record filed in the Office of the Clerk and Recorder of San Miguel County, do hereby vacate and relinquish that portion of said easements as shown vacated on this Replat.

Town of Mountain Village:

By: _____ Date: _____

Dan Jansen, as Mayor

By: _____ Date: _____

Glen Van Nimwegen, Director, Community Development Department

STATE OF _____ } ss.

COUNTY OF _____ }

The approval of this Replat was acknowledged before me this _____ day of _____, 2016 by Dan Jansen, as the Mayor of the Town of Mountain Village, Colorado.

My commission expires: _____
Witness my hand and official seal.

Notary Public

STATE OF _____ } ss.

COUNTY OF _____ }

The approval of this Replat was acknowledged before me this _____ day of _____, 2016 by Glen Van Nimwegen, as the Director of the Community Development Department of the Town of Mountain Village, Colorado.

My commission expires: _____
Witness my hand and official seal.

Notary Public

TITLE INSURANCE COMPANY CERTIFICATE:

Land Title Guarantee Company does hereby certify that we have examined the ownership to the Property as shown on this Replat and that the ownership to the Property is in the name of Yellow Brick Road CO LLC, a Colorado limited liability company and is free of all liens and taxes, except as follows:

Title Insurance Company Representative

COUNTY TREASURER'S CERTIFICATE:

I certify that according to the records in the San Miguel County Treasurer's office, there are no liens against the Property, or any part thereof, for unpaid State, county or municipal ad valorem taxes or special assessments certified to the County Treasurer for collection that are due and payable.

County Treasurer _____ Date _____

SURVEYOR'S CERTIFICATE:

I, David R. Bulson of Foley Associates, Inc., a Professional Land Surveyor licensed under the laws of the State of Colorado, do hereby certify that the Replat shown hereon has been prepared under my direct responsibility and checking and accurately represents a survey conducted under my direct supervision. This survey complies with applicable provisions of Title 38, Article 51, C.R.S. to the best of my knowledge and belief. I further certify that all monuments and markers were set as required by the Town of Mountain Village Community Development Code Articles 50 and 51 of Title 38, C.R.S.

IN WITNESS WHEREOF, I here unto affix my hand and official seal this _____ day of _____, A.D. 2016.

P.L.S. No. 37662 _____ Date _____

NOTES:

- VESTED RIGHTS.** Approval of this Replat is creating certain vested property right pursuant to Article 68 of Title 24, C.R.S., as amended and Town of Mountain Village Community Development Code Section 17.4.17.
- Ownership research from Land Title Guarantee Company, Order Number TLR600473-3, dated January 14, 2016 at 05:00 P.M.
- Standard Notes:
 - BASIS OF BEARINGS.** The bearing from the CN 1/16 Corner S9, T42N, R9W, NMPM to the NE 1/16 Corner S9, T42N, R9W, NMPM assumed to bear S 88°32'23" E according to the Plat filed in at Plat Book 1 page 2088.
 - UNITS OF MEASURE.** Lineal units represented hereon are shown in U.S. Survey Feet or a decimal portion thereof.
 - Notice is hereby given that the area included in the Replat described herein is subject to the regulations of the Community Development Code, November, 2015 as amended.
- NOTES OF CLARIFICATION:**
 - The Configuration of the following lots, tracts, and right-of-way have been modified by this Replat: none
 - The following parcels have been created by this Replat: Lot 387R1, Lot 376RA1, Tract OS-387-1, Tract OSP-387-2, Tract OSP-387-3, Tract OS-387-4, Tract OSP-387-5, and Access Tract A-376R-1
 - The following lots have been deleted by this Replat: Access Tract A-376R, Lot 376RA, Lot 387R
- The approval of this Replat vacates all prior plats for the Property.
- NOTICE:** According to Colorado law, you must commence any legal action based upon defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon.
- There exists for the benefit of the Town of Mountain Village a perpetual easement, 16 feet in width over, across and under all areas designated as 16' General Easement on this Replat for any and all uses, improvements and activities deemed necessary by the Town of Mountain Village, for the safe and efficient operation of the Telluride Ski Area, Telluride Golf Course, and the Town, which include but are not limited to the following: utilities, drainage, electrical service, communication service, ski slope maintenance, bicycle access, skier access, roadway access, equestrian access, pedestrian access, golf cart access, snow making, waterways, slope maintenance, snow storage, retaining walls, snowmobile access, snow removal, snowcat access, water, sanitary sewer and storm sewer.
- As noted in Town Council Resolution _____ recorded on _____, 2016, the Property has been rezoned. The zoning and land use designations for the lots and parcels created hereon by this Replat are as the follows:

LOT/TRACT	ZONING
Lot 387R1	Single Family
Lot 376RA1	Single Family
Tract OS-387-1	Full Use Active Open Space
Tract OSP-387-2	Passive Open Space
Tract OSP-387-3	Passive Open Space
Tract OS-387-4	Full Use Active Open Space
Tract OSP-387-5	Passive Open Space
Access Tract A-376R-1	Right of Way Active Open Space

RECORDER'S CERTIFICATE:

This Replat was filed for record in the office of the San Miguel County Clerk and Recorder on this _____ day of _____, 2016,

at Plat Book _____
Page _____
Reception No. _____
Time _____

San Miguel County Clerk

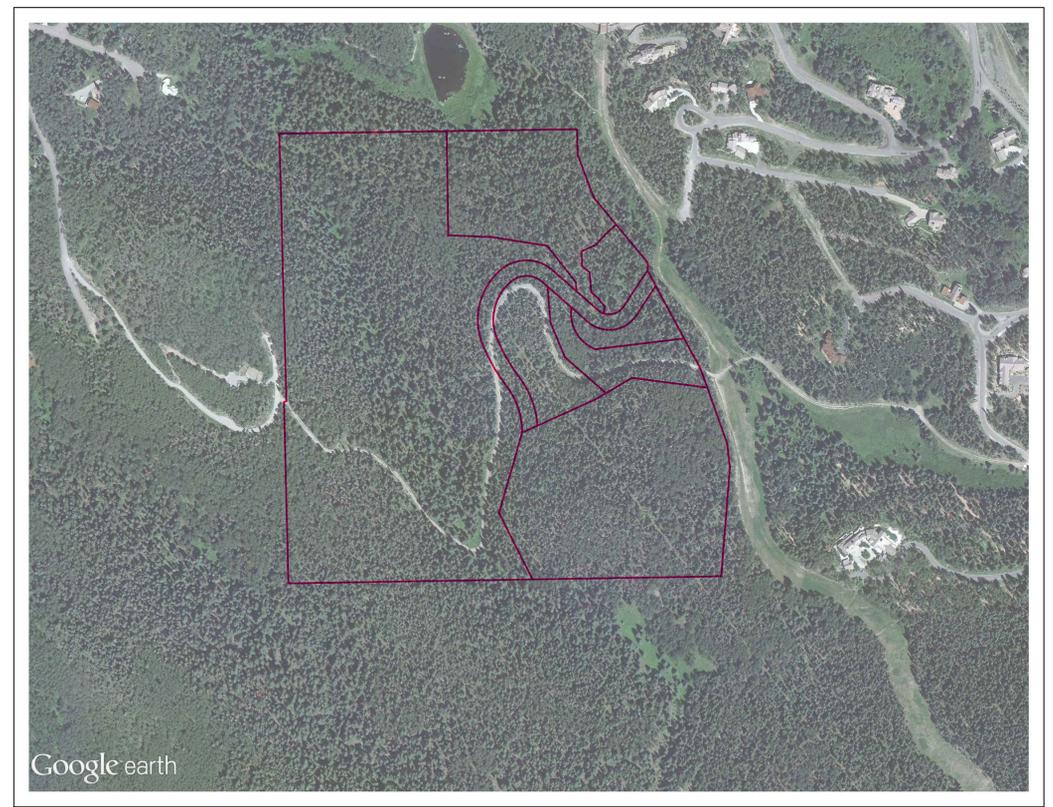
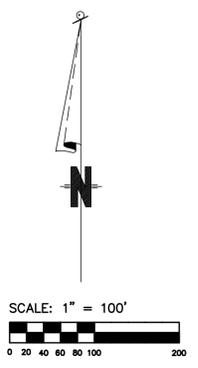
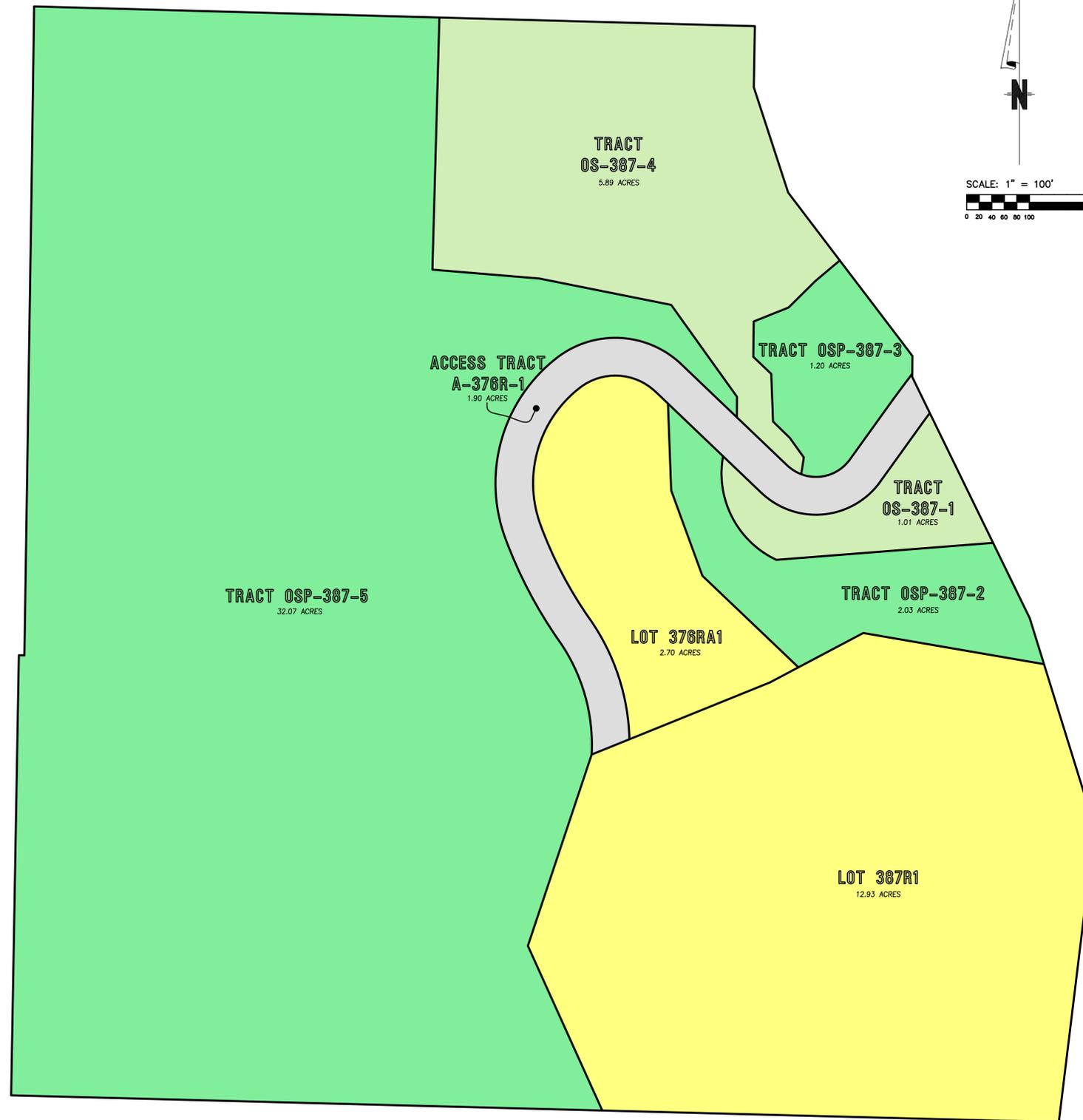
Replat/Rezone of Lot 387R, Lot 376RA, and Access Tract A-376R, Town of Mountain Village, situated within the NE1/4 of Section 9, T.42N., R.9W., N.M.P.M., County of San Miguel, State of Colorado.

Project Mgr: DB	Rev: _____	description	date	by
Technician: MC				
Checked by:				
Start date: 01/25/2016				

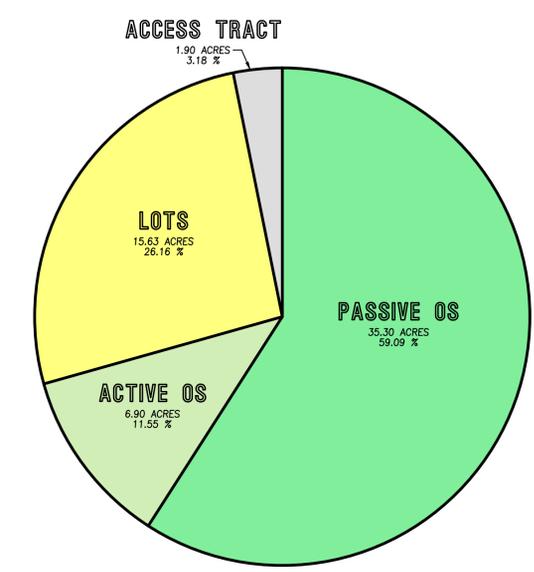
FOLEY ASSOCIATES, INC.
ENGINEERING · PLANNING · SURVEYING

970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435

Drawing path: dwg\Replat 4-15\REPLAT 01-16.dwg Sheet 1 of 1 Project #: 85155



YBR REPLAT VICINITY



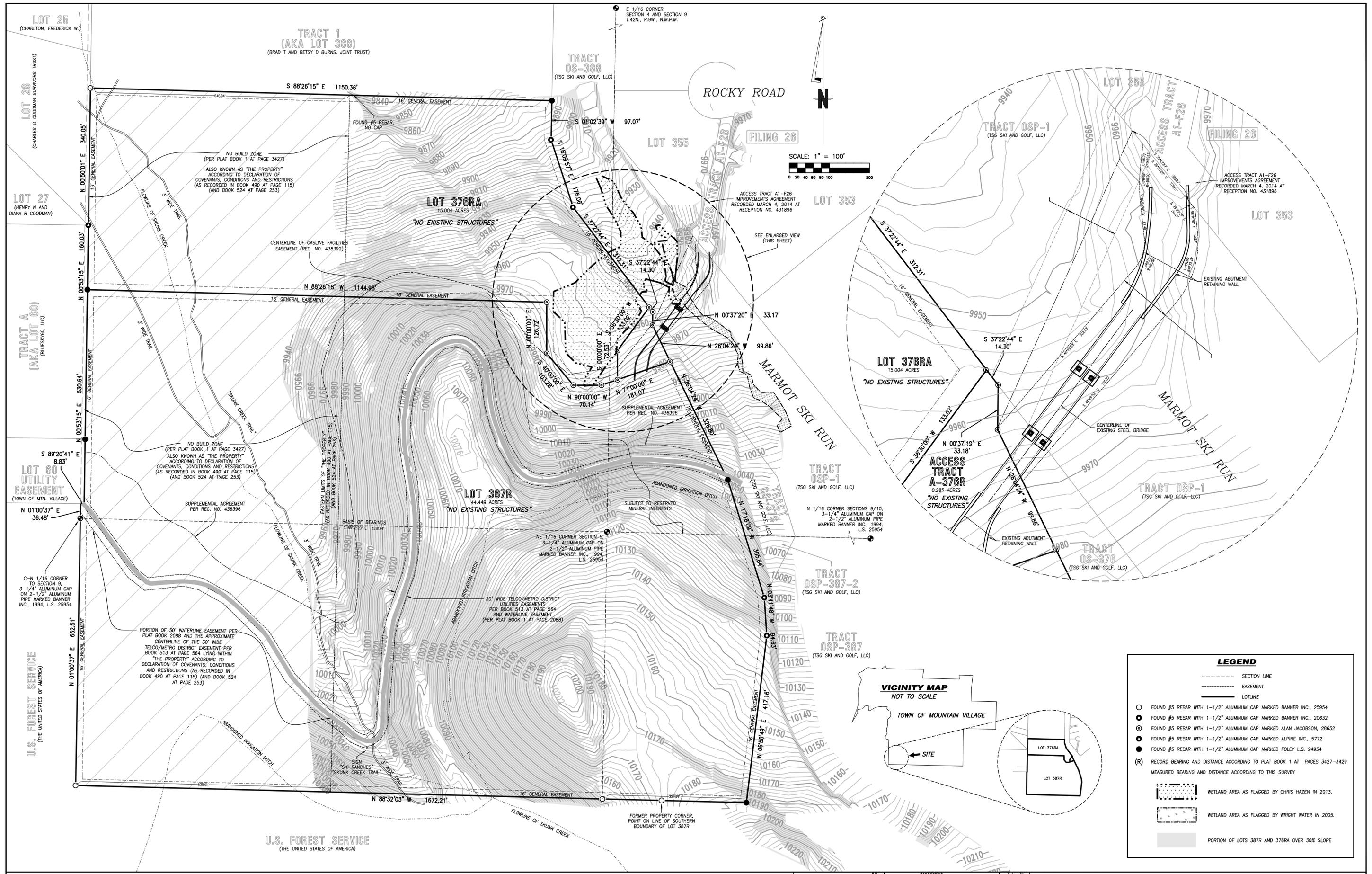
YBR REPLAT LAND USE SUMMARY

ZONING OVERLAY FOR THE REPLAT OF LOT 376RA, LOT 387R AND ACCESS TRACT A-376R, TOWN OF MOUNTAIN VILLAGE, SITUATED IN THE NE 1/4 OF SECTION 9, T.42N., R.9W., N.M.P.M., COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Project Mgr:	DB
Technician:	FO
Checked by:	
Start date:	03/10/2015



970-728-6153 970-728-6050 fax
P.O. BOX 1385
125 W. PACIFIC, SUITE B-1
TELLURIDE, COLORADO 81435



EXISTING CONDITIONS SURVEY OF LOT 376RA, LOT 387R AND ACCESS TRACT A-376R, TOWN OF MOUNTAIN VILLAGE, SITUATED IN THE NE 1/4 OF SECTION 9, T.42N., R.9W., N.M.P.M., COUNTY OF SAN MIGUEL, STATE OF COLORADO.

Project Mgr:	DB	Rev.	description	date	by
Technician:	FD				
Checked by:					
Start date:	01/22/2016				



970-728-6153 970-728-6050 fax
 P.O. BOX 1385
 125 W. PACIFIC, SUITE B-1
 TELLURIDE, COLORADO 81435



PLANNING & DEVELOPMENT SERVICES

455 Mountain Village Boulevard, Suite A
Mountain Village, CO 81435
(970) 728-1392

TO: Design Review Board
FROM: Colleen Henderson, Planner II
FOR: March 3, 2016 DRB Meeting
DATE: February 25, 2016
RE: Consideration of a Conditional Use Permit for a Panning Sluice Amusement on Open Space Parcel OS-3X in Heritage Plaza

PROJECT GEOGRAPHY

Legal Description: Open Space Parcel OS-3X
Address: Heritage Plaza Mountain Village, Colorado
Applicant/Agent: Gravity Play Entertainment, LLC
Owner: Town of Mountain Village
Zoning: Active Open Space
Existing Use: N/A
Proposed Use: Temporary Amusement featuring a Panning Sluice
Lot Area: 2.726 acres

Adjacent Land Uses:

- **North:** Fairmont Heritage Place (Franz Klammer Lodge, Fairmont Heritage executive offices, Telluride Sports, Telluride Naturals, Christie's International Real Estate office, and Diggity's Dog House)
- **South:** The Plaza Building (Telluride Ski & Golf executive offices/club, Christy Sports, Telluride Coffee Company, and Residences at The Plaza)
- **East:** Heritage Crossing (Residences at Heritage Crossing, Tracks Café & Bar, The North Face, and Burton) and Telluride Ski Resort ticket office/gondola station
- **West:** Hotel Madeline (Madeline Residence Sales Gallery and Black Iron Kitchen & Bar)

ATTACHMENTS

- Attachment A: Conditional Use Permit Application & Applicant Narrative
- Attachment B: Exhibit 1 - Location Map
- Attachment C: Exhibit 2 - Site Plan
- Attachment D: Exhibit 3 - Equipment
- Attachment E: Exhibit 4 - Water Tower Photograph
- Attachment F: Exhibit 5 - Sluice Photograph
- Attachment G: Exhibit 6 - Educational Display Case

RECORD DOCUMENTS

- Town of Mountain Village Community Development Code (as amended)
- Town of Mountain Village Home Rule Charter (as amended)
- Design Review application as maintained by the Community Development Department

BACKGROUND

The project applicant, Gravity Play Entertainment, LLC (Gravity Play) has been operating a bungee trampoline business on Heritage Plaza (“Plaza”) for the past five years during the winter/summer seasons. Their current permit/license is effective through August 10, 2016. Gravity Play has also been operating a ropes course on adjacent TSG land (OS-3U) during the summer season and their current permit is effective through May 15, 2017. Approval of those Conditional Use Permits (CUP) allowed an initial two year period, thereafter staff may renew on an annual basis.

PROJECT DESCRIPTION

Gravity Play has recently submitted a CUP application to operate a panning sluice amusement on the south side of Heritage Plaza as shown on **Attachment B/Exhibit 1** during the summer season, seven days a week from approximately 10 am to 6 pm. The amusement is a self-contained working replica of an actual mining sluice and provides guests with a hands-on educational activity as shown on **Attachment C/Exhibit 2**. The amusement structure includes a 12’ high water tower, an 8’ high waterfall section, and four sluice sections as shown on **Attachments D, E and F**. The applicant is also proposing to place an educational display case near the amusement for guests to identify their gemstones/minerals and learn about the mining history of the Telluride/Mountain Village area as shown on **Attachment G/Exhibit 6**.

The sluice sections are designed to accommodate 15 guests who will be sifting mining rough (sand) in moving water to reveal gemstones and minerals. The amusement is 42’ long and 8’ wide and requires an area approximately 44’ long and 15’ wide. The sluice is handicapped accessible.

Operation

The applicant would supply each guest with a bag of mining rough (sand) which they would then pour into a screened tray and lower it into a trough of moving water. While guests sift and shake their tray, the water will wash away the sand and reveal various gemstones and minerals. Tickets would be purchased at either the Adventure Center or the bungee trampoline.

All structures would be constructed out of pressure treated pine and the troughs are lined with stainless steel to prevent leaks. The equipment is also wired with ground fault protection for safety. The mining sluice sections are portable and could easily be reconfigured to accommodate other activities occurring on the Plaza throughout the summer season. Water and electrical power are available adjacent to the proposed location.

CONDITIONAL USE APPROVAL CRITERIA

In approving the Application, the DRB must find the request meets the conditional use permit criteria contained in CDC Section 17.4.14(D). Those criteria and staff's analysis is as follows:

1. The proposed conditional use is in general conformity with the principles, policies and actions set forth in the Comprehensive Plan ("Comprehensive Plan").

Staff: The Comprehensive Plan's Village Center Subarea Plan envisions expanding recreational and cultural opportunities in the Mountain Village Center and supports uses that stimulate a broad range of activities that fulfill the goal of creating an active and vital center.

The Comprehensive Plan's Cultural Enhancement Element states the need to allow for smaller cultural and historic displays in key public facilities and spaces as well as providing youth activities that educate and entertain residents and visitors.

The conditional use will generate activity, vitality and economic development as envisioned in the Comprehensive Plan.

2. The proposed conditional use is in harmony and compatible with surrounding land uses and the neighborhood and will not create a substantial adverse impact on adjacent properties or on services and infrastructure.

Staff: The location of the panning sluice provides for reasonable separation from existing businesses and surrounding land uses and the visual impacts of the amusement are minimized by locating it adjacent to landscape planters, tree wells, and the bronze miner sculpture. Lastly, the natural materials and color are appropriate and would not create adverse visual impacts.

3. The design, development and operation of the proposed conditional use will not constitute a substantial physical hazard to the neighborhood, public facilities, infrastructure or open space.

Staff: The project is not located in a designated fire lane has been reviewed and approved by both the fire department and police personnel.

4. The design, development and operation of the proposed conditional use shall not have a significant adverse effect to the surrounding property owners and uses.

Staff: The siting of the panning sluice amusement provides for reasonable separation from surrounding property owners and noise impacts are mitigated by limiting the hours of operation from 10 am to 6 pm. The proposed structure can also easily be reconfigured or relocated to another suitable location, if necessary.

5. The design, development and operation of the proposed conditional use shall not have a significant adverse effect on open space or the purposes of the facilities owned by the Town.

Staff: The operation of this amusement will not interfere with gondola or ski operations and will complement surrounding activities occurring on the Plaza. The operation of the amusement will not impact emergency access or pedestrian circulation.

6. The design, development and operation of the proposed conditional use shall minimize adverse environmental and visual impacts to the extent possible considering the nature of the proposed conditional use.

Staff: Refer to the responses outlined under criteria #2, #3 and #4 above.

7. The design, development and operation of the proposed conditional use shall provide adequate infrastructure.

Staff: The amusement has access to water and electrical power which are both available on the Plaza. In addition, the amusement includes a closed looped water system which will conserve water.

8. The proposed conditional use does not potentially damage or contaminate any public, private, residential or agricultural water supply source.

Staff: The structure has a closed loop water system which includes a stainless steel lined water tank and troughs to prevent leakage.

9. The proposed conditional use meets all applicable Town regulations and standards.

RECOMMENDATION

Staff recommends that DRB approve a Conditional Use Permit for a panning sluice amusement on Open Space Parcel OS-3X with the following motion:

"I move to approve a Conditional Use Permit for a Panning Sluice Amusement on Open Space Parcel OS-3X" subject to the following conditions:

1. The Applicant shall enter into a Plaza License Agreement ("PLA") with the Town before beginning operation of the business;
2. The Applicant shall be required to place and operate the use as stated in their application;
3. The Applicant shall be required to obtain an agreement releasing, indemnifying and holding the Town harmless from any liability that may arise from the use, installation, repair and/or maintenance of the business;
4. The Business shall be allowed to operate generally from June 11th to August 14th between the hours of 10 am to 6 pm; Sunday through Saturday with the exception of Wednesday when operating hours shall be between the hours of 11 am to 6 pm and a Town approved sign indicating the operational hours shall be posted on site;

Agenda Item #4

5. The Town shall have the right to temporarily relocate the Business to an alternate location within Heritage Plaza (OS-3X) if there are conflicts with festivals, special events or other uses of the plaza;
6. The Business must be operated in compliance with an Operation Plan submitted to and approved by the Town that described the operating, repair, maintenance and safety procedures;
7. The Business shall be allowed to operate under this approval for one (1) year; thereafter the use shall be reviewed and may be renewed by staff on an annual basis; and
8. The Applicant shall incorporate local mining history into the educational display case with collaboration with Telluride Historical Museum staff.



CONDITIONAL USE PERMIT
APPLICATION
ATTACHMENT A

Planning & Development Services
Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435

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 Conditional Use Permit 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 Conditional Use Permit Development Application consistent with the Conditional Use Permit Process. 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

Conditional Use Permit Development Applications shall be processed as a class 4 application as provided for in the CDC, with a Design Review Board (DRB) recommendation and Town Council approval. After any required conceptual work session with the DRB and/or the Town Council, the class 4 development application process generally consists of the following steps:

- Step 1: Pre-submittal Meeting with Applicant and Planning Division**
- Step 2: Applicant Development Application Submittal**
- Step 3: Planning Division Development Application Completeness Check**
- Step 4: Planning Division Development Application Referral and Review**
- Step 5: Planning Division Follow-up Communication**
- Step 6: Applicant Plan Revisions**
- Step 7: Planning Division Schedule Review Authority Public Hearing**
- Step 8: Applicant Public Noticing (Minimum of 30 days prior to hearing)**
- Step 9: Planning Division Preparation of Staff Report**
- Step 10: Design Review Board (Recommendation) and Town Council Public Hearings**
- Step 11: Review Authority Action**
- Step 12: Planning Division Provides Notice of Action**
- Step 13: Effective Date of Application Decision and Appeal**
- Step 14: Length of Validity (Generally 18 months unless longer vesting)**

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



CONDITIONAL USE PERMIT APPLICATION

**Planning & Development Services
Department**
Planning Division
 455 Mountain Village Blvd.
 Mountain Village, CO 81435

Submitted (Office Use)	Item No	Submittal Requirements
	1.	Application Form. Completed application form (Attached).
	2.	Fees. \$1,000 for 8 hours; 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 current deed or title report on the effected property.
	4.	Agency Letter. If application is not submitted by the owner of the property, a letter of agency, signed by the property owner giving permission to a firm or person to submit the requested land use application (Attached).
	5.	HOA Letter. For development on property that is owned in common by a homeowners association, the development application shall include: A. A letter from the Homeowner’s Association (HOA) board giving permission for the application (Attached), and, where a vote is required by the HOA governing documents, a copy of the proof of the vote and outcome of such vote. B. A copy of the HOA governing documents, including bylaws and declaration.
	6.	Title Report. Copy of current title report for the property listing all encumbrances.
	7.	Development Narrative. A written narrative of the development application that outlines the request. The narrative should include a summary of how the application meets the key requirements of the CDC, such as the applicable criteria for decision.
	8.	Existing Condition Plan. A stamped, monumented land survey prepared by a Colorado registered land surveyor showing existing site and surrounding access (driveway or roadway route, utility route, etc.) conditions drawn at a scale of 1” = 10’ to a maximum of 1” = 30’ showing the following information:
		A. Lot Size. Lot size needs to be shown.
		B. Existing Lot Lines. Existing platted lot lines need to be shown with distances, bearings and a basis of bearing. Existing property pins or monuments found and the relationship to the established corner also need to be shown.
		C. Existing Topography. Existing topography needs to be shown with two foot contour intervals, including spot elevations at the edge of asphalt along any roadway or driveway frontage for the intended accessway at 25 foot intervals.
		D. Steep Slopes. Any slopes that are 30% or greater shall be mapped with a shaded or hatched pattern.
		E. Wetlands, Ponds, Streams or Drainages (if any). Wetlands, ponds, streams and drainages need to be shown. Recent wetland delineation by qualified consultant must be surveyed and shown on proposed site plan for United States Army Corps of Engineers approval. If wetlands are located adjacent to the development site, such wetland area also needs to be shown.
		F. Easements. Indicated all easements shown on the governing plats and recorded against the property.



CONDITIONAL USE PERMIT APPLICATION

Planning & Development Services
Department
Planning Division
 455 Mountain Village Blvd.
 Mountain Village, CO 81435

Submitted (Office Use)	Item No	Submittal Requirements
		G. Utilities. All underground and above ground utilities and pedestals or transformers need to be shown.
		H. Existing Improvements. Any existing site improvements need to be shown, such as buildings (including driplines), drainage systems, trails (if part of official Town trail system as shown in the Comprehensive Plan), sidewalks, roadways, driveways, light poles and fences.
		I. Fire Mitigation/Forestry Management. A tree survey of all trees with a diameter at breast height of four inches (4") or greater shall be shown to ensure compliance with the fire mitigation and forestry management requirements.
	9.	Proposed Development Plan. The following information needs to be submitted:
		A. Grading Plan. An access and grading plan prepared by a Colorado registered professional engineer showing how the project can meet the CDC roadway and driveway standards, grading and drainage design requirements and pedestrian connections, as applicable, with proposed grading shown with a solid line and spot elevations as needed. Traffic control and safety devices required to be provided by the Subdivision Regulations shall be described and locations depicted.
		B. Conceptual Building Elevations and Floor plans: Conceptual architectural plans prepared by a Colorado licensed architect designed in accordance with the applicable regulations of the CDC (Design Regulations, Zoning Regulations, etc.) including but not limited to building elevations and floorplans with a scale of ¼" = 1' to 1/16" = 1' for larger scale projects.
		C. Computer Massing Model. A computer massing model with interactive viewing capability (360 degree rotation, fly by, etc.) showing the proposed buildings and surrounding development to scale so the land uses and the visual impacts of the project can be evaluated pursuant to applicable CDC and Comprehensive Plan regulations.
		D. Conceptual Landscaping Plan. A conceptual landscaping plan in accordance with the Landscaping Regulations shall be designed and prepared by an American Society of Landscape Architecture certified designer or a landscape professional with experience in creating and planting landscape plans in montane and subalpine life zones.
	10.	E. Engineered Infrastructure Plan. The development shall include sufficient infrastructure designed by a Colorado registered professional engineer, including but not limited to vehicular and pedestrian access, mass transit connections, parking, traffic circulation, fire access, water, sewer and other utilities. <ul style="list-style-type: none"> i. Utility Plan. A composite utility plan showing the intended routes for providing water, sewer, electric, cable and telecommunications. ii. Water and Fireflow. For developments that require the extension of the Town's water system to serve additional lots for development, water supply and fire flow information shall be provided in accordance with the Fire Code. iii. Evidence of Adequate Water, Sewage Disposal and Utilities. The applicant shall



CONDITIONAL USE PERMIT APPLICATION

**Planning & Development Services
Department**
Planning Division
 455 Mountain Village Blvd.
 Mountain Village, CO 81435

Submitted (Office Use)	Item No	Submittal Requirements
		<p>consult with the director of the Public Works Department, San Miguel Power Association and Source Gas prior to the submission of a development application to include statements from such agencies in the application on the availability of utilities to serve the intended development.</p> <p>iv. Access Plan. An access plan providing access to and from the site of the development shall be provided, including any needed infrastructure improvements as may be required by the Subdivision Regulations and the Road and Driveway Standards.</p>
	11.	<p>Geotechnical Report. A geotechnical report prepared by a Colorado registered professional engineer or geologist shall be provided for all lots that have never been platted and zoned for development, such as a lot that is zoned for open space that is now intended for development as envisioned in the Mountain Village Comprehensive Plan.</p>
	12.	<p>Proposed Legal Instruments: A draft of any proposed or needed HOA documents (bylaws, general declaration, etc), easements, development agreements or other legal instruments.</p>
	13.	<p>Practicable Alternatives Analysis: For development proposing disturbance to wetlands, the general easement or slopes greater than 30%, the Town may require an applicant prepare a practicable alternatives analysis to demonstrate why it is not practicable to avoid such areas.</p>
	14.	<p>Public Improvements Cost Spreadsheet. The developer shall submit a spreadsheet breaking down the cost of the construction of any public facilities or improvements that are necessary for the development, with such spreadsheet providing the line item total cost, unit cost and unit type (EG. Lineal feet, cubic yards, sq. ft.)</p>
	15.	<p>Plan Set Sheet Requirements. All plans sets as set forth in these submittal requirements shall be formatted to have a sheet size of 24" X 36", with cover sheet providing the contact information of all plan consultants, vicinity map, and sheet index; and all sheets showing date of original plan preparation and all revision dates, sheet labels and numbers, borders, title blocks, project name, lot number, address and legends.</p> <p>A. All plans submitted by a Colorado licensed architect, surveyor, geologist or interior designer shall be electronically stamped and signed without a locked signature to allow for commenting on the plan sets.</p>
	16.	<p>ePlan Submittal. All development applications shall be submitted pursuant to the ePlans submittal process as outlined the following publication: https://townofmountainvillage.com/media/ePlans-Electronic-Submittal-and-Review.pdf</p>

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



CONDITIONAL USE PERMIT APPLICATION

**Planning & Development Services
 Department
 Planning Division**
 455 Mountain Village Blvd.
 Mountain Village, CO 81435

CONIDITIONAL USE PERMIT APPLICATION			
APPLICANT INFORMATION			
Name: J. Scott Butler GPA & GPE, Inc. dba. Gravity Play		E-mail Address: gravityplay@hotmail.com	
Mailing Address: 1272 Dream Lake Ct.		Phone: 719-531-7510	
City: Colorado Springs	State: CO	Zip Code: 80921	
Mountain Village Business License Number: 001655			
PROPERTY INFORMATION			
Physical Address: Heritage Plaza		Acreage: 2.726	
Zone District: Village Center	Zoning Designations: Open Space	Density Assigned to the Lot or Site: N/A	
Legal Description: Open Space Parcel OS-3X			
Existing Land Uses: Heritage Plaza			
Proposed Land Uses: Temporary amusement featuring a Panning Sluice			
OWNER INFORMATION			
Property Owner: Town of Mountain Village		E-mail Address: cd@mtnvillage.org	
Mailing Address: 455 Mountain Village Blvd		Phone: 970-728-1392	
City: Mountain Village	State: CO	Zip Code: 81435	
DESCRIPTION OF REQUEST			
Set up of Gemstone Panning Sluice			



CONDITIONAL USE PERMIT APPLICATION

Planning & Development Services
Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435

**OWNER/APPLICANT
ACKNOWLEDGEMENT
OF RESPONSIBILITIES**

I, J. Scott Butler, the owner of Lot N/A (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 and 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

Date

J. Scott Butler

12/11/15

Signature of Applicant/Agent

Date

OFFICE USE ONLY

Fee Paid:

By:

Planner:



CONDITIONAL USE PERMIT APPLICATION

Planning & Development Services
Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435

OWNER AGENT AUTHORIZATION FORM

I have reviewed the application and hereby authorize *(insert agent name)* J. Scott Butler of
(insert agent's business name) CPA & GPE, Inc, to be and to act as my
designated representative and represent the development application through all aspects of the development
review process with the Town of Mountain Village.

2/15/2016

(Signature)

(Date)

Kim E. Montgomery

(Printed name)



CONDITIONAL USE PERMIT APPLICATION

Planning & Development Services
Department
Planning Division
455 Mountain Village Blvd.
Mountain Village, CO 81435

HOA APPROVAL LETTER

I, (*print name*) _____, the HOA president of property located at
_____, provide this letter as
written approval of the plans dated _____ which have been submitted to the Town of Mountain
Village Planning & Development Services Department for the proposed improvements to be completed at the
address noted above. I understand that the proposed improvements include (*indicate description of proposed
improvements below*):

(Signature)

(Date)

(Title)

Attachment A

Applicant Narrative

The Gemstone Panning Sluice Amusement that we want to place on the Plaza for the 2016 summer season would be a great addition to Mountain Village. The Panning Sluice is an amusement (attraction) that we have operated at other resorts in southwestern Colorado and it is immensely popular. It would be an obvious fit for Heritage Plaza, especially due to the rich mining history in the Telluride and surrounding area.

The unit we are proposing would require a footprint approximately 8 feet x 42 feet. As you can see from the photos, the unit comes in 3 sections and actually bolts and screws together very easily. It is also a completely self-contained and water tight. We would just add water to the unit and the pumps recirculate the water for the kids to "pan" in. Set up time would be about an hour or two.

The sluice is built from treated lumber and has two basic portions to its design. There is a "falls" portion and then there is a "panning" portion. The falls have a "fake" water barrel on it that we propose putting the "Telluride" pick axe logo on. The Telluride Ski & Golf (TSG) resort has indicated that permission to use the logo will be permitted. The water falls have a recirculating water pump built in where the water is recirculated down the falls and appears to be coming out of the water barrel when it is actually not. This part of the system seems to capture the curious adults trying to figure out where the water is coming from. This water stays clean as it is separate from the panning water.

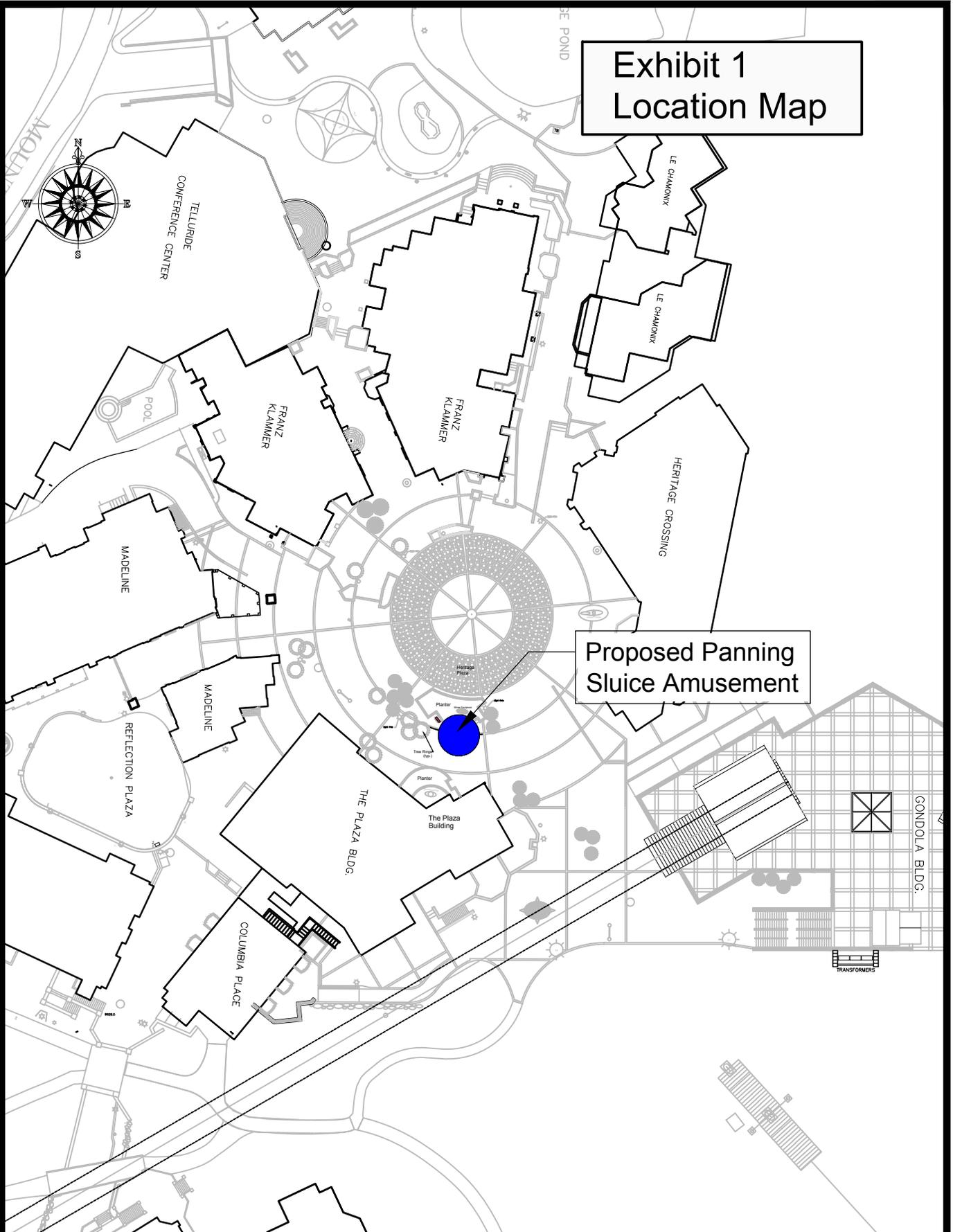
The panning portion is where the kids will take their bags of rough dirt (sand) and do their "panning". When the kids buy their "dirt", they receive the bag of dirt along with a separate zip lock bag for the gems they retrieve and also a gemstone identifier card so they can recognize the different gems as they are panning. The dirt is poured out into a wooden sluice box that has a screened bottom. Kids will then swish this in the water until the gems are revealed and kept. This water is also recirculated from the holding tank at the end of the unit and pumped in a hose hidden under the wood to the top of the panning area, right under the falls.

As far as location, we feel that the best area to place this unit would be in the south central portion of the plaza as shown on Exhibit 2 near the miner sculpture. Having the unit close to the Bungee Operation would also help from a management aspect as it would be close to our other two attractions. The Panning Sluice Amusement would require an area approximately 15 feet x 45 feet which allows the guests to pan for gemstones or watch others identifying their minerals. There is also water, electrical power, and drains located on the plaza.

We envision operating this unit during the same time frame we are operating our Bungee Operation and Ropes Course from approximately June 11, 2016 to August 14, 2016 and staying open from approximately 10 am to 6 pm. Since this is a semi-portable unit, the set up and tear down can be done in a few hours. The water can be removed by a sump pump to a nearby drain in the plaza.

We envision charging approximately \$10 for each bag of mining rough (sand).

Exhibit 1 Location Map



Proposed Panning
Sluice Amusement

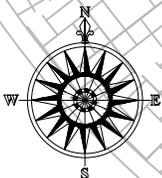
Panning Sluice Amusement



Mountain Village Special Events
Special Event Map
ph: 970-369-8235 fx: 970-369-8119
www.townofmountainvillage.com

1" = 80'
1-26-16

Exhibit 2
Site Plan



Heritage Plaza

Fire Lane

Planter

Miner Sculpture

Light Pole

Water

Power

Display Case

Drain

Water Tower

Waterfall

Sluice

Tree Rings
(typ.)

Walk Way

Proposed Gravity Play
Panning Sluice

Planter

Snowboarder

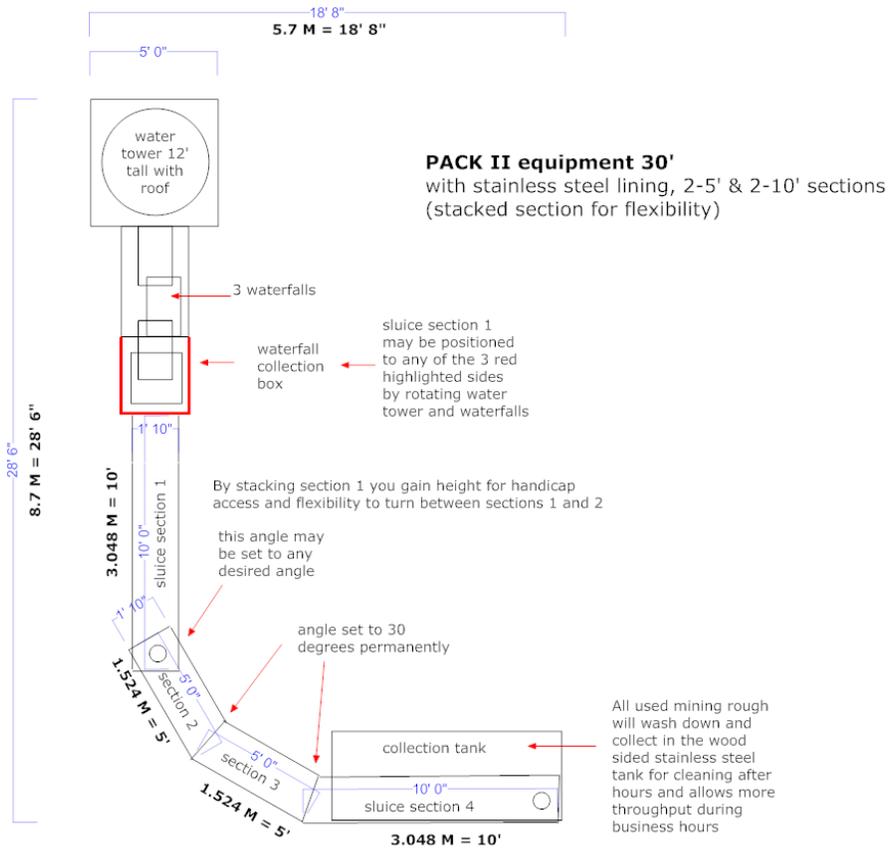
Gravity Play Panning
Sluice Amusement



Mountain Village Special Events
Special Event Map
ph: 970-369-8235 fx: 970-369-8119
www.townofmountainvillage.com

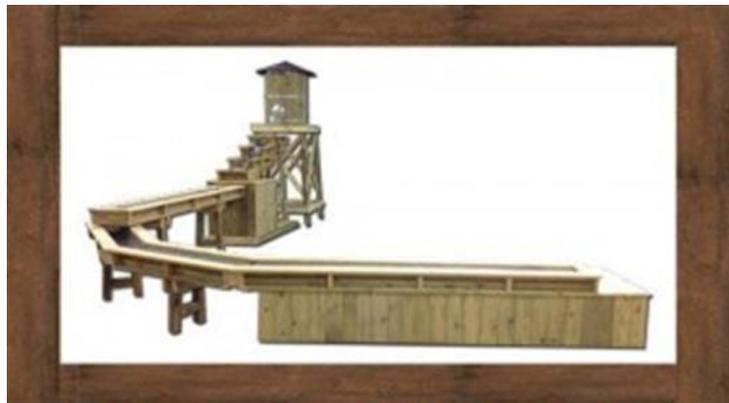
1" = 10'
2-2-16

ATTACHMENT D
Exhibit 3: Equipment



sections 2, 3, 4 are on the same plane. Section 1 is stacked onto section 2

All plumbing is hidden and self contained. System has two closed loop water systems to ensure water coming from water tower always stays clean. Signs are personalized for your location



Attachment E

Exhibit 4: Water Tower Photograph



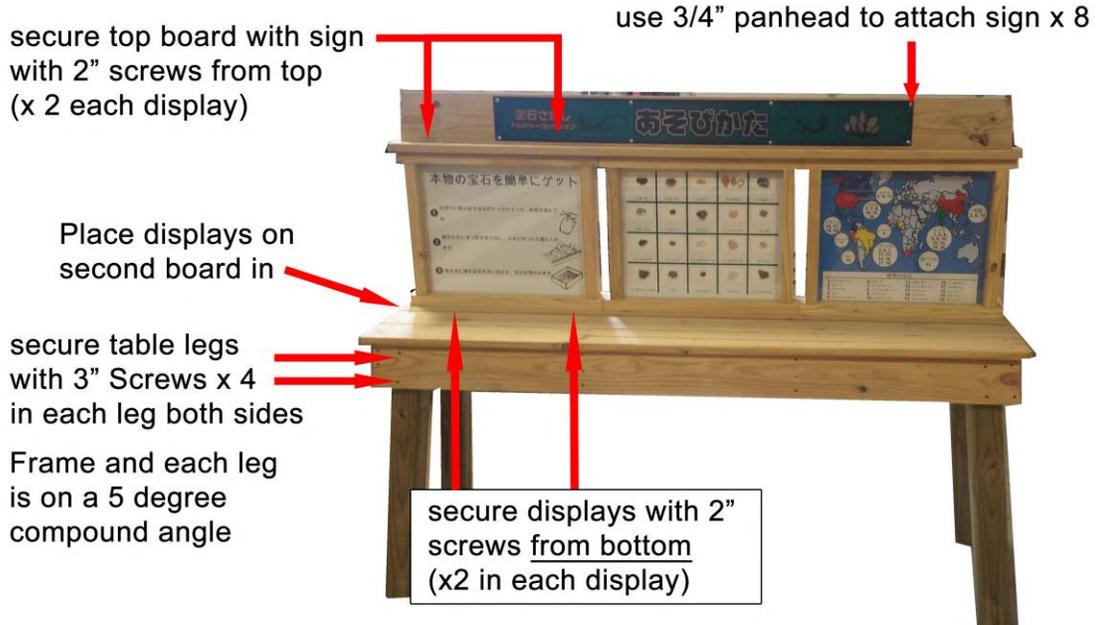
Attachment F

Exhibit 5 - Sluice Photograph



Attachment G

Exhibit 6 - Educational Display Case



Colleen Henderson

From: Cathe Dyer <cathedyer@me.com>
Sent: Tuesday, February 09, 2016 1:39 PM
To: Colleen Henderson
Subject: NO WAY

To the town of Mountain Village,

Please do not consider such an amusement on the Heritage Plaza. The location and whole concept bothers us. JUST ONE OPINONI? Coney Island desperate? Perhaps if this is to be an educational fun item it is more appropriate for the Museum to host at another location.

Cathe Dyer
970-270-7898



PLANNING & DEVELOPMENT SERVICES

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

Agenda Item No.7

TO: Design Review Board
FROM: Glen Van Nimwegen, Director of Planning & Development Services
FOR: DRB Public Hearing on March 3, 2016
DATE: February 25, 2016
RE: DRB Applicants and Interviews with a Recommendation to Town Council

ATTACHMENTS

- Exhibit A: Letters of Interest from all DRB Applicants
- Exhibit B: Sample Questions for New Applicants

BACKGROUND

The Design Review Board (DRB) is assembled of seven (7) full-time members and two (2) alternate members appointed by Town Council. The term for a DRB member is two (2) years.

Four (4) regular DRB members' terms are expiring in April 2016 and staff has advertised for the open positions as required. The DRB members' terms that are expiring include: Bill Hoins, Keith Brown, Banks Brown, and Luke Trujillo. Bill Hoins will not be reapplying for his DRB seat.

Three (3) of the existing DRB members have indicated that they would like to be reappointed, Keith Brown, Banks Brown, and Luke Trujillo. David Craige who is presently an alternate board member would like to be considered for the remaining vacant full-time seat. The Town has also received applications from Melanie Mc Glade, Angela Pashayan and Glenn Daniel expressing their interest in serving on the DRB. Please refer to attached correspondence for all applicants.

Community Development Code Section 17.2.3.E states that the Council shall strive to appoint at least three (3) or more members of the DRB who are lot owners or residents of Mountain Village; however, residency is not a requirement for appointment, but is preferred.

If an existing DRB member is an applicant for a vacancy, only the Town Council will interview for such a vacancy rather than the DRB. Thus, the DRB will only interview the new applicants and make a recommendation, with members whose terms are expiring abstaining from the recommendation motion.

PROPOSED MOTION

"I move to recommend the Town Council appoint _____, _____, _____, and _____ to serve as regular DRB members and _____, to serve as an alternate member."

Keith Brown

Apt 41A, 117 Lost Creek Lane, Mountain Village, CO 81435
ph 970.417.9513 keithtelluride@gmail.com
mailing address PO Box 325, Telluride, CO 81435

February 2, 2016

Letter of Intent for Design Review Board Seat

I hope for the opportunity to continue to serve on the Design Review Board (DRB). I've gained a good understanding of the process and functions of the Board. I believe my contribution to the DRB and the application process has been strong. I look forward to further participation as a DRB member.

In December 2015 I passed the state Contractor's A Exam, N-11, which increased my understanding of buildings, with benefits to my work on the DRB. Also in 2015 I completed the state CIC (HOA) Managers education requirements and exam, which is useful for managing and understanding multi-family dwellings.

My background is:

- Owner of Keith Brown Realty and TellurideMountainVillageRentals.com. I sell, renovate and manage Mountain Village properties, including vacation and long term rental condos, homes and commercial properties.
- Resident and owner at Blue Mesa Lodge in Mountain Village. I serve as a Blue Mesa Lodge HOA Board Member, Treasurer and Manager. I am the Blue Mesa Lodge contact for the town of Mountain Village staff. An excellent working relation has developed between the town and the Blue Mesa Lodge HOA for maintenance and repairs. Developing and maintaining the HOA-Town relationship helps in the review of many DRB applications as I understand from experience aspects of public-private cooperation.
- I provide property liabilities studies to insurance underwriters on the Western Slope. The liability studies are a review of the use, condition and risks of a building. The liability studies help in my understanding of properties and benefits my review of DRB applications.
- Regional Manager for the Kellwood Corporation in Asia, 1995-2004, where I managed offices and manufacturing facilities in Sri Lanka, India, Pakistan, UAE and the Maldives.
- MBA, Florence Institute of Technology, Italy
- Rhode Island School of Design, Industrial Design

I have a good knowledge of the laws governing common interest communities (CCIOA and the non-profit act). While not directly applicable to the the Design Review Board, I believe it is useful general knowledge and indicative of my willingness to understand the details of a topic. I am president of the Telluride Air Force, a local flying club and in the past was chairperson of a international search effort based in Telluride. The non-profit activities helps me understand how best to work within a group, including the DRB.

Thank you for considering my interest in continuing to serve on the Design Review Board.

Most Sincerely, Keith Brown



February 2, 2016

Design Review Board – Town of Mountain Village
Town Council – Town of Mountain Village
Mountain Village, CO

Members of DRB and Town Council,

Please accept this letter as my request to continue to serve on the Mountain Village Design Review Board.

I have enjoyed my prior terms as a member of DRB and take seriously the duties that are specific to this Board. I believe my experience and record of dealing with the design approval process, variation approvals consistent with the CDC, and the reviewing applications for rezoning, PUDs, density transfers, subdivisions, conditional use permits, variances and annexations will benefit the Village as we evolve, grow and thrive. Participating in formulating the Comprehensive Plan helps give me a context and overview for furthering stated community ideals. I am a constructive board member who is respectful and open to the views of fellow members, the public and applicants. I've demonstrated this on other boards I've served on including as President of the Telluride R-1 School District and President of the Aldasoro Home Owner's Company.

My wife and I are Mountain Village property owners and currently reside in the Village. Our two children attend the Telluride High School. We're avid users of the town's amenities; skiing, golf, hiking and certainly Dial-A-Ride.

Thanks for your consideration for appointment to a seat on the Design Review Board.

BANKS D. BROWN
Telluride Sotheby's International Realty
137 W. Colorado Ave.
Telluride, CO 81435
banks@rmi.net
P 970 729 1100
F 888 739 7868

Telluride | **Sotheby's**
INTERNATIONAL REALTY



Feb. 16, 2016

Town of Mountain Village

c/o Jane Marinoff & Glen Van Nimwegen
455 Mountain Village Blvd.
Mountain Village, CO 81435

Subj: Design Review Board – letter of intent for a regular 2 year position.

Town of Mountain Village,

I would like to re-apply for a position as a regular board member of the Mountain Village Design Review Board. As a licensed architect who has practiced professionally for over 24 years, I think that my involvement is key with critical design decisions. I have met with Glen and expressed my concerns with our review process that leads to good overall design.

My intent is to help the community by participating with professional design review. I have no secret agenda to block or harm other applicants. However I do have concerns with any design “just being passed”. Good design requires unbiased dialogue and a positive team synergy. The Mountain Village continues to evolve and have the opportunity to allow outstanding architecture.

Our office currently has two homes under construction in the Mtn. Village at 200 Wilson Peak Drive, and 114 Arizona Drive. We are also working on two more houses currently in the design process.

Please also consider that I am a business owner, resident in the Mtn. Village at 105 Polecat, and my office is located within the Mountain Village at 113 Lost Creek Lane.

Sincerely,

A handwritten signature in black ink on a yellow background. The signature is cursive and appears to read "Luke Trujillo".

Luke Trujillo AIA

Principal Architect - TruLinea Architects Inc.

SELECTED PROJECTS:

- **Telluride Gravity Works Phase 1 & 2 [2010]** – 7,500 SF facility incorporating a 2-story climbing wall, retail store, mezzanine, affordable housing apartment, and restaurant with roof top deck. Telluride, CO. HARC approval for Phase 2 completed.
- **302 N. Aspen St. [2007-2008]** – 3,500 SF custom home with the moving and reclassification of a historic shed on North Aspen Street, Telluride, CO. **[Published in “SHELTER” Winter 2011-2012]**
- **Moody Cabin [2009-2010]** – 3,800 SF custom home located at 200 Wilson Peak Drive. Renovation and addition to the 1st log cabin built in the Mountain Village, CO. **[Published in “LUXE” Colorado Summer 2011] [Published in Dorado Magazine 2015]**
- **230 Country Club Drive [2008]** – 4,800 SF custom home renovations located on Country Club Drive - Mountain Village, CO.
- **45001 Last Dollar Road [2008-2009]** – 6,500 SF custom home renovation – 35’ glass window wall incorporated to the front façade. Telluride, CO. Adjacent to Telluride Airport.
- **127 Double Eagle Dr. [2011-2012]** – 6,200 SF custom home renovation – large new glazing package and floating steel bridge. Mountain Village, CO. 5th Fairway.
- **138 Russel Dr. [2011-2012]** – 4,300 SF custom home renovation – complete rebuild with all new interiors and major roof line design changes. Mountain Village, CO. 15th Fairway. Currently for sale.
- **Trout Lake Cabin [2011-2013]** – 3,200 SF custom residence. San Miguel County, CO
- **430 W. Colorado Ave. [2013-2014]** – 3,400 SF custom home – historic renovation + new house. Town of Telluride, CO. [HARC approvals + building permit] – completed. Telluride, CO
- **Lake Muskoka Cottage** – Ontario, Canada – Lake House – currently in design.
- **P45 Newport Lake House** – Newport, VT – Lake House – currently in design. Construction to start in spring 2016.
- **Moody Tunnel [2014-2015-2016]** Phase 2 –adding 3,400 SF of livable space with spa center. Currently under construction. Mtn. Village, CO
- **Lot 27 Elk run [2014-2015-2016]** – 9,800 SF residences under construction. San Miguel County, CO
- **114 Arizona Drive [2014-2015-2016]** – 3,400 SF residences under construction. Mtn. Village, CO
- **Lot GH11- Gold Hill Cabins [2014-2015-2016]** – 3,500 SF currently in design. Mtn. Village, CO

AIA Member since 2012
Licensed Architect in Colorado
NCARB Certificate

*For complete project list with client names and references see our website.
TruLinea.com

DAVID CRAIGE LIGHTING DESIGN

209 HILLSIDE, TELLURIDE, COLORADO 81435

TEL 970.729.1403

dncraige@me.com

February 18, 2016

Jane Marinoff
Mountain Village Building Dept.

RE: Letter of Intent

Dear Jane,

I am interested in being considered for one of the four regular DRB seats being vacated. I have been a certified lighting consultant with the American Lighting Association since 2004. I sold Peak to Creek Electrical in 2008 and have been involved with many residential and commercial design build projects in the Telluride region over the past 18 years. I am currently employed as a lighting designer with projects in Aspen, Big Sky, Park City & Telluride.

My experience has involved dark sky requirements, energy efficient LED technology, DRB and HARC approval. I feel that my knowledge would lend itself to the Mountain Village DRB and appreciate your consideration. I welcome the board to review my website www.davidcraigelightingdesign.com and Linked In profile.

Sincerely,

David Craige CLC, IALD

davidcraigelightingdesign.com

DAVID N. CRAIGE

EDUCATION

UNIVERSITY OF COLORADO, BOULDER CAMPUS
BACHELOR OF SCIENCE IN ENTREPRENEURSHIP AND SMALL BUSINESS ADMINISTRATION, 1987

DAMIAN INSTITUTE, AARSCHOT, BELGIUM, AFS STUDENT PROGRAM, 1982-1983
COURSES INCLUDED: INTERNATIONAL ECONOMICS, ADMINISTRATIVE ORGANIZATION & ART HISTORY

AMERICAN LIGHTING ASSOCIATION, DALLAS
CERTIFIED LIGHTING CONSULTANT AND ALA COURSE INSTRUCTOR, 2005

PROFESSIONAL EXPERIENCE

PEAK TO GREEK ELECTRICAL, INC, TELLURIDE

DESIGNER - SPECIALIZING IN DESIGN BUILD INSTALLATIONS OF ARCHITECTURAL LIGHTING AND INTEGRATED CONTROL SYSTEMS. PROVIDED LIGHTING SPECIFICATIONS, DESIGN AND PROGRAMMING SERVICES TO CUSTOM HOMES AND COMMERCIAL PROJECTS BEING BUILT IN A RESORT COMMUNITY. CERTIFIED WITH CRESTRON, LUTRON AND LITE TOUGH SYSTEMS INTEGRATING HVAC, SHADES AND AUDIO VIDEO EQUIPMENT.

ITT SHERATON HOTELS, LOS ANGELES

OPERATIONS AUDITOR - RESPONSIBLE FOR MONTHLY RECONCILIATION OF ALL BALANCE SHEET ACCOUNTS AND MANAGEMENT OF ENTIRE CASHIERING FUNCTION. ASSISTED CONTROLLER WITH PREPARATION OF MONTHLY FINANCIAL STATEMENTS WITH ANNUAL SALES OF \$30M.

FOOD & BEVERAGE CONTROLLER - PROCURED ALL FOOD AND BEVERAGE SUPPLIES FOR THREE RESTAURANTS AND CATERING DEPARTMENT WITH ANNUAL SALES OF \$13M. DEVELOPED MONTHLY FINANCIAL REPORTS REFLECTING HOTEL OUTLET COSTS, SALES POTENTIALS AND RECONCILED INVENTORIES. ESTABLISHED REVENUE PRODUCING BEVERAGE OPERATION WITH ANNUAL SALES OF \$500K. DEVELOPED STAFFING GUIDES, PRODUCT MIX AND AUTHORED CORPORATE MANUAL OUTLINING STANDARD OPERATING PROCEDURES FOR NORTH AMERICAN PROPERTIES.

VRANESIC & VISCIANO, ATTORNEYS AT LAW, DENVER

OFFICE CLERK - SERVED SUBPOENAS, RESEARCHED VARIOUS COURT HOUSE FILES AND FILED LEGAL DOCUMENTS WITH LOCAL COURTS.

ENTREPRENEURIAL VENTURES

BELLA LUCE, LTD, TELLURIDE

FOUNDER - DEVELOPING A NEW LUMINAIRE TO MANUFACTURE AND DISTRIBUTE. ESTABLISHING INITIAL DESIGN DOCUMENTATION FOR PATENT AND MANUFACTURING PROCESS. AUTHOR OF BUSINESS PLAN TO RAISE NECESSARY CAPITAL TO DEBUT PRODUCT IN 2014.

CLUB & RESTAURANT WINES, LOS ANGELES

DIRECTOR OF SALES - SALES TERRITORY INCLUDED ACCOUNTS IN CALIFORNIA, TEXAS AND FLORIDA. RESPONSIBLE FOR MANAGING SALES STAFF, OBTAINING NEW DISTRIBUTORS, DESIGNING ADVERTISING LAYOUTS AND SALES BROCHURES, REPRESENTATION OF TRADE SHOWS, WINE TASTING AND WAIT STAFF SEMINARS.

ENVIRONMENTAL AQUATIC SERVICES, INC, FLORIDA

PROJECT COORDINATOR - SUPERVISED CREW IN THE MECHANICAL REMOVAL OF AQUATIC VEGETATION. SOLICITED PRIVATE AND PUBLIC CONTRACTS, OBTAINED NECESSARY PERMITS AS WELL AS OPERATING HEAVY EQUIPMENT.

COMMUNITY SERVICE

CREATED A PROGRAM UTILIZING SURPLUS FOOD PRODUCTS FROM HOTEL OUTLETS TO AID FEEDING THE HOMELESS IN DOWNTOWN LOS ANGELES.

209 HILLSIDE LANE, TELLURIDE, CO 81435 DNCRAIGE@ME.COM
970-729-1403

Melanie McGlade
40 Arrowhead Way
Darien, CT 06820
203-858-4527

From: JMarinoff@mtnvillage.org
To: melaniemcglade@hotmail.com
Subject: RE: design review board
Date: Wed, 27 Jan 2016 19:55:38 +0000

Good afternoon Ms. Mcglade, thank you for applying for the Design Review Board.

Could you send me your resume in word or a pdf I am sorry but I can't open it.

Regards Jane

From: melanie mcglade [<mailto:melaniemcglade@hotmail.com>]
Sent: Wednesday, January 27, 2016 12:47 PM
To: Jane Marinoff
Subject: design review board

Hi Jane,

I would like to apply for one of the four open seats on the Design Review Board for the Town of Mountain Village.

I have been a second home owner in Mountain Village for 10 years and I am moving here full time this summer. I am currently splitting my time between Telluride and Connecticut.

Attached is my "resume", and while I have not held a paying position in quite sometime, I have been very involved with multiple volunteer groups and have done many interior/design projects over the last 10 years.

I'd love to be involved with the planning and reviewing of the design aspects of Mountain Village.

Thank you for your consideration!

Melanie McGlade

Melanie McGlade
40 Arrowhead Way
Darien, CT 06820

105 Eagle Drive
Telluride, CO 81435
203-858-4527

Jane Marinoff

From: melanie mcglade <melaniemcglade@hotmail.com>
Sent: Friday, January 29, 2016 9:09 AM
To: Jane Marinoff
Subject: my resume via e-mail

Melanie S. McGlade
105 Eagle Drive
P.O. Box 38
Telluride, CO 81435-0038
203-858-4527
melaniemcglade@hotmail.com

Substitute teacher 2015
New Canaan Country School
Ponus Ridge Road
New Canaan, CT 06840

Primary Assistant 1993 1996-1998
Whitby School
969 Lake Avenue
Greenwich, CT 06831

Volunteer

Big Brothers Big Sisters
Community Plates
Dress for Success
New Canaan Country School

Education

200 Hour Foundational Teacher Training 2011
Nosara Yoga Institute
Nosara, Costa Rica

Primary Teacher Certification 1993
Montessori Center for Teacher Education
4544 Pocahontas Ave.
San Diego, CA 92117

Mount Vernon College 1983
Washington, D.C.

Colleen Henderson

From: Jane Marinoff
Sent: Wednesday, February 03, 2016 9:56 AM
To: yogaofdevotion@gmail.com
Cc: Glen Van Nimwegen; Colleen Henderson
Subject: FW: Design Review Board Open Seat
Attachments: 2015 Resume.pdf

Dear Ms. Pashayan, thank you for your interest in the Design Review Board open seats. Applications for the open seats will go before the Design Review Board March 3, 2016.

Jane Marinoff
Administrative Assistant
Planning & Development Services
Town of Mountain Village
455 Mountain Village Blvd, Suite A
Mountain Village, CO 81435
O :: 970.369.8242
F :: 970.728.4342

[Email Signup](#) | [Website](#) | [Facebook](#) | [Twitter](#) | [Pinterest](#) | [Videos On Demand](#)

From: yogaofdevotion@gmail.com [<mailto:yogaofdevotion@gmail.com>] **On Behalf Of** Angela Pashayan
Sent: Tuesday, February 02, 2016 2:02 PM
To: Jane Marinoff
Subject: Design Review Board Open Seat

Good Day Ms. Marinoff

I'm writing this letter of intent to be considered for one of the open seats on the design Review Board of Mountain Village.

I have been a frequent visitor to Telluride since 1984 and became a full time permanent resident in 2003. I've raised 3 sons her with my husband and have enjoyed seeing the growth in Mountain Village since is early days in 1995.

My background is primarily in strategic solutions & marketing for business and special projects both domestically and internationally, including human resource and humanitarian projects where collaboration is paramount economically, socially, and aesthetically for public edifices. Hence my interest in serving for the Design Review Board.

My resume is attached.

A.R. PASHAYAN

415 Mountain Village Blvd.
Suite#1222
Telluride, CO 81435

T 415.400.9795
ap@arpconsulting.com

Profile

My strengths are in public relations, communication and building business relationships through creatively and strategically meeting needs while developing effective marketing and branding.

Leadership and hands-on experience working in various countries gives me an advantage working internationally, sometimes with challenges. With experience in the Middle East, South America, Australia, Africa, Indonesia, Europe and India, I am comfortable globally. Being African-American and female has become a strategic advantage, defusing the caution and reserve of other cultures (they do not view me as a threat culturally). My humanitarian background has opened communication channels and allowed projects to flourish based upon clarity of needs, sustainability, and providing benefits for all parties/countries involved. I have served the needs of children globally since 2006, and non-professionally since 1978.

Experience

Professional Consulting – 2010-Present

Management and PR of events, festivals, and conferences domestically and abroad including UAE, Asia, and USA. Advising on business branding including logo, website, and public message. Organization of public events, speaking engagements, media relations and publicity. Clients include: Joy News Network - Hong Kong, San Francisco Health Dept., UCSF Cancer Center, MainStage Productions UAE, Sivananda Org., Source Movement - San Diego, and individual small businesses.

Telluride Flights Worldwide Children's Relief Fund – 2006-Present

Domestic NGO serving youth and families with projects for empowerment and economic advancement in Peru, Australia, India, Bali, Africa, Nepal and USA.

Faculty Instructor, FIDM Private College - L.A. and San Francisco – 1998-2011

Part-time teaching between two campuses. Subjects: Branding, Marketing, Sales, Merchandising.

Sales Executive, Cone Mills – 1998-2002

Greensboro, North Carolina textile company producing denim and twill fabrics for Levi's and other USA retailers and designers. The only female sales executive among a team of fifteen males. Territory: Hawaii, California, Seattle, Oregon, Nevada, Arizona.

Other– 1993-1998

Ralph Lauren Womenswear PR/Publicity: team of six women to manage worldwide publicity. Owner of 'The Popover Shop': East Hampton, Long Island, Gourmet cafe & bakery

Education
UCLA / Los Angeles, California– Bachelors Degree, Psychology 1986
Richmond College / London, England - Bachelors Degree Psychology (part of UCLA degree)
NYU / New York - Marketing (unfinished)
Norwich University / Vermont - Masters Degree, International Relations & Diplomacy 2014

Skills
Public presentations, domestic and international business etiquette, marketing & branding, negotiating, good writing skills, philosophy. Desire to increase language skills: Swahili, European and Asian languages.

Projects
Public festivals - Middle East, USA, Asia
Humanitarian Projects - India, Australia, Indonesia, Tanzania, Nairobi
Retreat/Service Public Projects - Peru, Nepal, San Francisco, USA
All Projects encompass Education, Social Welfare, Economic Dev. and Empowerment

Memberships
World Affairs Council, San Francisco & Denver
Foreign Policy
Vice President, Sigma Iota Rho - Norwich University, Jan.2014 to present
National Association of Female Executives

References
Robin Lee, Board of Directors Casa de Milagros - Peru / leerobin@sbcglobal.net

Mark Tarpinian, Owner Joy News Network - Hong Kong / info@joynewsnetwork.com

Arla Ertz, San Francisco Health Dept - San Francisco, CA / arlasusan@gmail.com

Naomi Hoffer, UCSF Cancer Center - San Francisco, CA / naomi.hoffer@ucsfmedctr.org

Ousmane Diagne, Financial Investments - Boston, MA / ousmane@timbuktucapital.com

February 24, 2016

Town of Mountain Village

Application for Design Review Board Membership

This letter serves as my letter of intent to apply for one of the upcoming openings on the Town of Mountain Village Design Review Board. I have also provided a copy of my CV which provides a complete view of my professional background and experience.

My wife and I are residents of Mountain Village in the North Star complex. We acquired our home in North Star in April of 2014. I look forward to your consideration of my application and will be happy to discuss my interest and background as it relates to my application for membership on the Design Review Board.

Sincerely,

Glenn Daniel

302 Adams Ranch Road, Unit #3

972-567-7046

mrgedaniel@gmail.com

GLENN DANIEL

Frisco, TX and Telluride, CO

mrgedaniel@gmail.com

972.567.7046

www.linkedin.com/in/glennedaniel

GLOBAL VICE PRESIDENT

Outsourcing Senior Leader | Commercial and Risk Management Leader | Turnaround Leader

Drive Outsourcing Operational Results, Drive Contracting, Pricing / Costing and Drive Profitability Results

Global Vice President with proven success building and leading outsourcing services organizations for top 10 outsourcing firms, delivering high performance teams which improved contracting results, improved risk management and sustained profitability. Broad experience including general management, strategic planning, global business practices and contracting, outsourcing services product development and outsourcing sales.

Adept at optimizing global resources, building and managing high performance organizations that deliver market generating significant cost savings and promoting innovative solutions in complex environments. Believe in and execute leadership style of leading-by-example with empowerment of teams to perform assigned roles with clear and specific objectives. Foster environment where teams are 100% certain of leadership support and are executing in alignment with assigned roles and objectives. Expertise:

- Outsourcing Costing and Pricing
- Outsourcing Services Development
- Financial Modeling
- High Performance Team Development and Management
- Talent Development and Utilization
- Outsourcing Contracting and Contract Negotiations
- Global Outsourcing Operations and Services Management
- Non-Performing Business Turnarounds
- Operational Efficiency and Cost Reduction Program Development and Implementation

EXPERIENCE SUMMARY

UNISYS CORPORATION, Frisco, TX

2008 – 2015

Global Vice President, Commercial and Risk Management

Developed 1st commercial and risk management global team for Unisys in 5 major theaters (North America, Latin America, UK, EMEA and APAC) with over 100 team members responsible for leading and managing following functions: all commercial and financial structuring including costing and pricing of outsourcing transaction; contract structuring including leading all contract negotiations; directing all activities related to contract turnaround activities for non-performing outsourcing contracts; and completing Integrated risk assessment of technical, delivery, financial and contractual aspects of all Unisys outsourcing transitions and technology transactions in APAC and UK.

- Created 1st globally consistent framework for costing and pricing tools for all Unisys outsourcing services which assisted in improving margins on new and existing business, while simultaneously contributing to Unisys operating profits moving from net operating profit loss of \$130M in 2008 to operating profits of greater than \$200M in 2011.
- Constructed 1st globally consistent framework for outsource contracting, contract negotiations and contracting market intelligence, resulting in reduction of contractual risks assumed by Unisys in its contracts globally and company exposure by more than 50%.
- Produced 1st risk assessment and risk management framework and management tool within Unisys, resulting in adoption by all business units in Unisys which reduce number of non-performing accounts from greater than 30 to on average 5.
- Built 1st globally consistent costing and pricing tool suite for outsourcing services at Unisys, enabling margin consistency for global customers and contributed to a 50% improvement in Unisys win rates on global deals.

CAPGEMINI, Dallas, TX

1999 – 2008

Vice President, Global Outsourcing (2008)

Promoted to Global Commercial Leader.

- Extended commercial management function and capabilities developed in Americas into Europe in 2008 with plan to extend to rest of Capgemini global operations in 2009.

Vice President, Americas Outsourcing Commercial Leader (2002 – 2008)

Promoted to Commercial Leader for Americas.

- Developed 1st commercial management function with Americas Outsourcing including successful development of following:
 - 1st risk assessment and risk management methodology.
 - Development of standard contracting templates and contract positions.
 - Creation of standard negotiating strategies including direct lead on contract negotiations.
- Directed development of commercial management standards and staff, ensuring management of contractual and commercial relationships with clients, development of standard templates and processes for onboarding contractual aspects of new deals and contractual compliance audits.
- Improved operating margins of 1 – 2% on transitions through implementation and leadership of programs listed in above.
- Reduced non-performing accounts by 30% through implementation and leadership of programs listed above.
- Lowered operational, financial and contractual risks on contracts by improving risk management through implementation and leadership of programs listed above.

Vice President, Americas Outsourcing (1999 – 2002)

Developed and led large outsourcing pursuits and turnaround activities on non-performing contracts which resulted in:

- Completion of largest outsourcing agreement ever at the time in Capgemini of \$1.2B through a transitional joint venture structure with largest utility company in Canada.
- Completion of multiple turnaround activities on multiple accounts which resulted in increased revenue of more than \$50M and profit improvements of \$10M.

EDS, Plano, TX

Division Senior Executive

Sales Support Manager

Business Development Manager

Account Manager

Account Executive

Marketing Development Program Participant

TLS, Kansas City, MO

Territory Manager

BURROUGHS CORPORATION, Kansas City, MO

Sales Representative

EDUCATION

Bachelor of Science (BS), Business Management, William Jewell College, Liberty, MO

Executive Education, Mergers and Acquisitions, The Wharton School, Philadelphia, PA

Jane Marinoff

From: Caton Liz <liz.caton@gmail.com>
Sent: Monday, February 29, 2016 11:17 AM
To: Jane Marinoff
Subject: DRB

Good morning,

Please consider this as a letter of interest for one of the open seats on the Design Review Board. I've been a full-time Mountain Village resident since 2012 and have a long-standing interest in design and construction.

Thank you,

Liz Caton

liz.caton@gmail.com
Box 1889 Telluride CO 81435
970-728-2947
646-280-9340 Cell

Elizabeth Caton
226 Adams Ranch Rd.
P.O. Box 1889
Mountain Village CO 81435

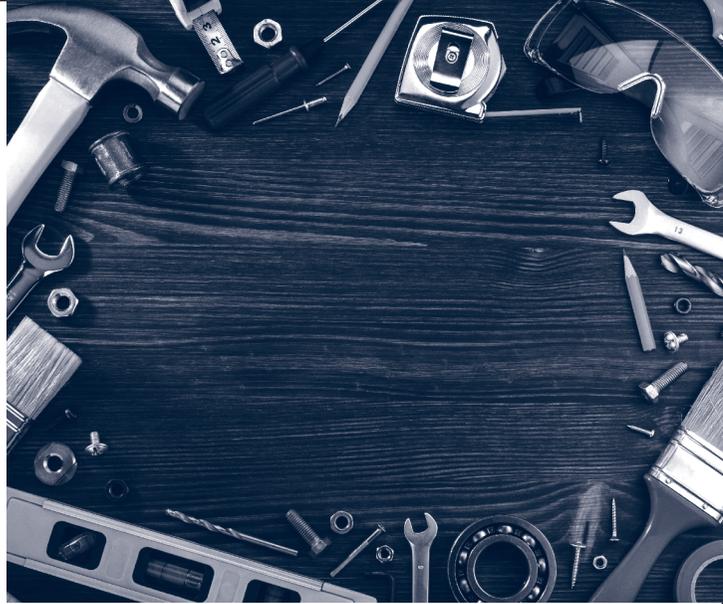
I am currently administrator of a California real estate and development group specializing in property development and speculation in new markets. Previous professional careers include retail buyer for department stores and specialty store chains as well as business manager for small businesses.

I am president-emeritus of Web of Benefit, a national non-profit organization devoted to providing assistance to survivors of domestic violence. Currently I am a volunteer at TASP and serve as membership chair of the Telluride Women's network.

I received a B.A. in literature from Pitzer College and have a certificate in Interior Design from Canada College.

Sample DRB Interview Questions

1. What interests you about serving on the DRB?
2. Are you familiar with the TMV DRB and the review process?
3. Do you have any experience serving on a similar board?
4. What qualities do you feel are important for a DRB member to possess?
5. What important qualities do you believe you will bring to the DRB?
6. Do you see yourself having potential conflicts of interest?
7. Are you able to commit the necessary time to the DRB?



OPPORTUNITY IS OPEN TO THE AT LARGE COMMUNITY

submit your letter of intent and resume
by 5 p.m. February 29
jmarinoff@mtnvillage.org

town council will
appoint board members
at its March meeting

enjoy the benefits
of a ski pass

DESIGN REVIEW BOARD FOUR OPEN SEATS

“WE WOULD LIKE A BALANCED BOARD OF EXPERIENCED ARCHITECTS AND DESIGNERS, CONTRACTORS AND CONSTRUCTION WORKERS, PLANNERS AND COMMUNITY MEMBERS.”

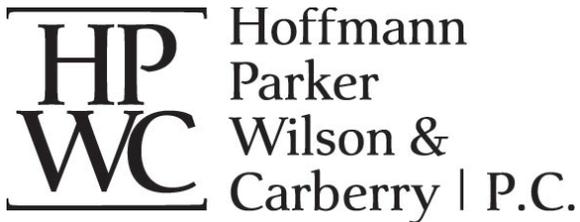
THIS VOLUNTEER BOARD MEETS THE FIRST THURSDAY OF EACH MONTH AND SPECIAL MEETINGS AS NEEDED

DESIGN REVIEW BOARD IS RESPONSIBLE FOR

reviewing the design of new structures, remodels, sign requests, landscaping plans and other architectural and aesthetic matters; board members act as a planning commission, too.



townofmountainvillage.com/governing/planning-development/design-review-board



Corey Y. Hoffmann
Kendra L. Carberry
Jefferson H. Parker
M. Patrick Wilson

Of Counsel
J. Matthew Mire

Denver Office
511 16th Street, Suite 610
Denver, CO 80202-4260
(303) 825-6444

Vail Office
P.O. Box 2616
Vail, CO 81658
(970) 390-4941

Ryan S. Malarky
Elizabeth R. Cross
Kathryn M. Sellars
Ashley N. Pollock
Jessica B. King

March 1, 2016

Jim Mahoney, Town Attorney
Town of Mountain Village
via email to jmahoney@jdreedlaw.com

Re: Rezoning/Subdivision Application filed by Yellow Brick Road CO, LLC for Lots 376RA, 387R and Access A-376R

Dear Jim:

I write on behalf of eight property owners in Mountain Village regarding the above-referenced application (the "Application"), which is scheduled to be considered by the Mountain Village Design Review Board (the "DRB") on March 3, 2016. This letter sets forth our legal arguments in opposition to the Application, and we specifically request that this letter be entered into the record of the March 3, 2016 hearing.

Simply put, because the Application fails to comply with the Mountain Village Community Development Code (the "Code"), we would request that the DRB hearing be continued until Code compliance is demonstrated.

There are three major legal issues with the application: notice; vested rights; and failure to meet the applicable criteria for a rezoning. While my clients also have issues with the Application from a planning perspective, and will present those at the DRB hearing, I thought it would be more efficient for me to present the legal arguments separately.

The notice of the DRB hearing was deficient, and as such, the DRB hearing must be rescheduled.

The Notice of Pending Development Application dated February 1, 2016 was deficient. The Notice contains a caption stating: "Description of Any Requested Variations to (sic) the CDC" and following that caption, the notice states as follows: "No variations have been determined after an initial cursory review." That statement is incorrect. Even a cursory review of the Application reveals that it requests a major variation from the Code by requesting that the 16' general easement requirement be completely waived.

The Notice must include a description of any requested variations to the standard requirements of the CDC. Code § 17.4.4.I.5. Here, the Notice fails to meet the requirements of the Code, and therefore, the hearing must be rescheduled.

The Application is not eligible for vested rights.

As you know, a vested right is a right to develop property in accordance with an approved site specific development plan. Both the Code and the Vested Property Rights Act, C.R.S. § 24-68-101, *et seq.*, delineate when a vested property right is created. C.R.S. § 24-68-101, *et seq.*; Code § 17.4.17. A vested property right is established when the local government approves a "site specific development plan," following notice and a public hearing. C.R.S. § 24-68-103.

Pursuant to Chapter 17.8 of the Code, "site specific development plan" is defined as follows:

The final approved development application plans for a development where (a) a development permit has been issued and no further development approvals are required except for a building permit as required by the building Codes; and (b) an applicant has also concurrently sought and obtained a vested property right pursuant to the vested property rights process as set forth in Chapter 4.

Here, the Application does not address the location, design or extent of the proposed improvements. The Application narrative expressly states that it is the first in a series of many approvals, including conditional use permits. As such, this Application does not include a site specific development plan and is not eligible for vested rights.

In addition, because the Notice of Pending Development Application is invalid on its face, as discussed above, the Application cannot even be considered for vested rights at this time.

The Application fails to demonstrate compliance with the applicable Code criteria.

To approve the rezoning requested in the Application, the DRB must find that the Application complies with all eight of the criteria listed in Code § 17.4.9.D. The burden is on the applicant to demonstrate compliance, and here, the applicant fails to do so. First, the Application does not comply with the Comprehensive Plan or the Future Land Use Map, which clearly show these lots as single-family residential lots, so the Application fails to meet the first and third criteria. Second, the rezoning is not "justified because there was an error in the current zoning" and the Application does not demonstrate that there have been "changes in conditions in the vicinity" that would justify the rezoning. As such, the Application fails to satisfy the fifth criterion.

In addition, this Application is subject to Code § 17.3.4.F.4., which imposes additional criteria on the subdivision of a single-family lot. The DRB must find not only that the rezoning

and subdivision are "exceptional" (an undefined, ambiguous term), but also that the rezoning and subdivision are compatible with the surrounding area development.

Here, there is nothing exceptional being offered. The two lots are already subject to a significant "no-build" restriction, so the Passive Open Space designation is of no additional benefit to the Town. The Active Open Space designation is a misnomer – it is more akin to a commercial zone district and offers little benefit to the Town other than the possibility of workforce housing. And it is unclear from either the Application or the staff memorandum what benefit "clustering" offers to the Town.

Most importantly, the Application proposes a zoning designation (Active Open Space) that is clearly incompatible with the surrounding single-family homes. The Application may claim that it proposes a downzoning, but in fact, the Application proposes a significant upzoning.

Based on the foregoing, there are substantial legal flaws in the Application and the process, and my clients renew their request that the DRB hearing be rescheduled until proper notice can be made and the insufficiencies in the Application can be properly addressed. We appreciate your consideration of the issues raised in this letter and hope that you advise your client that, under these circumstances, a delay in consideration of the Application is mandated.

Very truly yours,



Kendra L. Carberry
klcarberry@hpwclaw.com

c: Tom Kennedy, Esq. (via email)

MEMORANDUM

▶ 3/3/16 DRB Meeting

TO: Town of Mountain Village, Design Review Board

FROM: Anton Benitez, Executive Director, Telluride Mountain Village Owners Association

SUBJECT: Subdivision and Rezoning of Single Family Lots (agenda item 3)

DATE: 3/3/16

TMVOA Staff and Board Members have received several communications from TMVOA Members regarding two applications pending before the Town of Mountain Village Design Review Board and Town Council that involve the subdivision and rezoning of Single Family Lots.

Based on the comments TMVOA has received, the two recent applications have for the first time highlighted the provisions in the CDC that allow single family lots to be further subdivided and rezoned. There is significant concern among single family lot owners regarding the potential impacts to the single family neighborhoods that could result from subdivision and rezoning of single family lots. Many owners have commented that during the Comprehensive Plan process, single family lot owners were assured that their neighborhoods would be preserved and were assured that the land uses were stable in these areas. These applications have now exposed provisions in the CDC that undermine that stability and certainty.

TMVOA urges DRB and Town Council to revisit the Community Development Code and engage the community at large, particularly the owners of single family lots, in discussions regarding the propriety of allowing any single family lots to be further subdivided and/or rezoned, particularly in light of the adopted Comprehensive Plan.

To assist in such an effort, TMVOA is willing to provide the Town with support and resources to help facilitate community discussions.

SIGN-IN SHEET

DRB Meeting
 Thursday, March 3, 2016
 Please write clearly

ATTENDEE NAME (PLEASE PRINT CLEARLY)	ADDRESS
DAVID HEANEY	140 San Sophia TMLV
Kendra Carberry	511 16th St suite 610 Denver 80202
Matt Mire	139 pentemontane Eagle, CO 81631
Dominic Maurillo	2205 Eagle Ranch Rd Eagle 81631
P. MITCHELL	112 SINGLETREE RIDGE
Anton Benitez	TMVCA
Blair Brown	104 GOLD HILL CT.
Shannon & Nick Swyka	123 Rocky Rd
Stephanie Fanos	873 Fox Farm Road
Jim Royan	264 BENCHMARK
Damon Demas	44 Spruce Way.
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